

MISSOULA COUNTY ATTORNEY'S OFFICE

ANNUAL REPORT FOR 2018

Introduction

Thank you for your interest in the Missoula County Attorney's Office Annual Report for 2018. The County Attorney's Office represents Missoula County in all civil matters and the State of Montana in criminal matters. We have 22 attorneys on staff and 20 support positions, including Victim Witness Coordinators, Legal Assistants, Paralegals, an Office Administrator and an Investigator.

As I begin my fifth year and second term as your elected County Attorney, we are doubling-down our efforts to engage in criminal justice reform, by working together with our law enforcement partners, studying data and allocating limited resources where they have the greatest impact. Community safety remains our number one priority.



As you read the report, you'll notice that in 2018 my office filed more felony and misdemeanor cases than ever before. As we predicted after severe State cuts to case management, we filed 25% more mental health commitment petitions than in 2017. We remain cautiously optimistic about the decline in new child protective cases and hopeful that new rehabilitative

programs offered by Missoula County and the Child and Family Services Division of the Department of Public Health and Human Services will keep those numbers down.

We have been teaming up with our state and federal criminal justice partners to form new innovative programs, such as Project Safe Neighborhoods, designed to target the most dangerous offenders and drive the violent crime rate down. Preliminary results are promising.

I look forward to an exciting year in 2019 and, as always, remain committed to improving the quality of services my office provides Missoula County and our Missoula community.

Kirsten H. Pabst

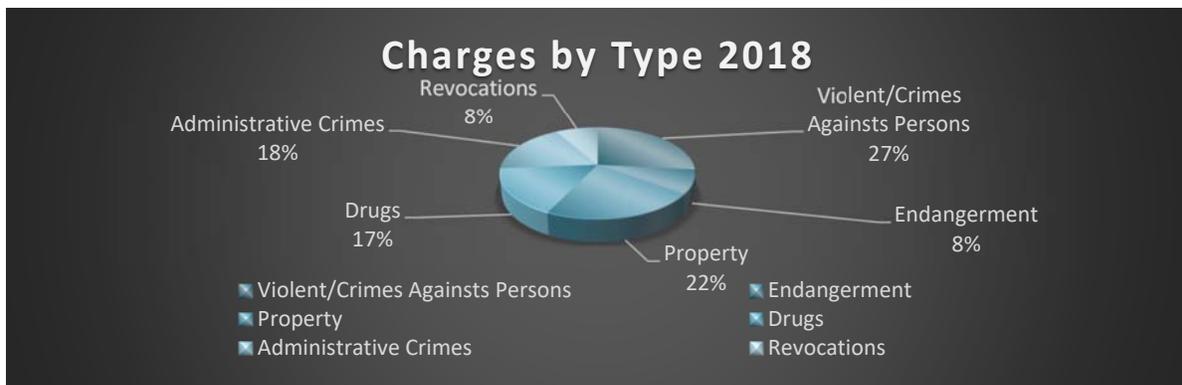
Missoula County Attorney

The Criminal Division

Our case filings in 2018 were higher than in previous years. We filed fewer juvenile petitions, but 28 more felonies and several hundred more misdemeanors than in 2017. Intimate partner violence [IPV] cases are up. In 2018, we filed over 200 counts of IPV, including Partner Family Member Assault, Strangulation, and Assault with a Weapon. In July, the Center for Disease Control [CDC] issued a report showing homicide is one of the leading causes of death for women under 44 years old and nearly half of those victims are killed by a current or former male intimate partner. To address the public health threat posed by IPV we have appointed experienced prosecutors with specialized training in working with vulnerable victims to manage these challenging cases.

The number of drug cases is up as our community continues to grapple with methamphetamine and opioid addiction. The CDC estimates that 72,287 Americans died from drug overdoses in 2017, an increase of approximately 10% from the year before, with a majority of those from opioid abuse.

Crime type	2012	2013	2014	2015	2016	2017	2018
Felonies	662	609	653	662	671	736	764
Misdemeanors	1,191	1,199	1,038	1,025	1,182	927	1,334
Juveniles				58	50	104	86
Total Criminal cases	1,853	1,808	1,691	1,745*	1,903*	1,767*	2,184
*Includes juveniles formally charged by the County Attorney's Office. *Source: Justware Case Management, New Dawn Technologies 2012-2018							



*does not include traffic, paraphernalia or Justice Court tickets.

