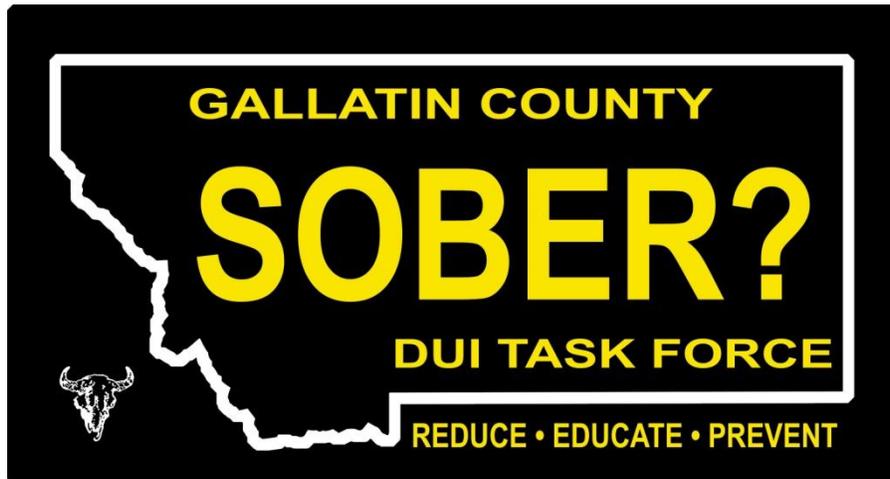




Gallatin County DUI Task Force



DUI Task Force Report

Gallatin County Courts

Calendar Year 2014

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February 1, 2016

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Section 1. Preface

The Gallatin County DUI Task Force, with the cooperation of the Courts listed below, researched Gallatin County's Driving Under the Influence of Alcohol and/or Drugs criminal cases for calendar year 2014.

The information in this report was provided by the Gallatin County District Courts, Gallatin County Justice Courts, Bozeman Municipal Courts, Belgrade City Court, Manhattan City Court and West Yellowstone City Court. Each Court provided information based on the availability of data within their (Full Court) Data Management Systems.

The information contained within the District Court section is based on the research of the total number of defendants who were transferred from Gallatin County Justice Court to District Court within calendar year 2014, regardless of whether the cases had reached their final dispositions.

We extend our appreciation to all of the Judges and Court staff. All the Courts and their staff were extremely helpful and willing to provide as much information as possible.

Although we received a lot of assistance, the process of preparing this report was not without challenge. Heather Hume a member of the DUI Task Force and temporary employee of Gallatin spent at a total of 211 hours at a cost to the Task Force of \$2,284.55 to research the data. Research included: Blood Alcohol Concentration (BAC); time of the incident; location of the incident; arresting Officer; and compliance with Court Orders, to name a few. The bulk of the arrest records pertained to Gallatin County Justice Court and Bozeman Municipal Court. The outlying City Courts were able to provide most of the information to the Task Force as needed.

Steve Ette, Director of Court Services spent approximately 200 hours analyzing data and writing the report. Kelley Parker-Wathne, DUI Task Force Coordinator spent approximately 100 hours reviewing the report and preparing the document for printing. At the time of printing, the final cost of this document was not available. However, an estimated cost would place the creation of this document at over 400 staff hours and a cost of approximately \$12,000.00.

Based on the available data, the first item we wish to report is that all of the Courts are in dire need of a better system of reporting DUI crime data. Although the Courts operate within the Montana Supreme Court Full Court database system, the data formats and availability of data differs by Court. It would be of significant help to all of the State's DUI Task Force Programs if the system of collecting DUI data was *centralized, consistent and easily accessible*.

Based on the information that the Task Force was able to gather, we are providing the following report individualized by Court.

Because each Court has a unique process we deemed it inappropriate to compare one court to another. For example, DUI defendants arrested in the County appear before the Justice Court Judges. Those DUI defendants are arrested by the Sheriff's Deputies as well as Highway Patrol Officers operating within our county. In addition, Justice Court also sees all of the 4th offense DUI arrests that are then transferred to District Court.

Bozeman Municipal Court receives a significant portion of DUI arrests as well. Considering that Bozeman is the largest city with a significant police force contributes to the number of arrests.

Although we are not comparing Courts, we attempted to present the information in a format that is similar in each Court. Using a similar format for each Court helps to focus on specific issues identified during our research as well as structuring the report to enhance understanding.

The Gallatin County DUI Task Force encourages Task Force members, law enforcement, prosecutors, and the Courts to use the information contained in this report to review their processes and procedures, and to strengthen prevention, education, and enforcement efforts, as well as prosecution of DUIs in an attempt to reduce the incidence of DUI in Gallatin County.

The Gallatin County DUI Task Force would again like to thank the Gallatin County Commissioners, the Judges, Court staff, Law Enforcement Officers, and all other stakeholders involved in efforts to “Prevent, Educate and Reduce the Incidence of DUI” in Gallatin County.

Section 2. Montana Code Annotated: Section 61, Chapter 8

To provide everyone the same basic understanding, when the term “DUI” is used, we are referring to one of the types of offenses identified in Montana Code Annotated Section 61, Motor Vehicles, Chapter 8 Traffic Regulation, Part 4, Driving Under the Influence of Alcohol or Drugs. We have attached the following Montana Code Annotated titles and statutes:

Montana Code Annotated Section 61, Chapter 8

61-8-401. Driving under influence of alcohol or drugs -- definitions. (1) It is unlawful and punishable, as provided in [61-8-442](#), [61-8-714](#), and [61-8-731](#) through [61-8-734](#), for a person who is under the influence of:

(a) alcohol to drive or be in actual physical control of a vehicle upon the ways of this state open to the public;

(b) a dangerous drug to drive or be in actual physical control of a vehicle within this state;

(c) any other drug to drive or be in actual physical control of a vehicle within this state; or

(d) alcohol and any dangerous or other drug to drive or be in actual physical control of a vehicle within this state.

(2) The fact that any person charged with a violation of subsection (1) is or has been entitled to use alcohol or a drug under the laws of this state does not constitute a defense against any charge of violating subsection (1).

(3) (a) "Under the influence" means that as a result of taking into the body alcohol, drugs, or any combination of alcohol and drugs, a person's ability to safely operate a vehicle has been diminished.

(b) Subject to [61-8-440](#), as used in this part, "vehicle" has the meaning provided in [61-1-101](#), except that the term does not include a bicycle.

(4) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person driving or in actual physical control of a vehicle while under the influence of alcohol, the concentration of alcohol in the person at the time of a test, as shown by analysis of a sample of the person's blood or breath drawn or taken within a reasonable time after the alleged act, gives rise to the following inferences:

(a) If there was at that time an alcohol concentration of 0.04 or less, it may be inferred that the person was not under the influence of alcohol.

(b) If there was at that time an alcohol concentration in excess of 0.04 but less than 0.08, that fact may not give rise to any inference that the person was or was not under the influence of alcohol, but the fact may be considered with other competent evidence in determining the guilt or innocence of the person.

(c) If there was at that time an alcohol concentration of 0.08 or more, it may be inferred that the person was under the influence of alcohol. The inference is rebuttable.

(5) The provisions of subsection (4) do not limit the introduction of any other competent evidence bearing upon the issue of whether the person was under the influence of alcohol, drugs, or a combination of alcohol and drugs.

(6) Each municipality in this state is given authority to enact [61-8-406](#), [61-8-408](#), [61-8-410](#), [61-8-411](#), [61-8-465](#), [61-8-714](#), [61-8-722](#), [61-8-731](#) through [61-8-734](#), and subsections (1) through (5) of this section, with the word "state" in [61-8-406](#), [61-8-411](#), [61-8-465](#), and subsection (1) of this section changed to read "municipality", as an ordinance and is given jurisdiction of the enforcement of the ordinance and of the imposition of the fines and penalties provided in the ordinance.

(7) Absolute liability as provided in [45-2-104](#) is imposed for a violation of this section.

61-8-406. Operation of noncommercial vehicle by person with alcohol concentration of 0.08 or more -- operation of commercial vehicle by person with alcohol concentration of 0.04 or more. (1) It is unlawful and punishable as provided in [61-8-442](#), [61-8-722](#), [61-8-723](#), and [61-8-731](#) through [61-8-734](#) for any person to drive or be in actual physical control of:

- (a) a noncommercial vehicle upon the ways of this state open to the public while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or urine, is 0.08 or more; or
 - (b) a commercial motor vehicle upon the ways of this state open to the public while the person's alcohol concentration, as shown by analysis of the person's blood or breath, is 0.04 or more.
- (2) Absolute liability, as provided in [45-2-104](#), will be imposed for a violation of this section.

61-8-410. Operation of vehicle by person under 21 years of age with alcohol concentration of 0.02 or more. (1) It is unlawful for a person under the age of 21 who has an alcohol concentration of 0.02 or more to drive or be in actual physical control of a vehicle upon ways of this state open to the public. Absolute liability, as provided for in [45-2-104](#), is imposed for a violation of this section.

- (2) Upon a first conviction under this section, a person shall be punished by a fine of not less than \$100 or more than \$500.
- (3) Upon a second conviction under this section, a person shall be punished by a fine of not less than \$200 or more than \$500 and, if the person is 18 years of age or older, by incarceration for not more than 10 days.
- (4) Upon a third or subsequent conviction under this section, a person shall be punished by a fine of not less than \$300 or more than \$500 and, if the person is 18 years of age or older, by incarceration for not less than 24 consecutive hours or more than 60 days.
- (5) In addition to the punishment provided in this section, regardless of disposition:
- (a) the person shall comply with the chemical dependency education course and chemical dependency treatment provisions in [61-8-732](#) as ordered by the court; and
 - (b) the department shall suspend the person's driver's license for 90 days upon the first conviction, 6 months upon the second conviction, and 1 year upon the third or subsequent conviction. A restricted or probationary driver's license may not be issued during the suspension period until the person has paid a license reinstatement fee in accordance with [61-2-107](#) and, if the person was under the age of 18 at the time of the offense, has completed at least 30 days of the suspension period.
- (6) A conviction under this section may not be counted as a prior conviction under [61-8-401](#) or [61-8-406](#).

61-8-411. Operation of noncommercial vehicle or commercial vehicle by person under influence of delta-9-tetrahydrocannabinol. (1) It is unlawful and punishable as provided in [61-8-442](#), [61-8-722](#), [61-8-723](#), and [61-8-731](#) through [61-8-734](#) for any person to drive or be in actual physical control of:

- (a) a noncommercial vehicle upon the ways of this state open to the public while the person's delta-9-tetrahydrocannabinol level, excluding metabolites, as shown by analysis of the person's blood, is 5 ng/ml or more; or
 - (b) a commercial motor vehicle upon the ways of this state open to the public while the person's delta-9-tetrahydrocannabinol level, excluding metabolites, as shown by analysis of the person's blood, is 5 ng/ml or more.
- (2) Absolute liability, as provided in [45-2-104](#), is imposed for a violation of this section.

