

Billings City Administrator Weekly Report

August 25, 2022

- 1. Problem Property and Crime Strike Force (PPCSF)** – ACA Iffland is leading our PPCSF team (the name may change but you get the idea). This team will include on-the-ground expertise from police, prosecution, code enforcement, animal control, building, fire marshal and municipal court services (including the county when appropriate). They will have regularly scheduled meetings. Their charge is to resolve problem properties, educate property owners, prevent future problems and work with the impacted community by identifying and resolving nuisance premises with a sense of urgency to improve the safety of neighborhoods. They will also alert administration to any operational and/or policy issues that are slowing down or negatively impacting the effectiveness of the team. The team's progress will be included in our quarterly public safety progress reports. Our next update is scheduled for October.

Key Objectives:

- Metrics for identifying nuisance premises
 - Identifying top nuisance premises (Crime Analyst will assist)
 - Methods to be proactive in dealing with nuisance premises
 - Legislation/Codes/Policies that could be modified to better deal with nuisance premises
 - Documenting teams' response on nuisance premises
 - Reporting/Communication with administration, council and public on nuisance premises
- 2. Dorothy Lane Property** – (Please see Chief St. John's letter and log for calls for service on Dorothy Lane.)
 - 3. Stillwater Update** - The building committee has been continuing to refine the design development stage of the plans. The design team plans to have the final design development plan set to the contractor, Dick Anderson, by the end of September. Dick Anderson will work on pricing the project and give us new budget numbers at the end of October.

Additionally, the team has been working on the electrical, mechanical, and plumbing engineering side of the project. The City had a vendor conduct extensive testing to the electrical system this past weekend to confirm the viability of retaining the existing system components. The preliminary results show that the system is in very good condition for the age of the components and the majority can be reused for the build-out, which will save significant costs over upgrading the system.

We hope to begin some additional asbestos abatement in October in areas that will be disturbed for construction. One area of abatement is the wall containing the artwork on the 1st Floor. We are communicating with an art consultant on best practices to remove, store and relocate the art.

We are continuing the process of getting the building on the National Register of Historic Places. There will be a Montana State Historic Preservation Office (SHPO) meeting on September 28th in Red Lodge. This meeting will determine the approval/disapproval of the Stillwater building being

on the register. Facilities/Building Manager Jessica Fust will be attending the meeting in case there are any questions from the building owner perspective. The team is preparing a request for proposals for a historic tax credit consultant to assist in preparing, applying, and completing the process for potential historic tax credits. We have also been in consultation with the City's bond council regarding the tax credits and any potential issues.

The next round of user groups is scheduled for early November to review furnishings, fixtures, and equipment. We have penciled in October 3rd to provide council an update on the progress of the building and financial issues to move forward with construction documents and ultimately construction.

- 4. Boys and Girls Bair Family Clubhouse** – Tuesday afternoon Wyeth, Nicole and I toured the club house, discussed their excellent programs, and saw firsthand how our CDBG grant is being used to improve their facility. They do an excellent job providing kids with quality programs, mentors, and meals. I also walked away with another great educational read as we work to improve the lives of kids and make Billings a safer community. I'm on chapter 14 of Hope Rising by Gary Bennet – it's worth your time.

5. From the PIO Desk:

WATCH: Billings PD Coffee with a Cop events connect officers with community

<https://youtu.be/ZDrwFSzGl2E>

From Parks and Rec: Fireflies? In Billings? Billings Parks and Rec semi-annual report details evidence

<https://ci.billings.mt.us/CivicAlerts.aspx?AID=2370>

From Billings PD: Drug overdose alert! Increased Fentanyl-related overdoses in Billings

<https://ci.billings.mt.us/CivicAlerts.aspx?AID=2373>

Billings in the news

911 dispatcher shortage: Billings center hoping to hire more employees

<https://www.ktvq.com/news/local-news/911-dispatcher-shortage-billings-center-hoping-to-hire-more-employees>

