



MONTANA DEPARTMENT OF JUSTICE

Attorney General's Biennial Report to Montana

February 2015

Message from Montana Attorney General Tim Fox

Welcome to the Montana Department of Justice. We're a team of nearly 750 public servants dedicated to ensuring Montana's one million residents have safe places to live, work, and play.

In this, our first biennial report, we want to let you know about the good and wide-ranging work we've done over the past two years to help the public spot the signs of child abuse and neglect, to find effective ways to treat DUI offenders in their communities, and to protect our families against sexual or violent offenders. We're busy patrolling Montana's highways, investigating and prosecuting the toughest criminal cases, analyzing forensic evidence, ensuring drivers are licensed, and training the next generation of our law enforcement officers.

As the state's chief legal and law enforcement office, we also defend laws when they're challenged in court, protect Montana's legal interests here and throughout the country, and much more.

Along the way, we've established partnerships with those in the private and non-profit sectors who share a common vision of a state where children are free from being physically or sexually abused and exploited, and where innovative strategies for addressing prescription drug abuse are developed.

I'm encouraged by our progress: A FBI crime data recently reported there were nearly 241 violent crimes reported per 100,000 residents in Montana in 2013, one-third lower than the national rate. While the violent crime rate fell 5.1% nationwide between 2012 and 2013, it fell more than 13% in Montana.

My dad always used to say, "Do the right things for the right reasons." That simple advice guides me every day, and I'm proud to work alongside very talented men and women who take the same approach to serving others. They do it not for the accolades, but because they love this state we call home just as much as I do. Together, we welcome your ideas on even more ways we can serve you and your community. Call, e-mail, or stop by if we can help.

TIM FOX



Attorney General
State of Montana



Table of Contents

Legal Services Division	3
Division of Criminal Investigation	5
Montana Highway Patrol	7
Forensic Sciences Division	8
Gambling Control Division	9
Motor Vehicle Division	10
Central Services Division	10
Justice Information Technology Services Division	11
Key Initiatives:	
• Sexual or Violent Offender Registry	12
• Child Abuse Prevention	12
• Improving the Prosecution of Sexual Assault and the Protections for Victims	12
• Combatting Human Trafficking	13
• Strengthening DUI Laws	13
• Defending our Second Amendment Rights	14
• Developing and Exporting Our Resources Responsibly	14
• Justice in Indian Country	15
• Addressing the Healthcare Needs of Montanans	15
Join the Conversation	16
Contact Us	16

About Us

**The Montana Department of Justice
is made up of eight divisions, each with
a distinct mission:**



Legal Services Division

MISSION: *The Legal Services Division is dedicated to providing high-quality legal work on behalf of the people of Montana and the constituencies we serve, including prosecutors, state and tribal law enforcement officers and game wardens, victims of crime, consumers, county attorneys, local, state and tribal elected officials, the Legislature, state agency clients, and abused and neglected children. By diligently, efficiently and ethically discharging our legal and training responsibilities we seek to promote public safety, good governance, and the rule of law. We are committed to respecting the policy judgments of Montana voters and their elected representatives, as well as the rights of individuals and businesses.*



The Attorney General is Montana's chief legal officer, chief law enforcement officer, and director of the Department of Justice. The Attorney General also serves as a member of the State Land Board and the Board of Examiners.

The Attorney General has the authority to provide legal opinions—which carry the weight of law—to the Legislature; to state officers, boards or commissions; to city attorneys and to county commissioners and county attorneys. He also has supervisory authority over Montana's county attorneys and, at the request of local, state or federal law enforcement agencies, can investigate criminal violations of law.

The Attorney General's Office and the Legal Services Division represent Montana's interests in complex civil cases where the state is a party and prosecute criminals throughout the state to assist local county attorneys, particularly in complex cases or homicide cases. Some attorneys have special expertise in certain areas, like the death penalty, Internet crimes against children, or consumer protection laws.

They also provide legal assistance to state and local government on matters involving American Indian jurisdiction and federal reserved water rights. Others review—and in some cases, defend—constitutional challenges filed against state laws.

The Legal Services Division is organized by:

- Agency Legal Services Bureau
- Appellate Services Bureau
- Civil Services Bureau
- Natural Resource Damage Program
- Office of Consumer Protection and Victim Services
- Prosecution Services Bureau
- Child Protection Unit

Continued on next page...

