

## **COUNCIL WORK SESSION**

Tuesday, September 12, 2017 at 4:30 p.m.

Casper City Hall

Council Meeting Room

### **AGENDA**

1. Consideration of Changes to the Alcohol Court (Pete Meyers, Diane Smith)
2. Public Intoxication Penalty Phase (Judge Hand, Councilman Johnson)
3. Minor in Possession (MIP) Probation Discussion (Will Chambers)
4. Review of the 2016-2017 CAPER for HUD (Joy Clark)
5. Potential Revenue/Fee Adjustments (Liz Becher)
6. City-Owned Property Bid Awards (Liz Becher)
7. City Manager Report
8. Future Agenda Review
9. Council Around the Table

Mayor Humphrey called the meeting to order at 4:30 p.m. with the following Councilmembers present: Pacheco, Morgan, Johnson, Laird, Huckabay, Powell, Walsh, Hopkins and Mayor Humphrey.

City Manager Napier began the discussion on the consideration of changes to Alcohol Court. He stated that Council brought concerns about Alcohol Court to staff's attention, and staff has done analysis on its effectiveness. He then introduced Pete Meyers, Assistant Support Services Director, to review this data with Council. Mr. Meyers began by explaining that this issue came up during Council's budget sessions and that Alcohol Court was considered as a possible budget cut. Council directed staff to review this cut in more detail and research the effect this would have on public safety and the budget. He then went over the statistical trends that have been seen in Natrona County since the implementation of Alcohol Court, including an overall trend downwards for alcohol-related accidents and DUI (Driving While Under the Influence) arrests and no change in probation revocations and recidivism. He noted that these trends are also mirrored in an overall decline in alcohol-related accidents and DUI arrests statewide. He then reviewed the impact on the budget with removing Alcohol Court and prosecuting DUI's in the normal Municipal Court. He stated the City would still require a prosecutor, a judge, and a clerk and the new system would lead to more incarceration time. It would become more of a punishment versus treatment model.

Judge Nachbar, Municipal Alcohol Court Judge, then reviewed the purpose and positive impact of Alcohol Court on the community. He explained that a Governor's Council on Impaired Driving was formed a few years ago in response to Wyoming's poor standing nationwide with respect to this issue. Natrona County had higher numbers of DUI's and alcohol-related crashes compared to other counties of the same size in Wyoming. Alcohol Court was created in response to these trends with the objective of treating DUI's as a serious crime and increasing the intensity of probation and supervision for these crimes. He explained that Alcohol Court is a hybrid and is not a separate drug court as defined in state statute. He then reviewed some of the sentencing guidelines for first time offenders and aggravated cases and reviewed the supervision and sentencing structure for offenders. He noted that there has been significant improvement in the DUI statistics in Natrona County since the implementation of Alcohol Court.

Councilmember Laird brought up concerns related to having part-time judges who practice as attorneys in higher courts. Councilmember Walsh explained that public safety should be a top priority of Council and that this was implemented in order to respond to a problem within Casper. He stated that he would be open to fine-tuning the process if need be but the cases heard in Alcohol Court warrant one judge for just those cases. Councilmember Huckabay asked about the high case load for the one Alcohol Court caseworker and expressed concern about Alcohol Court being punitive versus therapeutic and the difficulty for low income individuals to succeed through the program. Councilmember Powell stated that statistics show that when someone is finally arrested for a DUI they have usually driven 77 to 220 times under the influence and have been repeatedly putting other people at risk. The fear of punishment is a deterrent for these crimes and the City should continue to have high standards for dealing with these crimes. He stated that there is a small group of true alcoholics who need treatment, but that is a separate issue. Councilmembers Pacheco and Hopkins stated that they agreed with Councilmembers Walsh and Powell.

Councilmember Laird stated that the City's Alcohol Court is not statutorily authorized. Mayor Humphrey asked Judge Nachbar if it is legal the way it operates. Judge Nachbar explained that the cities do have the authority to create municipal courts and the Alcohol Court operates as a part of Casper's Municipal Court. Mayor Humphrey then asked if the Alcohol Court is cost-effective. City Manager Napier responded that after reviewing the data, getting rid of Alcohol Court would save the City somewhere between \$12,000 and \$20,000. Council gave their thumbs up to keep the Alcohol Court.

Council decided to postpone discussing Items 4-9 from the Work Session Agenda due to time constraints.

Next, City Manager Napier introduced the topic of a public intoxication (PI) penalty phase. Councilmember Johnson began the discussion by explaining that there are many homeless and low income individuals who are charged with PI. These individuals either cannot pay their fines or do not show up to court which results in arrest warrants. This punishment does not correct

behavior and has a very high cost for the City. He stated that he would like to propose the possibility of a 12 hour time-served option for these individuals where they could sign an admission of guilt and accept the 12 hours they would spend in jail anyway as their time-served. They would still have the option to fight the charge in court if they so choose. Municipal Court Judge Hand stated that he likes this idea and it will help people who are in the fine cycle and will give people options. Councilmember Walsh stated that this has been an issue for a long time, and the appropriate thing to do would be to get these people off the street and into a detox center. Councilmember Powell stated that a detox center requires fulltime medical staff which is very expensive. Municipal Court Judge Collier stated that currently there is only an option of fines for these cases and other options would be beneficial.

Municipal Court Judge Hand discussed the issues that have arisen in relation to Minor in Possession (MIP) charges and imposing jail sentences. He laid out some possible options for correcting the problem which included asking the legislature to clarify the statutory language, amending the City's language to mirror the current State statute, or amending the City's language to allow for jail time. He reviewed the advantages and disadvantages for each of these options.

Councilmembers discussed several ideas for how to address these two problems. City Manager Napier stated that he gathered the consensus from Council was to direct staff, the Municipal Court judges, and the Judicial Committee to evaluate some tools that would be beneficial in addressing the MIP and PI issues and to bring those ideas back to Council for further discussion. Council agreed with this statement as a means to move forward on these issues. Mayor Humphrey stated that currently MIP's are only being dealt with by imposing fines. Councilmember Laird asked that staff also look into correcting past sentences, and City Manager Napier responded that they will research that also.

City Manager Napier stated that there will be a public hearing on September 19 for agenda item number four due to federal deadlines, and staff can get Councilmembers a copy of that. Councilmember Laird asked that Council be advised on the judgment regarding Council that came down a few days ago. Mayor Humphrey stated that the City Attorney's office is on top of this and will update Council as soon as possible.

Mayor Humphrey reminded Council to keep meetings professional by staying on topic, not cutting over each other, refraining from talking out of turn, and keeping side conversations to a minimum.

The meeting was adjourned at 7:15 p.m.

ATTEST:

CITY OF CASPER, WYOMING  
A Municipal Corporation

---

Tracey L. Belser  
City Clerk

---

Kenyne Humphrey  
Mayor