

# Missoula County Attorney's Office

## Annual Report for 2022

Greetings,

Thank you for your continued interest in the inner workings of the Missoula County Attorney's Office. We continue making progress toward our long-term goals of increasing community safety; working cooperatively together with our criminal justice and community partners; promoting transparency; and emphasizing human dignity toward all participants in the criminal justice process — victims, defendants, witnesses, and our dedicated staff.

One of our biggest challenges of 2022 was the influx of massive quantities of fentanyl into the state and local community resulting not only in drug possession and trafficking charges, but endangerment crimes, burglaries, child abuse and neglect, and several overdose deaths and hospitalizations.

Our trial dockets remain very full as we continue to address COVID-related backlogs.

Our office continues to grow as the need for our services increases with crime trends and population growth. We currently have 54 people working here: 27 attorneys, 4 law students & 23 support employees including administrators, paralegals, legal assistants, discovery technicians, an investigator, and victim-witness coordinators.

I continue my work with the National District Attorneys Association Board of Directors, chair the National Prosecutor Wellbeing Task Force, and had the privilege of presenting on our award-winning prosecution-led diversion program, *Calibrate*, at the National Association of Counties conference this summer.

Stay safe,

*Kirsten H. Pabst*

Missoula County Attorney



# Criminal Division

The criminal division of the County Attorney's Office prosecutes all felonies committed in the City and County and all misdemeanor offenses outside of the city limits. The division consists of two units including the Special Victims' Unit (SVU), which prosecutes cases involving domestic violence, child abuse, and sexual crimes and the General Crimes Unit ("Gens") which prosecutes major crimes, juveniles, drug offenses and justice court misdemeanors. We have 17 full time prosecutors, two legal interns, and two clinical students currently working in this division.



Crime type	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Felonies	662	609	653	662	671	736	764	747	739	723	787
Misdemeanors*				7519	7708	7569	7637	6202	4521	5824	6996
Juveniles**				58	50	104	86	77	58	60	50
Diversion									41	32	35
<b>Total Criminal cases</b>				8239	8429	8409	8487	7026	5318	6639	7868

Source: Justware Case Management, 2022; Full Court Enterprise, Missoula County Justice Court. \*Misdemeanors-- note that the calculation for misdemeanors has changed resulting in a higher but more representative snapshot and now includes all misdemeanors filed into Justice Court, including traffic tickets, regardless of whether a new prosecution case is opened in our office. \*\*Juveniles formally charged by the County Attorney's Office weren't tracked until 2015.

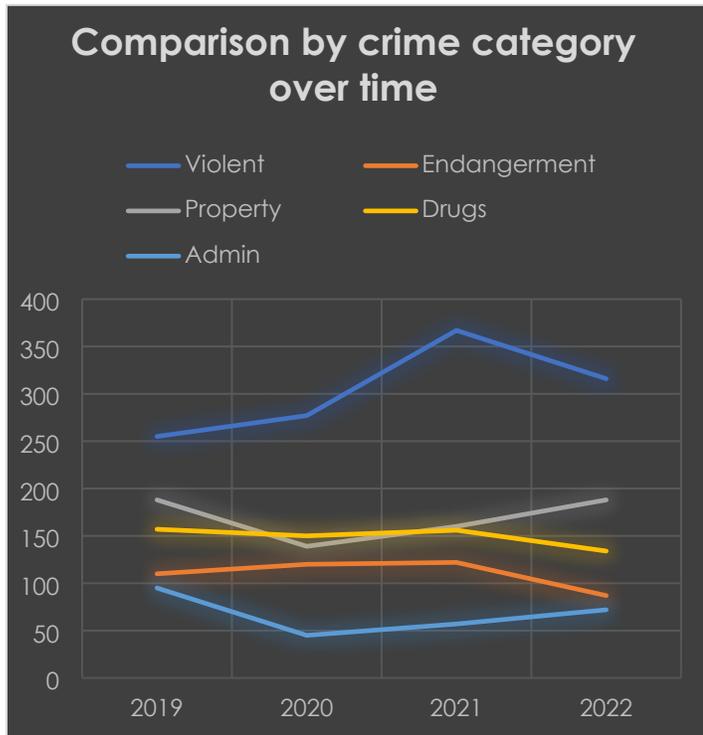
## Fentanyl and the Drug Trade



**The influx of fentanyl into our community has been catastrophic.** Fentanyl is 50 times for potent than heroin, on average, but much easier and less expensive to manufacture. The quality and strength of the drug is vastly inconsistent, subjecting users to a high risk of overdose hospitalization or death. New and infrequent opioid users of fentanyl are at a far greater risk of fatally overdosing. Worse, this epidemic has disproportionately harmed Blacks and Native Americans in recent years, with overdose deaths increasing 44 % and 38%, respectively.

