

June 1, 2007

**Sheriff Mike McMeekin**  
**200 W. Broadway**  
**Missoula, MT 59802**

**RE: Response to Correspondence dated February 23, 2007**

Dear Sheriff McMeekin:

Thank you for your letter to the MCS02006-02 Community Oversight Committee. This correspondence is an attempt to address all pertinent parts of your correspondence.

As to your response regarding Section 6, subsection (2) (d) [Supplemental report form]; the Form Subcommittee, through discussions with you understands the newly established record management system (RMS) should be able to generate a comprehensive report satisfying Missoula County Initiative No. MSLA2006-02's requirements. The report will contain required information on adult marijuana arrests, citations, property seizures, searches, and warnings from the record management system (RMS) for the specific purpose of implementing the Initiative's Oversight requirements (Marijuana Warning, Arrest, Citation, Search, or Seizure Reporting Form, Information for the Oversight Committee, attached). Using a new form/report specific to Initiative 2 would minimize the risk of confusion and the possibility that information wouldn't be collected and kept together in a single place. The Oversight Committee understands the reporting system already in use will most likely suffice. As a back-up to the above strategy for collecting information, please see the accompanying 300 copies of "Marijuana Warning, Arrest, Citation, Search, or Seizure Reporting Form, Information for the Oversight Committee." This green hard copy is for use in the interim and on an as needed basis.

Section 6, subsection (2) (e) [Department attendance at the Committee meetings]; the Committee understands the Sheriff's intention to function as the sole representative of his law enforcement agency. At the same time, the Committee is charged by the Initiative to request the attendance of any deputy if it wishes.

Section 6, subsection (2) (iv) [Time and money estimates]; Estimating the financial cost of adult marijuana enforcement; the Committee understands that when multiple charges are involved it may be difficult to quantify the cost of enforcement actions specific to marijuana. At least initially, however, the Committee would like to collect as much detailed information as possible on each arrest or incident, as a means of learning more about these complexities and their frequency. The proposed draft report/form provides for a deputy(s) to record the total amount of time involved in each possible stage of a marijuana-related encounter, and how much of that is attributable to the marijuana charge. In order to generate an adequate cost estimate, the Committee requests the average hourly wage plus benefits of a Missoula County Deputy. This would allow the Committee to do its own assessment based on the number of marijuana and non-marijuana-related charges that might be involved in a particular case. The Committee welcomes your estimate of the above mentioned costs.

Section 6, subsection (3) [Activity summary for November, 2005 though November, 2006]; Historical (Pre-November 2006) Data; the Committee requests information from November 2005 through the initiative's enactment in November 2006. The Committee requests the following information as pursuant to Missoula County Initiative No. MSLA2006-02, Section 6 (3)(a):

- “(i) the number of infractions, misdemeanor, and felony arrests, citations, and prosecutions for adult marijuana offenses;
- (ii) the number of arrests, citations, and prosecutions for adult marijuana offenses, categorized by the specific charge;
- (iii) the locations of the arrests and citations; and
- (iv) the breakdown of arrests and citations by race and age.”

Section 6, subsection (3) (b) [5-day reporting]: Timely reports to the Oversight Committee; in keeping with the language of the Initiative, the Committee requests that the Sheriff provide written/electronic reports on arrests and other incidents within five working days of their occurrence. The Committee will designate the specific member or members of the Committee to whom this information should be directed on behalf of the Committee.

Until the reporting form/report can be finalized, implemented, and actively utilized, the Committee requests the Sheriff provide basic information about the number of arrests that have occurred since November 2006. This information summary should include:

- Number of arrests involving adults for marijuana offenses; this should specify misdemeanor charges or felony charges
- Estimates of the total amount of time involved in each possible stage of a marijuana-related encounter, and to provide an estimate of the dollar value of total amount of time spent on a particular case and how much of that is attributable to the marijuana charge (if charge is incidental to other charges)
- Estimate total number of law enforcement man hours spent since November 2006 on adult marijuana.
- Number of adult marijuana arrests wherein a federal law enforcement agency is involved in any way.
- Number of adult marijuana arrests wherein Missoula County Law Enforcement deputies and other county employees were deputized or commissioned by a federal law enforcement agency.
- Locations of the arrests and citations; and
- Breakdown of arrests and citations by race and age.

In your letter to the Oversight Committee, you pose a general question related to grievances, as follows:

- “What does the Committee intend to do with any grievances that may be received as they relate to activities of the Sheriff’s Department?”

To this question, you issued the following statements (numbered and in quotes):

1. “Policy and procedure governing the Sheriff’s Department response to the initiative are an internal department function, not the Committee’s. Policy and procedure are in the draft stage and will be finalized once you and I have clarified your information needs and reporting format”.

Initiative 2 directs the Oversight Committee to collect “any grievances from individuals [underlining added] who believe they were arrested, cited, investigated, subjected to property seizures, or subjected to other law enforcement activity contrary to the spirit of the lowest law enforcement priority policy”. Initiative language directs the Committee to collect grievances from “individuals who...” The Committee intends to discharge its duties accordingly and makes no attempt to influence or direct internal Department function, policy or procedure.

2. “The Sheriff’s Department has well established policies governing employee conduct and there is no need to revise them in response to the initiative.”

The Oversight Committee has made no attempt to direct or revise Department policy regarding employee conduct. The Oversight Committee recognizes a distinction between employee conduct per se, which clearly falls within the purview of department policy, and the employee’s decision-making and law enforcement activity with regard to implementation of the Initiative. Section 6 of the Initiative clearly outlines the Committee’s role in this regard (see below).

MCSO2006-02. Section 6, (2) (c), the Oversight Committee is charged with:

“Collecting any grievances from individuals who believe they were arrested, cited, investigated, subjected to property seizures, or subjected to other law enforcement activity contrary to the spirit of the lowest law enforcement priority policy”.

3. “If the Committee receives a grievance relating to “law enforcement activity contrary to the spirit” of the initiative, the grievance should be directed toward me as the department head and not toward an individual employee(s) of the Sheriff’s Department. I would encourage you to take whatever steps you feel are necessary to resolve the grievance”.

As previously noted, Initiative 2 clearly directs the Oversight Committee to collect “any grievances from individuals who believe they were arrested, cited, investigated, subjected to property seizures, or subjected to other law enforcement activity contrary to the spirit of the lowest law enforcement priority policy”. The Initiative 2 Grievance procedure will provide clear direction and support for the process by which individuals wish to file grievances pertaining to Department employee conduct.

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4. "If the Committee receives a grievance alleging inappropriate conduct by a Sheriff's Department employee that does not relate to prioritization of the employee's actions, details of that grievance should be promptly submitted to me in writing for investigation and response according to existing policy and procedure".

Individuals wishing to file grievances with the Committee will be encouraged to register complaints through existing Department grievance channels. If the Committee receives a grievance alleging inappropriate conduct by a Sheriff's Department employee that is unrelated to marijuana law enforcement offenses, the individual filing the grievance will be directed to register their complaint through existing Department grievance channels.

Thank you for the questions you provided to the Committee. We hope this correspondence addresses your questions and look forward to working with you in the future.

Sincerely,

Missoula County Community Oversight Committee

Encl.