Legal Services Division

...continued from previous page

A number of high profile/high priority cases were handled by the Legal Services Division in 2013-2014. They include approval of the conversion transaction between Health Care Service Corporation and Blue Cross & Blue Shield of Montana, the state's litigation against Janssen Pharmaceuticals, and final arguments in the Montana-Wyoming water rights case. Division attorneys also fought for justice in the case of a young sexual assault victim who was blamed by a judge for her role in the assault, while he sentenced her rapist to a mere 30 days in jail.

What Makes Us Proud:

At year's end, the division's Prosecution Services Bureau (PSB) tallied a caseload of 15 active homicides and over 350 child abuse/neglect cases. PSB also works as a resource to help county attorneys prosecute unresolved homicides. One recent cold case brought to justice with the help of PSB was resolved on April 1, 2013, when a Glendive jury unanimously found former Billings resident Walter Larson guilty of deliberate homicide and tampering with evidence. Larson was convicted of killing his ex-wife Susan Casey in April of 2008 and dumping her body in the Yellowstone River. Prosecutors on the case were Dawson County Attorney Olivia Norlin-Rieger and Assistant Attorney General Brant Light.

The verdict marked a milestone in the career of Assistant Attorney General Brant Light, 63, who serves as the chief prosecutor in the Attorney General's Office. The Larson homicide trial marked Brant's 31st victory in a homicide jury trial since he began his career as a prosecutor; a most remarkable achievement. Brant has won every homicide jury trial that he's taken on since he began working at DOJ in 2008. The Larson murder trial was a 'cold case' that Brant brought back, reviewed, and decided to take to trial.

PSB Chief Brant Light in court.



CASEY PAGE/Billings Gazette



Attorney General Tim Fox with Ed Eck, Deputy Attorney General and OCP Chief

“Unquestionably, the most satisfying thing for me is helping families of the victims find justice in these cases. One of the best feelings in the world is watching the faces of the victim's family after the verdict is read and knowing that they may find some peace in the fact that there's been accountability in the death of their loved one.”

— PSB Chief **Brant Light**

Office of Consumer Protection

The Office of Consumer Protection (OCP) enforces Montana's consumer protection laws and regulations. Our OCP team helps Montanans by assisting them in filing a claim if they feel they've been scammed, and also by investigating complaints related to deceptive advertising, telemarketing, Lemon Law violations, and many more transactions. OCP is also home to the department's prescription drug abuse prevention program.

What Makes Us Proud:

In September 2014, DOJ announced that more than 200 Montana families who were facing foreclosure or struggling to make their house payments had successful outcomes facilitated by the *Keep My Montana Home* program since its inception in 2012. The program is run through the Office of Consumer Protection at the Montana Department of Justice. *Keep My Montana Home* was implemented to help Montana homeowners and mortgage lenders work in concert toward mutually beneficial solutions.

The **Office of Victim Services** is also part of OCP, and its goal is to provide tools and information to help crime victims recover from their experience and provide them with services to aid in that process.



**Office of
Consumer
Protection**
& Victim Services

“Our home would not have been saved from foreclosure without the *Keep My Montana Home* program and the Attorney General's Office. It was right up to the courthouse steps for auction when their assistance stopped the foreclosure and allowed us to keep our home. We are forever grateful.”

— Townsend homeowner **Sandy**

Division of Criminal Investigation

MISSION: *The Montana Division of Criminal Investigation is committed to the promotion of public safety for the citizens of Montana. DCI shall provide professional assistance and support to law enforcement in the areas of criminal investigations, training, narcotics interdiction, criminal intelligence, and computerized criminal justice information. We value the safety of our children and shall provide the resources necessary to train and assist those who protect them, and bring those to justice who abuse the innocent. We shall provide service to our citizens, justice to those who violate our laws, and maintain honor in the performance of our duties.*

Our Division of Criminal Investigation (DCI) investigates Montana's toughest crimes and brings dangerous criminals to justice. In addition to training law enforcement officers at the Montana Law Enforcement Academy in Helena, DCI also maintains the statewide Sexual or Violent Offender Registry and is responsible for issuing AMBER and missing person alerts.

2014 saw the implementation of two new positions at DCI that were directed by the 2013 Legislature: The Child and Family Ombudsman, and the Montana Developmental Center Investigator.

DCI consists of five bureaus:

- Investigations Bureau
- Crime Information Bureau
- Narcotics Bureau
- Children's Justice Bureau
- Montana Law Enforcement Academy



2014 was a year of tremendous growth in the work DCI does to keep children safe. Its Computer Crime Unit helped lead an international child exploitation case with the FBI. Operation Kingdom Conqueror resulted in the convictions of 11 sexual predators from all over the world, but started here in Montana. Additionally, DCI's AMBER Alert and Missing and Endangered Persons Alert (MEPA) had 100% safe recovery rates.