61-8-465. Aggravated DUI. (1) A person commits the offense of aggravated driving under the influence if the person is in violation of [61-8-401](#), [61-8-406](#), or [61-8-411](#) and:

- (a) the person's alcohol concentration, as shown by analysis of the person's blood or breath, is 0.16 or more;
 - (b) the person is under the order of a court or the department to equip any motor vehicle the person operates with an approved ignition interlock device;
 - (c) the person's driver's license or privilege to drive is suspended, canceled, or revoked as a result of a prior violation of [61-8-401](#), [61-8-402](#), [61-8-406](#), or [61-8-411](#);
 - (d) the person refuses to provide a breath or blood sample as required in [61-8-402](#) and the person's driver's license or privilege to drive was suspended, canceled, or revoked under [61-8-402](#) within 10 years of the commission of the present offense; or
 - (e) the person has one prior conviction or pending charge for a violation of [45-5-106](#), [45-5-205](#), [61-8-401](#), [61-8-406](#), [61-8-411](#), or this section within 10 years of the commission of the present offense or has two or more prior convictions or pending charges, or any combination thereof, for violations of [45-5-106](#), [45-5-205](#), [61-8-401](#), [61-8-406](#), or [61-8-411](#).
- (2) Except as provided in subsection (6), a person convicted of a first violation of the offense of aggravated driving under the influence shall be punished by:
- (a) a fine of \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, a fine of \$2,000; and
 - (b) a term of imprisonment for not less than 48 hours or more than 1 year, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, a term of imprisonment for not less than 72 consecutive hours.
- (3) (a) Except as provided in subsection (6), a person convicted of a second violation of the offense of aggravated driving under the influence shall be punished by:
- (i) a fine of \$2,500, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, a fine of \$5,000; and
 - (ii) a term of imprisonment for not less than 15 days or more than 1 year, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, a term of imprisonment for not less than 45 days.
- (b) Except for the minimum term of imprisonment provided in subsection (3)(a)(ii), the mandatory minimum imprisonment term may be suspended pending successful completion of court-ordered chemical dependency assessment, education, or treatment by the person.
- (c) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.
- (4) (a) Except as provided in subsection (6), a person convicted of a third violation of the offense of aggravated driving under the influence shall be punished by:
- (i) a fine of \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, a fine of \$10,000; and
 - (ii) a term of imprisonment for not less than 40 consecutive days or more than 1 year, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, a term of imprisonment for not less than 90 consecutive days.
- (b) Except for the minimum term of imprisonment provided in subsection (4)(a)(ii), the mandatory minimum imprisonment term may be suspended pending successful completion of court-ordered chemical dependency assessment, education, or treatment by the person.
- (c) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.
- (5) During the suspended sentence imposed by the court under subsection (3)(b) or (4)(b):

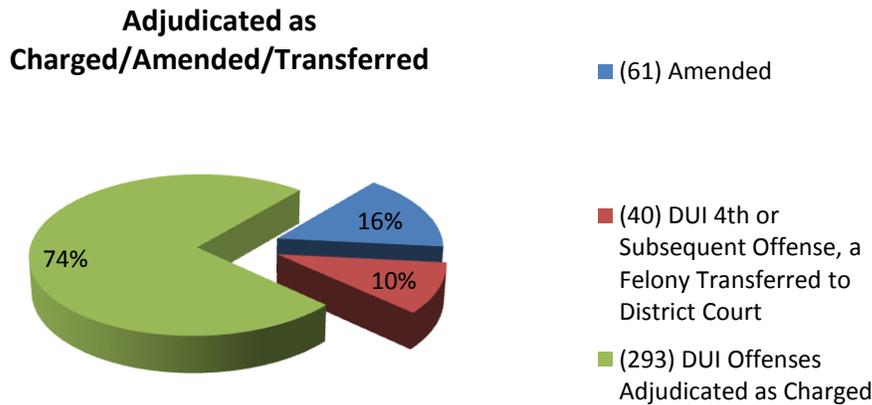
- (a) the person is subject to all conditions of the suspended sentence imposed by the court, including mandatory participation in drug or DUI courts if available;
- (b) the person is subject to all conditions of the 24/7 sobriety and drug monitoring program if available and if imposed by the court; and
- (c) if the person violates any condition of the suspended sentence or any treatment requirement, the court may impose the remainder of any imprisonment term that was imposed and suspended.
- (6) If the person has a prior conviction under [45-5-106](#), the person shall be punished as provided in [61-8-731](#) for a fourth or subsequent offense of driving under the influence of alcohol or drugs, with an excessive alcohol concentration, or under the influence of delta-9-tetrahydrocannabinol or aggravated driving under the influence.
- (7) Absolute liability, as provided for in [45-2-104](#), is imposed for a violation of this section.

Section 3. Statistics by Court

3.1. Gallatin County Justice Court(s) DUI Statistics

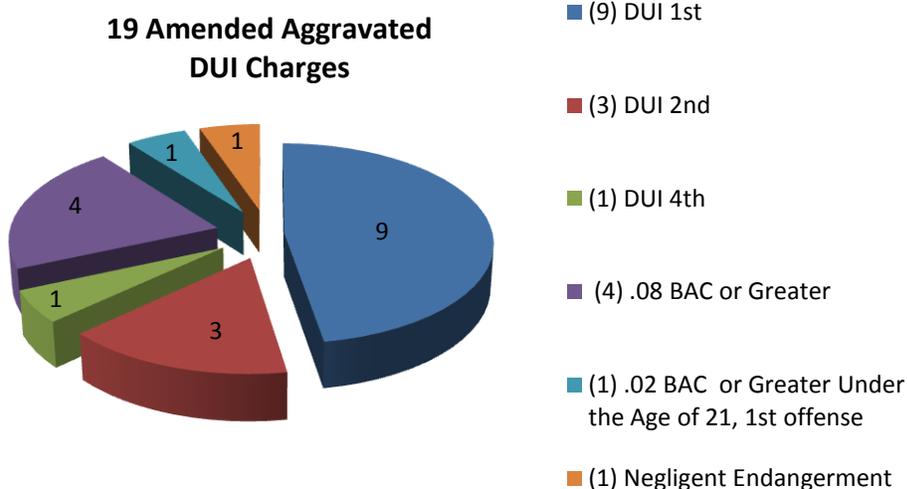
The following information was gathered from those DUI cases adjudicated in calendar year 2014 in Justice Court's Full Court information database system.

In calendar year 2014, three hundred ninety four (394) persons were adjudicated in Justice Court for a DUI offense.

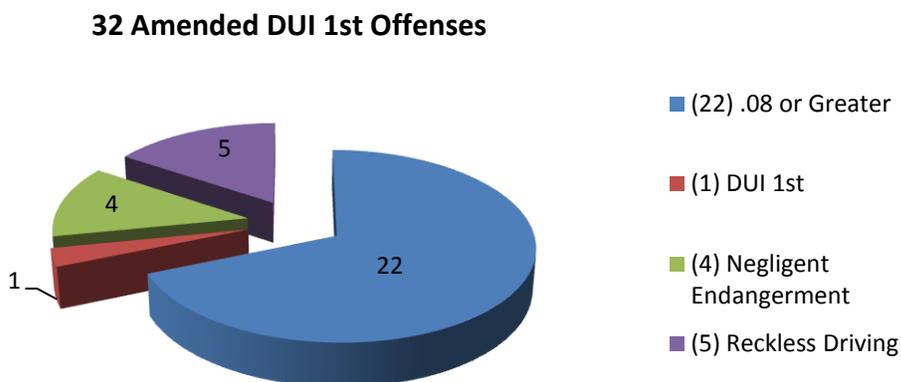


Of the three hundred ninety four (394) persons, sixty one (61) defendants had their charges amended and forty (40) had their cases transferred to District Court. Those transferred to District Court were listed as a DUI, 4th or subsequent offense.

Of the sixty one (61) amended adjudications, nineteen (19) were originally charged as an Aggravated DUI.



As indicated in the above chart, the nineteen (19) Aggravated DUI charges were amended to: nine (9) DUI 1st offense; three (3) DUI 2nd offense; one (1) DUI 4th or subsequent offense; four (4) .08 BAC or greater offense; one (1) .02 BAC or greater offense; and one (1) Negligent Endangerment offense.



As indicated in the above chart, there were a total of thirty two (32) DUI 1st offenses that were amended to: twenty two (22) Operating a motor vehicle with an alcohol concentration of .08 or greater; one (1) DUI, 1st offense; four (4) Negligent Endangerment; and five (5) Reckless Driving, 1st offense.

There were a total of two (2) DUI 2nd offenses amended to: one (1) DUI 1st offense; and one (1) Operating a motor vehicle with an alcohol concentration of .08 or greater.

There were a total of four (4) DUI 3rd offenses amended to: two (2) DUI 1st offense; and two (2) DUI 2nd offense.

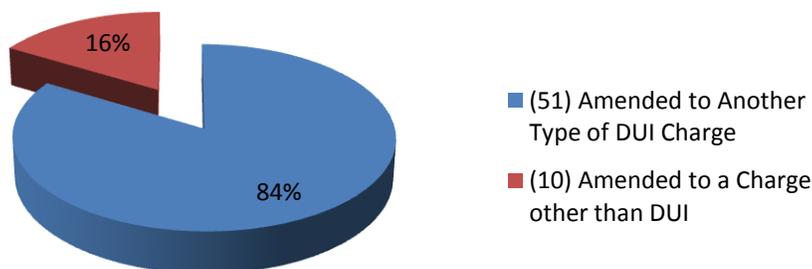
There was a total of one (1) DUI 4th offense amended to: one (1) DUI 3rd offense.

There was a total of one (1) DUI (Narcotic) amended to: one (1) Operating a motor vehicle with an alcohol concentration of .02 or greater.

There was a total of one (1) DUI (Non-Narcotic) amended to: one (1) Operating a non-commercial vehicle with a THC Concentration of 5ng/ml or greater.

There was a total of one (1) Operating a motor vehicle with an alcohol concentration of .08 or greater amended to: one (1) Reckless Driving, 1st offense.

61 Amended Adjudications



As indicated in the above chart, there were sixty one (61) amended DUI adjudications. Ten (10) of those were amended to a charge other than an alcohol or drug related DUI offense.

Of the forty (40) 4th or subsequent offense DUI (a felony) arrests:

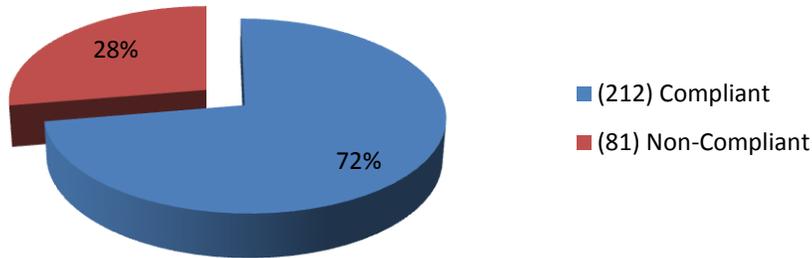
The total bond amount ordered by Justice Court equaled \$919,335.00, or an average bond amount of \$22,422.80 per person.

The highest bond ordered for one person was \$150,000.00.

Thirty eight (38) of the defendant's release conditions included some form of alcohol or other drug testing as a pretrial condition.

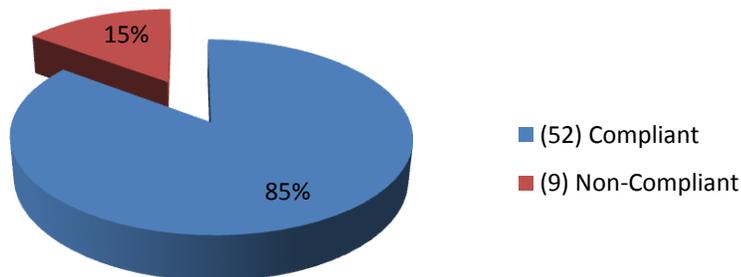
Of the two (2) 4th or subsequent offense (a felony) DUI arrests not placed on some form of pretrial alcohol or drug testing program by Justice Court, records indicated that the case was transferred to District Court.

Defendant Compliance



As indicated in the above chart, of the two hundred ninety three (293) who were adjudicated with a DUI offense that was **not** amended or charged as a 4th or subsequent DUI offense, and who were later transferred to District Court, it was documented that eighty one (81) defendants or twenty eight percent (28%) resulted in having non-compliance issues with their release conditions.

