

2018 Annual Report



LIVINGSTON
Montana

GO BEYOND YELLOWSTONE

LIVINGSTON POLICE DEPARTMENT ANNUAL REPORT

YEAR 2018

Prepared by: Dale Johnson, Chief of Police



MISSION STATEMENT

of the

LIVINGSTON POLICE DEPARTMENT

It is the mission of the Livingston Police Department to enforce the laws of the United States, the State of Montana and the City of Livingston, to assist the citizens of Livingston in protecting their lives and property, and to provide service to the public to the extent which we are empowered and enabled to do so by law, by department regulation, and by financial consideration.

Law Enforcement CODE OF ETHICS

My fundamental responsibility as a public safety officer is to serve the community, safeguard lives and property, protect the innocent, keep the peace, and ensure the constitutional rights of all are not abridged.

I shall perform all duties impartially, without favor or ill will and without regard to status, sex, race, religion, creed, political belief or aspiration. I will treat all citizens equally and with courtesy, consideration, and dignity. I will never allow personal feelings, animosities, or friendships to influence my official conduct.

I will enforce or apply all laws and regulations appropriately, courteously, and responsibly.

I will never employ unnecessary force or violence, and will use only such force in the discharge of my duties as is objectively reasonable in all circumstances. I will refrain from applying unnecessary infliction of pain or suffering and will never engage in cruel, degrading, or inhuman treatment of any person.

Whatever I see, hear, or learn, which is of a confidential nature, I will keep in confidence unless the performance of duty or legal provision requires otherwise.

I will not engage in nor will I condone any acts of corruption, bribery, or criminal activity; and shall disclose to the appropriate authorities all such acts. I will refuse to accept any gifts, favors, gratuities, or promises that could be interpreted as favor or cause me to refrain from performing my official duties.

I will strive to work in unison with all legally authorized agencies and their representatives in the pursuit of justice.

I will be responsible for my professional development and will take reasonable opportunities to improve my level of knowledge and competence.

I will, at all times ensure that my character and conduct is admirable and will not bring discredit to my community, my agency, or my chosen profession.

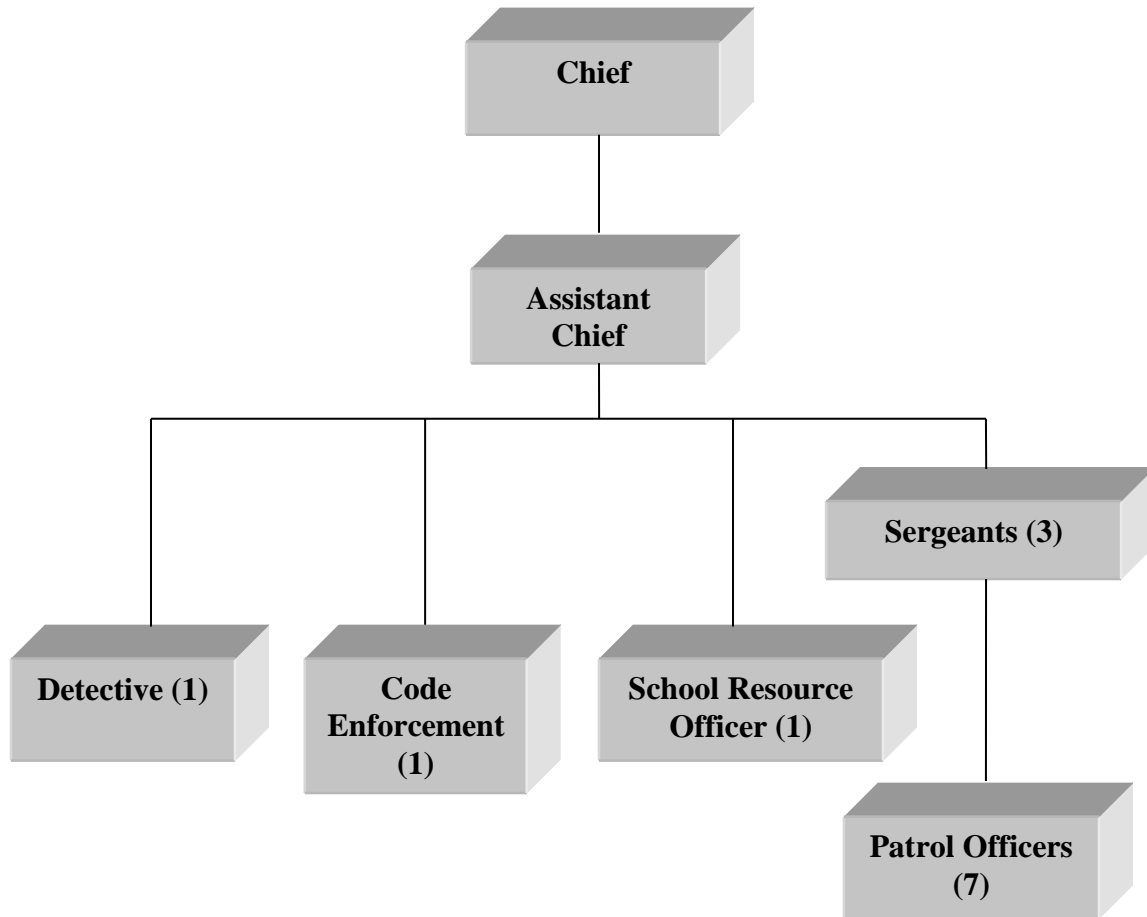
PERSONNEL

DEPARTMENT STAFFING

The police department's budgeted staffing was increased by one full time position for a total of 15 full-time sworn officers in 2018. The structure consists of the chief, assistant chief, three (3) sergeants, six (7) patrol officers, one (1) full time detective, one (1) School Resource Officer (SRO) and one (1) code enforcement officer. The code enforcement duties were taken over by the LPD during a citywide restructuring, which added one full time position to the department.

2018 Budgeted Positions	2018 Staffed Positions
Police Chief	1
Assistant Chief	0
Sergeant	3
Detective	1
Patrol Officer	8
School Resource Officer	1
City Code Enforcement Officer	1

Department Chain of Command



POLICE ACTIVITY

PATROL OFFICER WORKLOAD

Patrol Officers respond to the vast majority of calls for service we receive. There are times staffing shortage can be expected due to vacation, sick leave, injury, and training. Although available when needed, the Detective, Chief, Assistant Chief and the School Resource Officer (during school months) do not typically respond to calls for service on a routine basis. **In reality, the number of calls per patrol officer is actually much greater than shown.**

In the 1980's, based on full staffing of 10 sworn officers as of 1989, officers averaged 317 calls per year. Despite adding 2 sworn positions in the 1990's, this average rose when the number of calls escalated rapidly during this time period. A new position was added in the fall of 2001 when the City entered into an agreement with the school district and a private citizen to fund a School Resource Officer position. The SRO position is now jointly funded by the City and the School District. Although the SRO is assigned to the schools during the school year, the position is available for patrol during the summer months to assist with the added workload. Despite this added position, the workload continued to grow.

The average number of calls per officer from 2000-2009 reflect a 70% increase from the 1980's and a 20% increase from the 1990's. A 14th sworn position was added in 2009, which attributed to a decline in the average numbers of calls per officer in subsequent years. The 2018 calls for service per officer is considerably higher than the 1980's and prior, higher than the 1990's, and has surpassed the number of calls per officer as in the 2000's. Over the past several years, the workload of officers continues to grow reaching record numbers every year.

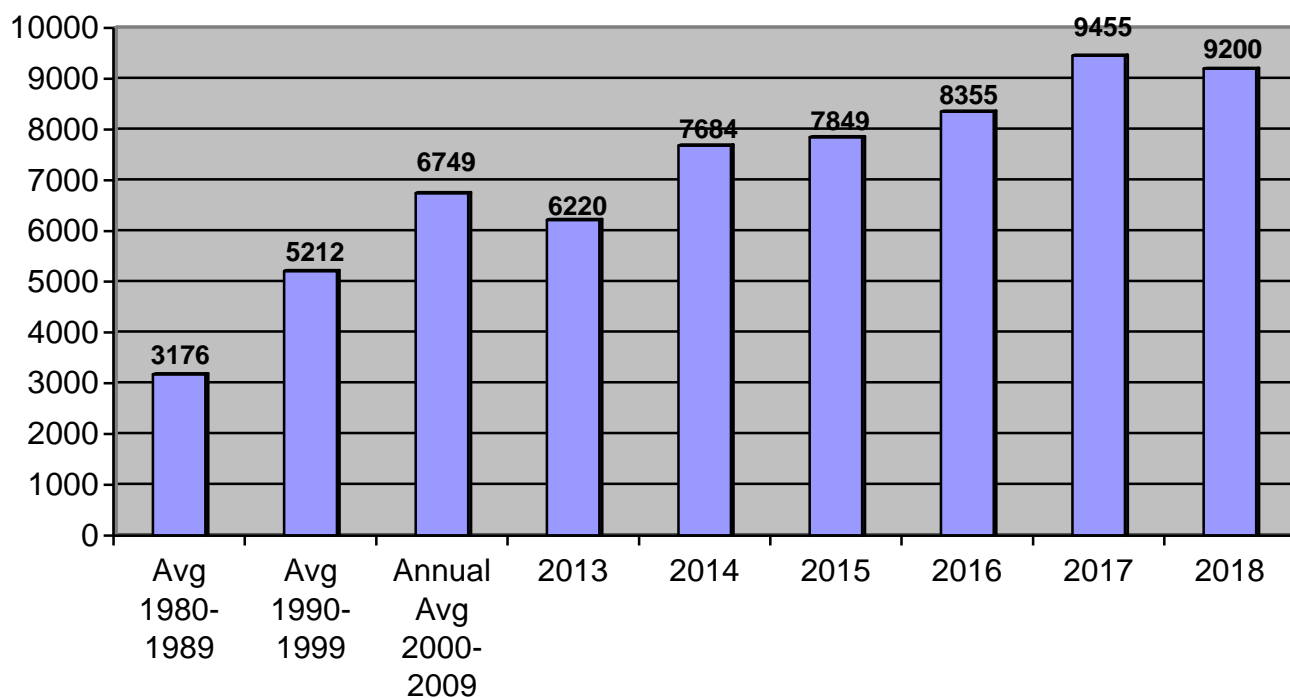
As the number of calls per officer increases, less time is available for routine patrol duties and traffic enforcement. Each call for service can be time consuming, some more so than others, considering response time and any follow-up work that needs to be done. Calls that require an investigation or that lead to an arrest require several written reports to be generated and data entered into the computerized records management system, in addition to time dedicated to the investigation or activity related to the call. Increased workload also requires officers to prioritize calls and assess how much time to dedicate to less significant issues or routine patrol activities.