Division of Criminal Investigation

...continued from previous page

And, among other important initiatives, DCI's Children's Justice Bureau includes the Montana Child Sexual Abuse Response Team (MCSART) that helps organize teams of professionals to treat child crime victims and to gather evidence. The Response Team also trains professionals around Montana to make sure that Montana's child victims receive a high level of care, and to ensure justice prevails.

The MCSART Program supports Children's Advocacy Centers across the state in Billings, Butte, Helena, Kalispell, Missoula, and Hamilton. In 2014, MCSART's work resulted in a 14% increase in the number of children served by the five accredited centers. That means 90 more children received referrals for medical exams and mental health care to help them heal from the trauma of abuse.

What Makes Us Proud:

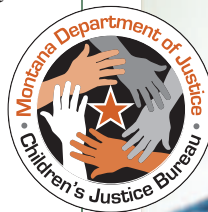
In response to requests from law enforcement and the public for assistance in dealing with the tremendous increase in crime in the Bakken region, DCI focused on relocating drug investigative manpower and resources to that area.

With assistance from the Governor's Office, short-term funding was obtained to hire and station two DCI agents in Sidney, and additional DCI agents from Billings and Miles City were tasked with concentrating investigative efforts in this region of the state, which lacks full-time drug enforcement officers at the local, state, and federal level. As a direct result of those efforts, DCI, in conjunction with other law enforcement agencies, initiated approximately 90 new drug investigations relating to the Bakken, primarily concentrating on the upper-level, major drug trafficking organizations operating there with ties to documented out-of-state and international drug cartels.



DCI agents dismantle a clandestine meth lab.

By the end of 2014, over 100 drug trafficking suspects were identified and investigated. The majority of them were arrested and convicted in US federal court on a variety of offenses including drug, weapons, assaults, attempted homicides, and financial crimes. These groups were responsible for trafficking hundreds of pounds of meth, cocaine, and heroin, worth millions of dollars, into Montana.



“One DCI seizure alone contained several pounds of cocaine with a retail value of over \$2 million dollars, \$150,000 worth of heroin, \$55,000 cash, and 30 stolen firearms. All of these items were traced to the Mexican Sinaloa Cartel. The drugs were destined for the Sidney area, and the money and stolen firearms were headed back to the southern US. Our agents are rockin' the Bakken.”

– DCI Administrator **Bryan Lockerby**



Montana Highway Patrol

MISSION: *The Highway Patrol's mission is to safeguard the lives and property of the people using Montana's highways through education, service, enforcement, and interagency cooperation.*

The Highway Patrol protects Montana's drivers and is responsible for accident investigation, motorist assistance, vehicle inspection, and enforcement of traffic laws. In 2014, MHP Troopers logged over six million miles on our roadways and investigated over 11,200 crashes.

MHP has district offices in: Missoula, Great Falls, Butte, Billings, Glendive, Kalispell, Bozeman, and Havre.

The division is organized into two bureaus:

- Operations Bureau
- Field Services Bureau

What Makes Us Proud:

In July of 2014, MHP announced its first K-9 narcotic units. These six units are strategically located throughout the state and travel regularly to conduct drug interdiction operations. Purchasing and training was funded by drug forfeiture money and grants. In 2014, criminal interdiction efforts with the K-9 units netted nine pounds of meth and 27 pounds of marijuana.

MHP also noted that in 2014, Montana experienced a 30% decrease in speeding-related deaths. Deaths attributed to not wearing a seat belt dropped by approximately 16%.

Overall, fatalities on Montana's roadways fell by nearly 15%.

Crashes where alcohol played a role rose by about 10% from 2013 to 2014; however, the number of Montana's alcohol-related fatalities in 2014 was down compared to recent years. This is partially due to the enforcement of traffic and DUI laws as well as the 24/7 Sobriety Program. MHP continues to work hard to raise public conscientiousness on the dangers and consequences of drinking and driving.

(See page 13 for more information on the 24/7 Sobriety Program.)



MHP's K-9 units.



MHP Sergeant Conner Smith of Helena

“In addition to the drug seizures involving our K-9 Units, we seized nearly 152 pounds of marijuana, 11 pounds of meth, 31 pounds of cocaine and almost 700 illegal doses of pills. 2014 was a busy year for our Troopers.”

