

# MISSOULA COUNTY ATTORNEY'S OFFICE

## ANNUAL REPORT FOR 2016



Photo credit Tiffany Uylaki

### Introduction

Thanks for your interest in the Missoula County Attorney's Office. As your elected County Attorney, my utmost priority remains the safety of our community and I continue to seek out ways to better serve the county and its citizens. As part of those ongoing efforts, we are committed to analyzing detailed data to identify crime trends, examine the bigger picture and fill response gaps. This report is the resulting document, which I offer as a window into the workings of your prosecutor's office. It is no

longer enough to be tough on crime. We have to be smart on crime. This report summarizes our efforts and details some of the challenges and successes of the first half of my term as your elected legal representative.

*Kirsten H. Pabst*

Missoula County Attorney

### Staffing

In 2017, the Missoula County Attorney's Office will employ 40 full-time employees, including 21 attorneys and 19 support staff. All supervisors, including the County Attorney, carry a case load. We continue to expand and improve our Integrated Special Victims Unit (SVU) within our criminal division. We've again increased our SVU staff, which now includes 5 full-time prosecutors, a half-time prosecutor, a half-time supervisor, an investigator and a victim/witness coordinator to manage these time-intensive cases. We will soon be adding two new Victim Witness Coordinators to enable



Photo credit Tiffany Uylaki

us to remain in compliance with the mandates of Marsy's Law.

## Highlights

**My Promises.** When I ran for office, I promised three things: better **Cooperation** with our community partners; more **Communication** through transparency and information sharing; and greater **Compassion** for victims by improving the criminal justice process through staffing and training. We've made significant progress in all three of those areas.

**Model SVU Program and Working Together for a Common Purpose.** We completed—and exceeded—our agreements with the Attorney General's Office and the Department of Justice. Our SVU, law enforcement partners and multi-disciplinary team joined forces with the Montana Attorney General's Office and traveled to Helena to give a two-day presentation on best-practices in sexual assault investigation and prosecution. In praising the accomplishments of the Missoula County Attorney's Special Victims Unit, Montana Attorney General Tim Fox said,

*"The Missoula County Attorney's Office represents the model for the rest of the country, not just Montana. . . Members of the Missoula community should be proud of their county attorney team for the great work that's been done."*

**Transparency.** We continue to strive for better communication with citizens through transparency. In addition to our webpage, we have a Missoula County Attorney Facebook page. Additionally, we have welcomed the media into our office and make every effort to be responsive to media inquiries and share information that is public by law. We facilitated the release of booking mugshots, provide weekly reports of new criminal cases, and began releasing this annual report last year.

KGVO's Peter Christian recently praised the Missoula County Attorney for her commitment to communicate with the citizens of Missoula County. In a story aired December 30, 2016, **Meth And Heroin Fueling Much Of The Violent Crime In Missoula Says County Attorney**, he said,

*"KGVO thanks County Attorney Pabst for her willingness to provide a live weekly report to our listeners every Friday, where she answers questions from listeners as part of her campaign pledge to provide transparency in the office of the county attorney."*

**Serving Victims.** In addition to increasing staff and training for our SVU, we are seeking and receiving input from victims through an electronic victim survey and the feedback has been encouraging. We've transformed a conference room into a 'softer' victim interview room and have hired an expert in trauma to regularly meet with us, teaching us not only how trauma affects victims, but how employees can better process trauma to increase the productivity and longevity of our dedicated employees.

*“Cathy Dorle and the entire staff including our great County Attorney have been very helpful and supportive to me, my wife and our entire family . . . we could not be happier knowing that we as victims have support.”*

*“I cannot begin to thank the staff at the Missoula County Attorney’s Office and the Victim-Witness Coordinator! They answered every question and walked me through all of the steps. Everyone made themselves available to me at any time, and that made me feel very supported. Thank you!”*

*“Everyone was very compassionate through a horrible part of my life. I cannot tell you how I appreciate the kindness shown by all involved.”*

**Criminal Mediation.** In 2016, I launched Montana’s first formal Criminal Mediation Program. Our first case to test the program, *State v. Eugene Statelen*, involved a defendant who assaulted police officers with his vehicle and was shot during the series of events. The complex case was successfully resolved, to the satisfaction of all parties involved, through the use of a seasoned criminal mediator, at a fraction of the cost of a trial, saving the county thousands of dollars better directed toward other offenders. The new program earned some huckleberries from the [Missoulian](#) editorial board:

*“Huckleberries to the Missoula County Attorney’s Office for using mediation to resolve the case of an Evaro man who drove directly at a Missoula County sheriff’s deputy. The Montana Legislature approved the use of mediation in certain criminal cases during the 2007 session, yet the Missoula County Attorney’s Office had yet to make use of this tool, which can save significant time and taxpayer money . . .”*

We will continue to use our new mediation program to conserve resources and hold offenders accountable.