Regardless of the number of calls for service officers must respond to, it is important to recognize that much of the time there are only two (2) patrol officers on duty and there are times when only one (1) officer is on duty. While most calls we receive are non-threatening in nature, on-duty officers are expected to immediately respond to whatever situation occurs, if necessary, dealing with hostile situations and dangerous persons alone or with little assistance. Typical of smaller jurisdictions, our officers do not always benefit from relying on multiple officers to assist with a dangerous situation.

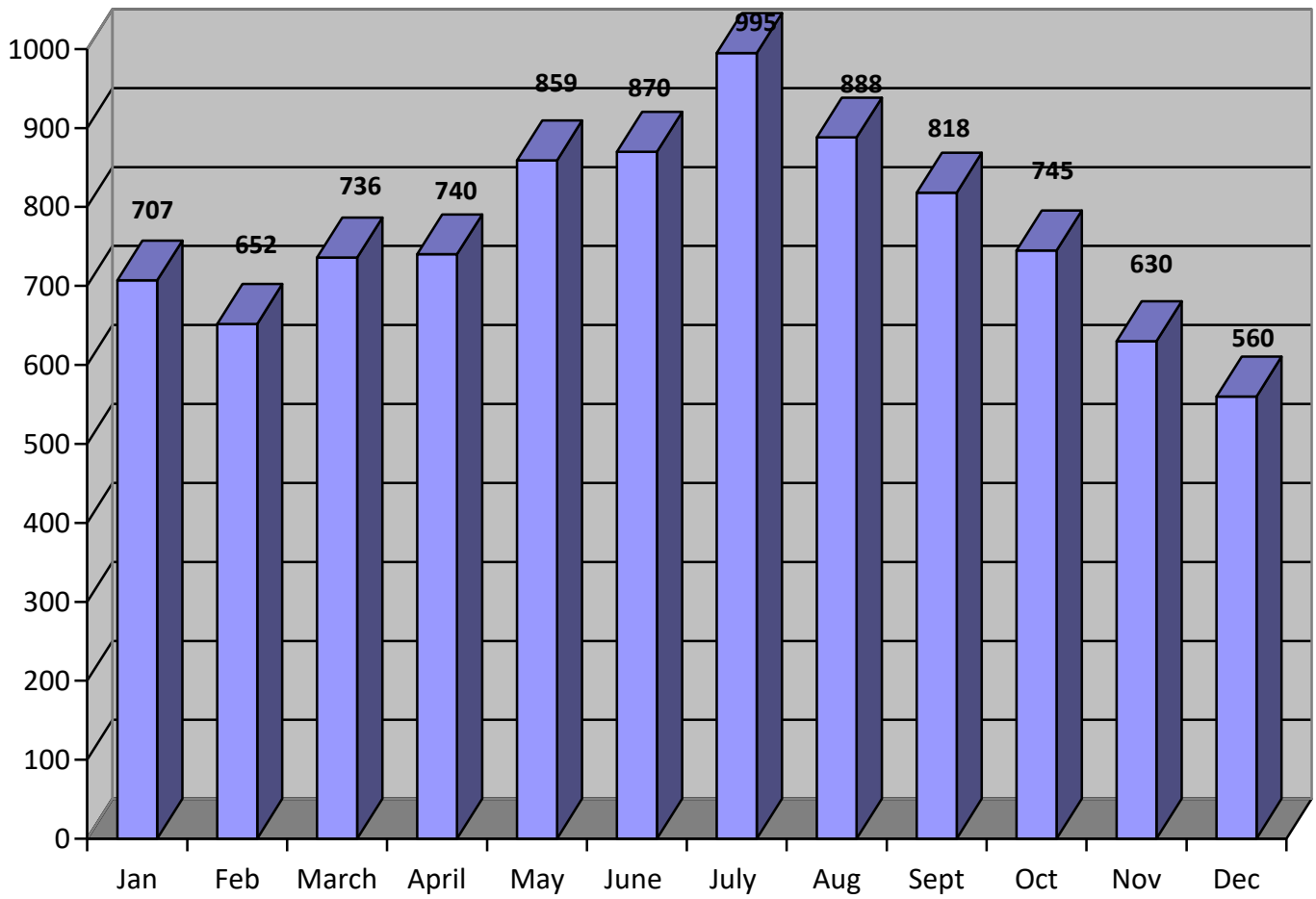
CITIZEN CALLS FOR SERVICE

The department received 9,200 calls for service in 2018. Although slightly lower than last year, the call volume continues to remain higher than previous years. Calls for service represent all calls received by the communications center that fall within our jurisdiction in which the Livingston Police Department respond, including Fire/EMS and animal related calls. Not taking the chief, detective and SRO into account, the average number of calls per officer was 836 calls each in 2018.