– MHP Colonel **Tom Butler**



Forensic Science Division

MISSION: *The Montana Forensic Science Division Laboratory's mission is to use operationally efficient and financially responsible practices as the laboratory provides accurate, objective and timely forensic analyses to the criminal justice community in order to maximize value to the citizens of Montana.*

“ In 2014, our DNA database program reached a milestone of over 200 hits, helping solve crimes in Montana and around the country. Since 2002, we’ve processed over 25,000 convicted offender profiles and nearly 700 casework profiles. On top of that, our staff implemented operational changes that helped us improve efficiencies and reduce analysis costs. ”

— Forensic Science
Division Administrator
Dr. Phil Kinsey

The Forensic Science Division, also known as the State Crime Lab, analyzes crime evidence submitted by city, county, and state law enforcement officials. Located in Missoula, the Lab also manages a statewide system of death investigations. It has been accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board since 2005, and in international standards since 2011.

The Lab is comprised of 35 scientists and administrative staff who work in different sections to process evidence associated with crimes and crime scenes.

These specialty areas are:

- Breath Alcohol
- Firearms and Toolmarks
- Pathology
- Toxicology
- Drug Chemistry
- Latent Prints and Impressions
- Serology/DNA
- Trace Evidence

In 2014, the Lab processed nearly 2,000 drug cases and over 6,000 toxicology cases, half of which were DUI-related. Lab staff also handled hundreds of cases that included the testing of latent print, firearms, or DNA evidence, and provided hundreds of autopsies.

What Makes Us Proud:

Our team is dedicated to providing high quality analytical work, which can mean being available outside normal business hours. During Thanksgiving week, one week before trial, Yellowstone County investigators came into possession of a gun suspected to have been used in a homicide. It had been buried and then pawned; firearms analysis was needed immediately. Due to the weather, investigators couldn’t drive the evidence to the Lab, so it was shipped overnight and received the day before Thanksgiving.

Firearms Examiner Lynette Lancon worked evidence and then came in on her scheduled day off on Friday and again on Sunday to continue the analysis. At that point, the black powder gun could not be excluded as having shot the bullet (ball) in question. This information was crucial in securing a guilty plea from the suspect before the trial was to begin the next day.



State Crime Lab Firearms Examiner Lynette Lancon

Gambling Control Division

Through the Gambling Control Division, the Department of Justice regulates all forms of gambling in Montana, except the Montana Lottery and horse racing. The Legislature has charged the division with maintaining a uniform regulatory climate that is fair and free of corrupt influences.

The division is also responsible for collecting gambling revenue for state and local governments. Under Montana law, businesses must have a liquor license before they can hold a gambling license, so the division also serves as a point of contact for obtaining various liquor licenses and provides investigative services to the Department of Revenue.

The Gambling Control Division is comprised of:

- Operations Bureau
- Investigations Bureau
- Testing Lab/Technical Services Section

What Makes Us Proud:

In 2014, the division undertook major automation projects. One was making online applications, account maintenance, and license renewals available to gambling licensees through the Taxpayer Access Point (TAP). Working in coordination with the Department of Revenue, staff spent hundreds of hours in the design, testing, and implementation phases of this project. The rollout of these services has improved the productivity and efficiency of the division, as well as provided a “one-stop” shop for gambling and liquor licensees.

Additionally, the Gambling Control Division successfully tested and approved a Tier 1 accounting system that is being put in place by gambling industry operators. Tier 1 accounting systems provide for the direct connection of video gambling machines to location servers that feed machine operation data directly to the state’s database with no human intervention.



***MISSION:** Montana law mandates strict regulation. Gambling Control Division staff seek to balance this requirement with providing responsive service to the businesses and citizens we regulate.*



“ We have both literally and figuratively brought the division into the 21st century. In 1989, we did everything on paper; by the end of this fiscal year, we hope to have everything in place so that, if an applicant or licensee so chooses, he or she could deal with us entirely by electronic means. I am anxious for the day when I can say we have truly gone from paper to paperless.”

– Gambling Control
Division Administrator **Rick Ask**

Motor Vehicle Division

MISSION: *The mission of the Motor Vehicle Division (MVD) is to identify and promote efficient, cost-effective programs that benefit the interests, safety, and well-being of Montana citizens through licensing, registering, and regulating the motoring activities of the public.*

“Montana has just over one million residents, and MVD interacts with most of them at least once a year. In 2014, we processed over 174,000 new and renewal standard driver licenses for over 772,000 Montanans.”