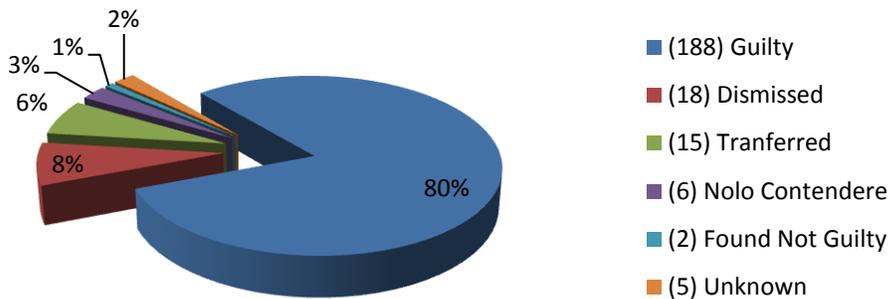
Defendant Compliance Amended DUI Charges



As indicated in the above chart, of the sixty one (61) defendants who had their charges amended, it was documented that nine (9) defendants or fifteen percent (15%) resulted in having non-compliance issues with their release conditions.

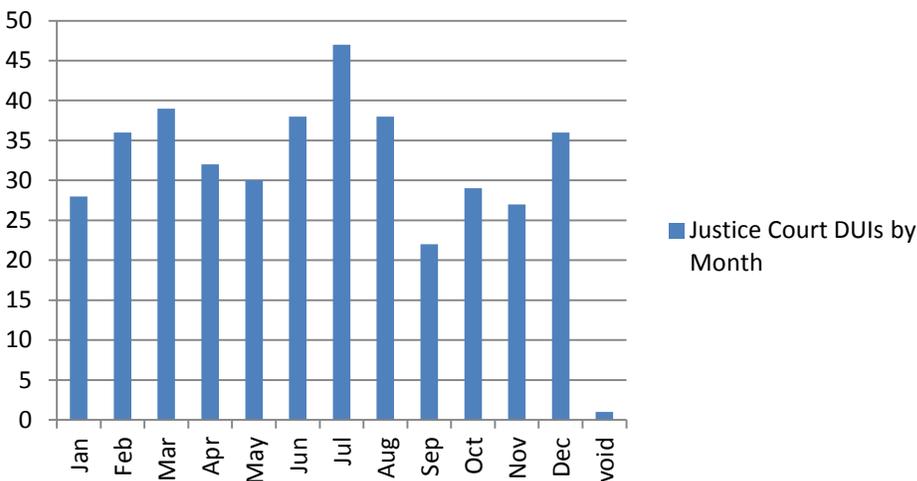
Of the two hundred ninety three (293) DUI defendants, **excluding** 4th or subsequent DUI offense (a felony) and those who had their charge amended, fifty nine (59) pled "guilty" and two hundred thirty four (234) pled "not guilty".

Pleas of Those Who Initially Pled Not Guilty



As indicated in the above chart, of the two hundred thirty four (234) who initially pled “not guilty,” one hundred eighty eight (188) changed their plea to “guilty”, eighteen (18) had their charges dismissed, fifteen (15) were transferred to another Court, six (6) pled Nolo Contendere, two (2) were found not guilty, and five (5) pleas were unknown.

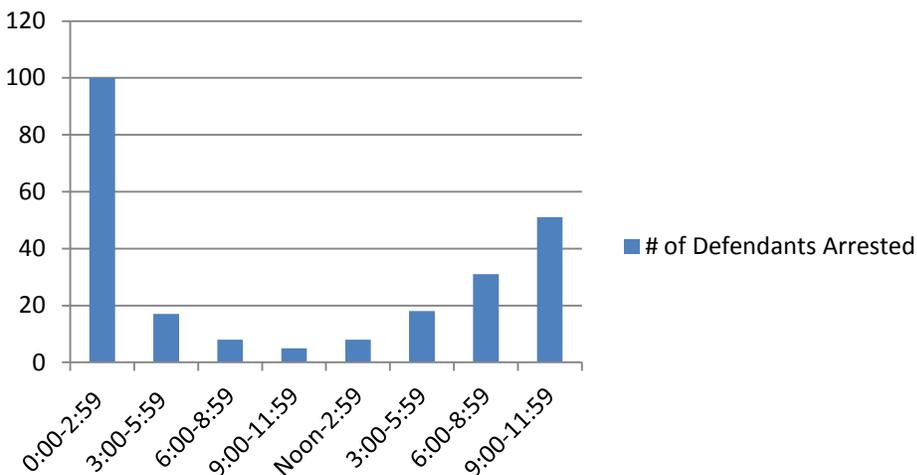
DUIs by Month



The above chart depicts arrests by month of the three hundred ninety four (394) DUIs adjudicated during calendar year 2014.

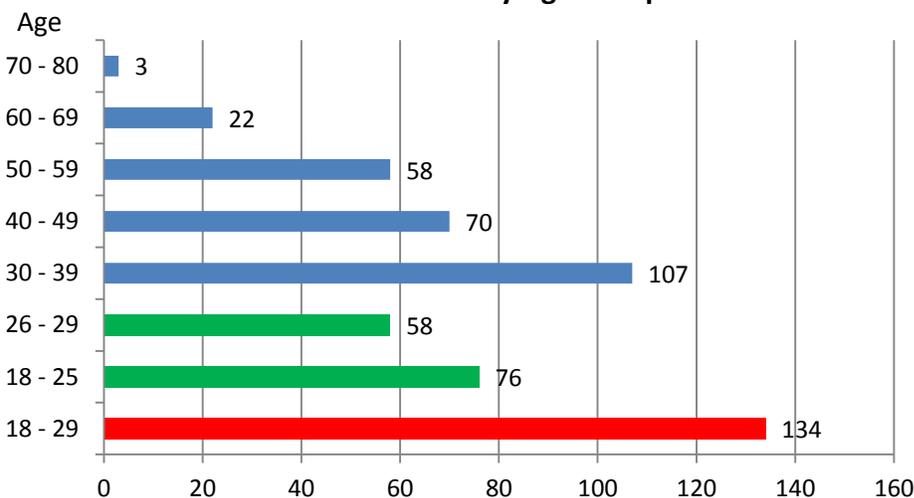
Of the three hundred ninety four (394) who were adjudicated with a DUI offense, including those amended and the 4th or subsequent DUI offense which were transferred to District Court, two hundred seventy (270) were arrested during calendar year 2014.

Time of DUI Arrests



As indicated in the above chart, of the three hundred ninety four (394) defendants who were adjudicated for a DUI offense including those amended and the 4th or subsequent DUI offense who were transferred to District Court, two hundred sixty five (265) had the time of the incident recorded in their arrest records. The above chart represents the time of day arrests occurred.

394 Defendants by Age Group

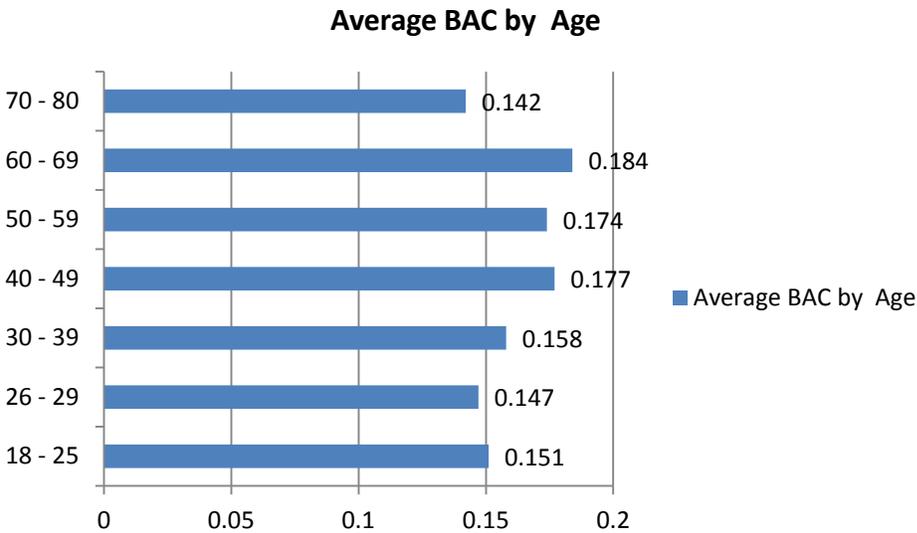


The above chart depicts the age distribution of the three hundred ninety four (394) persons adjudicated in Justice Court in 2014. The “red” line is age eighteen to twenty nine (18-29) and is the combination of the two “green” lines showing ages eighteen to twenty five (18-25) and twenty six to twenty nine (26-29).

The combined age group eighteen to twenty nine (18-29) had the highest percentage of arrests at thirty four percent (34%).

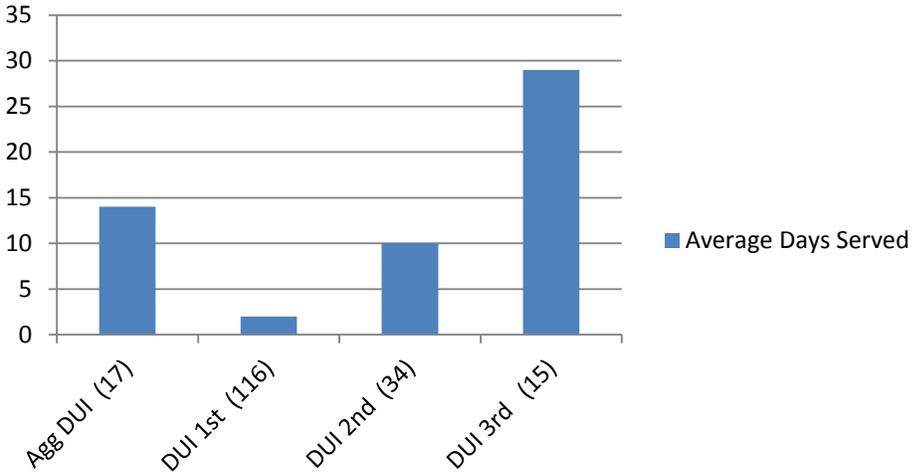
Of the one hundred seventy four (174) defendants, excluding those charged with a 4th or subsequent DUI who performed a breath test, the results averaged .164 BAC, or more than twice the legal limit.

Of the eighteen (18) defendants charged with a 4th or subsequent DUI offense who performed a breath test, the average test registered .207 BAC, or more than two and one half (2 ½) times the legal limit.



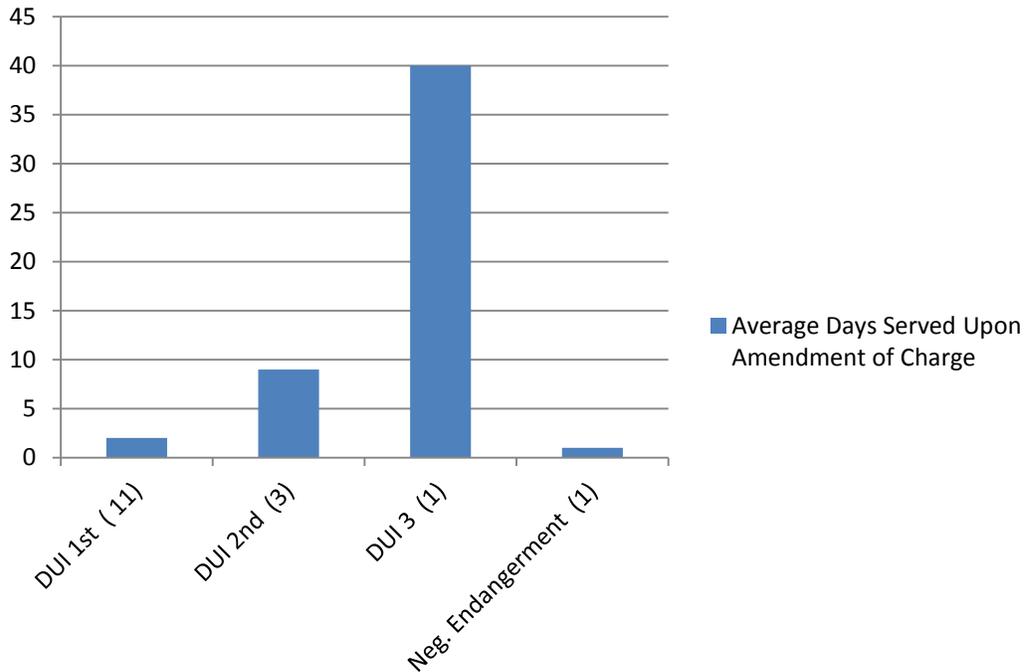
Of the one hundred ninety two (192) defendants with recorded BACs at the time of adjudication, whether they were found or pled guilty, were transferred to District Court, or had their charges amended, the above chart depicts the average BAC for each age group.