Annual Calls for Service



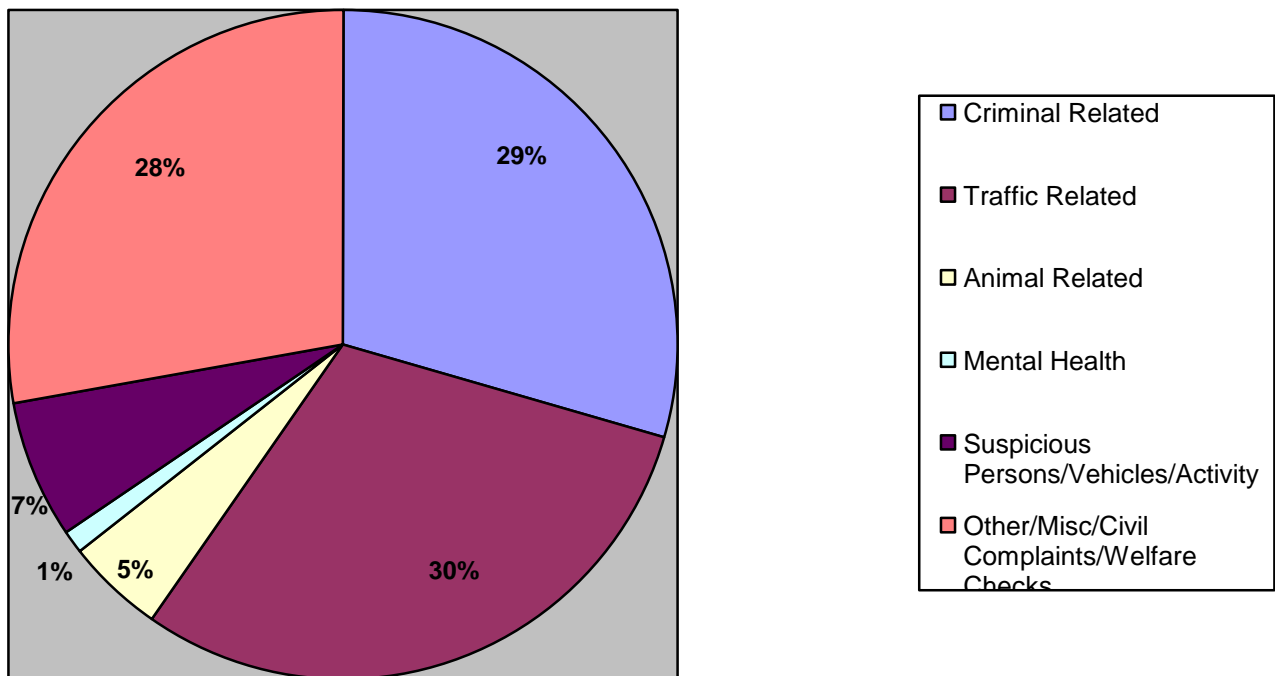
Calls for Service by Month



TYPES OF CALLS RECEIVED

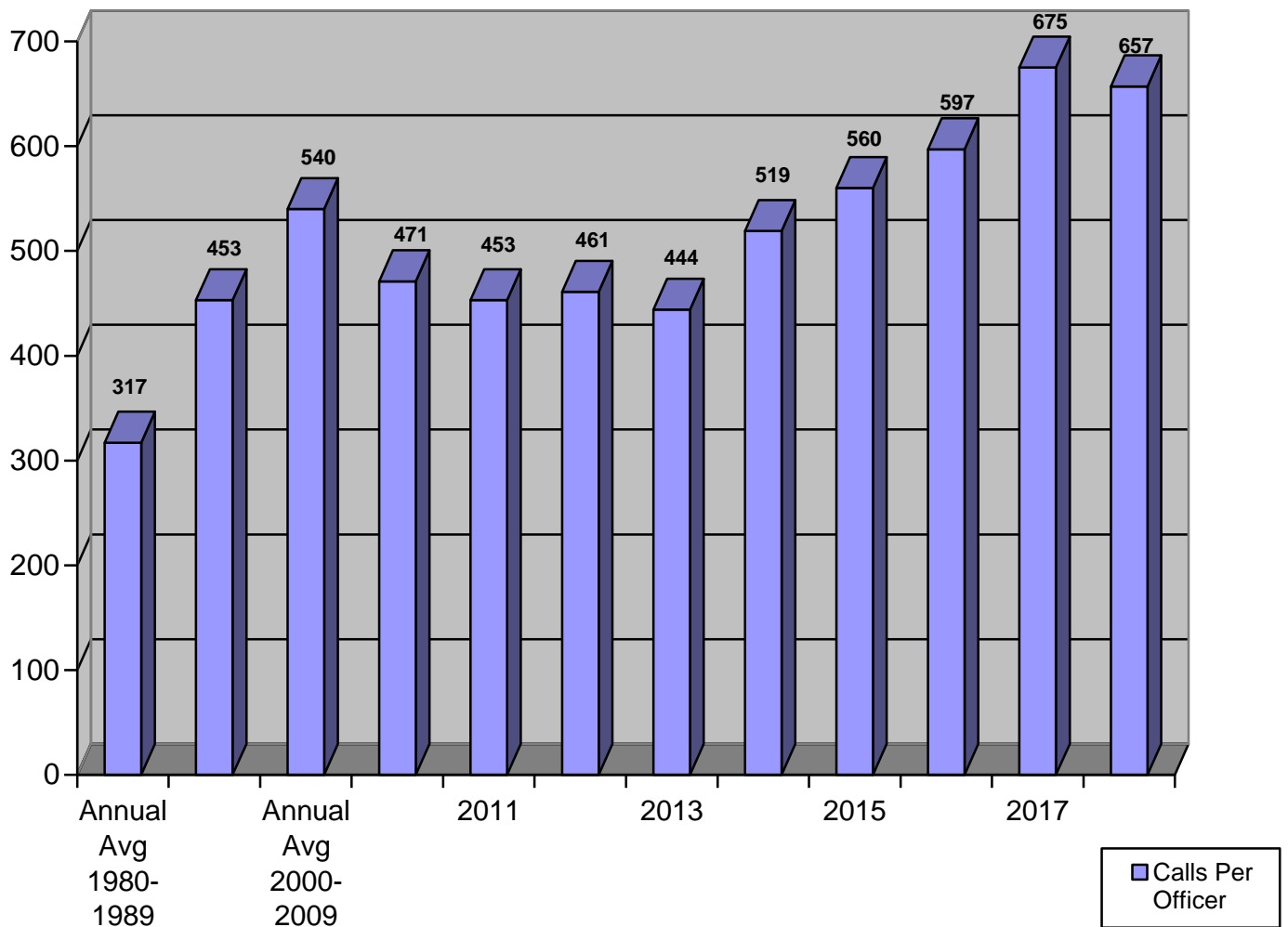
Officers respond to a wide variety of calls, many of which may be unrelated to crime or law enforcement activities but are time consuming for the officers. Consistent with previous years, a large portion of calls received is of a non-criminal nature, but require an officer's time nonetheless.

Calls for Service - by Type



Annual Number of Calls per Officer, 1980 – 2018

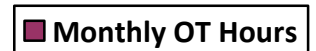
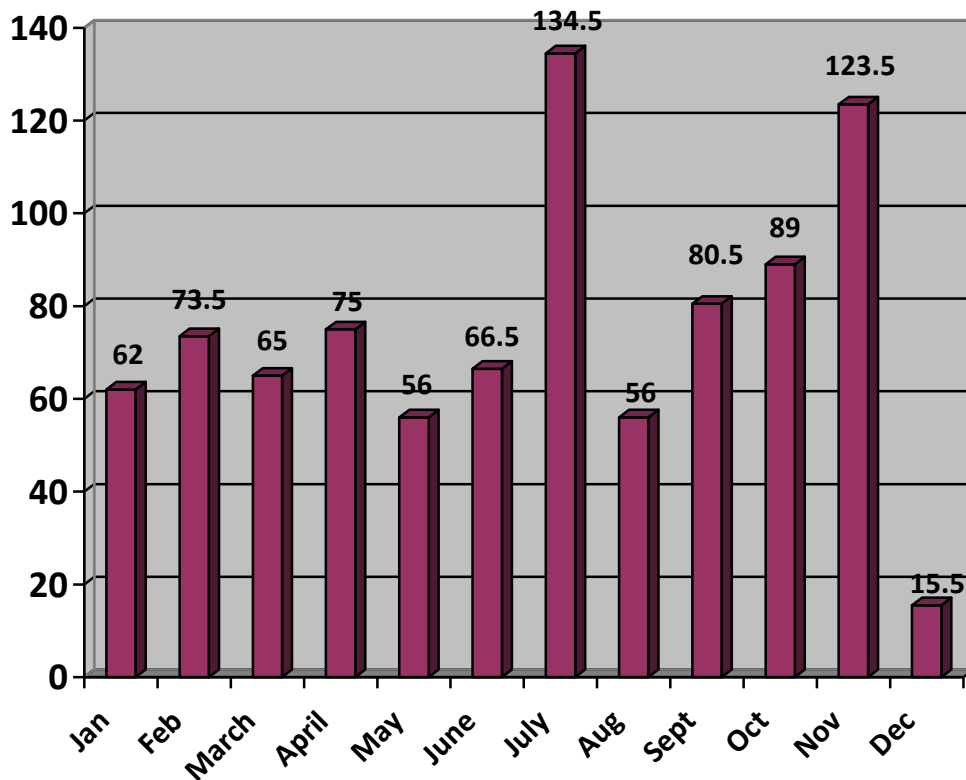
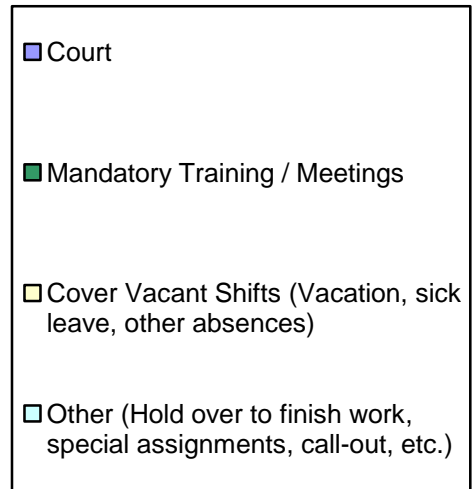
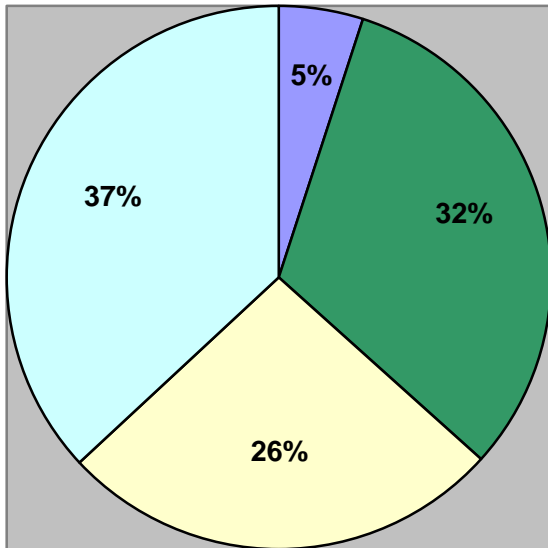
Although the city expanded the police department by one full time officer for the code enforcement duties, that position was unable to be filled during 2018 nor was the assistant chief position filled in 2018. The numbers below are based on actual number of officers available. As mentioned previously, the chief, detective and SRO typically do not respond to calls on a regular basis, so the numbers each officer responded to are significantly higher than shown.



2018 Overtime Usage Distribution

(Actual number of hours logged)

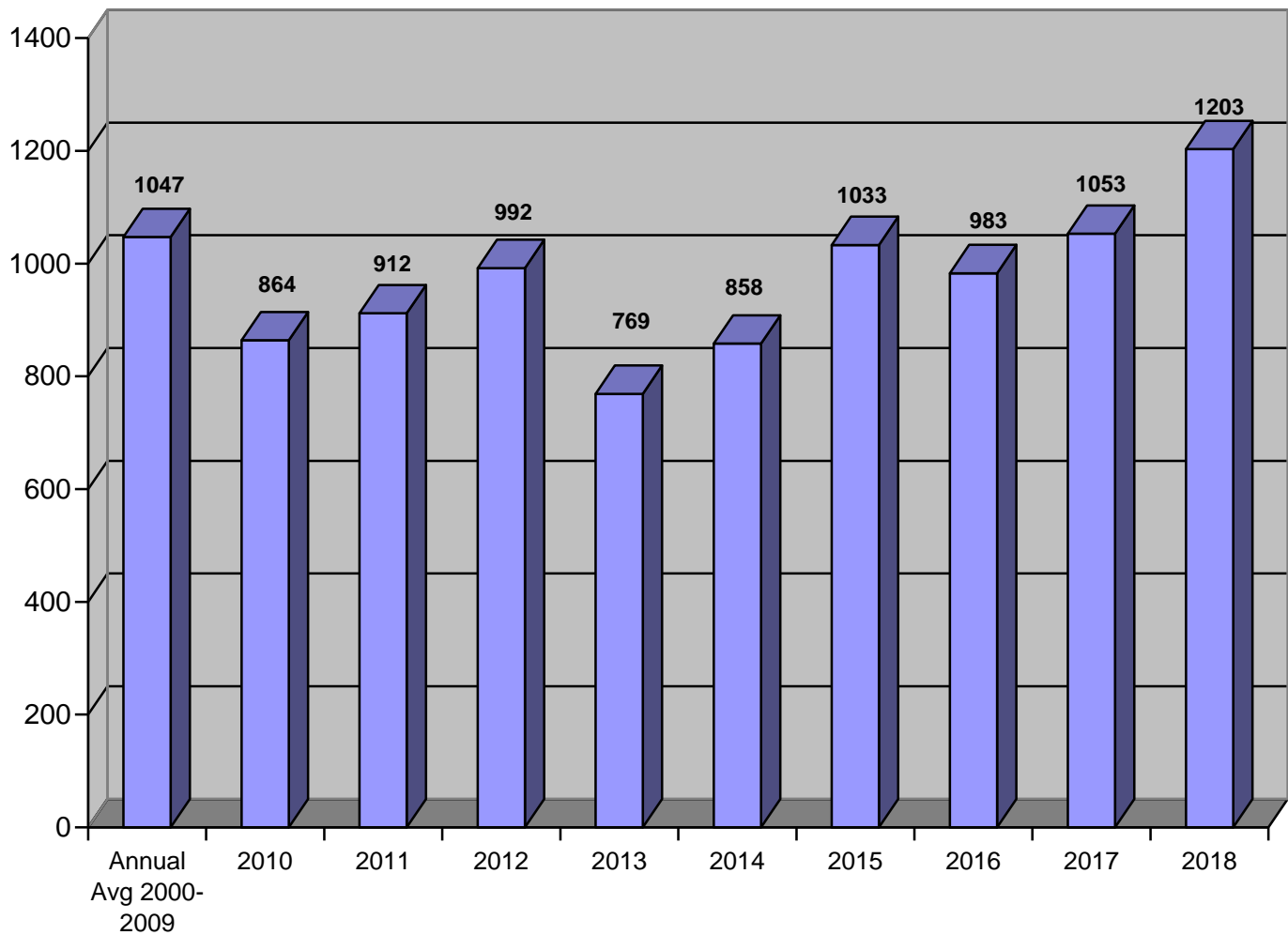
Being fully staffed for the first time in quite a while, the overtime used for covering vacancies dropped from 40% to 26% of the OT budget