– MVD Administrator
Sarah Garcia



Our Motor Vehicles Division ensures Montana's drivers and vehicles are properly licensed and registered.

MVD is comprised of four bureaus:

- Driver License Bureau
- Operations and Customer Support Bureau
- Records and Driver Control Bureau
- Title and Registration Bureau



What Makes Us Proud:

2014 marked the completion of the conversion of more than 11 million images into the new Enterprise Content Management (ECM) System, ImageNow. MVD's version of the prior system was obsolete and would not run on Operating Systems newer than Windows XP. The ImageNow system houses a broad array of MVD documents, including driver license applications, medical documents, sanction letters, and auto dealer license applications. Without it, MVD staff would be compelled to permanently house hard copies of millions of documents.

In addition to the three-week conversion of approximately 11 million images into the system, MVD headquarters staff scanned more than 800,000 pages of new documents into the system last fiscal year. The new system allows for a smoother workflow, enabling MVD staff to fluidly route archived images and documents to other staff members.



Our Central Services Division (CSD) provides the financial and human resources functions of DOJ. It also administers the county attorney payroll, as well as expenses for extradition and transportation of prisoners.

CSD is comprised of two bureaus

- Financial Bureau
- Human Resource Services Bureau

What Makes Us Proud:

CSD statistics paint the picture of the volume and complexity of the work its employees do. In Fiscal Year 2014, CSD Financial Bureau staff paid approximately 9,000 invoices, entered over 5,000 deposits, and audited 20,000 pay advices. In terms of complexity, DOJ has many different funding types and several sources of spending authority including budget amendments, administrative authorizations, and statutory appropriations. Its fiscal staff are required to ensure that every financial transaction complies with all laws, principles, and policies, and that DOJ is fiscally responsible.

CSD's Human Resource Services Bureau is responsible for recruitment, hiring, orientation, and succession planning to ensure DOJ's workforce has the ability to achieve the department's goals and objectives. Bureau staff also develop, implement, and evaluate activities that address employee training, performance appraisals, and talent management to ensure that the workforce has the ability to meet the current and future needs of the department and the employee.

Central Services Division

MISSION: *The Central Services Division will drive success by providing exemplary support services to everyone at the Department of Justice.*

“CSD is essentially the backbone of DOJ. By providing financial and human resource operational support to the other seven divisions, it allows them to execute their respective missions.”

– CSD Administrator
Christi Jacobsen

Justice Information Technology Services Division

Our Information Technology Services Division provides innovative, secure, and reliable Information Technology (IT) systems that are vital to every aspect of DOJ.

JITSD is comprised of three bureaus:

- Application Services Bureau
- Support Services Bureau
- Project Management Office

What Makes Us Proud:

JITSD manages or interfaces with 78 systems locally, within Montana, and across the country. This results in support for over 185 servers, 200 databases, 60 terabytes and 2,000 end user devices such as desktops, laptops, tablets, cell phones, smart phones, scanners, and printers. JITSD supports over 4,000 users, receives an average of 6,000 calls per year, and manages an average of 40 open projects at any one time. Based on these numbers, the optimal ratio of users to IT staff should be 75 to 1; JITSD operates at 240 to 1, which is truly efficient.

In the summer of 2014, the JITSD web team rolled out DOJ's new web site. It provides enhanced search capability and security features, as well as a 25% faster response. It also incorporates responsive design, which automatically adjusts the look of the site for each device type and size, like a smart phone. And now, there is only one source code and no need for additional coding for every device type, which reduces staff support time by 25%. With 23% of DOJ website visitors using mobile devices, there will be even greater savings in the future as this number grows. There is also a trending module that lets users know the top pages being accessed, which happens real-time as people visit the site. Lastly, there is better multi-language support, along with better accessibility for people with disabilities.

JITSD eliminated the security risk that Windows XP posed to DOJ and the state enterprise as a result of Microsoft's end of support date of April 8, 2014. Because protecting DOJ information and systems is paramount, a core team of 24 stepped up and began the XP Eradication Project, which required planning and teamwork from three different DOJ divisions.

JITSD also implemented numerous enterprise content management (ECM) solutions throughout DOJ and will continue to do more in 2015 while leading the way for state government through consultation and innovation.

Lastly, JITSD's customer satisfaction rate in 2014 significantly increased in 40 of 43 areas over the previous year.