St. Vincent Healthcare looks to acquire city street in expansion plans

https://billingsgazette.com/news/local/st-vincent-healthcare-looks-to-acquire-city-street-in-expansion-plans/article_742288d2-2257-11ed-af1c-cb2e23185015.html#tncms-source=login

A new route to the Heights is coming: Billings Bypass public meeting

<https://971kissfm.com/a-new-route-to-the-heights-is-coming-billings-bypass-public-meeting/>

Billings MET Transit awarded grant to purchase electric buses

<https://www.ktvq.com/news/local-news/billings-met-transit-awarded-grant-to-purchase-electric-buses>

Royal Johnson Forum starts Sept 14

<https://www.yourbigsky.com/local-news-2/royal-johnson-forum-2022-starts-sept-14/>

Fentanyl overdose in the Magic City

https://www.kulr8.com/news/fentanyl-overdose-in-the-magic-city/article_c7791e0a-234d-11ed-bf3b-f73ecfaae00a.html

Fentanyl ODs rise to 18 in Yellowstone Co.; at least 47 total in Montana

https://billingsgazette.com/news/local/fentanyl-ods-rise-to-18-in-yellowstone-co-at-least-47-total-in-montana/article_c95bcd46-2323-11ed-a4e6-1f74f2a8433b.html

Billings area sees spike in fentanyl overdoses

<https://www.ktvq.com/news/local-news/billings-area-sees-spike-in-fentanyl-overdoses>

Know the signs of a fentanyl overdose

<https://www.yourbigsky.com/local-news-2/know-the-signs-of-a-fentanyl-overdose/>

Fentanyl overdoses are on the rise in Billings according to BPD

<https://kmhk.com/fentanyl-overdoses-are-on-the-rise-in-billings-according-to-bpd/>

August 24, 2022

Mayor and Council,

Of late, you have received several emails, in-person complaints, and most recently, public comment at your work sessions and business meetings from residents in 800 Block of Dorothy Lane regarding their dissatisfaction with the police department and others regarding the handling of a problematic neighbor and property.

The primary complainants are Wes and Amber Dunn. Neighbors Jacque Garcia and Sean Callahan commented as well. They are frustrated with what is perceived as the lack of enforcement action on numerous complaints of criminal activity by their next door neighbor (RM). The Dunn's and neighbors have become extremely vocal and critical of how the police department in particular, and the criminal justice system in general, has handled this long running situation. They have now started to email you with complaints, clearly trying to leverage action. The latest, an unsupported and ambiguous allegation that human trafficking was taking place at subject property.

The complainants allege that police department personnel refuse to act when they call and that we ignore criminal activity going on next door. Further, that following an August 4 neighborhood meeting, I am withholding service because they "stepped on my toes." Additionally, the complainants allege that RM is on our payroll and that is why he never gets arrested. This situation came to a head when RM was arrested on a high bond warrant, had it reduced by a District Court Judge, bonded out of jail and was home in two days. The complainants' frustration boiled over and they are now filing complaints with different agencies to try to find relief. The police department has become the focus of their anger and resulted in allegations of nonfeasance. While the Dunn's, et. al, are entitled to their opinions about me and the department, it is important you know that their allegations are baseless and without merit. The police department has been exceptionally responsive, answering fifty (50) calls for service since July of 2020. We have responded thirty-eight (38) times in 2022. To allege we are not doing anything and are withholding service is patently false. What they expect this department to do in response to their calls is most times unrealistic and illegal.

INCONTROVERTIBLE FACTS

There is no question that RM and his property have been problematic. Nobody deserves a neighbor involved in criminal activity nor that fails to keep up their property. In that respect, the complainants' frustrations are legitimate. RM is well known to law enforcement for all the wrong reasons. He has been arrested for possession of dangerous drugs and his house was the subject of two SWAT supported search warrants. From a code enforcement standpoint, the residence is in some disrepair with a myriad of code violations, to include junk vehicles and people living in a camper in the driveway. It is deemed to be a "flop house" by officers and RM admits he lets people stay there. That fact is supported by the number of complaints of people coming and going.