## Crime Overview

The primary function of the Criminal Division of the Missoula County Attorney’s Office is to enforce the criminal laws. The Criminal Division is made up of many talented trial attorneys who prosecute violent crimes, sexual crimes, property and financial crimes, drug crimes, juvenile offenders, and DUI/driving death and injury crimes. In 2016, we processed 1,903 new cases.

Crime type	2012	2013	2014	2015	2016
Felonies	662	609	653	662	671
Misdemeanors	1,191	1,199	1,038	1,025	1,182
Juveniles				58	50
<b>Total Criminal cases</b>	<b>1,853</b>	<b>1,808</b>	<b>1,691</b>	<b>1,745*</b>	<b>1,903*</b>

\*Includes juveniles formally charged by the County Attorney’s Office.

Source: Justware Case Management, New Dawn Technologies 2012-2016

## Recent Trends in Local Crime

**Overall.** The Council of State Governments Justice Center [CSG] reported that property crimes have decreased in Montana 31% since 2000. However, violent crime has increased 4% and drug offenses continue to dramatically climb, now accounting for 18% of all arrests. CSG also reported that more offenders are getting re-arrested within three years of an arrest.

**Methamphetamine and Drugs.** It is no secret that we are in the midst of a methamphetamine epidemic. We are detecting and responding to an emerging heroine trend. Last year, we filed felony charges in 120 meth cases—slightly more than last year, but tapering. We filed 24 opiate/heroin cases, and 3 drug-endangered child cases. The saturation of these drugs in our community coupled with the resulting addiction has a cascading effect on other types of crimes and effects on users' ability to adequately parent. Consequently, we've seen an increase in drug-driven property crimes and an exponential growth in child protection cases.

**Violent Crime.** Every other day, someone in our community is the victim of a violent offense. Over 60 percent of violent crimes processed by our office arise in the context of domestic violence. Of the 175 violent crimes we processed in 2016, 58 were felonies—including homicide and attempted homicide-- committed against a partner, family member or child. Domestic violence is a major community safety risk that we cannot afford to ignore. Children who witness family violence suffer in ways we are only beginning to understand.

### Noteworthy Cases



**State v. Scott Price and Sarah McKnight** – Chief Deputy Jason Marks and Kirsten Pabst prosecuted Price and his accomplice for attempting to kill a Missoula woman in a grocery store parking lot and then killing another woman at the hotel where she worked and stealing her car. Price will spend the rest of his life at the Montana State Prison. McKnight must serve two life sentences before becoming eligible for parole.

**State v. Nathaniel Lake** – Prosecutors Suzy Boylan and Brian Lowney prosecuted Lake for sexually assaulting a woman in a public park. The jury found him guilty and he will be sentenced in March.

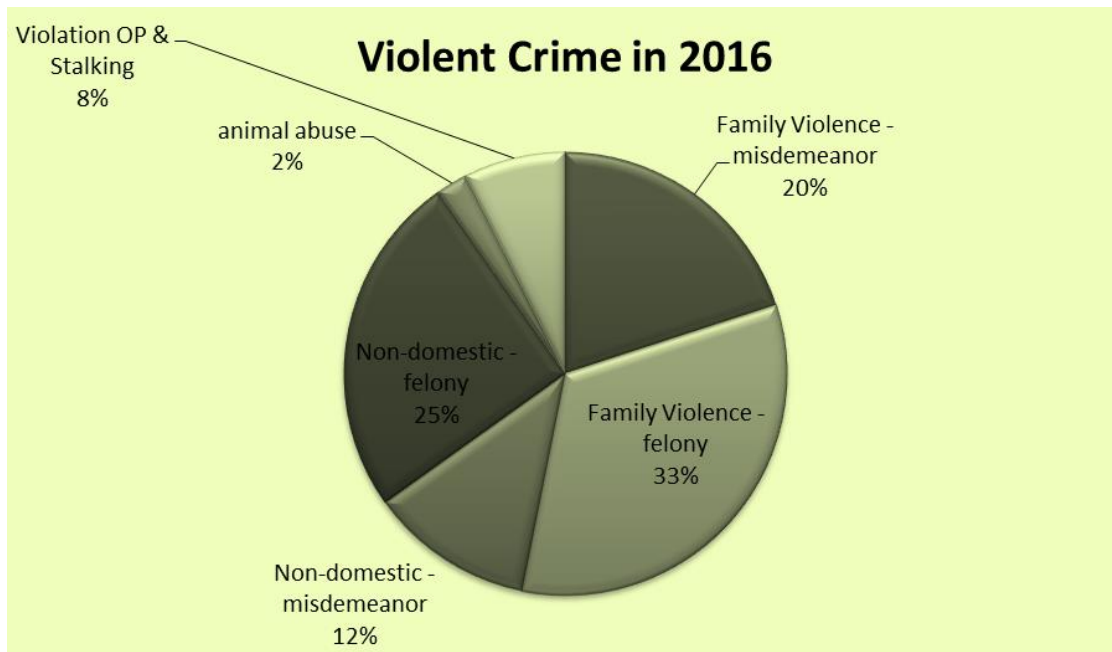
**State v. Sara Snyder** – Financial crimes prosecutor Karla Painter charged Snyder with Exploitation of an Older Person after Snyder befriended an elderly man after his wife passed away and took a quarter of a million dollars in money and property from him. The jury found her guilty in less than two hours.