MISSION: *The Justice Information Technology Services Division seeks to deliver proactive, business value-added IT solutions.*



“ The JITSD staff are consummate professionals. They continue to lead and deliver exceptional IT solutions for the DOJ, state government, and citizens of Montana. ”

– JITSD Administrator
Joe Chapman

Key DOJ Initiatives

Sexual or Violent Offender Registry

For 25 years, the Sexual or Violent Offender Registry (SVOR) has served as a valuable resource for Montanans to protect their families against sexual or violent offenders. The SVOR, an on-line, searchable, public database of offenders, tracks on average 2,300 sexual offenders and 3,300 violent offenders. In 2013, DOJ replaced the Sexual or Violent Offender Website (SVOW), with a new website that reduces operation costs.



The new, mobile-friendly website offers several new features and enhancements. First, photos of non-compliant registrant offenders (offenders with unknown whereabouts) are displayed. The SVOW asks the public to notify the registry if they have information concerning the offenders' whereabouts. Offender photos are also now part of offender popup screens, making even a casual visit to the site more informative and productive for the public. All offenders are now mapped to their home address or their supervisory agency.

During the 2013 legislative session, Attorney General Fox advanced HB 335, which allows a district judge to designate a tier level to sex offenders who lack one. An estimated 250 offenders have already been assigned tier levels as a result of this process.

Child Abuse Prevention

Sadly, child abuse and neglect is more common in Montana than most people realize. In May 2014, DOJ was pleased to partner with NorthWestern Energy and the Montana Department of Public Health and Human Services in a public service campaign called "You Have the Power" to spread awareness of the importance of child abuse prevention. Funding for the campaign was allocated by the 2013 Legislature and bolstered through contributions by NorthWestern Energy.

All of the utility's Montana customers received a wallet card in their May newsletter, which was inserted in all power bills. Additionally, a magnet went out in a separate letter to all NorthWestern Energy's customers in June. Extra magnets were made available at Northwestern Energy's walk-in locations across the state.

A series of TV and radio public service announcements urging Montanans to call the State's hotline if they suspected abuse aired statewide through December.



Report suspected child abuse
in Montana

YOU HAVE THE POWER
1-866-820-KIDS
(5437)

Improving the Prosecution of Sexual Assault and Protections for Victims

In February 2014, the Attorney General's Office (AGO) intervened in the two-year dispute between the United States Department of Justice (USDOJ) and the Missoula County Attorney's Office over the handling of

sexual assault cases and the treatment of victims of sexual assault. In an unprecedented agreement signed in June 2014 with Missoula County, Attorney General Fox was able to end litigation between the county and USDOJ.

In doing so, the

AGO redirected the parties' resources and efforts toward improved prevention, investigation, and prosecution of sexual assault while making sure that the victims of sexual assault are treated with compassion and without discrimination.

To date, the AGO and Missoula County have completed substantial portions of the actions required in the settlement, including the adoption of internal policies for investigating and prosecuting sexual assault cases, policies for protecting victims' rights, training for prosecutors, and the hiring of an internal county victim coordinator, and a computer tracking system for victim advocates and victims to track the status of their cases.

Also in 2014, the AGO initiated statewide sexual assault prosecution training for county attorney offices.



KELSEY WARDWELL/Missoulian

Combating Human Trafficking

Human trafficking has been identified as a \$32 billion/year industry and is the fastest growing element of the criminal industry in the world. Because this crime is transient in nature, Montana-based data is difficult to gather; however, we do know that human trafficking is taking place within our borders, particularly in the Bakken.

The 2013 Legislature passed HB 488, which directed the Montana Department of Justice to develop and distribute human trafficking awareness posters. Written in both English and Spanish, it features a toll-free help line that's manned around the clock and run by the Polaris Project, a national non-profit committed to fighting human slavery.

The DOJ took several important strides in 2014 to raise awareness of human trafficking in the state by forming important partnerships with key industry and civic organizations. In January, Town Pump Corporation distributed DOJ's human trafficking awareness poster in all of its retail locations and casinos across the state. Shortly afterward, the Montana Department of

Transportation placed the poster in each of Montana's rest areas. This was followed by human trafficking awareness truck decals, sponsored by Soroptimists International of Whitefish and distributed by the Montana Motor Carriers Association in an effort to tie in with the national Truckers Against Trafficking movement.

At year's end, Town Pump and the Soroptimists came together once again to demonstrate their commitment to making the traveling public aware of human trafficking by co-sponsoring the department's first semi-truck signage. Watkins and Shepard Trucking donated the signage space on one of its Montana-based

trailers for the next two years, potentially exposing thousands of motorists on Montana's highways to the human trafficking prevention message.