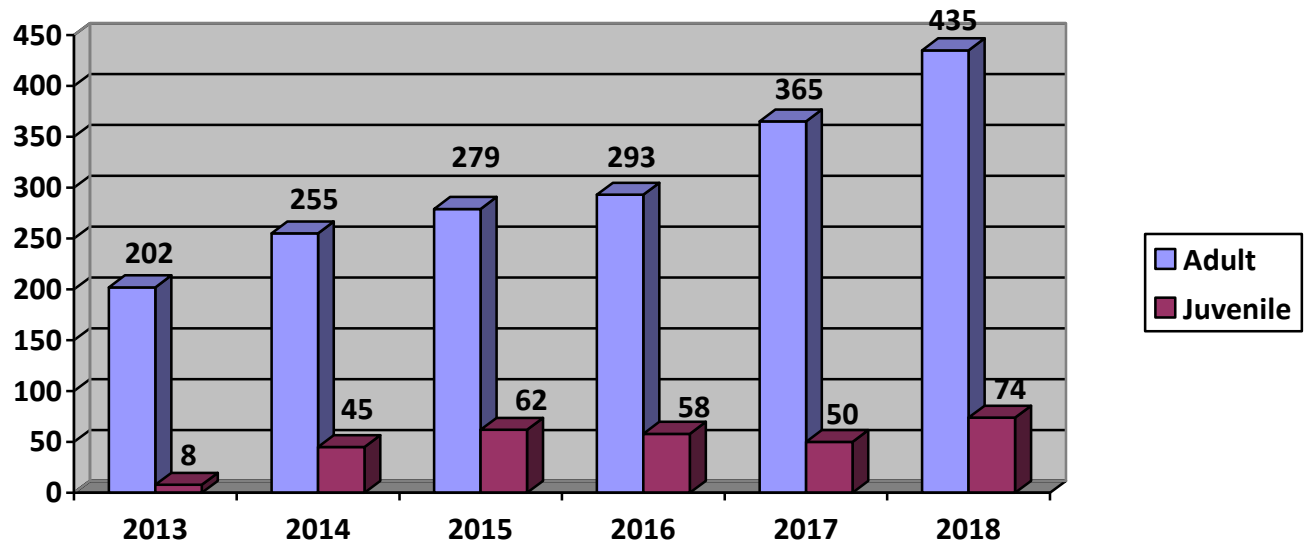
INVESTIGATIONS

Officers generated 1203 written offense reports. Offense Reports are written when a calls for service results in a criminal investigation, arrest or other police action requiring written investigative reports and follow-up activity. 2018 had a record high of investigative reports written

OFFENSE REPORTS, 2000 – 2018



ARRESTS



SPECIALIZED AREAS WITHIN THE LIVINGSTON POLICE DEPARTMENT

BICYCLE PATROL

Several specially trained officers continued to conduct bicycle patrols throughout the City at various times of the day and night, depending on workload and the availability of enough officers to provide vehicle patrol. Bicycle patrols are very effective in proactive patrol, being stealthy and versatile. Officers can cover much more area than foot patrols, and are less visible to potential offenders than marked patrol vehicles. Bicycle patrol officers are typically more approachable to citizens, affording enhanced interaction with the public.

SCHOOL RESOURCE OFFICER (SRO)

In 2001 the City entered into an agreement with the school district and a private citizen to fund a School Resource Officer position. The SRO is a sworn police officer who is assigned to the schools during the school year and is available for patrol during the busier summer months. The SRO program continues to be a highly effective program by interacting with the youth of the community in a positive and proactive setting. The funding for this program is currently split between the school district and the City.

MISSOURI RIVER DRUG TASK FORCE

The Livingston Police Department continued to be a member of the Missouri River Drug Task Force, a multi-jurisdictional effort funded by a federal grant with partial contributions from participating agencies. Pursuant to the agreement, the City of Livingston and Park County equally fund a portion of the costs necessary to provide one full time Park County deputy who works with the task force as a full time investigator. Our officer's work closely with this investigator, sharing drug related intelligence and forwarding cases for follow up investigation by the task force. These joint efforts continue to be successful in prosecuting drug offenders in Livingston and Park County.

CODE ENFORCEMENT

In 2018, the city underwent a citywide restructuring moving the code enforcement position from the public works department to the City police department. This resulted in an increase in the total number of sworn law enforcement officers in the LPD. The position was filled with an existing officer and proved very successful. Unfortunately, that officer resigned from the LPD and the position remained unfilled as we attempt to hire someone to fill that vacancy. The position is responsible for ensuring the city code compliance. This includes the 2-hour parking downtown, abandoned vehicles, trailers parked over the time allotment, blight, overgrown weeds, snow removal, along with other city codes.

CANINE UNIT

The department maintains one canine unit, consisting of a specially trained and certified dog/handler team. The canine is certified in narcotics detection, article search, tracking, building search, area search, officer protection and aggression control. Over 109 hours of training were completed in 2018 and annual certifications were received from the North American police Working Dog Association.

The canine unit assists other agencies upon request. In 2018, this included the Park County Sheriff's Office, Montana Highway Patrol, Montana Probation and Parole, and the Montana Department of Corrections. Five (5) public demonstration were conducted for various organizations throughout Park County.

The number of calls utilizing the K9 remained consistent with previous years with 30 total deployments.

CANINE DEPLOYMENTS BY TYPE

Building Searches	Apprehensions	Vehicle Sniffs	Tracking	Article Searches	Security	Felony Stops
5	1	12	5	2	1	0

LPD Canine Deployments by Agency (Agency Assists)

Livingston P.D.	Park County S.O./ MRDTF	Montana Probation & Patrol	Montana Department of Corrections	Montana Highway Patrol
21	6	1	1	1

USE OF FORCE INCIDENTS

Many force and equipment options are available to officers. They must choose an appropriate option based on the threat, either actual or perceived, including but not limited to: officer presence, verbal direction, physical control, chemical or inflammatory agents, impact weapons, Electronic Control Devices (Tasers), firearms, vehicles, and/or weapons of necessity or opportunity.

It is the policy of the Livingston Police Department that officers use the amount of force which is objectively reasonable to make an arrest, gain control of a situation, or to protect the officer or another from harm, given the facts and circumstances perceived by the officer at the time force is applied.

A separate written Use of Force Report is completed and documented, in addition to an incident report, in any of the following use of force incidents:

- Discharge of a firearm, accidentally or intentional, at or toward any person
- Striking of a subject with an impact weapon, or other weapon of necessity or opportunity.
- Discharge of a Taser.
- Use of force that results in injury to the subject, or complaints of injury.
- Use of physical or weaponless force against an individual to the extent it is likely to cause or lead to unforeseen injury, claim of injury or allegations of excessive force.
- Use of empty hand stunning or striking techniques.
- Discharge of a chemical weapons.
- Use of a vehicle as an offensive weapon.
- The use of a canine to apprehend a subject, resulting in a bite.
- The pointing of a weapon at any person, or drawing a weapon accompanied by verbal threats to use the weapon. This does not apply to the drawing of weapons in appropriate situations where officers do not point the weapon at any person or threaten to use the weapon.
- The use of leg restraints.

Separate Use of Force Reports are not required for weaponless hand to hand control techniques that have little or no chance of producing injuries when gaining control over or subduing non-compliant or resisting persons. These techniques include, but are not limited to, physical touching, escort holds, gripping or holding, frisking, or handcuffing.