Most of the fentanyl in our community originates in Mexico and is smuggled into the U.S. through official customs checkpoints, not through the deserts or mountains. Federal agents estimate that they are seizing only about 5-10% of the drugs, even though tablet seizures are projected to reach 35 million this year, up from just 289,000 in 2018. Source: Washington Post

Locally, in the first two months of 2023, our Drug Task Force has already seized over 200% the total amount of fentanyl seized in all of 2022.



**Case type categories\*:**

**Violent/Crimes Against Persons** include interpersonal violence, non-family violence, homicide, stalking, violation of protective orders, child abuse, kidnapping, robbery, sexual assault, sexual intercourse without consent, sexual abuse of children, possession of child pornography, animal abuse and privacy in communications.

**Endangerment Crimes** include DUIs-4<sup>th</sup> or subsequent, criminal endangerment, child endangerment, endangering the welfare of a child, reckless driving, negligent and vehicular homicide/assault and arson.

**Property Crimes** include theft, burglary, embezzlement, elder exploitation, forgery, trespass and criminal mischief.

**Drug Crimes** include possession, distribution, production, fraudulently obtaining dangerous drugs and possession of property subject to forfeiture.

**Administrative Crimes** include custodial/parenting interference, obstructing justice/peace officer, failure to register as sexual or violent offender, tampering with evidence, destruction of a communication device, resisting arrest, escape, bail jumping, disorderly conduct and various weapons violations.

\* Crime Types for purposes of this chart exclude traffic tickets, infractions, and many minor misdemeanors  
Source: Justware Case Management, 2022

## Homicide

In 2022, we had 64 more felonies than in 2021, but half as many homicides. Juvenile petitions were down as well. In the homicide category, we charged 5 new cases that involved a deceased victim, half the number of similar cases that were charged the previous year. Of those, one was deliberate homicide, three were vehicular homicide under the influence, and one was careless driving resulting in death. Two other cases remain under investigation.

Overall, these trends are consistent with national crime trends. In 2020 and 2021, homicides and assaults with guns were up nationally and locally. In 2022, those patterns partially reversed, with homicide and gun assaults down, but property crimes up.

## MMIP

**Missing and murdered indigenous persons**, is an urgent area of focus for our law enforcement partners. There continues to be a disproportionate uptick in cases. In 2021, 2,114 missing persons reports were filed in Montana. More than 30% were identified as Indigenous, despite comprising only 6.7% of the state's population. 67% were women and 80% were under 18. *Source:* Montana Department of Justice; photo Jen Buckley



## Domestic Violence

As interpersonal violence continues to claim lives and destroy families, we continue our efforts to work together with our justice partners to respond with best practices to stop domestic violence. In October, national DV awareness month, we hosted our **Annual Domestic Violence Awards**, honoring those who demonstrate commitment and excellence in responding to inter-personal violence and building better systems.



### 2022 Recipients honored:

**Educator** – Emily Lucas with Ries Law

**Judy Wang Lifetime Achievement Award** – Brandi Ries with Ries Law

**Prosecutor** – Angie Robertson Bakken with the Missoula City Attorney's Office

**Pro-Bono Attorney** – Diana Garrett with Montana Legal Services

**Paralegal** – Cori Oller with the County Attorney's Office

**Missoula County Sheriff Peace Officer** – Deputy Michael Sullivan

**Missoula City Peace Officers** – Rebekah Potter and Tyler Swartz

**Social Worker** – Melissa Pickett with CFS

**Healthcare Professional** – Cat Otway with First Step

**Victim/Witness Coordinator** – Cheryl Patch with the County Attorney's Office

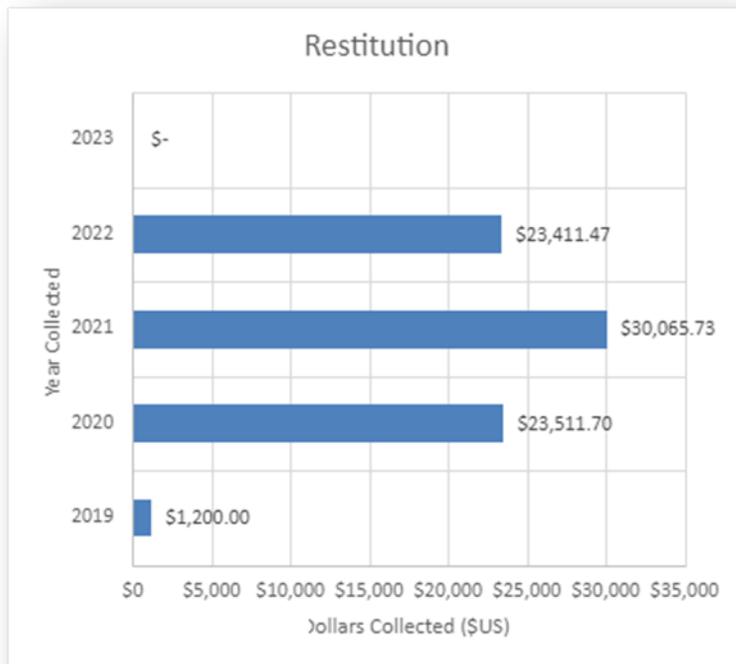
**Public Servant** -- Sherri Odlin with Missoula County 911

