

# Missoula County Attorney's Office

## Annual Report for 2023

Hello from the desk of the Missoula County Attorney,

The following report is a snapshot of the work of the dedicated employees of the Missoula County Attorney's Office. Overall, in 2023 we filed more felony cases than ever before, with a total of 812 -- 25 more than last year. Additionally, our prosecutors obtained convictions on several homicide cases, including three that went to jury trial. Our juvenile delinquent petitions doubled, from 50 last year to 101 this year. Our prosecution-led pretrial diversion program, Calibrate, continues to grow and has seen incredible success, with very low recidivism.

In 2014, when I first decided to run to be your County Attorney, I promised to facilitate better relationships with our community and law enforcement partners; a better process for crime victims; and better communication with the community through transparency. Upon my retirement, I am proud to say that we've accomplished those goals, and then some. We have many collaborative partnerships where working together is our top priority. We host a state-of-the-art Special Victims Unit and SVU prosecution team that serves as a best-practices model. We offer weekly and annual reports to the public so that you can see exactly what we are doing with your criminal justice dollars. Additionally, we've received several national awards for our innovative work in responsible criminal justice reform and the emerging field of secondary trauma mitigation. I am proud of how far we've come and looking forward to seeing how my successors continue to find new, innovative ways to make our community safer.

Thank you for your support of our office!

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.



The HIDTA drug task force reported that is 2023:

- Felony arrests were up by 7
- Meth seizures were down by 7,561 grams
- Cocaine seizures increased by 1,574 grams
- Fentanyl seizures were up by 18,885 pills
- Cash seizures increased by \$87,450
- Firearm seizures decreased by 26

Crime type	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Felonies	662	609	653	662	671	736	764	747	739	723	787	812
Misdemeanors*				7519	7708	7569	7637	6202	4521	5824	6996	6896
Juveniles**				58	50	104	86	77	58	60	50	101
Diversion									41	32	35	51
Total Criminal cases				8239	8429	8409	8487	7026	5318	6639	7868	7860

Source: Justware Case Management, 2023; 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.

## 2023's NEW CHARGES:

Crimes Against  
Persons/Violent: 348  
Endangerment Felonies:  
157  
Property Crimes: 172  
Drug Felonies: 175  
Administrative Crimes: 88

### 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

## Calibrate – Prosecution Led Pretrial Diversion

The Missoula County Attorney's Office is pleased to host the Calibrate Pretrial Diversion Program. Calibrate is a prosecution-led diversion program that seeks to reduce the number of people involved in both our courts and corrections system, resulting in a cost savings to the tax-paying public. Low and moderate risk individuals, who are carefully screened and selected, are provided with an opportunity to engage in programming aimed at addressing the underlying causes of what brought them into the criminal court system. Victims play a pivotal role in who is accepted into the Calibrate Program. Should an individual successfully complete their unique case plan, the charges against them are dismissed, eliminating the collateral consequences of a criminal conviction.

During 2023 fifty-one people entered the Calibrate Pretrial Diversion Program and thirty participants completed successfully. Since inception, 85 percent of the people that enrolled in the program have successfully completed and have had their charges dismissed. Additionally, during 2023 Calibrate collected \$45,633.23 in restitution, a 95% increase from

2022. All restitution collected is distributed directly to victims and no additional fees are charged to participants.



In addition to engaging in mandatory treatment obligations, many Calibrate participants contribute to the Missoula Community by completing community service hours at sites such as the Missoula Public Library, The Poverello Center, and Home ReSource. A participant who was facing charges for spreading graffiti in downtown Missoula was tasked with cleaning up both his own graffiti as well as that of others. This is a prime example of restorative justice implemented by the Calibrate Program.

A recent Calibrate graduate who was accused of drug charges was asked to enroll in a drug treatment program. Their time on diversion had its share of challenges, but much to this person's credit, they stuck with their treatment program and eventually finished diversion successfully. They shared the following: "I have learned SO MUCH throughout treatment and am forever grateful because I have many tools now that I've never had before or knew how to use. This has been a life changing opportunity!"

# 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.



## 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.

<b>Child Protection</b>	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	<b>2023</b>
Cases filed by year	110	133	130	173	191	195	118	109	94	93	82	<b>90</b>

Source: Justware Case Management, 2012-2023

## Involuntary Commitment Unit

In 2023, our Involuntary Commitment Unit handled 264 detentions of people who were evaluated for involuntary commitment. 258 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, 145 (56%) were new respondents and 113 (44%) had been respondents at least once in the past. Of those, 30% were experiencing homelessness. 80% were Missoula County residents and 20% were from elsewhere.



<b>Involuntary Commitments</b>	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	<b>2023</b>
Petitions filed by year	111*	115*	231	257	246	240	300	270	284	267	225	<b>258</b>

Source: Justware Case Management, 2012-2023