Representative Kimberly Dudik (D-Missoula) and Attorney General Tim Fox at Montana's first Run for Freedom 5-K in Missoula on December 7, 2014. The event raised funds and awareness to prevent human trafficking, and marked the debut of DOJ's first semi-truck signage.

DOJ is grateful to its civic and corporate partners for their support and financial contributions, as no funds were received legislatively for human trafficking prevention efforts. The DOJ will continue to be proactive on the issue through giving presentations across the state, seeking new partners, and introducing new legislation to revise Montana's human trafficking laws to be more in line with the Uniform Human Trafficking Law.

Strengthening DUI Laws

In Montana, the number of fatal crashes involving impaired drivers using alcohol and/or drugs continues to be nearly the highest in the nation. As part of an effort to eliminate this trend of high-risk behavior, the DOJ works with counties across the state to encourage local participation in its 24/7 Sobriety Program.

It works like this: Judges can require participation in alcohol breath testing or monitoring as a condition of releasing repeat DUI offenders from jail. The twice-daily breath testing, which costs participants \$2 each time, can be required for people who have a DUI conviction and have been arrested or convicted again.

The program is simple: A participant is required to visit a test site twice a day and take a breath alcohol test. If the participant tests "clean," no action is taken. If the participant tests "hot," he or she is immediately taken into custody and brought before a judge.

At no additional cost to the taxpayer, 24/7 has been shown to be effective in keeping people accountable and out of jail in two dozen participating counties: Beaverhead, Big Horn, Broadwater, Cascade, Custer, Dawson, Deer Lodge, Flathead, Gallatin, Granite, Hill, Jefferson, Lake, Lewis & Clark, Lincoln, McCone, Missoula,* Musselshell, Powell, Sanders, Sheridan, Silver Bow, Sweet Grass, and Yellowstone.

*Missoula County runs its own 24/7 program that is not integrated with the other counties.

Key DOJ Initiatives



Defending Our Second Amendment Rights

The safe and legal use of firearms is a part of Montana's culture, traditions, and laws. The right to keep and bear arms under the Second Amendment to the US Constitution is an individual right, and something that the Montana Department of Justice has worked vigorously to defend.

In May 2014, Montana joined with 21 other states in urging the US Supreme Court to review the constitutionality of a New York statute that limits an individual's Second Amendment right to bear arms. The lawsuit, *Nojay v. Cuomo*, challenged New York's Secure Ammunition and Firearms Enforcement Act ("the Act"), which prohibits its citizens from possessing and carrying semi-automatic firearms for lawful purposes.

In December 2013, Montana joined with 26 other states and territories in an amicus brief filed in the US Supreme Court opposing the attempt by the federal government to broadly construe federal law to prosecute legal gun owners who wish to sell a weapon to another person who can legally own firearms.

The brief related to the case *Abramski v. United States of America*, which challenged whether federal law prohibits citizens who legally buy a firearm from a licensed dealer with the intention of then selling that gun to another private citizen who also is legally allowed to purchase and own firearms.

Developing and Exporting Our Resources Responsibly

The Attorney General's Office plays a vital role in Montana's economic development. As a member of the Montana Land Board, Attorney General Fox supports responsible natural resource development on state lands in order to promote good-paying jobs across the state.

Another duty of the AGO is to guard against federal government overreach and ensure Montanans can continue to rely upon our rich natural resource heritage to make a living.

In 2013, Montana joined several other states in a US Supreme

Court amicus brief challenging the EPA's regulations in *Utility Air Regulatory Group v. EPA*. Montana and her sister states argued that the EPA's new regulations exceeded its authority and violated the tenets of cooperative federalism contained in the Clean Air Act. In June 2014, the court's ruling vindicated Montana's position.



In November 2014, the AGO submitted comments to the EPA and the US Army Corps of Engineers regarding proposed rules that would dramatically expand their regulatory authority over all waters in any way connected to navigable waters.

At year's end, Montana and the Crow Nation filed joint comments with the EPA, expressing serious concerns about proposed carbon regulations and their impact on Montana's jobs. The proposed new regulations of the Clean Air Act would force the states to reduce carbon dioxide emissions from existing fossil fuel-fired power plants.

Montana also joined 16 other states in filing separate comments on the EPA regulations, arguing that they are illegal and exceed federal authority granted in the Clean Air Act.