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Despite assertions to the contrary, I empathize with the complainants' situation and the PD has been responsive. We would like nothing more to resolve the problem, but must do so within the constraints of the law. Despite RM's background, he still has rights and is entitled to due process. I would remind council that it is not the police department's job to force people out of their home. It is to enforce the criminal law and encourage voluntary compliance.

Aside from the PD, this situation has come to the attention Code Enforcement, City Attorney's Office, County Attorney's Office, and School District #2. All have limitations on what they can do, none of them the finality the complainants' want.

ACTIONS TO DATE

Contrary to the complainants' allegations, the PD has been extremely responsive to their calls for service. Attached is a log in descending order detailing the number, nature of call, PD response, and call disposition. You will notice that many of the complaints are very broad, some hours or days old, and most not legally actionable given the circumstances. That fact angers the complainants because they think we can enter homes and arrest people because of the history and because they called. As you are aware, that is not the case.

At the request of CM Owen, I met with the neighbors on August 4. That evening meeting consisted of two council members, two legislators, one county commissioner, one school board trustee, and representatives from the County Attorney's Office, Code Enforcement, and the complainants. The two-hour session highlighted frustrations and a great deal of time was spent venting on the PD and county attorney's representative. It was quite obvious the complainants are frustrated with the system and believe nobody cares or will help them. It was also obvious that they don't understand the system nor the limitations of the CJ system.

Despite total reluctance to accept what I was saying about PD efforts, I was able to clarify some points of contention and clear up rumor and conjecture. The county attorney representative and code enforcement did the same. The meeting concluded with acknowledgement of their frustration and perception that efforts are slow and long running. We encouraged them to call with actionable complaints so as to get things documented. Additionally, they were invited to council meetings which they have been to three times.

PROACTIVE MEASURES

- PD to ensure everyone is on the same page on how to handle complaints.
 - Any call will be documented in writing.
 - Body/in-car camera activated (should be anyway per policy)
 - Any complaint that is remotely prosecutable, forward to city attorney for review.
 - Officer initiated area checks.

- Code Enforcement continues to work the problem and has several open cases.

- City Attorney's Office to review any cases submitted by PD and CE.
- County Attorney's Office attentive to any cases crossing their desk for charging and appropriate bond.
- Probation and Parole monitoring for any violation, coordinating with County Attorney's Office for charging.
- Formation of team (PD, CE, Animal Control, Legal) to identify and work collaboratively to resolve property/conduct issues.

OTHER FACTORS

As mentioned previously, RM and his property are not the epitome of what a model neighbor should be. As such, mitigation and/or eradication of person/property is the focus of the complainants. While it is the PD's policy to respond to most calls for service, it is also evident that many of the complainants' calls were ambiguous, stating for example, "a car is parked in front of my house." Or, "there are a lot of people coming and going." Most recently, "there is a sex trafficking ring happening." Not much for responding officers to act upon if that is all the information given.

Recent disturbance calls requiring police intervention revealed a troubling practice where the complainants (one in particular) is intoxicated, armed, and overtly tries to antagonize the officer(s) to provoke an unprofessional response. One such incident resulted in an unfounded complaint. Our investigations into several incidents show one complainant as being the instigator of the disturbance with body camera video to corroborate.

Additionally, it has not been lost on RM and his relatives that the police spend a lot of time checking on a minority based on a complainants' calls. There are other factors feeding that and race was brought up in one disturbance. I am keenly aware of the practice called "profiling by proxy" and we work to ensure any contacts or actions with anyone are justified and documented. As you are aware, such actions are illegal and will result in liability exposure to the city.

In closing, I want to make sure you are aware that the narrative being espoused about inaction and withholding service is untrue and inflammatory. I am committed to helping the complainants resolve this issue the best we can. However, we will not break the law or violate anyone's rights to do so.

