

Traffic Safety Standard

Providing relevant information to Montana's prosecutors, law enforcement and judges

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Montana's Traffic Safety Resource Prosecutor (TSRP) position is funded by the Montana Department of Transportation as part of a comprehensive effort to reduce the number and severity of traffic crashes, injuries, and fatalities on Montana highways.

The views presented in this newsletter are meant to inform but do not necessarily reflect the views of MDT.

The expansion of the Drug Recognition Enforcement program beginning in 2009, the passage of a law allowing law enforcement to obtain search warrants for blood in some DUI cases in 2011, and the Bakken oil boom (which many will tell you is no longer a boom, but an industry that is here to stay) have changed the way we look at DUIs in Montana. Our law enforcement officers today are better able to detect drugged driving than they were just five years ago, and in Eastern Montana another trend is noticeable: the growing availability and use of illicit drugs. As is typical of the resourceful and innovative nature of Eastern Montanans, several counties joined together to create a program designed to assist them in efficiently combating these crimes. The article below outlines this new program:

The Eastern Montana Drug Prosecution Coordinator

A new program aimed at strengthening drug investigations and prosecutions has launched in Eastern Montana. Diane Cochran is the first Eastern Montana Drug Prosecution Coordinator. Ms. Cochran is tasked with addressing the challenges faced by investigators and prosecutors working drug cases in 17 rural counties.

Her position is funded with a two-year grant from the Montana Board of Crime Control. Valley County Attorney Nickolas Murnion and the Glasgow Police Department partnered to win the funding.

The grant was awarded for Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Phillips, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Treasure, Valley, and Wibaux counties.

The area totals 48,500 square miles and is home to 79,414 people, according to the 2011 U.S. Census. That works out to about 1.6 people per square mile.

Despite its frontier nature, illegal drugs continue to be a problem in Eastern Montana, especially in areas affected by the Bakken Oil Boom.

Across the state last year, law enforcement agencies reported seizing drugs in almost 3,000 separate investigations, according to Montana Board of Crime Control statistics. The most frequently seized drug was marijuana, which was discovered in more than 2,000 of the investigations.

The manufacturing and distribution of illegal substances isn't the only concern. People are driving while under the influence of drugs. In 2012, the Montana State Crime Lab processed more than 900 drunken-driving cases that also involved illegal drugs. That's up from just more than 300 drunken-driving cases involving illegal drugs in 2007.

The most common illegal substance that the Crime Lab finds in DUI cases is marijuana. It was detected in almost 550 cases last year. Methamphetamine was detected in about 130 DUI cases last year. Other drugs included hydrocodone, oxycodone, methadone, morphine, and fentanyl.

In Eastern Montana, investigators and prosecutors often have limited resources with which to tackle the illegal drug trade. Ms. Cochran's job is to serve as a clearinghouse

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for those resources, developing them as needed and sharing them among agencies. She is open to suggestions and will be traveling to each of the 17 counties at least once a year to meet with interested parties.



Her first order of business is to develop a drug prosecution manual. The manual will cover the basics of best practices for drug cases, including issues related to confidential informants, search warrants, charging options, suppression motions, and sentencing. She also will develop a library of legal briefs and is available to research and write briefs. Finally, Ms. Cochran will host training on issues related to drug cases, including a seminar titled "Sex, Drugs and Trafficking" slated for Nov. 12-14 in Sidney.

Ms. Cochran is a 2013 graduate of the University of Montana School of Law. She grew up in Billings and worked as a newspaper reporter in Montana for 10 years before attending law school. She and her fiancé, who also is a prosecutor, live in the Bull Mountains near Roundup.

She may be reached by calling 406-230-1428 or e-mailing emptdc@gmail.com.



Recent Traffic Safety Case Highlights

Court decisions affecting enforcement on our roads:

State v. Wagner, 2013 MT 159. Particularized suspicion of a DUI existed given the facts. The court reasoned, “[t]he question . . . is not whether any one of the defendant’s driving aberrations was itself illegal; rather, it is whether the officer can point to objective and articulable facts which, taken together, with reasonable inferences that may be drawn therefrom, warranted a suspicion of criminal wrongdoing” ¶12 (citations omitted).

State v. Marcial, 2013 MT 242. Particularized suspicion of a crash occurred when the officer “witnessed [Defendant’s] vehicle make an unexpected hard left turn into an area with no cross streets, drive up on the sidewalk and onto the grass, and come to an abrupt stop nearly perpendicular to the street at 1:15 a.m. [the officer] then observed a fire hydrant that was in a position indicating it could have been hit by [Defendant’s] vehicle, thus explaining the abrupt stop.” ¶18.

For the complete text of the opinions, go to <http://searchcourts.mt.gov/>.



Montana TSRP

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Past issues of the Traffic Safety Standard
are online at:

www.mdt.mt.gov/tsrp/newsletters.shtml

Training Dates

Course Title	Date	Location	Registration Information
2013 Annual Transportation Safety Meeting	October 16-17 8:00 am-4:30 pm	Gateway Center 1710 National Avenue Helena, MT	Email plangedavis@mt.gov no cost
Montana County Attorneys Association Winter Conference	Dec 4-6	Crowne Plaza, Billings	Email perryee@mt.net for more information
DUI Task Force Statewide Meeting	November 5-6	Gateway Center, Helena	Email ldemont@mt.gov for more information- no cost
Sex, Drugs, and Trafficking	Nov 12-14	Sidney	Email barb@inmantraining.com no cost
Prosecuting the DUI	April 1-3, 2014	Fort Harrison, Helena	Email barb@inmantraining.com no cost
<u>Conducting Compliance Check Operations</u>	Ongoing	Free - Online course	course details
<u>Environmental Strategies</u>	Ongoing	Free - Online course	course details
<u>Party Prevention and Controlled Party Dispersal</u>	Ongoing	Free - Online course	course details
<u>Techniques for Managing Special Events</u>	Ongoing	Free - Online course	course details
Source Investigations	Ongoing	Free - Online course	Coming soon

For information about more trainings and conferences, please go to <http://www.mdt.mt.gov/tsrp/> and click on "Education and Training Opportunities"

MDT attempts to provide accommodations for any known disability that may interfere with a person participating in any service, program, or activity of the Department. Alternative accessible formats of this information will be provided upon request. For further information call (406) 444-3423, TTY (800) 335-7592, or the Montana Relay at 711.