Average Days Served



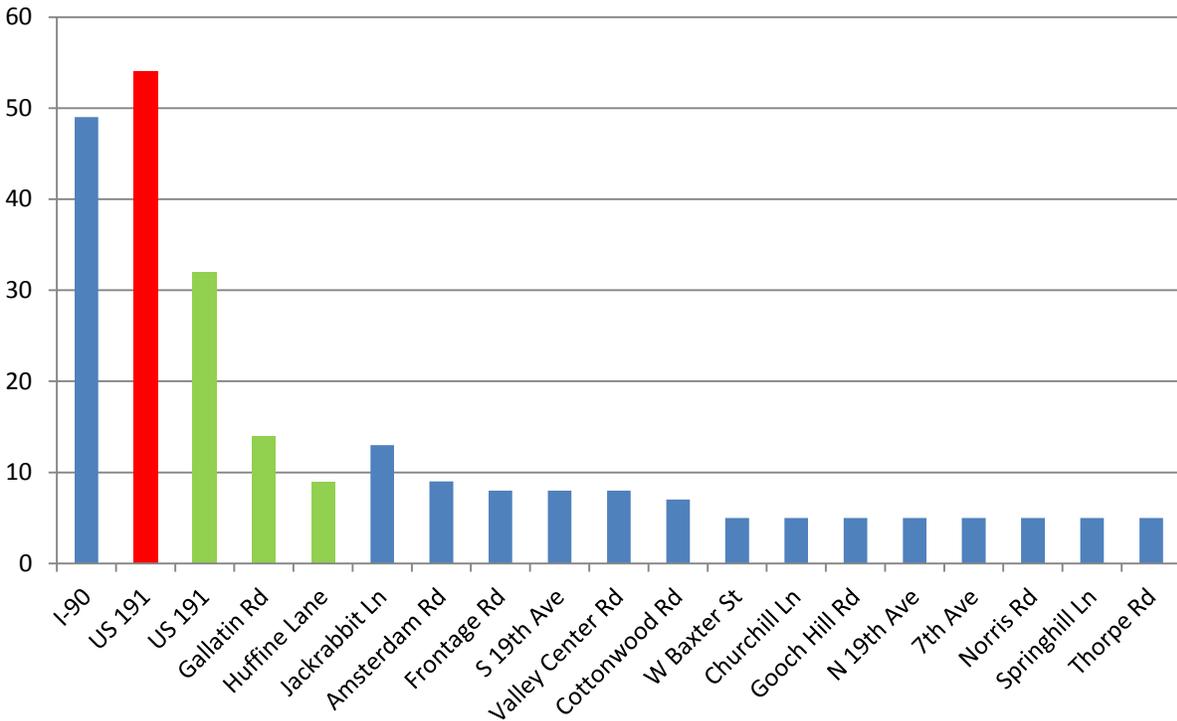
In the above chart, of the one hundred eighty two (182) defendants who had a sentence documenting detention, the average number of days served per offense is depicted.

Average Days Served Upon Amendment of Charge



Of the sixteen (16) defendants who had their charge amended and a sentence-documented detention, the average number of days served per offense is depicted in the above chart.

DUIs by Street Location (5 DUIs or More Reported)



Of the three hundred ninety four (394) DUIs adjudicated in 2014 where a street location was documented five (5) or more times, the above chart represents those street locations with the number of DUIs per street.

The “red” line is the total DUIs from the roads that make up US Highway 191. The “green” lines are the individual roads that make up US 191: US 191, Gallatin Road and Huffine Lane.

It should be noted that US Highway 191 and the portions of US 191 that include Gallatin Road and Huffine Lane are the stretch of road where DUIs occur most frequently in Gallatin County. A total of fifty four (54) DUI defendants were arrested in 2014 on US 191.

Of the three hundred ninety four (394) defendants who were adjudicated with a DUI offense, arrests were performed by ninety six (96) individual Officers.

The top six (6) Officers with the most DUI arrests were:

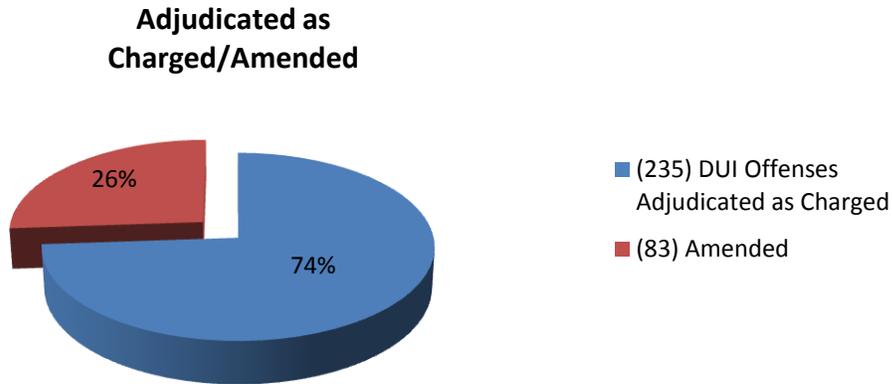
Sheriff Deputy Daniel Haydon	26 DUI arrests	(20 pled guilty, five were transferred to another court and one was dismissed)
Highway Patrol Officer Dan Amundson	23 DUI arrests	(All defendants pled guilty)

Highway Patrol Officer John Scheer	20 DUI arrests	(15 pled guilty, four were dismissed)
Highway Patrol Officer Jason Love	15 DUI arrests	(12 pled guilty, two were transferred to another court and one was dismissed)
Highway Patrol Officer Brad Moore	13 DUI arrests	(11 pled guilty, one was transferred and there was no disposition for one)
Highway Patrol Officer Bertie Lau	13 DUI arrests	(11 pled guilty, one was transferred and there was no disposition for one)

3.2. Bozeman Municipal Court(s) DUI Statistics

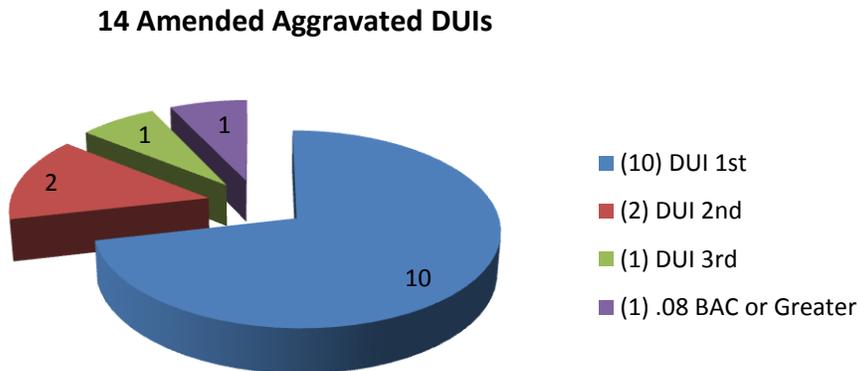
The following information was gathered from those DUI cases adjudicated in calendar year 2014 in Bozeman Municipal Court(s) Full Court information database system.

In calendar year 2014, three hundred eighteen (318) persons were adjudicated in Bozeman Municipal Court for a DUI offense.



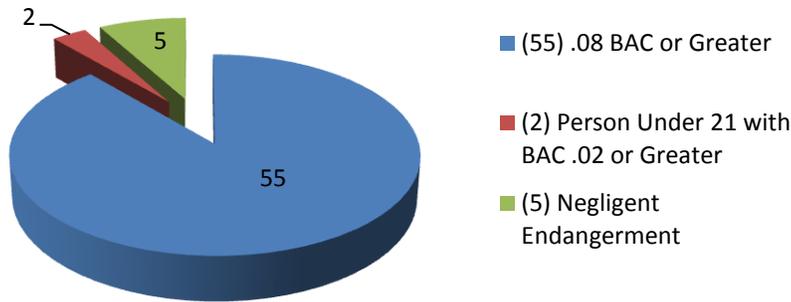
Of the three hundred eighteen (318) persons, eighty three (83) defendants had their charges amended.

Of the eighty three (83) amended adjudications, fourteen (14) were originally charged as an Aggravated DUI.



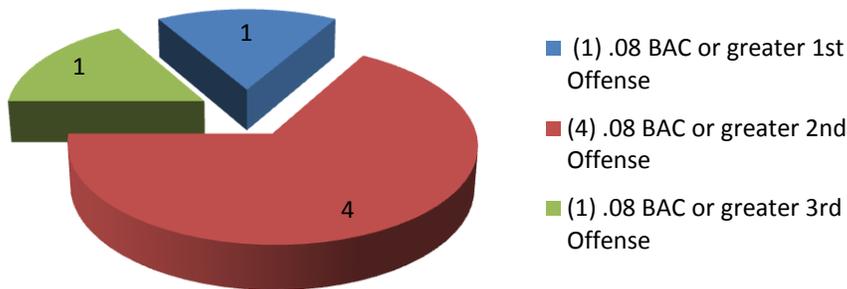
As indicated in the above chart, of the fourteen (14) Aggravated DUI charges were amended to: ten (10) DUI 1st offenses; two (2) DUI 2nd offenses; one (1) DUI 3rd offense; and one (1) .08 BAC or greater offense.

62 Amended DUI 1st Charges



As indicated in the above chart, there were a total of sixty two (62) DUI 1st offenses that were amended to: fifty five (55) Operating a motor vehicle with an alcohol concentration of .08 or greater; two (2) Operation of vehicle by person under 21 years of age with alcohol concentration of 0.02 or more; and five (5) Negligent Endangerments.

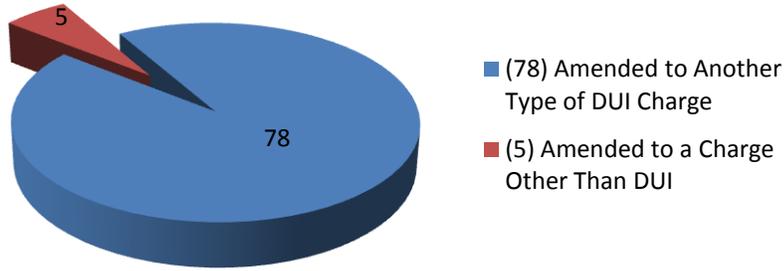
6 Amended DUI 2nd Charges



There were a total of six (6) DUI 2nd offenses amended to: one (1) Operating a motor vehicle with an alcohol concentration of .08 or greater 1st offense; four (4) Operating a motor vehicle with an alcohol concentration of .08 or greater 2nd offense; and one (1) Operating a motor vehicle with an alcohol concentration of .08 or greater 3rd offense.