Use of Force Reports

- | | |
|--------------------------------|----|
| • Use of force reports in 2018 | 20 |
| • Use of force reports in 2017 | 17 |
| • Use of force reports in 2016 | 16 |
| • Use of force reports in 2015 | 9 |
| • Use of force reports in 2014 | 24 |

Taser Deployments:

• Taser deployments in 2018	6
• Taser deployments in 2017	3
• Taser deployments in 2016	3
• Taser deployments in 2015	4
• Taser deployments in 2014	2
• Officers injured from Taser deployments in 2018	0
• Officers injured from Taser deployments in 2017	0
• Officers injured from Taser deployments in 2016	0
• Officers injured from Taser deployments in 2015	0
• Officers injured from Taser deployments in 2014	0
• Suspects injured from Taser deployments in 2018	0
• Suspects injured from Taser deployments in 2017	0
• Suspects injured from Taser deployments in 2016	0
• Suspects injured from Taser deployments in 2015	0
• Suspects injured from Taser deployments in 2014	0

Reason for Use of Force – 2017 (More than one may apply during each incident)

Effect Arrest	Prevent Escape	Defend An Officer	Defend Other Person	Restrain Person For Their Own Safety	Prevent Escalation Of The Situation	Felony Vehicle Stop	Alarm Call	Other
16	1	6	2	3	0	4	0	0

Resulting Outcome

Misdemeanor Arrest	Felony Arrest	Protective Hold (Mental)	Suspect Escaped	Other
9	9	1	0	1

At Time of Contact, the Individual was; (As perceived by officers)

Under Influence Of Alcohol Or Drugs	Suspected Under The Influence	Mentally Impaired	Emotionally Upset	Normal
9	0	1	2	8

Level of Resistance (More than one may apply during each incident)

None	Psychological Intimidation	Verbal Non-Compliance	Passive Resistance	Escape Resistance	Active Aggression	Aggravated Active Aggression - Weapon Visible	Aggravated Active Aggression – Weapon Used
3	7	12	9	9	3	1	0

Control Techniques Used (More than one may apply during each incident)

Verbal Direction Only	Verbal Commands While Displaying TASER	Verbal Commands While Displaying Impact Weapon	Verbal Commands While Displaying Firearm	Verbal Commands With Firearm Pointed At Individual	Soft Empty Hand Control Techniques	Chemical Weapon / Taser Used	Hard Empty Hand Control Techniques	Impact Weapon Used
0	3	0	5	2	8	6	0	0

PERSONNEL COMPLAINTS / COMPLIMENTS

The Livingston Police Department is committed to receiving and accepting complaints and compliments about the actions and performance of all our personnel. We believe the public is entitled to efficient, fair and impartial service. We investigate the allegations of employee misconduct, respond to inquiries about employee actions or department policy, and document all commendations received from the public.

We formally investigate all allegations and inquiries for the following reasons:

1. To protect citizens from misconduct by an employee.
2. To identify and take appropriate action against employees who violate the law, department policy, or rules and regulations.
3. To protect the department and those employees who conduct themselves appropriately.
4. To identify policies and procedures that may need review or change, and to find ways to improve the quality of service to the community.

Complaints against employees may be initiated by citizens or internally. Citizen complaints generally pertain to improper conduct or unsatisfactory service. Internal complaints generally deal with violations of policy, SOP or rules and regulations. Complaints are resolved in one of the following manners:

1. **Unfounded** – The investigation conclusively proved that the allegations or act complained of did not occur.
2. **Exonerated** – The acts that formed the basis for the complaint or allegation did occur, but were justified, lawful, and proper according to department policy or standard operating procedures.
3. **Not Sustained** – The investigation failed to discover sufficient evidence to clearly prove or disprove the allegations made.
4. **Sustained** – The investigation disclosed a preponderance of the evidence to prove the allegation(s) made.
5. **Sustained with Qualifications** - The investigation discloses the action complained of did in fact occur, but not in the manner or to the degree stated.
6. **Unresolved** – The investigation cannot proceed because the complainant failed to disclosed promised information to further the investigation; or the complainant wished to withdraw the complaint; or the complainant is no longer available to provide necessary information. This finding may also be used when information provided is not sufficient to determine the identity of the officer(s) involved.

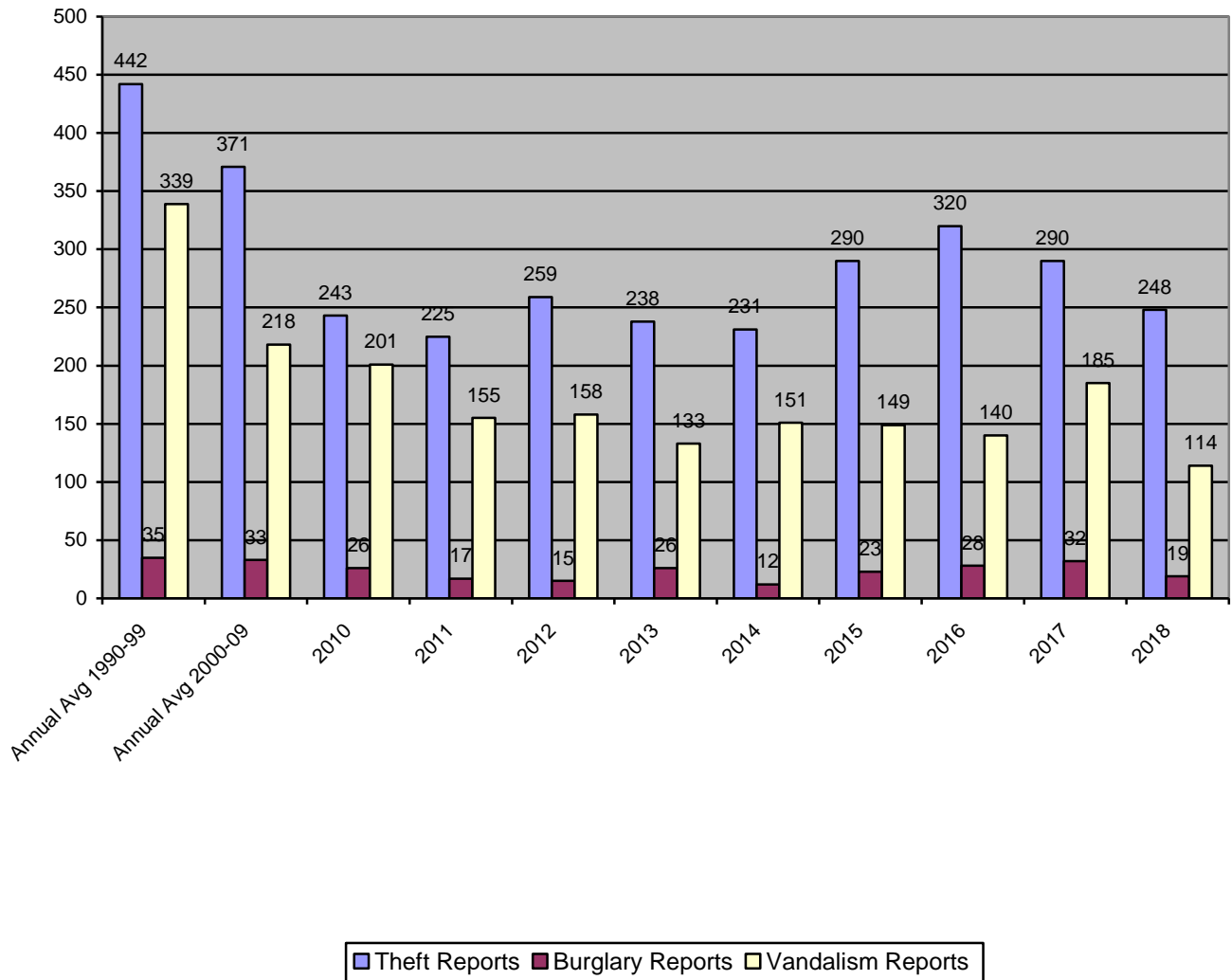
If a complaint is sustained against an employee, appropriate action will be taken. The action may involve counseling, written reprimand, suspension from duty, termination, criminal prosecution, or other action.

2018 PERSONNEL COMPLAINTS

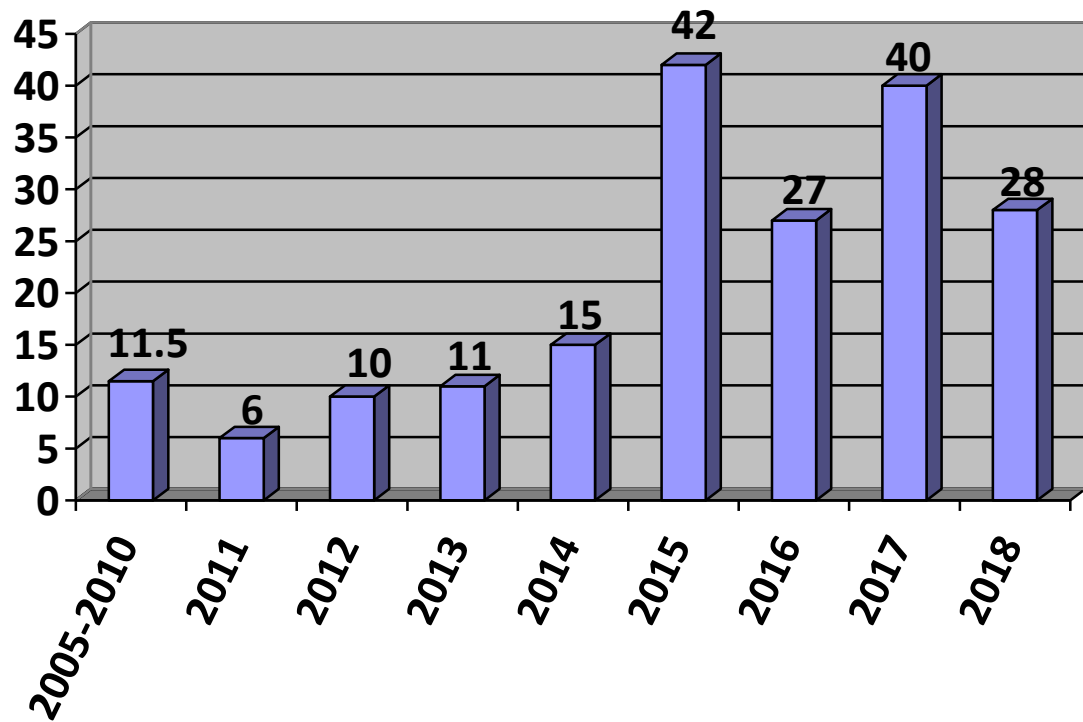
Complaint Type	Source	Findings	Resolution
Policy Violation	LPD Supervisor	Sustained	Counseling
Dissemination of L.E. Information	Citizen	Unfounded	
Discourteous Behavior	Citizen	Unfounded	
Discourteous Behavior	Citizen	Not Sustained	
Excessive Force	Citizen	Unfounded	
Dissemination of L.E. Information	Citizen	Unfounded	
Excessive Force	Citizen	Unfounded	
Excessive Force	Citizen	Not Sustained	
Failure to Act	LPD Supervisor	Sustained	Counseling
Use of department equipment for personal use	LPD Supervisor	Sustained	Reprimand