**State v. Cole Francisco** – Francisco was arrested after several young girls reported he followed them to and from their bus stops and exposed himself. Pabst charged multiple counts and recommended 20 years in prison. The judge sentenced him to 10 years and ordered him to complete sexual offender treatment while in prison.

**State v. Thomas Evered** – In 2006, County Attorney Pabst prosecuted Evered for two counts of sexual intercourse without consent for molesting young boys in the process of creating child pornography. Working together with the US Attorneys Office, FBI, Interpol, and America's Most Wanted, Evered was put behind bars. This Spring, Pabst successfully argued to the Parole Board that Evered is a predator and not suitable for release.

**State v. Susan LaFriniere** -- Lead prosecutor Jennifer Clark successfully took the case against Ms. LaFriniere to trial after she was charged with a hate crime for a racially-motivated assault against her African-American neighbor. The jury found her guilty and Judge Deschamps sentenced her to supervision with the Department of Corrections for 5 years.

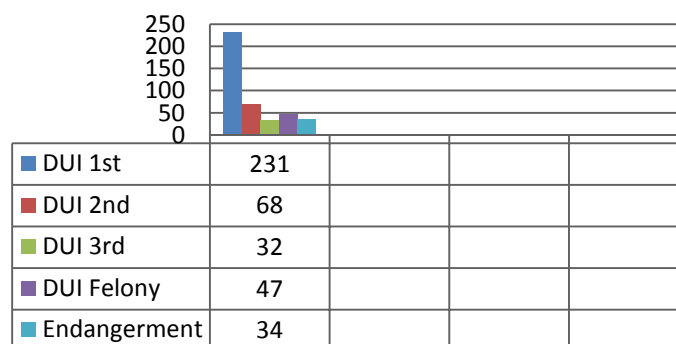
## Violent crime breakdown



Source: Justware Case Management, New Dawn Technologies 2012-2016

**Sexual Crimes.** Only about 2 percent of our cases this year involved sexual crimes, with offenses against children constituting the vast majority of those cases. 18 cases were charges alleging sexual molestation of children; 5 involved adult victims; 3 alleged possession of child pornography; and 2 involved surreptitious observation or indecent exposure. The length of time it takes our SVU to process new sexual assault cases has been dramatically reduced from an average of 35 days in 2014 to less than one day in 2016.

**DUI and Driving Endangerment.** By far, the majority of our case files are DUI and DUI/driving-related endangerment cases, to include negligent vehicular homicide, negligent vehicular assault, criminal endangerment and negligent endangerment. 412 cases fell into this category in 2016, raising concerns that the community's efforts at prevention have been ineffectual. 81 of those cases—20%—were felonies—either because they were 4<sup>th</sup> or subsequent DUIs or because the driver harmed or posed



significant risk of death to passengers, pedestrians or other drivers.

Source: Justware Case Management, New Dawn Technologies 2012-2016; Missoula County Justice Court

## *Accolades for transparency, working together.*

The Missoulian has recognized the Missoula County Attorney's Office in its "Huckleberries" section, complementing our progress toward information sharing. On January 29, 2016, the board wrote,

*"Huckleberries to Missoula County Attorney Kirsten Pabst for following up her first year in office with a report of her office's activities in 2015. The first annual report describes important changes made within the Missoula County Attorney's Office, including major structural changes and the establishment of a special victims unit with 6.5 full-time employees. It also highlights notable trends in criminal and civil reports, charges and prosecutions."*

On August 21, 2016, the Missoulian published an editorial, [\*\*\*Missoula enters new chapter on sex assaults\*\*\*](#), in which the editorial board recognized accomplishments we achieved by working together with the Attorney General's Office. The editors said,