*Source: Justware Case Management, New Dawn Technologies 2012-2018

Violent/Crimes Against Persons include family violence, non-family violence, 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, criminal endangerment, child endangerment, endangering the welfare of a child, reckless driving, negligent and vehicular homicide/assault.

Property Crimes include theft, burglary, embezzlement, elder exploitation, arson, 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 witnesses/evidence, destruction of a communication device, resisting arrest, escape, bail jumping, disorderly conduct and various weapons violations.

Revocation Proceedings involve allegations that a probationer has violated the terms of a previous judgment including compliance violations, non-compliance violations and the commission of new crimes.

The Civil Division

The Civil Division of the Missoula County Attorney’s Office is made up of three civil litigation attorneys, four child protection attorneys, and one attorney who handles involuntary mental health commitments and guardianships. In addition to protecting our most vulnerable citizens—abused children and the mentally ill---our civil attorneys defend many of the cases brought against Missoula County, rather than hiring outside law firms, which saves taxpayers considerable money in attorneys fees and costs. In addition, our civil department provides legal advice to county departments and boards, including the Missoula County Board of County Commissioners, the Missoula City-County Board of Health, the Board of Directors for Partnership Health Clinic, the Missoula Conservation District, fire districts, and the Library Board. Our civil attorneys also aid county departments in resolving enforcement actions for violations of health, building and land use laws, thereby furthering public health and safety of Missoula County residents.

Child Protection cases

For the first time in several years, our office saw a decline in the number of child protection cases. Many parents have taken advantage of voluntary agreements for treatment in lieu of formal court intervention. Missoula County is now offering families the opportunity to participate in KELP, a new family treatment program at Partnership Health. Officials here are currently in discussions about creating an Indian Child Welfare Act [ICWA] Court in Missoula County, similar to one in Yellowstone County, to address tribal interests as well as the unique needs of Native children in foster care.

Dependent Neglect cases filed	2012	2013	2014	2015	2016	2017	2018
	110	133	130	173	191	195	118

Source: Justware Case Management, New Dawn Technologies 2012-2018

Involuntary Commitments in Missoula County

In 2018, Missoula County filed 300 petitions for involuntary commitment – an increase of 25% over the previous year, after several years of steady numbers believed to be due, in large part, to funding cuts and the corresponding loss of mental health case managers in the local community. Of those 300 cases, 30% of the respondents were homeless and a majority face housing instability.

An involuntary commitment case begins with a referral from a Mental Health Professional (MHP) who has conducted an evaluation at one of the hospital emergency departments or at the jail. Adults with mental health concerns come to the attention of the MHPs by coming to an ER, either on their own, with family, or with law enforcement, who can detain people and bring them to an ER involuntarily for an evaluation, if they believe there is a mental health crisis.

The County Attorney's Office files a Petition for Involuntary Commitment, when someone is diagnosed with a psychiatric illness, and is:

- 1) an imminent risk to self; and/or
- 2) an imminent risk to others; and/or
- 3) unable to meet his/her basic needs of food, clothing, shelter, health, or safety.

If the person meets legal criteria for commitment, the person is placed in the least restrictive environment, which could be one of Western Montana Mental Health Center's emergency detention beds or at Providence/St. Patrick Neurobehavioral Medical Inpatient Unit. If there are no local beds available or the person is not appropriate for one of the less restrictive alternatives, the person is transported and detained at the Montana State Hospital. Many respondents agree to receive treatment. When a person does not agree, the Court holds a hearing and listens to testimony.

2018 Outcomes:

In 126 cases, the petitions were dismissed on the day of the hearing because the respondent no longer met the legal criteria for commitment. 21% of those respondents agreed to voluntary short-term treatment in the community.

In 81 cases, the respondent was placed in the Montana State Hospital for up to 90 days.

In 55 cases, the respondent was placed in a 14-day voluntary diversion to short-term treatment within the community.