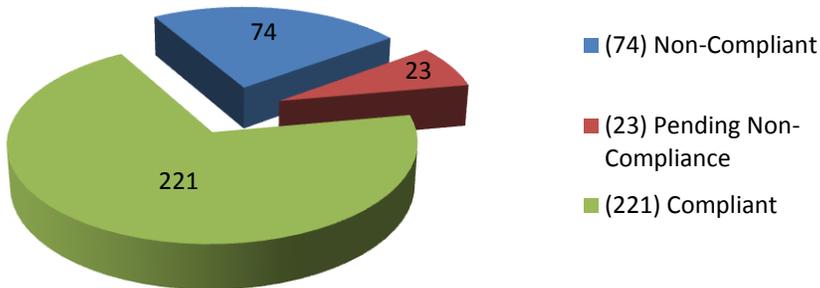
There was one (1) DUI 3rd offense amended to: one (1) Operating a motor vehicle with an alcohol concentration of .08 or greater, 3rd offense.

83 Amended DUI Charges



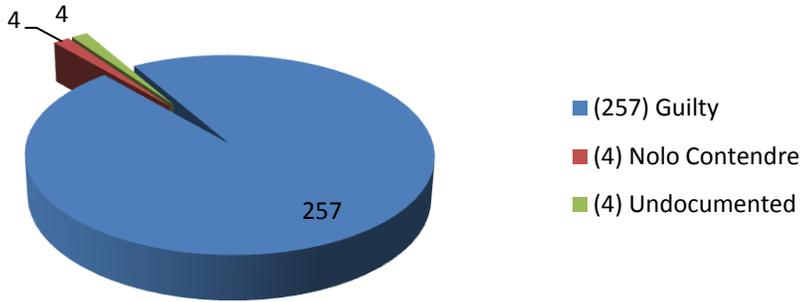
As indicated in the above chart, of the eighty three (83) amended DUI adjudications, five (5) were amended to a charge other than an alcohol or drug related DUI offense.

Defendant Compliance



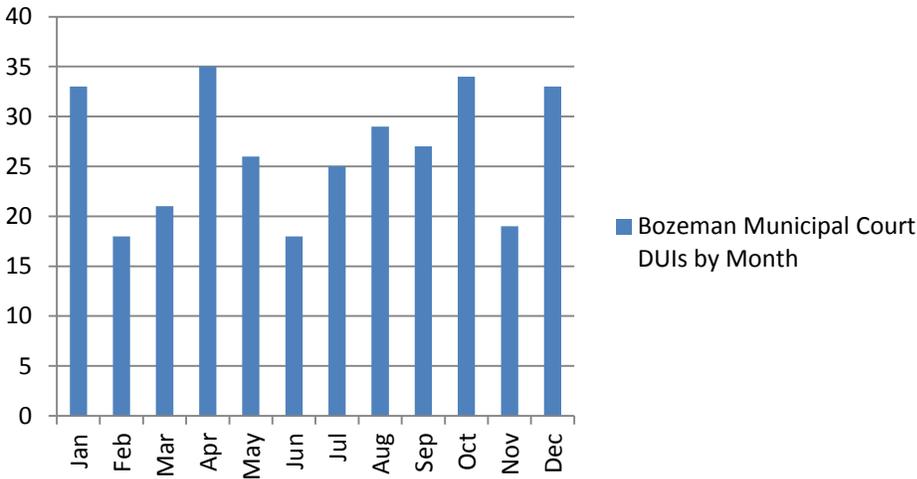
As indicated in the above chart, of the three hundred eighteen (318) who were adjudicated, it was documented that seventy four (74) were non-compliant and twenty three (23) had pending non-compliance. This resulted in a confirmed non-compliance rate of seventy four (74) out of three hundred eighteen (318) or twenty three percent (23.3%) non-compliance.

Pleas who Initially Pled Not Guilty



As indicated in the above chart, of the two hundred sixty five (265) who initially pled “not guilty”, two hundred fifty seven (257) changed their plea to “guilty”, four (4) pled Nolo Contendere, and four (4) were undocumented.

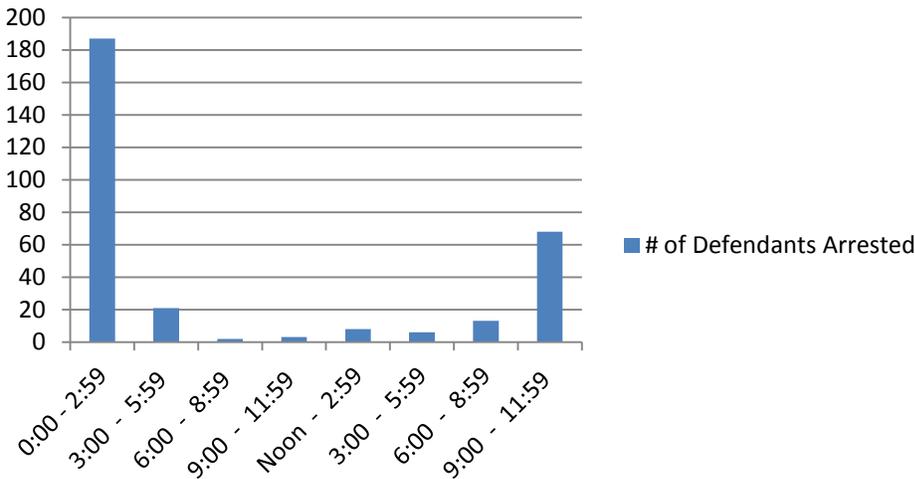
DUIs by Month



The above graph depicts the three hundred eighteen (318) defendant arrests by month.

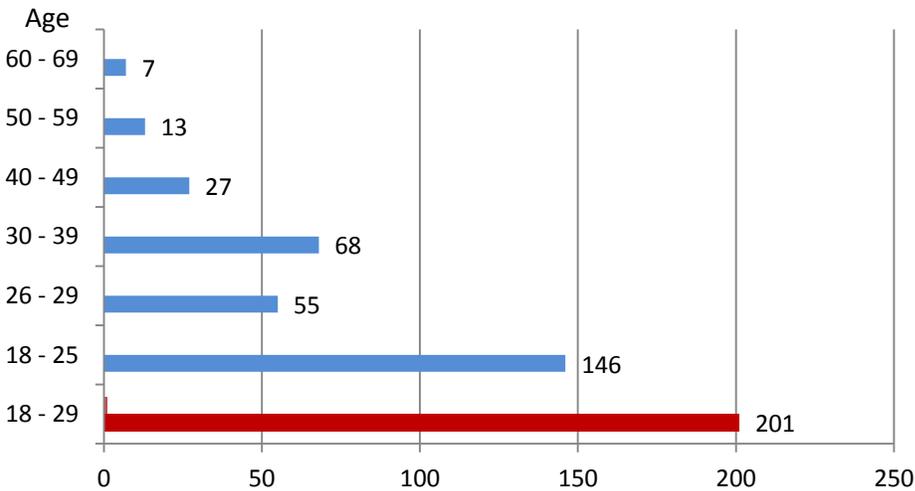
Of the three hundred eighteen (318) who were adjudicated with a DUI offense, one hundred eighty three (183) were arrested during calendar year 2014.

Time of DUI Arrest



As indicated in the above chart, of the three hundred eighteen (318) defendants who were adjudicated for a DUI offense, three hundred eight (308) had the time of the incident recorded. The above chart represents the time of day arrests occurred.

Defendants by Age Group

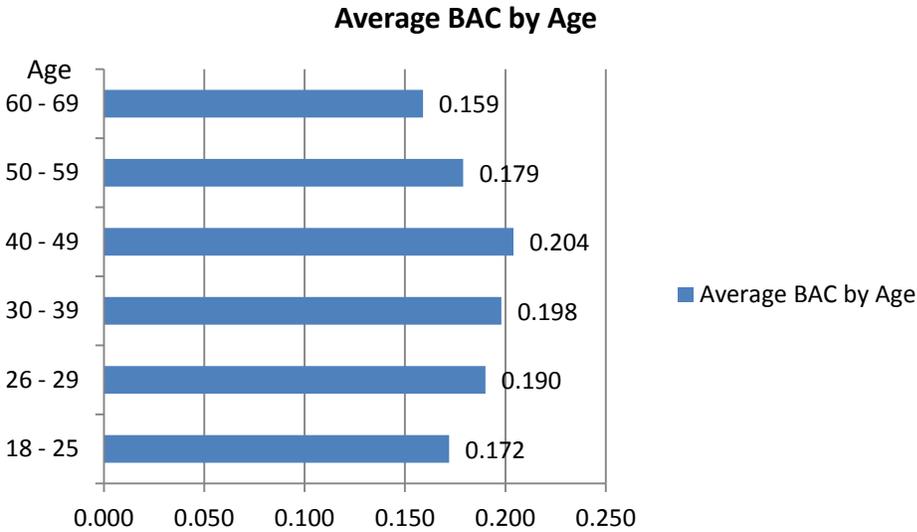


As indicated in the above chart, of the three hundred eighteen (318) persons adjudicated in Municipal Court in 2014, three hundred sixteen (316) were between the age of eighteen (18) and sixty nine (69), and two (2) were under the age of eighteen (18). This chart is a representation of age distribution, excluding the two (2) under the age of eighteen. The “red” line represents ages eighteen to twenty nine (18-29) and is the combination of the two “green” lines, ages eighteen to twenty five (18-25), and twenty six to twenty nine (26-29).

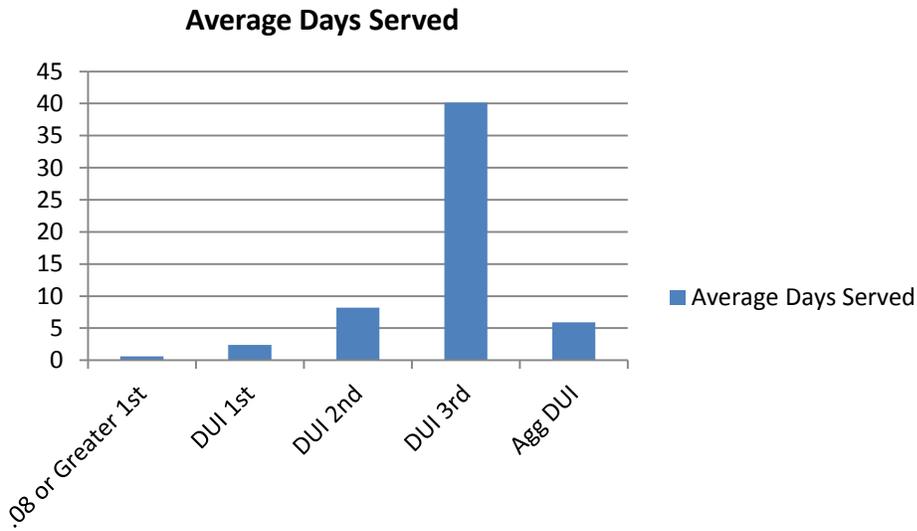
The combined age group eighteen to twenty nine (18-29) had the highest percentage of arrests at sixty three point six percent (63.6%).

Of the three hundred eighteen (318) who were adjudicated with a DUI offense, one hundred seventy two (172) performed a breath test.