PROPERTY CRIMES REPORTED

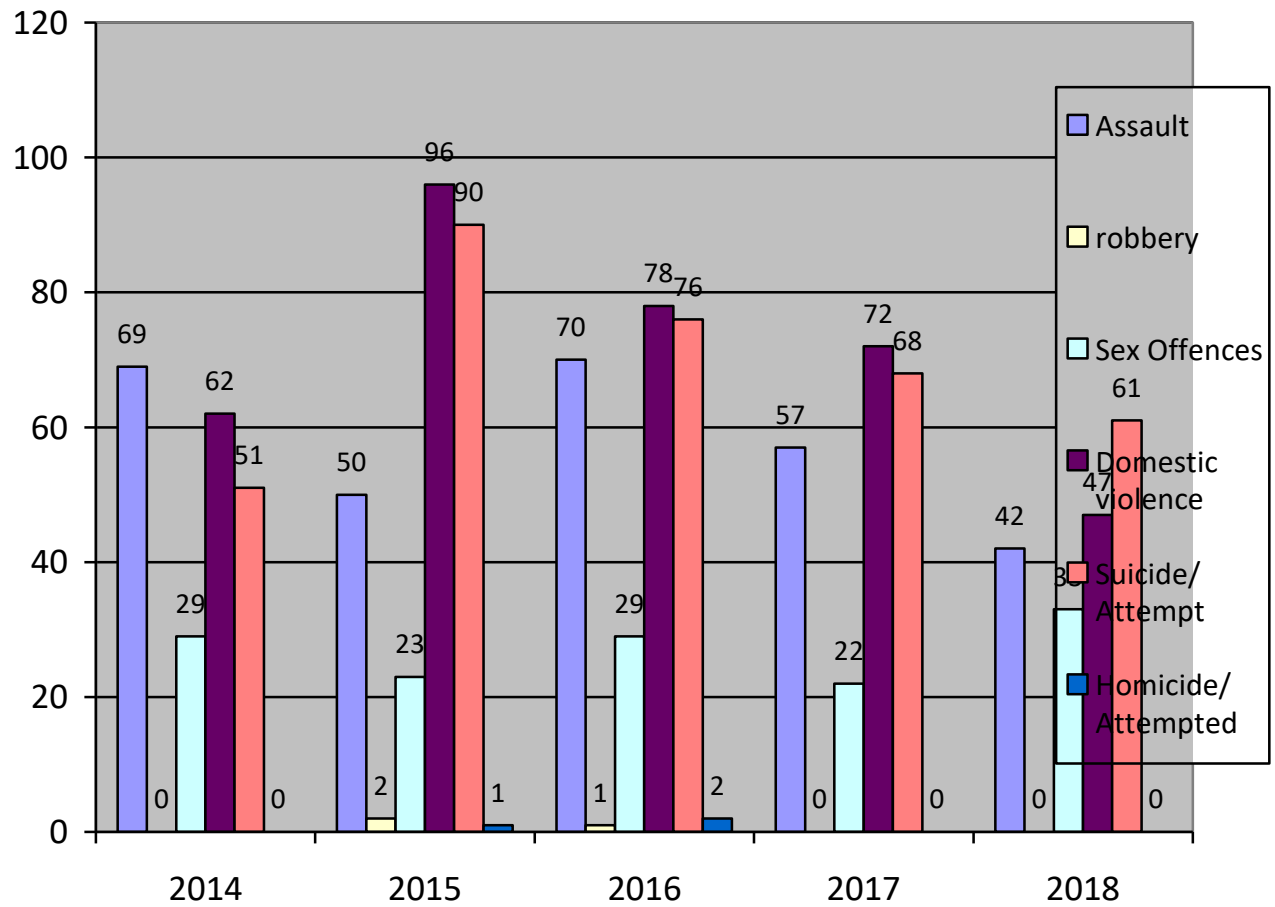
Property Crimes Reported, 1990 – 2018



Stolen Vehicles



VIOLENT CRIMES REPORTED



We received 399 complaints of some type of a Disturbance in 2018. While these calls can range from loud music to verbal domestic arguments, the vast majority of them are due to disorderly individuals.

VEHICLE ACCIDENTS

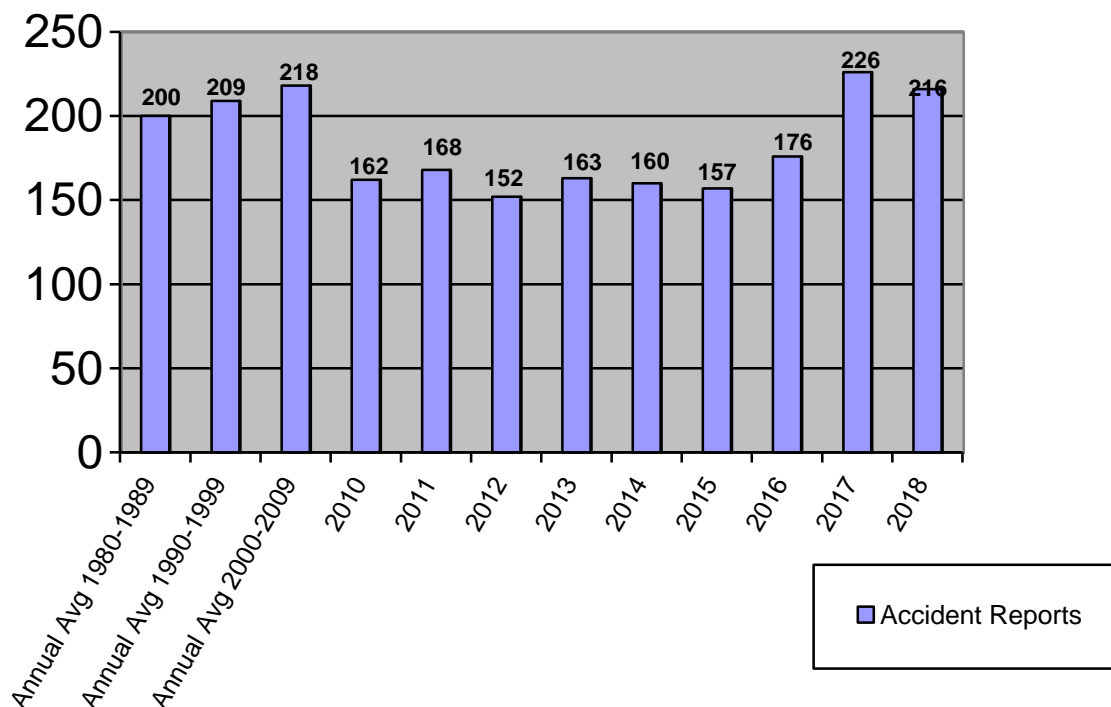
Officers completed 216 vehicle accident reports in 2018. Another high year for crashes. As the City increases jurisdiction of more roads through annexation and development, one would infer the accident rate would continue to rise.

Of the accidents that occur on public roads (not including private property, such as parking lots), most, 51%, were not intersection related.

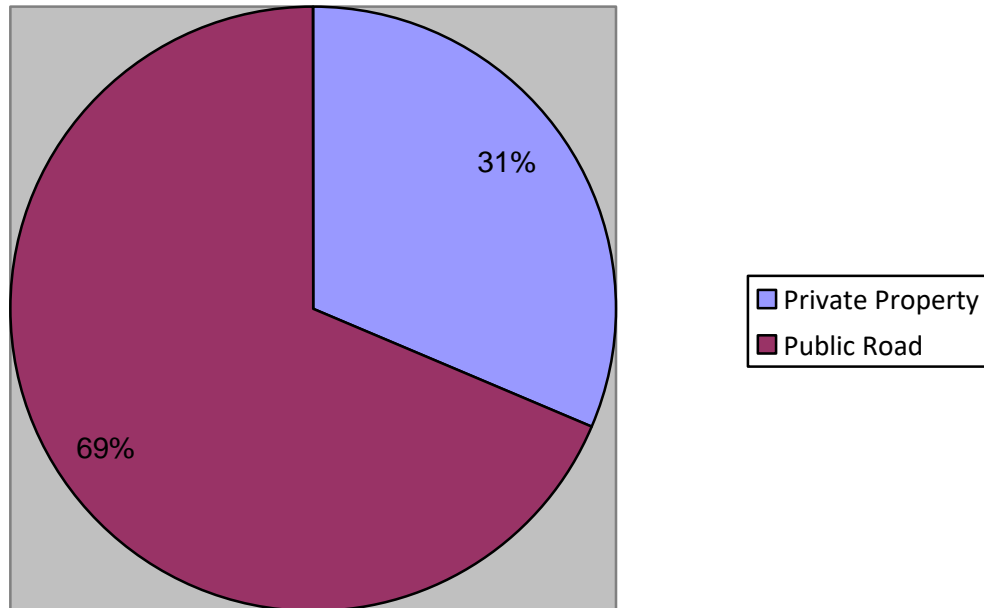
90% of intersection related accidents occur at controlled intersections. Controlled intersections are those where a yield sign, stop sign or traffic light regulates at least one roadway.

In 2018, only 5% of all crashes on public streets occur at uncontrolled intersections, contrary to popular belief, uncontrolled intersections continue to pose the least significant risks for crashes.