*"Perhaps best of all, the focus on improving sexual assault response in Missoula has rippled out across Montana. Other counties are turning to Missoula for expert advice on how to handle cases."*

On January 8, 2017, the editorial board referred to the work of our Integrated SVU as "groundbreaking" recognizing that the Missoula County Attorney's SVU has

*"emerged as national leaders for best practices."*

### **MISSOULIAN EDITORIAL: Updating Montana's rape law.**

In Montana Public Radio's, [\*\*\*Increasing Respect For Sexual Assault Victims In Missoula\*\*\*](#), Lead SVU Attorney Suzy Boylan and Detective Connie Brueckner discussed the shift toward victim-centered prosecution and how that translates into a more positive experience for victims of crime.

## *Our Civil Team*

Our civil division has been busy. I've increased our core litigation unit to three attorneys and two paralegals. With the intent of conserving the county's litigation resources, we are now able to keep in-house many cases that were previously hired out to private firms.

Deputy County Attorney Erica Grinde successfully represented the County in *Missoula County v. Bank of New York*, a case involving a public health and safety threat originating on bank-owned property in Missoula County. Additionally, Deputy County Attorney Matt Jennings, part of our in-house litigation team, successfully defended two federal suits alleging insufficiency of medical care and due process violations. The Federal District Court awarded summary judgment to the County based on Jennings' arguments.

In addition to representing the county in lawsuits, our civil division represents and advises various county departments and entities, including the Board of County Commissioners, Human Resources, Public Works, the Health Department, Planning, Fire Districts, the Extension office, Water Board, Library, Museum, School Superintendent, Conservation District, Partnership Health Center and all of the other elected officials in the county.

Additionally, we have three attorneys, supported by one paralegal and one administrative assistant, designated to exclusively handle Dependent/Neglect cases brought by the Department of Public Health and Human Services, Division of Child and Family Services. The number of new civil child abuse and neglect cases has been increasing at an alarming rate. The number of cases filed has increased from 51 per year (2007-2011) to 124 per year (2012-2014). In 2016, we filed 191 new child-protective cases. Three-fourths of those cases involve parents' chemical addiction, most often methamphetamine.

<b>Dependent Neglect cases filed</b>	2012	2013	2014	2015	<b>2016</b>
	110	133	130	173	<b>191</b>

Source: Justware Case Management, New Dawn Technologies 2012-2016

Finally, our civil division has another attorney devoted to filing Involuntary Commitment and Guardianship cases on behalf of the seriously mentally ill, elderly and disabled. These numbers remain fairly steady.

<b>Involuntary Commitment cases initiated</b>	2012	2013	2014	2015	<b>2016</b>
	111*	115*	231	257	<b>246</b>

\*low estimates. The data collection process changed in 2014 to better reflect actual numbers.

Source: Justware Case Management, New Dawn Technologies 2012-2016

## Looking Ahead

**Legislation.** Our staff is very involved with the Montana Attorney’s Association, the Interim Committees, the Legislature’s Sentencing Commission and the Montana Attorney General’s Office in efforts to pass legislation that directly affects the county, the office and the people we serve. We are currently active in reforming the laws governing sexual assault, laws affecting sentencing offenders and other topics of import to local government.

**Formal Diversion for Low Risk Offenders.** We are exploring the feasibility of starting Montana’s first formal pre-trial diversion program. Other states have successfully screened low-risk, first-time, non-violent offender and “diverted” them off of the criminal justice track and into a service-based, case management system offering supervision, addiction treatment, mental health services and an educational component. When the program is up and running, we anticipate serving many people in general and, specifically, helping young women with children who are struggling with addiction but otherwise capable of becoming productive members of the community. Other states with successful diversion programs have seen a significant savings, investing in rehabilitation early in lieu of paying the high price of incarceration later.

**Family Interview Room.** One of our prosecutors, Jordan Kilby, recognized the need for a child-friendly family preparation area and proposed remodeling a second conference room to accommodate sensitive information-sharing while protecting young ones from unnecessary exposure to traumatic material. As a result, we are in the planning stages of designing and dedicating a second ‘soft’ conference area for trial preparation that will feature an area for children’s activities that will be sound-separated by glass but visible to parents who are victims and witnesses.

## *Links and Resources*

[Missoula County Attorney’s Office Website](#)

[Missoula County Attorney’s Office Facebook](#)

[Montana Board of Crime Control](#) statistics

[Montana Attorney General’s Office](#)

[Montana Office of Consumer Protection](#)

[National District Attorney’s Association](#)