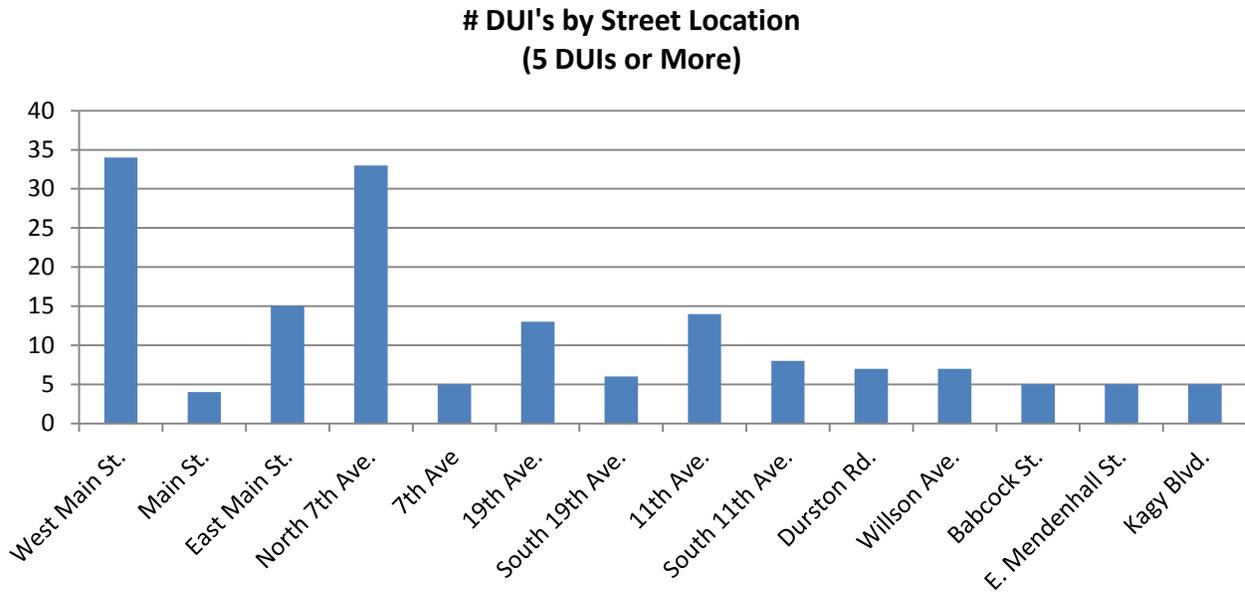
The average breath test of the one hundred seventy two (172) defendants who performed a breath test was .182 BAC, or more than two (2) times the legal limit.



The above chart depicts the average BAC for each age group of the one hundred seventy two (172) defendants with recorded BACs at the time of adjudication.



As indicated in the above chart, of the two hundred ninety one (291) who had documented sentences in the above categories, we determined the average jail sentence for each category.



The above chart represents the locations of the three hundred eighteen (318) DUIs adjudicated in 2014 where a street location was documented five (5) or more times. A total of fifty three (53) DUIs were documented on some portion of Main Street. A total of thirty eight (38) DUIs were documented on some portion of 7th Avenue. A total of nineteen (19) DUIs were documented on some portion of 19th Avenue and a total of twenty two (22) DUIs were documented on some portion of 11th Avenue.

It should be noted that Main Street and 7th Avenue are the streets within the Bozeman City limits that had the most DUI arrests.

Of the three hundred eighteen (318) defendants who were adjudicated with a DUI offense, arrests were performed by forty eight (48) individual Officers.

The top six (6) Officers with the most DUI arrests were:

Officer Justin Chaffins	43 DUI arrests	(All defendants pled guilty)
Officer Travis Fjetland	23 DUI arrests	(All defendants pled guilty)
Officer Jonathan Ogden	23 DUI arrests	(All defendants pled guilty)
Officer Quinn Ellingson	20 DUI arrests	(All defendants pled guilty)
Officer Shawn Toresdahl	13 DUI arrests	(All defendants pled guilty)

Section 3.3. Gallatin County District Court(s) DUI Statistics

The following is a summary of the dispositions and or case status of the forty (40) fourth (4th) or subsequent DUI defendants that were transferred to District Court in 2014.

Twenty five (25) of the defendants were either found guilty or pled guilty to a fourth (4th) or subsequent offense DUI and were sentenced.

Although sentences varied some, all of the sentences were consistent with statutes that required a commitment to the Department of Corrections for a period or thirteen (13) months, followed by a period of supervision not to exceed five (5) years. The average sentence imposed was thirteen (13) months to the Department of Corrections with an average of four (4) years and eighteen (18) days supervision to follow the thirteen (13) month sentence.

Of the forty (40) fourth (4th) or subsequent DUI defendants that were transferred to District Court in 2014, three (3) were amended or the defendants were found or pled guilty to a lesser offense. The lesser offenses included two (2) DUI 3rd offenses and one (1) DUI 2nd offense.

Of the forty (40) fourth (4th) or subsequent DUI defendants that were transferred to District Court in 2014, eleven (11) of the cases were still pending, and one (1) person was deceased.

Of the eleven (11) pending cases the following summarizes their status:

Two (2) defendants were set for sentencing on their original charge of 4th or subsequent offense DUI;

Two (2) defendants had warrants issued for their arrest;

Two (2) defendants were set for trial;

One (1) defendant was set for a change of plea on his original charge;

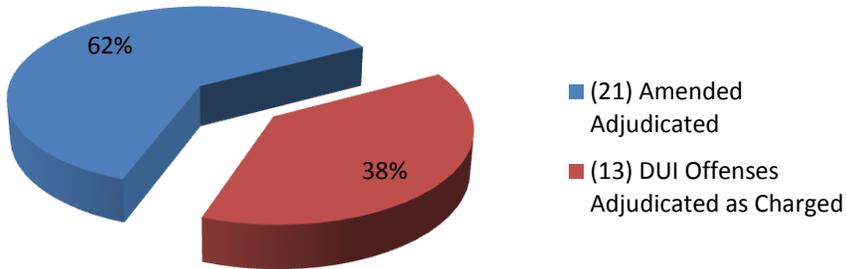
Four (4) defendants had follow-up hearings or Omnibus hearings set.

Of those sentenced on a 4th or subsequent DUI offense that were consistent with statutes that outline sentences for a defendant who receives a 5th or subsequent DUI offense, one defendant was sentenced to the Department of Corrections for a period of fifteen (15) years with ten (10) years suspended, one (1) defendant was sentenced to five (5) years at the Montana State Prison, and one (1) person was sentenced to the Department of Corrections for a period of five (5) years.

Section 3.4. Belgrade City Court DUI Statistics

In calendar year 2014, thirty four (34) persons were adjudicated in Belgrade City Court for a DUI offense.

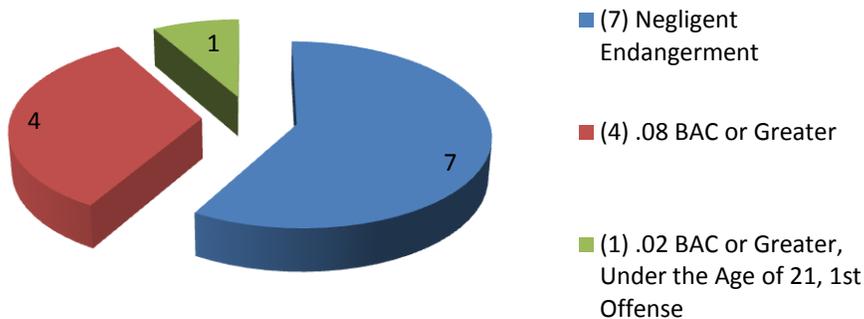
Ajudicated as Charged/Amended



Of the thirty four (34) DUI arrests, twenty one (21) defendants had their charges amended.

Of the twenty one (21) amended adjudications, twelve (12) were originally charged as a 1st offense DUI, four (4) were originally charged as a 2nd offense DUI, one was charged as a 3rd offense DUI, and four (4) were originally charged as an Aggravated DUI.

12 Amended DUI 1st Charges



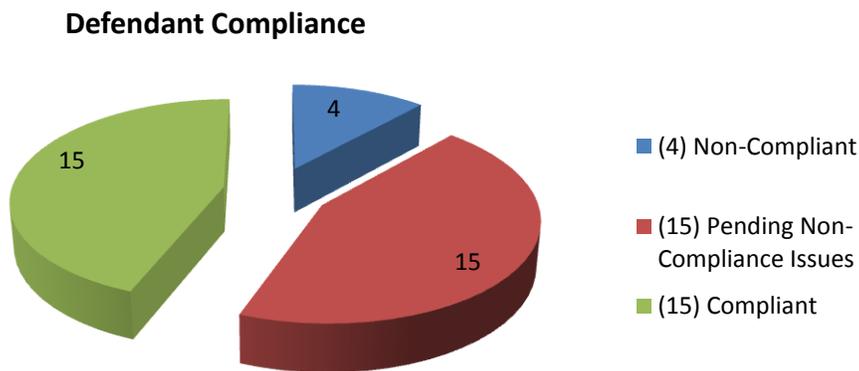
Of the twelve (12) amended 1st offense DUIs, the charges were amended to seven (7) Negligent Endangerments, four (4) .08 BAC or greater and one (1) .02 AC or greater, under the age of 21 years old, 1st offense.

The remaining nine (9) DUI charges were amended as follows:

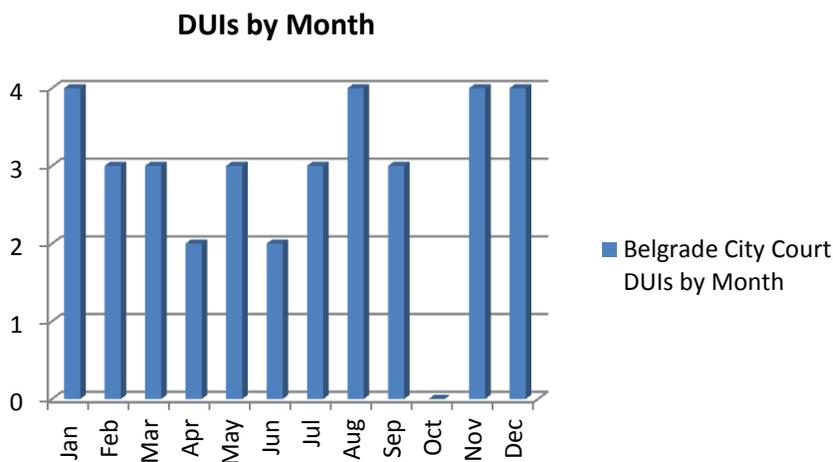
Four (4) DUI 2nd offenses were amended to: three (3) Negligent Endangerments; and one (1) DUI 1st offense.

One DUI 3rd offense was amended to: one (1) Negligent Endangerment.

Four (4) Aggravated DUIs were amended to: two (2) Negligent Endangerments; and two (2) .08 BAC or greater.



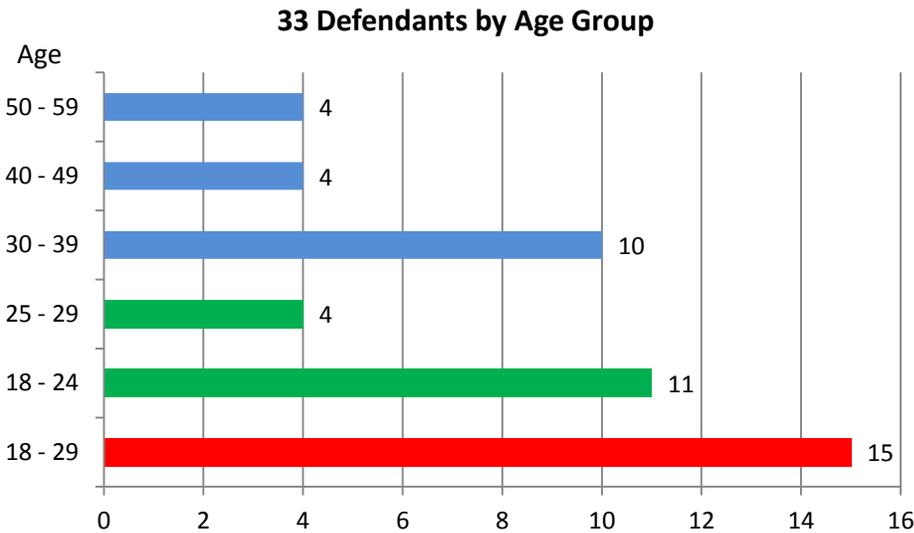
As indicated in the above chart, of the thirty four (34) who were adjudicated with a DUI offense, fifteen (15) were compliant, four (4) were non-compliant, and fifteen (15) have pending compliance issues.