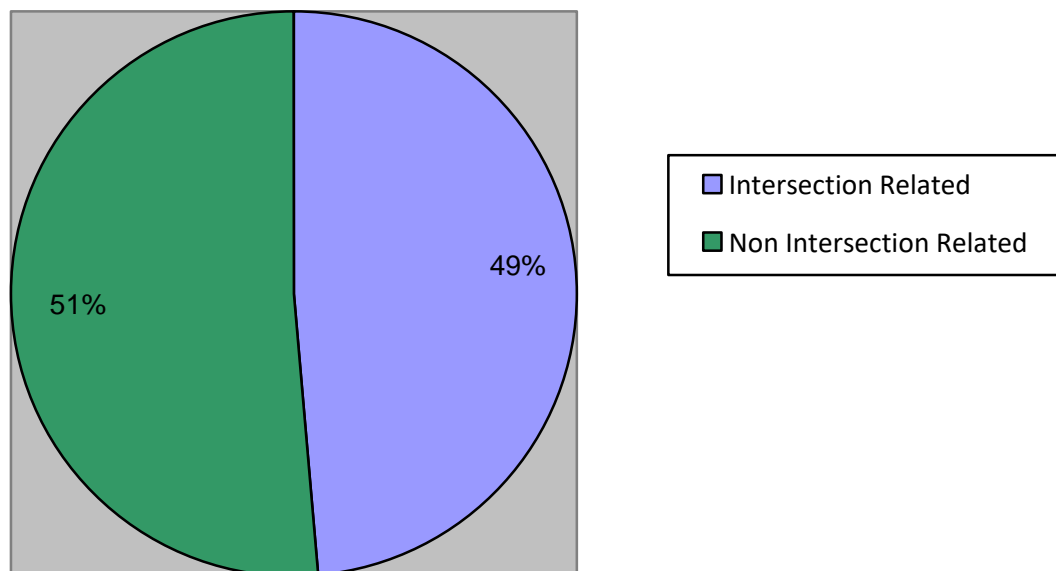
Vehicle Accident Reports, 1980 – 2018



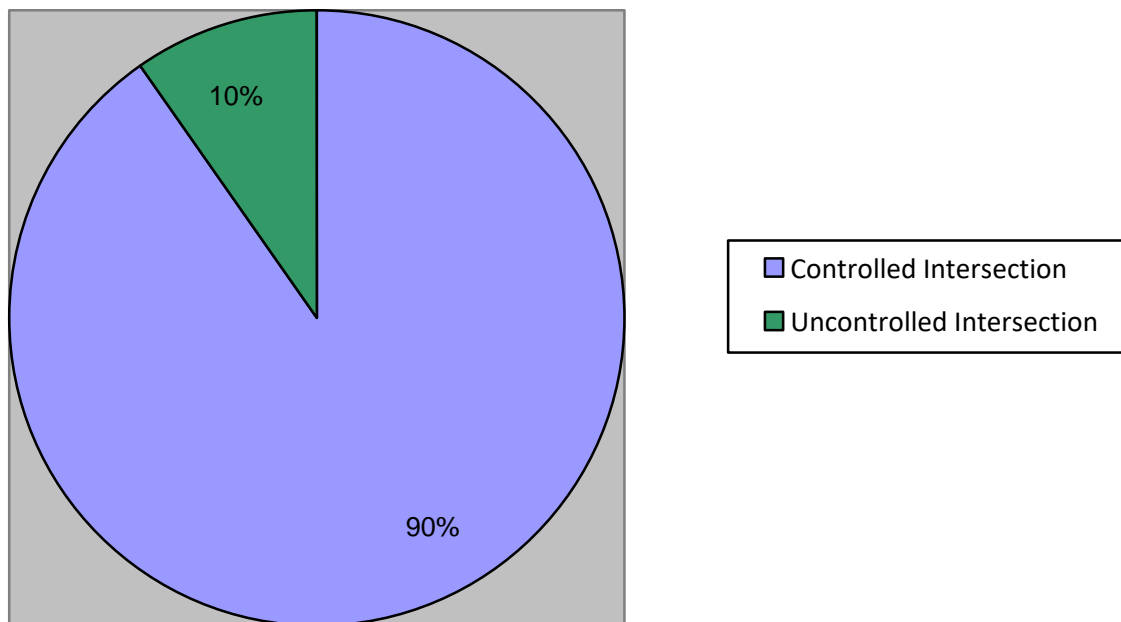
Total Accidents; Private Property vs. Public Road



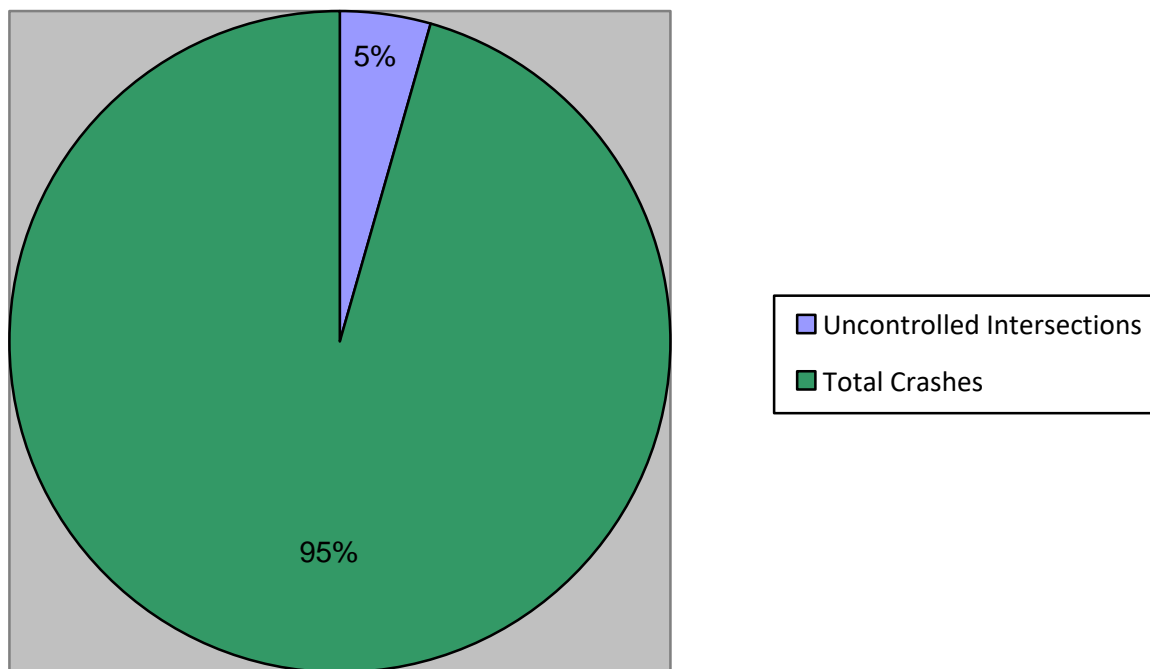
Intersection Accidents that Occurred on Public Roads (Private Property Accidents Not Included)



Intersection Related Accidents; Controlled vs Uncontrolled

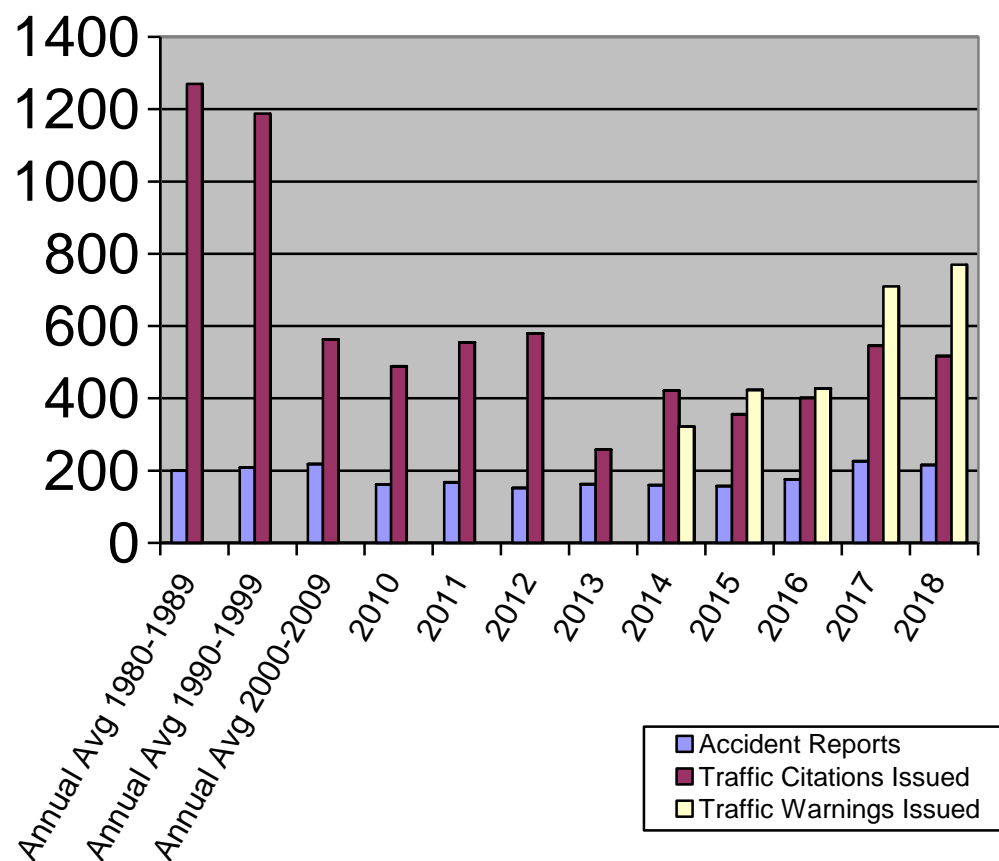


Uncontrolled Intersection vs. Total Public Road Crashes



Although traffic enforcement is an important public safety tool and a means to address specific problems, based on historical accident data aggressive traffic enforcement or the number of citations and warning issued do not seem to correlate to lower accident rates. With the software system we began in using in the fall of 2013, we are now able to track traffic warnings issued as well as traffic citations.