In 36 cases, the respondent was placed in a community commitment, which is a court order requiring participation in local mental health care.

2 respondents had their conditional discharges from the Montana State Hospital revoked.

Involuntary Commitment cases	2012	2013	2014	2015	2016	2017	2018
	111*	115*	231	257	246	240	300

*low estimates. The data collection process changed in 2014 to better reflect actual numbers.
Source: Justware Case Management, New Dawn Technologies 2012-2018

Office Notes

WORKING FOR FAMILIES

In seeing difficulties associated with preparing for trial with victims who have small children and limited options for childcare, Deputy County Attorney Jordan Kilby had the idea of creating a space where parents could talk about sensitive and difficult topics while keeping an eye on their small children. The Missoula County Attorney's Office took this idea to fruition and remodeled one of its conference rooms to include a sound-proof play area within view of the work space. Paralegal Crystal Zimmerman designed the space and brought it to life by gathering books, toys and other activities for tots and painting it with a Dr. Seuss theme. The room has been put to frequent use, improving the process for victims while freeing up time for support staff.



WORKING TOGETHER

The Missoula County Attorney's Office is actively engaged in many multi-disciplinary groups within the community where people from diverse professions get together to explore ways to make systems run more efficiently and better enhance community safety. We recently teamed up with U.S. Attorney for the District of Montana Kurt Alme and Montana Attorney General Tim Fox to form a local Project Safe Neighborhoods

[PSN] initiative. PSN is a collaborative response designed specifically to reduce violent crime through intervention, prevention and treatment for addicts. The team represents a concerted effort by federal, state and local law enforcement to arrest Missoula's most dangerous—armed robbers, meth traffickers and dealers, and violent felons with firearms. According to USA Alme, "The good cooperation of County Attorney Pabst and her office has been critical to our joint efforts to reduce the significant growth in meth driven violent crime in Missoula."

In addition to PSN, our team of prosecutors is engaged in other multidisciplinary community teams including Just Response, High Intensity Drug Trafficking Area [HIDTA], Human Trafficking Task Force, our integrated Special Victims Unit [SVU], and Organized Retail Crime Alliance [ORCA].

Our child protection attorneys actively participate with the Child Protection Team [CPT], Child and Family Service [CFS] Youth Advisory Board, the Fetal Infant and Child Mortality Review Board, Case Review, Family Treatment Court, Court Appointed Special Advocate [CASA] staffings and trainings, and KELP, a collaborative program of local, county and state professionals, whose goals are to strengthen and support families by providing valuable accessible community services to achieve lasting relationships and lifelong well-being.

Awards



Employees at the Missoula County Attorney's Office received a handful of awards in 2018. Victim Witness Coordinator Cathy Dorle was selected from a pool of over 800 full time employees as Missoula County's Employee of the Year. Cathy is an inspiration to victims, witnesses, law enforcement colleagues and her co-workers. Senior Deputy Matt Jennings was nominated for Missoula County Employee of the Year by the Road Department and was awarded as a runner-up.

County Attorney Kirsten Pabst was honored with an award from the United State Forest Service Law Enforcement & Investigations Division for her and her office's longstanding cooperation with the agency and dedication to protecting people, property and natural resources of Northern Region.



Outreach

Trainings and Presentations.

Deputy County Attorney Anna Conley recently had the opportunity to teach American legal principles in Ukraine. Conley provided public talks on safeguards within the U.S. legal system to prevent corruption and led a three-day seminar on U.S. Constitutional law for Ukrainian law professors and lawyers. Conley was invited by IREX, a non-profit organization that runs the American House, a U.S. cultural center affiliated with the U.S. embassy in Kyiv, the capital of Ukraine.



Deputy County Attorney Suzy Boylan is a regular representative on the YWCA legal panel for advocacy training and gave a presentation on opening statements for the Trial Advocacy class at the law school in the spring. Suzy also serves on Montana's Domestic Violence Fatality Review Commission.

Deputy County Attorney Jen Clark serves as our law enforcement liaison and regularly conducts legal update briefings to local law enforcement agencies. Jen is a presenter at the Citizen's Law Academy and law school and also provides training to officers at the Missoula County Detention Facility.