In 2014, two groups filed suit in federal court to halt the Red Mountain Flume Chessman Reservoir Project, a limited forest management project intended to

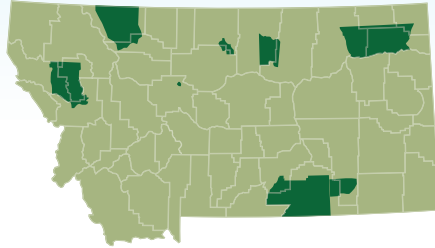
protect Helena's fresh water supply from wildfires. In August, Attorney General Fox and the Montana Department of Natural Resources and Conservation filed an amicus brief on behalf of the State, arguing that the project was in the best interest of Montanans and should be allowed to proceed. The plaintiff's motion for preliminary injunction was denied, and the project began later that same month.

Justice in Indian Country

Montana is home to seven federally-recognized tribes and one state-recognized tribe with more than 66,000 people of Native American heritage. These eight tribes are recognized as sovereign nations, and each tribe has its own unique history, language, culture and governmental structure. The law enforcement agencies responsible for public safety on each reservation varies from tribe to tribe, with the federal government exercising jurisdiction for many major crimes involving Native American perpetrators and Native American victims.

Insofar as crime knows no geographic or jurisdictional boundaries, the Montana Department of Justice has stepped up its efforts to work with Montana's tribal governments and tribal law enforcement agencies to increase cooperation and understanding for the benefit of public safety of all Montana's citizens. Instrumental in the AGO's efforts in that regard was the hiring of Assistant

Attorney General Melissa Schlichting in November 2013 as the AGO's Tribal Liaison, and the adoption of the AGO's first internal policies on enhancing communication and partnerships with tribal governments.



Rather than assuming that DOJ knows what any given tribe's needs may be, the Department

has asked each tribe to sponsor training for DOJ management personnel on tribal history, culture, and governmental structure. To date, DOJ management personnel, including the Attorney General, have received training from the tribal councils of the Confederated Salish and Kootenai Tribe, the Northern Cheyenne Tribe, and the Crow Tribe. In addition, management staff from the Montana Highway Patrol and the Division of Criminal Investigation have held meetings with tribal officials and tribal law enforcement over the past year. As a result, negotiations are ongoing with multiple tribes on highway safety, MHP traffic patrolling, and cross-commissioning agreements.

Addressing the Health Care Needs of Montanans

In June 2013, the AGO approved Health Care Service Corporation's purchase of the non-profit Blue Cross Blue Shield of Montana for over \$40 million. Pursuant to state law, the AGO formed the non-profit Montana Healthcare Foundation to receive the initial sale money together with up to an additional \$60 million in future funds expected from the sale of the remaining assets of the former health insurance company that were not purchased by Health Care Services Corporation.

After a statewide search, Attorney General Fox selected seven accomplished Montanans to serve on the initial board of directors of the new foundation. They are: Judith LaPlan of Sidney; Dr. Paul Cook of Red Lodge; Michael Harrington of Missoula; Joanne Pieper of Belgrade; Chair Denis Prager of Clyde Park; William Underinner of Billings; and Mignon Waterman of Helena. The Foundation board named Aaron Wernham, MD, MS, as its first president and CEO in October of 2014, and on December 18, 2014, announced it will make its first \$1.3 million in grants in March 2015.

In June 2014, the new Blue Cross Blue Shield of Montana opened a 120-employee call center in Great Falls that was a condition imposed by the Attorney General's Office in conjunction with the approval of the sale to Health Care Services Corporation.



This edition of the Attorney General's Biennial Report to Montana is dedicated in memory of Cascade County Deputy Sheriff Joe Dunn, who lost his life in the line of duty on August 14, 2014.

MONTANA DEPARTMENT OF JUSTICE

Attorney General's Biennial Report to Montana

February 2015



MONTANA DEPARTMENT OF JUSTICE

www.dojmt.gov contactdoj@mt.gov

Office of the Attorney General	(406) 444-2026
Legal Services Division	(406) 444-2026
Office of Consumer Protection & Victim Services	1-800-481-6896 (406) 444-4500 contactocp@mt.gov
Central Services Division	(406) 444-1910
Division of Criminal Investigation	(406) 444-3874
Forensic Sciences Division	(406) 728-4970
Gambling Control Division	(406) 444-1971
Highway Patrol Division	(406) 444-7000
Information Technology Services Division	(406) 444-2424
Motor Vehicle Division	(406) 444-3933

Join the Conversation



@AGTimFox

YouTube Montana DOJ



@MontanaDCI



@MT_MVD



Montana Highway Patrol