Vehicle Accident / Traffic Citation Ratio, 1980 – 2018



RACIAL PROFILING AND TRAFFIC STOP DATA

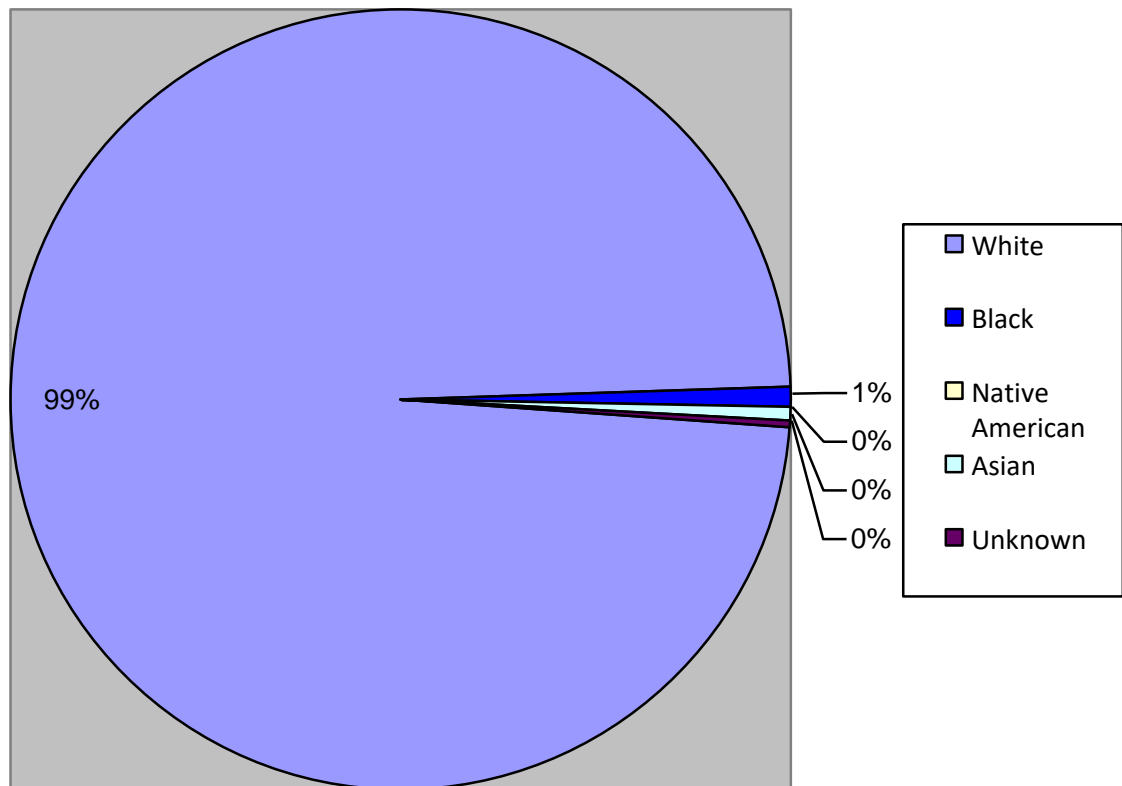
Pursuant to the requirements of 44-2-117 MCA, department policy requires the collection of data for each traffic stop that determines whether any officer has a pattern of stopping members of minority groups for violations of vehicle laws in a number disproportionate to the population of minority groups residing or traveling within our jurisdiction.

Officers are required to document the race or ethnicity of the driver and record the information into our records management system to be used to compile racial profiling data. The determination is based on their perception of the person's race. The diagrams below show the number of drivers, by race, ethnicity, sex and age that were stopped in 2018.

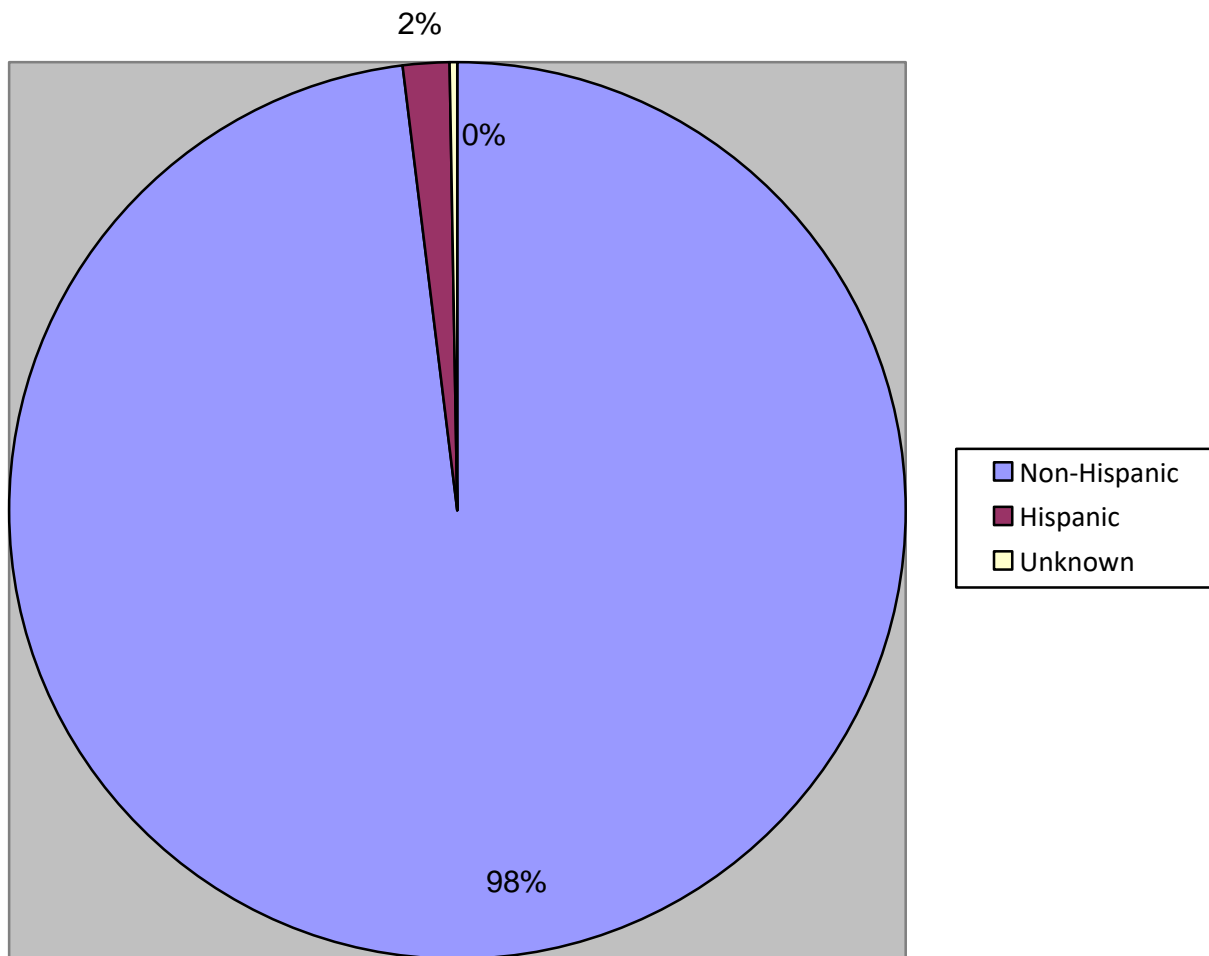
Consistent with the requirements of law, department policy provides for an annual review of this data. If the review reveals a pattern of any officer(s) of the Livingston Police Department stopping members of minority groups for violations of vehicle laws in a number disproportionate to the population of minority groups residing or traveling within our jurisdiction, an investigation must be conducted to determine whether the officer(s) routinely stop members of said minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law. The required review is incorporated into the Livingston Police Department Annual Report of Statistics, and this shall be considered the required review.

Upon review of departmental statistics, and having received no complaints alleging racial profiling from any person in 2018, there is no reason to conclude that officer(s) routinely stop members of minority groups for violations of vehicle laws as a pretext for investigating other violations of traffic or criminal law.

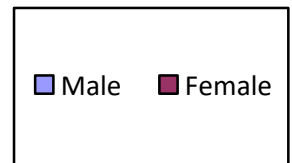
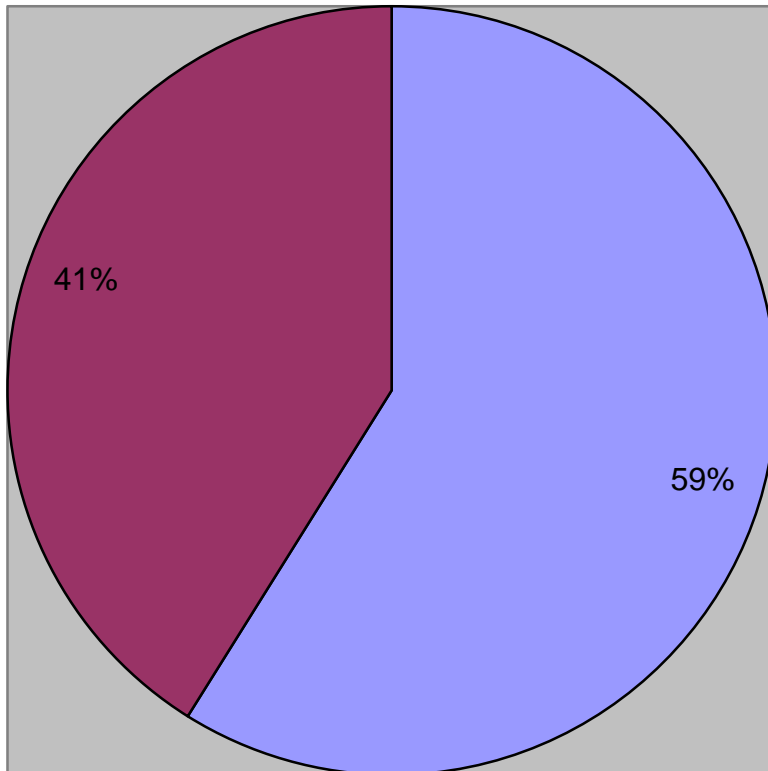
2018 Traffic Stops by Race



2018 Traffic Stops by Ethnicity



2018 Traffic Stops by Sex



2018 Traffic Stops by Age