Calling the police cannot solve every problem. Yet, in cooperation with other agencies, I firmly believe we can resolve this issue. Baselessly denigrating and impugning the police department is not productive.

Respectfully,


Rich St. John
Chief of Police

CALLS FOR SERVICE
DOROTHY LANE

Date of Incident	Call Location	Nature of Call	Police Response	Disposition
8/22/2022	824 Dorothy Ln	Endangerment	None	3rd party complaint about children in the front yard of 824. Report that other neighbors had concerns. No calls of that nature for a two-year period. Officers responding to other calls have not reported children. People with concerns advised to call.
8/21/2022	824 Dorothy Ln	Suspicious. People seen in his yard. Scared them off. Possibly ran to 824. Cannot identify.	2 ofcs	Officers contacted residents at 824. Resident said nobody was in comp's yard and that neighbor and always making complaints. No further action.
8/19/2022	824 Dorothy	Suspicious Officer initiated	2 ofcs	Officer initiated. Stopped female leaving scene of known drug house for jaywalking. ID'd as someone on federal probation and with small warrant. Advised of warrant and released.
8/19/2022	832 Dorothy Ln	Found property. Shell casing found in front of residence. Believe it is a threat.	1 ofc	Shell casing collected. No damage to any property and it is unknown where casing came from. No reports of gunfire.
8/19/2022	824 Dorothy Lane	Human trafficking	No. Email to Mayor	Email forwarded to PD. CCSIU/SCU/patrol who have been in residence contacted. No children seen, nor was any evidence. Det. Assigned to HTTF reports no information or know activity at that location. No evidence credible information provided by caller. Unfounded.
8/18/2022	824 Dorothy Ln	Suspicious. Car parked in area an people walking around. Related to drug house. Caller not present. Seen through camera.	2 ofcs	Officers arrived and checked area. Subject in question had left the area. Checked on one vehicle. No issues.
8/16/2022	800 Blk Dorothy Lane	Area Check	Officer initiated.	Officer initiated for monitoring and PD presence per request of COP. No activity noted.
8/16/2022	824 Dorothy Ln	Suspicious. Caller concerned about school bus route near	SRO responded	Extra patrol set up for the start of school. SRO gave contact information for anyone with issues. SRO to

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		drug house. Wants routes changed		monitor.
8/15/2022	800 Blk Dorothy Ln	Found wallet	1 ofc responded	Collected wallet and logged into evidence as found.
8/14/2022	824 Dorothy Ln	Welfare Check	2 ofcs responded	Intoxicated female kicked No illegal actions. Ofcs called ex-boyfriend and he responded to pick her up.
8/12/2022	824 Dorothy Ln	Area Check	Officer initiated	Monitoring and PD presence in area. No activity noted.
8/11/2022	824 Dorothy Ln	Dog a large	ACO response	Anonymous call about pitbull at large. 2nd caller alleging same. ACO investigation.
8/11/2022	824 Dorothy Ln	Disturbance/trespass	2 ofcs	Caller alleges neighbors trespassing and getting mouthy. Comp. wants people arrested for trespass. No corroborating evidence. Documented.
8/10/2022	800 Blk Dorothy Ln	Area Check	1 ofc	Monitoring and PD presence in area, No activity noted.
8/6/2022	824 Dorothy Ln	Suspicious	1 ofc	Bag of feces thrown into yard. Suspect 824.
8/5/2022	824 Dorothy Ln	Stolen vehicle	1 ofc	Not related to feud. Unauthorized use by relative.
8/5/2022	824 Dorothy Ln	Threats	2 ofcs	Comp. alleges neighbor at 824 threatened wife. Call 2 days old. Documented, no action.
8/5/2022	824 Dorothy Ln	Fireworks	1 ofc	Alleged neighbor ant 824 shooting fireworks at their house. Residents questioned and denied action. Comp advised to call immediately if it happens again and that that there were numerous complaints in the area.
8/4/2022	824 Dorothy Ln	Neighborhood meeting	COP, et. Al	2 hour meeting with neighbors airing grievances.
8/3/2022	824 Dorothy Ln	Area Check	1 ofc	Monitoring and PD presence. No activity.
8/1/2022	832 Dorothy Ln	Found property	1 ofc	Syringe located in street. No idea where it came from. picked up and disposed.
7/29/2022	832 Dorothy Ln	Service assist	2 ofc	Stand by for city crews needing to do work on the property. Having issues with owner, who was an ex-