## Calibrate – Prosecution Led Pretrial Diversion

The Calibrate Pretrial Diversion Program is a prosecution-led diversion program based in the Missoula County Attorney's Office. In operation since 2019, the Calibrate Program provides an innovative way to handle criminal cases that differs from the traditional prosecution model. Low and moderate risk individuals, who are carefully screened, are given the opportunity to engage in programming to address the underlying causes of what brought them to the attention of law enforcement. Successful completion of an individualized case plan means the avoidance of a criminal conviction. Victims are consulted as a part of the screening process to determine who is accepted into the Calibrate Program.

During 2022 the Calibrate Program expanded operations, thanks to a grant from the U.S. Department of Justice. The additional funding has provided Calibrate staff with a means to address the ongoing difficulties associated with hard drugs in our community. Calibrate is meeting the challenges brought on by methamphetamine and fentanyl head-on, with a treatment focused approach.

Thirty-five people entered the Calibrate program in 2022. Calibrate participants paid \$23,411.47 in restitution in 2022. 100% of restitution collected is distributed directly to the victims and no additional fees are charged to participants. Since inception, the Calibrate Pretrial Diversion Program has seen an 87 percent success rate, collecting over \$78,000 for victims.



Some Calibrate participants were asked to complete community service hours as a part of their individualized case plan. Calibrate participants completed a total of 176 community service hours in 2022 at sites like Home Resource and Animal Control. Two diversion participants who live outside Missoula County were asked to work hours in a homeless shelter in North Carolina and engage in hurricane cleanup in Florida following Hurricane Ian. Another Calibrate participant who was facing criminal charges for spraying graffiti engaged in several hours of graffiti cleanup both at Milltown State Park and in downtown Missoula. The participant paid for the cleanup supplies out of his own pocket. He has engaged in beneficial therapy and is on schedule to successfully complete diversion in early 2023.

# Civil Division

The Civil Division of the County Attorney's Office includes our Civil Litigation Unit, Child Protection Unit, and Involuntary Commitment Unit.



## Civil Litigation Unit

The primary role of the civil litigation division is to advise the Missoula County Board of County Commissioners, county departments, local boards, and to defend lawsuits filed against Missoula County. Civil attorneys provide legal analysis and assistance to the Commissioners and to over twenty county departments and public boards. One of our attorneys is assigned to almost every county department, division, and citizen board that serves under the Commissioners' oversight, from the County Elections Administrator to the Zoning Board of Adjustment. The relationships our attorneys foster throughout the county help ensure best professional practices. Our attorneys also provide legal representation to entities pursuant to state law, such as the Missoula City-County Board of Health, Missoula Conservation District, and rural fire districts.

Our in-house defense model saves significant government resources by defending most claims against the county rather than paying outside counsel defense fees. In 2022, our civil deputies had an active caseload of over twenty civil lawsuits that they defended in addition to their other duties and successfully resolving several suits in the last year.

## Child Protection Unit

Our Child Protection Unit consists of 4 attorneys who are responsible for representing the Department of Public Health and Human Services, Child and Family Services Division, when children are removed and placed into protective custody following evidence of abuse or neglect. 10 of the cases filed last year involved children conclusively identified as “Indian children” under the Indian Child Welfare Act. 73% of cases filed involved parental substance abuse with 49% of those cases involving methamphetamine. We’ve also seen a significant increase in allegations of Fentanyl use. Domestic violence was a factor in 33% of the new cases filed.



Child Protection	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Cases filed by year	110	133	130	173	191	195	118	109	94	93	<b>82</b>

Source: Justware Case Management, 2012-2022

## Involuntary Commitment Unit

In 2022, our Involuntary Commitment Unit handled 242 detentions of people who were evaluated for involuntary commitment. 225 petitions were filed, which requires the combination of serious mental illness diagnosis and imminent risk of harm to self or others. Of those cases filed, 118 were new respondents and 68 had been respondents at least once in the past.



Involuntary Commitments	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Petitions filed by year	111*	115*	231	257	246	240	300	270	284	267	<b>225</b>

Source: Justware Case Management, 2012-2022