The above chart depicts the number of arrests by month of the thirty four (34) DUIs adjudicated in Belgrade City Court during calendar year 2014.

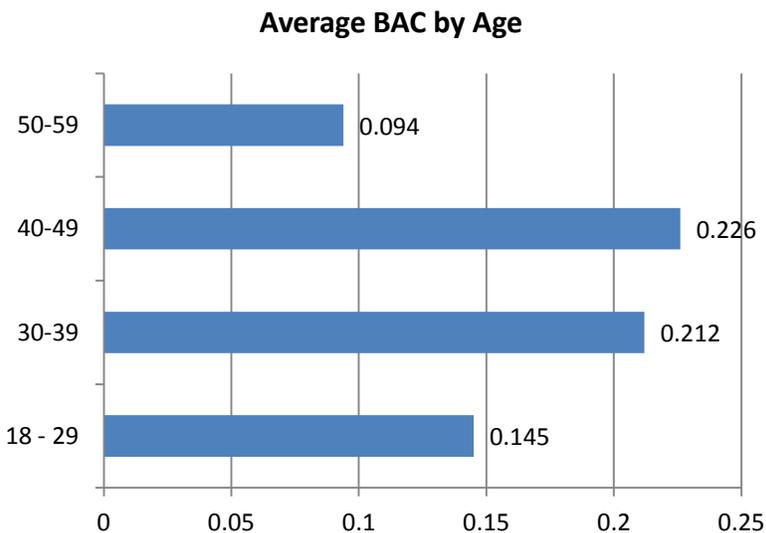
Of the thirty four (34), thirty three (33) were arrested during calendar year 2014.

Of the thirty four (34) who were adjudicated for a DUI, fifteen (15) were arrested between 9:00 pm and 11:59 pm, and sixteen (16) were arrested between midnight and 3:00 am.



The graph above is a representation the age distribution of thirty three (33) of the thirty four (34) persons adjudicated in Belgrade City Court in 2014. The “red” line is the total of each of the two “green” lines, ages eighteen to twenty four (18-24), and ages twenty five to twenty nine (25-29).

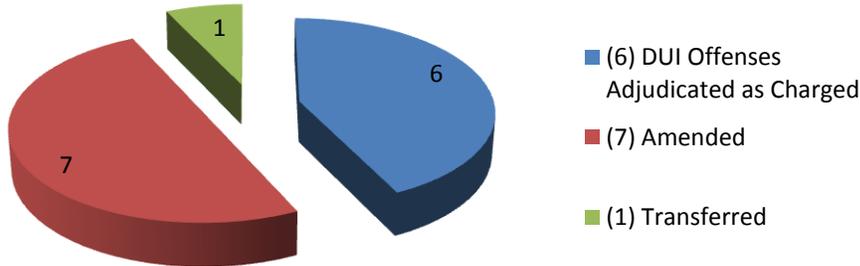
The combined age group eighteen to twenty nine (18-29) had the highest percentage of arrests at forty five point five percent (45.5%).



Section 3.5. Manhattan City Court DUI Statistics

In calendar year 2014, fourteen (14) persons were adjudicated in Manhattan City Court for a DUI offense.

Adjudicated as Charged/Amended/Transferred



Of the fourteen (14) persons, seven (7) defendants had their charges amended and one (1) was transferred.

Of the seven (7) amended adjudications, all seven (7) were amended from DUI 1st to Operating a Motor Vehicle with a BAC of .08 or greater.

The one (1) defendant transferred was transferred to District Court for a 4th or Subsequent DUI offense.

According to court records, all of the defendants adjudicated in Manhattan City Court were compliant with the conditions of their sentences.

The following represents how many of the fourteen (14) DUI adjudications were arrested in each month:

One (1) arrest each per month – February, March, April, May, June, August.

Two (2) arrests per month – October.

Three (3) arrests each per month – July, December.

Of the fourteen (14) who were adjudicated with a DUI, all fourteen (14) were arrested during calendar year 2014.

Section 3.6. City of West Yellowstone DUI Statistics

In calendar year 2014, the City Court of West Yellowstone adjudicated four (4) DUI offenses.

One (1) defendant was charged with Aggravated DUI and subsequently pled guilty. The defendant registered a .170 BAC.

Three (3) defendants were charged with DUI 1st offense. All three (3) defendant's charges were amended to operating a motor vehicle with a BAC greater than .08. Of the three (3) defendants, one (1) registered a .111 BAC and another registered a .373 BAC.

Section 4. Summary

In calendar year 2014, there were seven hundred sixty four (764) DUI adjudications in Gallatin County Courts. Of the seven hundred sixty four (764) adjudications, one hundred forty seven (147) were amended to other DUI offenses, and twenty eight (28) were amended to non-DUI offenses or were dismissed.

Of the three hundred thirty seven (337) who performed a breath test, the average BAC of a DUI defendant as recorded was .177 BAC. The average BAC of .177 is more than twice the legal limit.

The time when the majority of DUI's occur is between the hours of midnight to 3:00 am, followed by 9 pm to midnight.

Attempting to determine a month that DUIs are most likely to occur is difficult because the locations (Gallatin County, Bozeman city, Belgrade, etc.) have varying peak months.

As determined by the results of the statistical analysis, the age groups the Task Force plans to focus their efforts on in the coming years are: eighteen to twenty nine (18-29), and thirty to thirty nine (30-39).

The most dangerous roadways in Gallatin County where a high percentage of DUIs occur are: Interstate 90, US Highway 191 (including Huffine Lane and Gallatin Road), 7th Avenue and Main Street in Bozeman, and Jackrabbit Lane near Belgrade.

The DUI Task Force encourages law enforcement, prosecutors and the Courts to focus their efforts of prevention and education toward the age groups listed above, as well as their enforcement efforts on the dangerous roads that the Task Force has identified. We would also encourage that enforcement efforts target the hours of 9 pm to 3 am.

Again, we would like to thank the Courts and their staff for their assistance in the development and research of information for this report.

Section 5. Appendix

5.1. DUI Task Force Membership

<u>Name</u>	<u>Membership Position</u>	<u>Board Position</u>
Rocky Hamilton	Manhattan PD	Executive Board Chair
Adrian Massey	Citizen Volunteer	Executive Board Vice-Chair
Dave Keen	Belgrade PD	Secretary/Treasurer
Daniel Deming	Citizen Volunteer	PI&E Committee
Rick Gale	ADSGC Prevention Specialist	PI&E Committee
Heather Hume	Citizen Volunteer	PI&E Committee
Doug Lieurance	Sheriff's Office	
Marty Lambert	County Attorney	
Scott Newell	Chief, West Yellowstone PD	
Jonathan Ogden	Bozeman PD	
Ed Hirsh	Bozeman Deputy City Attorney	
Matthew Caires	MSU Representative/Dean of Students	
Steve Hamilton	Three Forks Mayor/Citizen Volunteer	
Madison Brown	MADD Representative/Citizen Volunteer	
Jerry Pape	Citizen Volunteer	
Ann Dutton Ewbank	Citizen Volunteer	
Arlene Wylie	Citizen Volunteer	
Kathryn Tillson	Gallatin Mental Health/Citizen Volunteer	
Lacy McConnell	Citizen Volunteer	
Vacant	Citizen Volunteer	
Vacant	Citizen Volunteer	
Vacant	MSU PD	

5.2. DUI Task Force Events

2015 Law Enforcement Memorial Ride



2015 Music on Main



2015 Music on Main (continued)



2015 National Night Out Against Crime



2015 Big Sky PBR



The Empty Dinner Table Campaign

Sponsors:
Mothers Against Drunk Drivers (MADD) and
the Gallatin County DUI Task Force

(Held at the Bozeman Public Library, Montana State University and Bozeman High School)



Bozeman Public Library



Bozeman High School



MSU Strand Union Building

Other Events Attended:

Alcohol Education Summit

Three Forks Rodeo

Belgrade Fall Festival

Manhattan Potato Festival

MSU Catapalooza

MSU Football Family Day

MSU Information Tables

MSU Involvement Fair

MSU Pep Rally Downtown

Bozeman's Christmas Stroll

5.3. CEASE Awards - FY 2015

- **Blood Draw Pilot Project Awarded to the Bozeman Police Department**
\$4,900.00

Allows Officers to take DUI defendants directly to the Gallatin County Detention Center where if a defendant refuses to provide a breath test, after a warrant is received American Medical Services will respond and blood is drawn from the defendant at the Detention Center. This process eliminates the need for an Officer to take an allegedly intoxicated defendant to Bozeman Deaconess Hospital for a blood draw.

From an e-mail received on November 9, 2015:

“Below is an extract from a blood draw pursuant to a DUI arrest this weekend.

After being granted the aforementioned search warrant, AMR staff arrived at the GCDC and a legal blood draw was attempted, starting at 0050 hours. S then actively resisted AMR staff’s efforts to draw her blood, by pulling and jerking her arms as to prevent the blood from being taken. I and several officers with Bozeman PD, GCDC and AMR staff worked for 15 to 20 minutes in an attempt to take a blood sample. Ultimately, S was placed in the GCDC’s restraint chair and I physically held her arm as she continued to fight our efforts. After physically restraining S in a chair and overpowering her movements, a blood sample was retrieved. S blood sample is being forwarded to the state crime lab for analysis.

This is the exact rationale for safety in having blood draws done by AMR at the Detention Center, rather than the hospital. Rather than adding transport time, a far less controlled environment at BDH, we have a 15-20 minutes in a far safer holding cell and ultimately blood was drawn.

Wanted to share with you my thanks for working with us on this and share with the DUI Task Force another example of how this partnership has been successful.”

Deputy Chief Rich McLane
Bozeman Police Department

- **Inman Vehicular Homicide Training**
\$2,000.00

The DUI Task Force sponsored three (3) Deputy County Attorneys and one (1) Bozeman Police Officer to attend the nationally recognized training.

- **Wyoming Governor's Conference on Impaired Driving**
\$450.00

The DUI Task Force sponsored one (1) Bozeman Police Officer to attend the conference.

- **Intoximeter Purchase (PBT)**
\$4,338.00

The DUI Task Force purchased Intoximeter Units (PBTs) for the Bozeman Police Department and Fish, Wildlife and Parks Officers.

- **Portable Display Trailer**
\$2,000.00

The DUI Task Force contributed to the purchase of a portable message board trailer used to alert citizens to dangers, including the dangers of Drinking and Driving.

- **Highway Patrol Overtime Patrols on Holidays, Weekends and During MSU Football Games**
\$4,400.00

The DUI Task Force directly supports efforts to identify and arrest drunk drivers.

5.4. Gallatin County Court Services/Mothers Against Drunk Driving (MADD) Victim Impact Panels

In calendar year 2015, Gallatin County Court Services in conjunction with our partners from Mothers Against Drunk Driving (MADD), the Gallatin County Sheriff’s Office, and the Bozeman Police Department held four (4) Victim Impact Panels.

During the panels, Madison Brown, the State MADD Coordinator, discusses the mission of MADD as well as introduces guests who talk about being a survivor and enduring the loss of a loved one to a drunk driver. Madison also hosts speakers who have committed the offense and have to live with the guilt and shame of causing the loss of life.

Sheriff’s Chaplain Warren Heibert attends the panels as well and he expresses the difficulties of responding to the scene of a fatal crash where alcohol is a contributing factor, as well as the trauma of notifying the family of their tragic loss.

In calendar year 2015, four hundred thirty one (431) defendants attended these panels.

Recently Madison Brown, the Montana State Coordinator for MADD, started to collect statistical data on the panels, including defendant’s comments.