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7/29/2022	824 Dorothy Ln	Drug Investigation	3 ofcs	<p>employee, and didn't want issues. Unable to access property.</p> <p>Report of heavy traffic following search warrant. Surveillance conducted and officers checking area. Caller contacted and advised of actions.</p>
7/28/2022	824 Dorothy Ln	Disturbance	2 ofcs	<p>3rd party caller saying residents of 832 and 824 arguing and challenging each other to fight. Recurring issue. Reports that resident of 832 is 2nd Amendment carrier. Minutes later, caller reports neighbor yelling at her. Officers arrive shortly thereafter and confirm 832 and 824 arguing. 832 was extremely intoxicated and admitted to yelling at 824 and asking if he could buy crack. Nobody wanted anything done. Ofcs reported residents at 832 very disorderly so all ofcs cleared.</p>
7/28/2022	824 Dorothy Ln	Disturbance/Assault	2 ofcs	<p>Residents of 824 report that they were inside their house when the resident of 832 stopped his truck in front of their house and began to honk the horn and yell profanities and threaten 824 went out to confront 832 called them crack heads, asked how much sex (offensive term omitted) cost. 824 went outside to confront 832 and a heated argument took place. 824 slapped 832 because he was on his property threatening, and was armed. Resident of 824 reports that 832 intentionally turned his sprinkler on her and into a camper she was staying in, yelling that felons can't have guns. Apparently a male walked up with a black case that 832 thought was a gun. Unable to locate that person. Resident of 824 arrested on unrelated charges and warrant requested for the slap. Rjected by city attorney's office.</p>
7/27/2022	832 Dorothy Ln	Disturbance	4 ofcs	<p>Resident of 832 outside yelling at someone who came on their property for unknown reason. Two third party callers report yelling around houses under construction. Area checked and unable to locate. Area check the rest of the evening.</p>

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7/20/2022	824 Dorothy Ln	Disturbance	2 ofcs	Juvenile at home at 832 calls mother at work and reports a female from 824 jumped their fence. Mother activated camera and yelled at 824 and argument ensued. 824 contacted and said that their dog had crawled through a hole in mutually shared fence and was headed toward 832's chickens. 824 jumped the fence and retrieved the dog and jumped back over. 824 claims the fence should have been fixed by 832 but they won't do it. 832 wants trespassing charges filed. Nobody charged and 832 upset.
6/30/2022	824 Dorothy Ln	Disturbance	2 ofcs	Call 1 hour old. Argument with 824. Officers responded and could not locate anything.
6/17/2022	824 Dorothy Ln	Search Warrant	CCSIU/SCU	District Court warrant. Resident of 824 arrested for Possession with intent to distribute. Remanded into custody.
6/13/2022	824 Dorothy Ln	Suspicious	1 ofc	832 concerned that people mistakenly come to her residence looking for drugs. 824 is the drug house. Advised of active cases.
6/12/2022	824 Dorothy Ln	Suspicious	1 ofc	832 called stating that she could smell chemicals and that drugs were being cooked. Reported people dancing in the back yard. Frustrated that nothin is being done. Advised of ongoing investigations.
5/26/2022	824 Dorothy Ln	Area Check	1 ofc	Officer initiated to monitor traffic aroun 824.
5/26/2022	standing	Drugs	No response	Information to CCSIU about traffic and visitors at 824.
5/24/2022	824 Dorothy Ln	Parking complaint	1 ofc	Report of vehicle blocking driveway. Officer responded and determined vehicle was legally parked and not blocking driveway.
5/23/2022	824 Dorothy Ln	Suspicious	2 ofcs	Resident at 832 calling to complain about unknown male parked and sitting in vehicle doing drugs. Officers arrived and determined that the vehicle was unoccupied and legally parked.

