

**ATTORNEY GENERAL
STATE OF MONTANA**

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Montana Attorney General's Office

QUARTERLY REPORT

For Period Ending September 8, 2015

Re: MOU/Agreement Requirements between the Montana
Attorney General, the US Department of Justice and the Missoula
County Attorney's Office.

Montana Attorney General's Office
QUARTERLY REPORT
FOR PERIOD ENDING SEPTEMBER, 8 2015

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AN INTRODUCTION FROM TIM FOX, ATTORNEY GENERAL OF MONTANA

On June 10, 2014, I signed a memorandum of understanding (MOU)¹ with Missoula County, the Missoula County Attorney's Office (MCAO), and the United States Department of Justice (USDOJ) resolving USDOJ's investigation of the MCAO's handling of sex assault prosecutions. This MOU outlined a cooperative agreement between the Montana Attorney General's Office (MT AGO) and the MCAO to ensure the success of the MCAO's efforts to improve its response to sexual assault. My office provided the first, semi-annual report to the USDOJ in December 2014 and we have since published three quarterly reports for the periods ending in January, March and June of 2015. These reports are available here:

<https://dojmt.gov/agooffice/missoula-county-agreement>

I am now pleased to present to the public our fourth quarterly report covering progress and compliance with the agreements from June 5, 2015 through September 8, 2015. This report shows that our work together has resulted in a drastic decrease in the time it takes for the MCAO to make decisions and communicate with victims on sex assault cases referred for prosecution. These improvements are due in part to the MCAO's placement of a prosecutor with the MPD to assist in

¹ This and the other MOUs are attached to the First Quarterly Report, available here at <https://dojmt.gov/wp-content/uploads/Quarterly-Report-January-2015.pdf>.

real time with investigations and case related decision making. This approach has proven to be a tremendous asset to sex assault investigations, improving both the pace and quality of the investigations.

Finally, I am proud to report that the formation of the Montana Multi-Disciplinary Training Team on Sex Assault is off to a great start, with enthusiastic support from the MCAO, MPD and many other key partners within the Missoula community. Planning is underway to hold a pilot conference in Helena, Montana in the spring of 2016. This conference will take advantage of the expertise developed in Missoula to help the Helena community identify opportunities for improvement relating to the response of sexual assaults, as well as to assist the Helena community with implementing meaningful change.

These are just some of the examples of the great work that is being done to help ensure that Missoula, and all of Montana, will respond to sex assault with the resources and expertise that the victims of these crimes deserve.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Fox', with a stylized, cursive script.

Tim Fox

**WORK CONDUCTED PURSUANT TO THE MOU'S IN THE REPORTING
PERIOD – June 5, 2015 through September 8, 2015**

On September 17 and 18, 2015, Ole Olson of the MT AGO's Prosecution Services Bureau (PSB) and Technical Advisor Anne Munch (TA) visited the Missoula County Attorney's Office. Over the two-day period they conducted on site reviews and in person interviews with attorneys with regard to the declined cases and other cases requested to be reviewed during the reporting period. They also facilitated the formation of the Montana Multi-Disciplinary Training Team on Sex Assault, and attended the weekly Special Victims Unit meeting. Additionally, Anne Munch and local Missoula Police Detective Brad Waln conducted a two-hour training with the Missoula County Sheriff's Detectives on best practices for conducting sex assault investigations.

Two weeks prior to this meeting, the MCAO provided the MT AGO with the data described in the Monitoring and Compliance Plan, including a list of training and the updated Sexual Assault Case Data Forms. Having reviewed these materials, the MT AGO, TA and MCAO discussed the reporting points outlined in the Monitoring and Compliance plan. The MT AGO followed up with specific queries on several particular cases. Additionally, the MT AGO followed up on specific points that the TA had raised in her letter which accompanied the June 2015 Quarterly Report.

MOU COMPLIANCE UPDATES

The following is a summary of the updates provided by the MCAO to the MT AGO in order of the subject topics provided in the Monitoring and Compliance Plan.