Defendants made the following comments after attending the October 2015 panel:

What thoughts and feelings did you experience as you listened to the speakers?	How will your drinking and driving behavior change after listening to the panel presented this evening?
Compassion	Won’t drink and drive
Sadness	I will not drink and drive
Took everything to not cry the entire time. Very powerful.	I won’t do it. Ever.
Compassion, fear, empathy	I am a recovering alcoholic. I don’t drink anymore.
So many emotions. Very powerful	Never ever again.
Hard not to cry. Extreme sadness.	Never again.
I would never want to cause that harm to my family or any family for that matter	I will always find an alternative ride
Stories were very real and hard hitting	This put into perspective how others are negatively affected. I’ll think more.
Regret. Guilt. Hope. Sorrow	I will remember these stories every time I decide to go out and drink. No more drinking and driving

I was deeply moved by the presence of the still affecting injuries these people suffer	I hope to never do it again
Intense emotions	Think twice before getting into a vehicle
It made me think of my family and how one poor decision could have changed our lives and potentially the lives of another family	I will make a plan before I go out.
I applaud the bravery of the speakers today to share their traumatic stories and want to thank them for changing people's lives	Never again
The stories were very traumatizing and hit close to home	It will make me think twice about getting behind the wheel under the influence
Very sad their stories will never be forgotten	Will always figure my way home without having to drive
It definitely makes a difference to hear firsthand instead of watching a video or listening to a speaker just talk as opposed to having actually experienced	Will not be. Will not let my friends
I respect these people so much for sharing their stories. It must be so hard. I will never forget them.	Completely. Will never do it again.
It was a real eye opener to hear the chaplain speak	I will never drink and drive
It was hard to hear the firsthand accounts of what an impact one bad decision could have on a family	Drinking and driving is the most preventable tragic accident I know of, I will never do it again.
I felt the hurt and sorrow emanating from the individuals present. For a brief moment I shared a small fraction of their pain.	I will never drink and drive again
It is easy to put myself in their shoes and fully understand the pain that was caused. I do not wish to cause that to mine or any other family with a choice that is preventable	It will change for the better and I vow to never get behind the wheel after drinking again.
Complete empathy and extreme sadness	Immensely
I thought about the impact of drinking and driving in people's lives who have seen tragedy	I quit drinking, if I do in the future, I won't drive
I created the victims the panel spoke of and hearing the story from the other side truly opened my eyes that the pain never goes away	I have been clean and sober for almost 6 years after my wreck December 26 th , 2009. My choices created victims such as the ones that shared this evening
I never really thought twice about the consequences of my drinking and driving. At the time my only thought was don't get caught, now I realize that getting caught was the best thing that could have happened.	I don't ever want to feel like any one of the speakers nor make anyone else feel the same. I will never drink and drive.

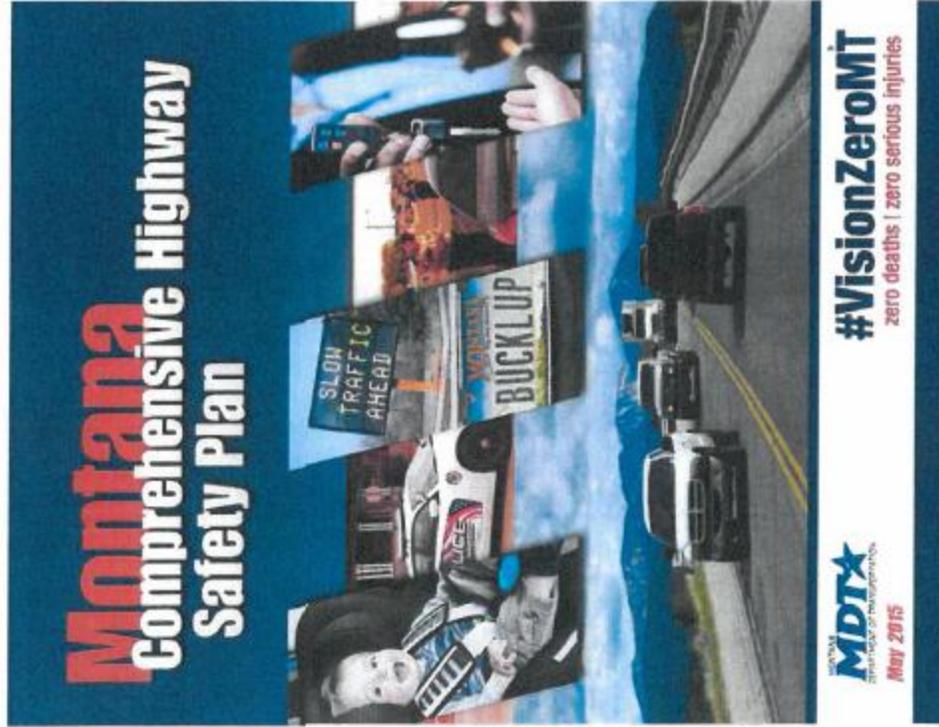
That their stories spoke to me. You always hear about people drinking and driving and never hear about how it effects the families and loved ones	N/A- I'm just a supporter
I was ashamed of my decision. I have not had any alcohol since 12-13-14	Don't drink or even think about it
Sad that these situations have to happen because of bad choices	Not do.
I felt ashamed I had made such poor decisions in the past and also compelled to make better decisions in the future for my daughters sake and for everyone in general	Since my DUI I resolved to quit drinking. After tonight not only will I continue to refrain from drinking and driving, but I will actively try and prevent everyone I can from drinking and driving.
Sorrow. Grief	Never again is now. Thank you!
The chaplain was by far the strongest speaker. Sympathy mostly. Sadness. Pity.	I feel a little cheated by my DUI but I have been effected. I do feel sorry for them and will never drive if I am unable. If I were 21...
It was very hard to listen to the speakers without wondering what if that happened to me	I will not only think twice, I will be smart and think more about the lives that could be ruined by my stupid decisions and not drink/drive
Overwhelmed	I will remember this panels stories next time (every time) I go out
Thought about the effects on my family	Yes. It will!
Sadness. Guilt. Regret. Embarrassment.	I don't drink anymore
The chaplain was very motivational	Never again
Very emotional and I feel very sad	I will make sure never to drink and drive again
It made me very sad and I will think and not drive again	Don't do it
I had a lot of thoughts of my own family and friends. I feel sorry for the panel and how they are dealing with pain, and the chaplain particularly.	I will be more thoughtful of how I get home from walking to taking a taxi
Powerful speakers, especially the chaplain	Very motivating to never drink and drive again
Regret. Remorse	I will think twice and have a plan
Very sad and ashamed of myself	I haven't drank for 10 months and this is my 10 month anniversary (10/21) today so has more meaning

Sadness, Feeling their loss	Make an effort for designated driver
It was sad to hear their stories and don't want to experience it	Will not drive when drinking
Compassion	A lot
Powerful	No driving under the influence
Sadness, hard not to relate personally	No more. Don't want this happening.
Very touched by stories sad they went through this.	I stopped drinking when I got my DUI in April.
Raw emotion, connectivity, inspiration	N/A (?)
I thought of my parents and how hurt they have been by my life and how devastated they would be if I died from DUI or even worse killed someone and went to jail	Yes
Heartache, sadness, why would I make such bad decisions?	A lot! No more!
Sad, for the families I would never want this for myself or anyone else	No more, I can't do it, I'll think of this every time
They proved a point everyone should know when getting their driver's license	Not happen
Understanding and compassion for the loss they have occurred	No more driving after drinking
The people are an inspiration	Since I've got my DUI I've stopped drinking and driving
Very heart wrenching. Sorrow	Absolutely no drinking and driving
It was intense	I will pay more attention
Guilt, remorse	Smarter, more informed decisions

5.5 Montana Crash Data Summary & Montana Comprehensive Highway Traffic Safety Plan, (pages 1 & 17).

http://www.mdt.mt.gov/visionzero/docs/chsp/2015-03_chsp-data-final.pdf

Montana Crash Data Summary



2015 Annual Transportation
Safety Planning Meeting

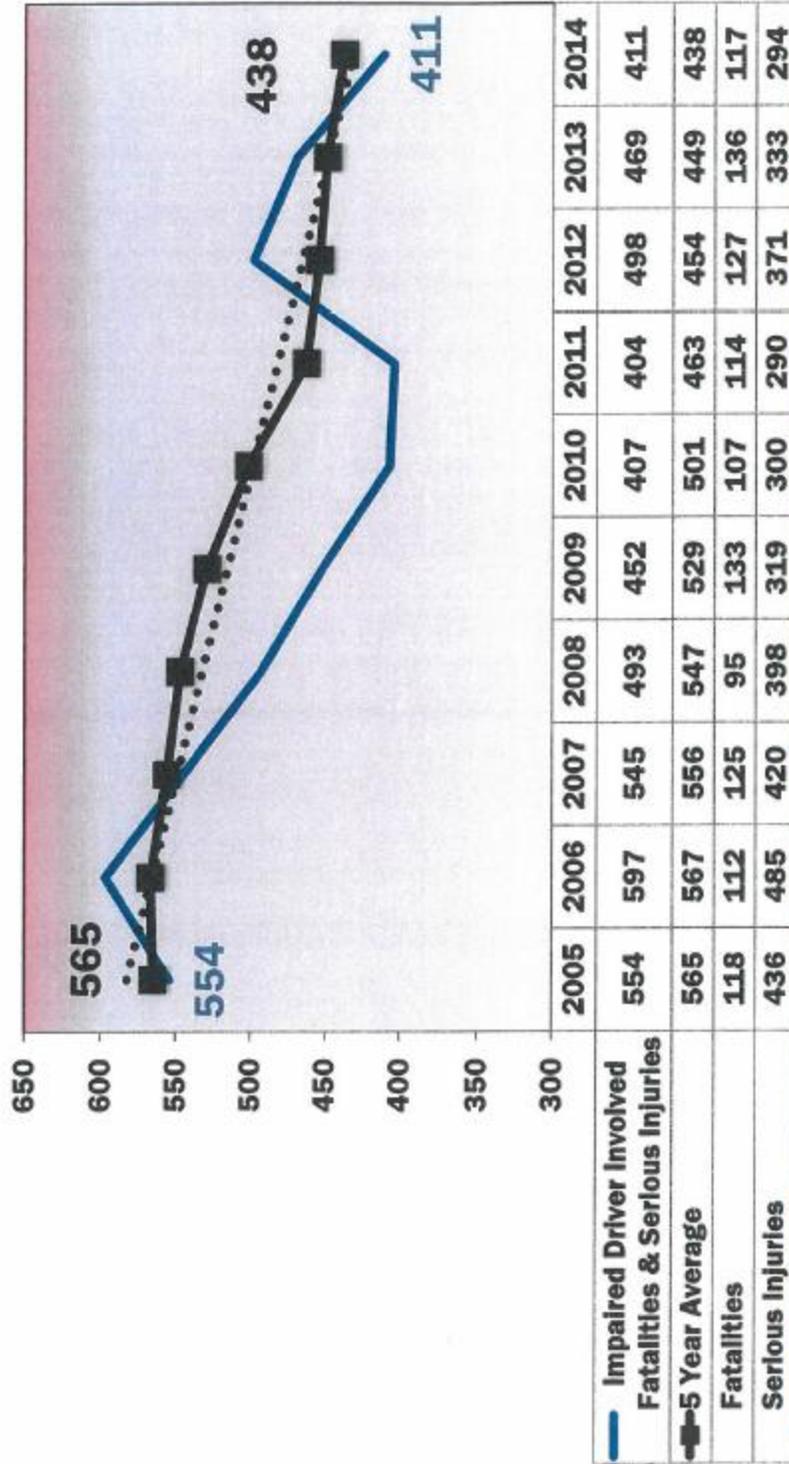
The Gateway Center-

Helena, MT

October 29, 2015

Kraig McLeod, Safety Engineer
Montana Department of
Transportation

Impaired Driver Involved



#VisionZeroMT
zero deaths · zero serious injuries

Montana Comprehensive Highway Safety Plan
2015-2020