County Attorney Kirsten Pabst and **Andrew Laue**, LCSW, spent a morning with Missoula's emerging leaders at Leadership Missoula, sharing the award-winning Secondary Trauma program designed to improve the criminal justice process by taking care of front-line workers. CA Pabst also gave an ethics presentation on *Secondary Trauma and Competency* at the Montana County Attorneys Association's Winter Conference. She presented *Navigating Montana's Legal System* for the Montana Victim Advocate Academy and spoke to the Western Montana Bar Association on *Local Innovations in Criminal Justice Reform*.

In October, **CA Pabst** was a panelist at the Montana Public Safety Forum session on *Better Possibilities through Partnerships--Risk Need Responsivity*, put on by Montana Board of Crime Control & the Council of State Governments Justice Center. In November, CA Pabst was a panelist for City Club, discussing *Best Practices in Sexual Assault Response & Prevention*, November 5, 2018.

Deputy County Attorney Jordan Kilby gave a presentation at the Montana County Attorney's Association Summer Conference on the use of forensic cellular technology

at trial, highlighting the State v. Emanuel Gomez trial. Jordan was also a faculty member for the Coalition Against Domestic and Sexual Violence expert witness training. Jordan spoke to the Criminal Prosecution and Defense Clinics at the law school and was featured in a video CLE on Jury Instructions for the State Bar of Montana Criminal Division. She is also a regular speaker at Hellgate High School's criminology class and has been an instrumental leader for Missoula's Project Safe Neighborhoods.

Deputy County Attorney Brittany Williams was a speaker for Sentinel High School's criminology classes and served as a judge for the law school's trial practice class. **Chief Deputy County Attorney Jason Marks** was a guest lecturer at the law school and **Deputy County Attorney Lacey Lincoln** presented *The Role of the Prosecutor* to the Criminal Adjudication class of the Sociology Department at the University of Montana.

Working with Law Students

The Missoula County Attorney's Office serves as an external clinical site for third year law students providing a direct link between the county and the law school at the University of Montana. The prosecution clinic's interns are supervised by **Deputy County Attorneys Jordan Kilby** and **Lacey Lincoln**. This fall we had two criminal clinical interns, another who worked in the child protection department and another in the civil division. One of our interns enjoyed her experience so much that she decided to stay on for an extra semester.



Equality

As we hear more and more about the crisis of missing and murdered indigenous women and girls in the United States, the County Attorney's Office continues our commitment to serve our local Native community members with excellence. Assisting investigative agencies in locating missing victims and prosecuting crimes against Native women and children remain among our highest priorities. Additionally, as a primary goal of the Criminal Justice Coordination Council, we've prioritized efforts to take a hard look at racial disparity in our local criminal justice system to identify root causes and systems-wide solutions. We are also working with the National Native Children's Trauma Center at the University of Montana to develop a cultural competency and historical trauma curriculum for all of our staff.

On the docket:

Tiffany Pierce faces trial on two counts of Deliberate Homicide and another Attempted Deliberate Homicide for her role in allegedly killing and dismembering a teenage girl and young man and stabbing another Missoula woman. Her co-defendant, Augustus Standingrock has entered guilty pleas and awaits sentencing.

Caressa Hardy a.k.a. Glenn Dibley, similarly faces two counts of Deliberate Homicide and Solicitation to Commit Deliberate Homicide. Hardy allegedly killed two roommates in 2013, took possession of one victim's financial assets and then tried to have a witness killed.

Chase Munson is charged with shooting a clerk and customer inside a convenience store during a botched robbery attempt.

Jonathan Whitworth and **Preston Rossbach** are charged with killing two people and trying to kill a third person during a drug-related incident in a local hotel room.

County Attorney's Office news links:

[MacArthur Foundation Grant](#), KPAX

[Montana Law Enforcement Targets Meth-Related Crime](#), Montana Public Radio

[Federal initiative to target the most violent criminals is paying off in Missoula, U.S. attorney says](#), Missoulian

[Mental Health Commitments Climb In Wake Of State Budget Cuts](#), Montana Public Radio

[Voices: 10 ways Missoula County is crushing criminal justice reform](#), Missoula Current

Other 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](#)