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4/28/2022	824 Dorothy Ln	Drugs	1 ofc	Resident reporting continued vehicle and foot traffic, selling drugs. To remain anonymous. Info. forwarded to CCSIU.
3/10/2022	824 Dorothy Ln	Drugs	2 ofcs	Same as above. Officers responded and found three cars with three occupants. Id'd and sent to CCSIU. No PC for stop.
3/9/2022	824 Dorothy Ln	Search Warrant	CCSIU/SCU	Search warrant for possession of dangerous drugs. Resident not present during search. Identified other suspects. Seized user amounts of meth and paraphernalia.
2/5/2022	824 Dorothy Ln	Arrest warrant	2 ofcs	Resident called in on a subject she believed had outstanding warrants. Officers located subject and there were no warrants.
11/14/2021	824 Dorothy Ln	Suspicious	2 ofcs	Lot of traffic. "something going on" believes drugs going on. Officers arrived, saw nothing occurring and said they would continue to patrol the area. Illegal parkers as well.
11/9/2021	824 Dorothy Ln	Drugs	No response	Lots of traffic. Person who looks like he does meth. Forward information to CCSIU.
11/4/2021	824 Dorothy Ln	Suspicious	2 ofcs	Vehicle parked wrong way on street in front of house. Officers arrived and found vehicle gone.
11/3/2021	824 Dorothy Ln	Suspicious	2 ofcs	Same as above.
10/21/2021	824 Dorothy Ln	Suspicious	3 ofcs	832 reports that people looking for the drug dealer at 824 keep coming to her house. Alledge that residents at 824 are looking at her teenaged daughter. Seeing it through camera. Officers arrived and found suspects gone from the area.
9/24/2021	824 Dorothy Ln	Stolen vehicle	2 ofcs	Not related to neighbor. Report of stolen vehicle by resident of 824. Report taken.

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8/25/2021	832 Dorothy Ln	Standby/assist	2 ofcs	Resident at 832 wanted LE standby related to an order of protection. Not related to neighbor.
8/21/2021	824 Dorothy Ln	VIN Inspection	1 ofc	Completed. Not related to neighbor issue.
8/23/2020	832 Dorothy Ln	Disturbance	2 ofcs	Female resident of 832 reporting argument with male resident. Kicking doors, following her around, and blowing smoke in her face. Officers arrived and determined no assault had taken place. Two separated and incident documented.
8/23/2020	832 Dorothy Ln	Disturbance	2 ofcs	Verbal argument between husband/wife at 832. No violence. Male party refused to cooperate with officers and not give any information. There was a knife next to him and he was told not to reach for it. He did and was taken to the ground and later placed into the back of a police car. Both allowed to stay. Both stated they were dealing with personal issues, lost jobs, mental issues, marriage issues. Incident documented.
8/7/2021	824 Dorothy Ln	Disturbance	2 ofcs	Male came to her door looking for the resident at 824. 832 yelled at person and he yelled back before leaving. Officers arrived, subject gone.
8/4/2020	832 Dorothy Ln	PFMA	2 ofcs	Male resident of 832 arrested for PFMA.
8/1/2020	832 Dorothy Ln	Found property	1 ofc	Officers called to recover used syringe found in street. Collected and disposed.
7/7/2020	832 Dorothy Ln	Criminal mischief	2 ofcs	Resident at 832 reports that unknown subjects shot a hole in his confederate flag with a BB or pellet gun. No suspect information.