EXHIBIT 20
DATE 2/15/07
HB 636

AG: Patrol will drop 'guidelines' for officers

By CHARLES S. JOHNSON - IR State Bureau - 07/14/05

HELENA — Attorney General Mike McGrath said Wednesday the Montana Highway Patrol is expected to drop its controversial "guidelines" on how many traffic stops its officers are encouraged to be make each hour.

The attorney general, who as the state's chief law enforcement officer oversees the patrol, said there are evolving standards on how the Highway Patrol management should evaluate the performance of the patrol officers on the road.

"In the next few weeks, we will have a written final policy on how we evaluate performance," McGrath said. "I think it's safe to say there won't be any numbers for stops and DUIs."

Later this summer, the Highway Patrol and Justice Department will issue a "specific written policy so that prosecutors and defense attorneys understand what the specific polices are," he said.

Since July 1, each patrol officer driving on the state's roads has been expected to meet the target of stopping at least one vehicle per hour, even if no tickets are issued, the State Bureau reported last week. These goals don't apply to officers when investigating accidents, receiving training or testifying in court.

The patrol's chief, Col. Paul Grimstad, last week described these targets as guidelines — not quotas —aimed at reducing traffic accidents, fatalities and drunken driving on the state's highways. He said the public is expecting more out of the Highway Patrol after the Legislature gave officers a higher pay raise than other state employees and expanded the patrol staff.

Grimstad also implemented guidelines in December 2004 for each officer to issue at least 12 tickets a year for alcohol-related infractions such as driving or walking while intoxicated.

Asked why the Justice Department and Highway Patrol are dropping these guidelines in evaluating patrol officers, McGrath said these goals were "never going to do."

"The Legislature said don't do quotas," he said.

McGrath said the alcohol-related citation goal "is totally gone" because it's inconsistent with a 2005 law prohibiting local and state law enforcement quotas on tickets, except when used to evaluate an officer's job performance. He thought this goal was dropped this spring.

As for the traffic-stop-an-hour goal, McGrath said, "It's clear that's probably not going to work either. People interpret that as a violation of the law."

It's not, McGrath said, because the goal isn't intended for citations but as a means for managers to evaluate the job performance of Highway Patrol officers.

The 2005 Legislature passed and Gov. Brian Schweitzer signed into law a proposal by

Sen. Frank Smith, D-Poplar, that specifically prohibits local and state law enforcement agencies from imposing specific "quotas" telling officers how many arrests they must make or tickets they must issue.

As amended by Sen. Jeff Mangan, D-Great Falls, the law provides an exemption, by saying that quota "does not include the use of generally accepted management techniques that employ performance objectives as part of an overall employee evaluation."

Rep. Jonathan Windy Boy, D-Rocky Boy, warned this week that these goals could lead to racial profiling near the state's American Indian reservations. Grimstad disagreed.

Windy Boy said he would push in the anticipated special legislative session later this year to outlaw the guidelines as well as quotas.

McGrath said the issue facing the Highway Patrol is how best to evaluate the job being done by its officers.

"How does a manager determine whether a person is adequately performing their job as a Highway Patrol officer?" McGrath asked. There are other ways besides stop guidelines and ticket targets for a patrol sergeant to evaluate the job done by an officer, but the agency will still use "management by objective."

Among the potential measurements, he said, are how did the officer do testifying in court, what kind of complaints have been registered about the officer, how prolific is an officer in investigating accident and how proficient is the officer's driving skills.