I. Changes, if any, to policies and guidelines for handling sexual assault cases:

- No changes in this reporting period.

II. A list and description of any Sexual Assault related trainings conducted or attended by MCAO attorneys and supervisors, including victim advocates, the MPD or MSO since the last Quarterly Report:

- Jen Clark and Kirsten Pabst participated as panelists and lecturers at the Montana Victim Advocate Academy at UM on June 8 and 9.

- Kat Werner with the YWCA trained our entire criminal staff about Human Trafficking and victimization of vulnerable women, on June 26, 2015.
- SVU attorneys attended a two-day training on human trafficking July 1 and 2, 2015.
- On August 4, 2015 Kirsten Pabst and Shantelle Gaynor with the CVA office met with a representative from Marsey's Law to help coordinate a statewide effort to have the Montana Constitution amended to include a Victim's Bill of Rights. Kirsten Pabst is on the statewide steering committee for Marsy's Law in Montana.
- June 29, 2015 Kirsten attended a webinar on Trauma Informed Practices
- On July 17, 2015, through a joint trafficking operation with MPD, FBI, Montana Division of Criminal Investigation, and the crime victim's academy, Jen Clark studied how sexual traffickers operate, how the multi-disciplinary approach with victims can improve outcomes and help women get out of the abuse cycle.

III. A list of the designated sex assault prosecutors, supervisors, and in-house victim advocate: (* Indicates there has been a change since the last Quarterly Report.)

- SVU Supervisor: Jason Marks;
- SVU Attorneys: Jen Clark, Suzy Boylan, Jordan Kilby, & Brian Lowney;
- Jordan Kilby is the newly assigned "Investigative Specialist;"
- Mike Dominick is the new in-house Investigator;*
- Victim Witness Coordinator: Cathy Dorle.

IV. Changes, if any, to MOU's between MCAO and MPD and MCSO since the last Quarterly Report:

- None.

V. Current Sex Assault Case Data Forms on all sex assault cases referred to MCAO for charging or review. Data forms show new referrals and/or changes in status of previous referrals since the last Quarterly Report:

- The MCAO forwarded all current Sex Assault Case Data Forms to the AG.

VI. Updates as to participation and/or results of Missoula's sex assault safety and accountability audit and the victim and advocate survey through the University of Montana and MPD.

- Since the last report the MCAO has conducted surveys on the victims involved in three cases that have been resolved. These surveys are conducted by the victim witness coordinator by telephone with the victim. The feedback was positive in all

three cases. One victim responded that “the prosecutor made the prosecution process easy to understand . . . and was very good about communicating with me.” Another victim said, “It was kind of a scary process but she made it easy and was reassuring . . . she showed me the courtroom. I had a really good experience. I appreciate all of the help I got.” One victim who recently worked with our victim witness coordinator wrote an email stating, “As a victim I am very happy to see that they have created your job and see it working in real time. It was something that was greatly needed and it is encouraging to see it working!” The complete surveys are attached as Exhibits 4, 5, and 6.

VII. Status update on the Special Victims Unit process at the MPD:

- Jordan Kilby is now co-located at MPD in the Special Victims Unit to assist in ongoing investigations and facilitate more rapid case review and charging decisions. Jordan, the CVA co-located with MPD's Special Victim's Unit, and two detectives from the unit traveled to Boise, which uses a similar integrated SVU model, to study best practices for an integrated unit. The Missoula Police Department recently sent an e mail to the MCAO stating how Jordan Kilby's participation on the SVU has been extremely helpful in the investigation of sexual assaults:

“I think I can speak for all our people as I tell you how well Jordan's position (and Jordan specifically) is working out over here. I don't know how much you hear about the day-to-day benefits, but here are a couple easy examples:

- Sex assault case. Jordan keenly identified that the element of “force” had not been articulated early in the investigation. We went back to the victim and clarified this issue and ultimately determined force was not at play, and this investigation did not meet the elements of SIWOC. From that point on, we worked with the city attorney's office (misdemeanor sex assault) who watched the suspect interview and coordinated with us on the appropriate number of charges, bond and a judge's order to have the suspect's passport surrendered. In the “old days” this would have been investigated and referred as a whole, then declined and sent back Our new approach is so much more efficient for detectives and victims.
- Surreptitious viewing case. Jordan was briefed in the morning as we suspected the suspect could have been involved in many other offenses (even the remote likelihood he was involved in a previously reported rape). Jordan got us search warrants for the suspect's phone and car the day it was reported. This kept our investigators in the interview room with the suspect, conducting follow-up statements with the victims, looking at previous reports and identifying witnesses. As one detective said this morning, we would get this all done eventually, but Jordan's assistance keeps the “momentum” going on cases. The case is still active, but the vast majority of it was

done in one day, thanks to her help. The suspect is charged with surreptitious viewing and trespass at this point and more offenses could result from the investigation.

- Rape case. A victim walked into the MPD and reported an acute case in which the suspect partially penetrated her vagina with his penis. The suspect was reportedly not wearing a condom. We located the suspect that day and he denied any sexual contact. Jordan obtained a search warrant for the suspect's body and clothing that day, which we later executed. This case is off to a great start as we've secured that critical piece of potential evidence right away."

VIII. Status update on MCAO involvement with law enforcement and community partners and update on community education efforts:

- Kirsten Pabst has been a regular guest on TalkBack radio program, discussing the SVU, the role of the Victim Witness Coordinator, the new investigator's role and Jordan Kilby's specialization at the MPD's SVU. Kirsten Pabst met with several state legislators and community leaders, including the US Attorney for Montana and the attorney with the US DOJ to discuss developments with the SVU as well as ideas for the future of sexual assault prosecutions in Montana. Members of the MCAO are also involved in the formation of the new Montana Multi-Disciplinary Training Team on Sex Assault and are contributing time and expertise to its development.

IX. Status of the \$10,000 Expert Witness fees fund:

- The fund has been used to pay the following experts in sexual assault cases tried this past Quarter: No cases tried in this period.

X. Review of all MCAO files for all declined sexual assault cases since the prior Quarterly report, if any, as well as any other cases requested to be reviewed by the TA and MT AGO:

- The TA and MT AGO completed the review process of the one case declined in the current reporting period. The LE Case number is 2014-37431. The reason for the declination was insufficient evidence to prove the case beyond a reasonable doubt. The MT AGO and TA reviewed the entire investigative file and conducted an in-person meeting with the prosecuting attorney and SVU supervising attorney Jason Marks. The MT AGO and TA asked further questions about the case and provided feedback. The case will remain uncharged as it was determined that the decision not to charge was within the reasonable discretion of the CA.

- Another case was charged and then dismissed in this reporting period. The LE Case number is 2015-4283. The TA and MT AGO have not completed the case review process for this case. It will be reported on in the next quarterly report.
- The TA and MT AGO completed the case review process during this reporting period for LE case number 2015-5207. This case was dismissed in the previous reporting period at the request of the victim. The MT AGO and the TA reviewed the case file and conducted an in person meeting with the prosecuting attorney and SVU supervisor Jason Marks. This case remains dismissed. The MCAO, MT AGO and TA all agree that an important goal is to pursue prosecutions in order to hold offenders accountable and to support reporting victims in every way possible in the process. Ongoing discussions and technical assistance is being implemented in this area to support prosecutors in seeking justice and supporting victims in an effort to encourage their ongoing participation in the criminal justice system.
- The TA and MT AGO have identified the following cases for formal case review: 2015-1951; 2015-27095; 2015-29653; 2015-15509. These case reviews will be reported on in the next quarterly report.

TECHNICAL ADVISOR RECOMENDATION UPDATES

Anne Munch made a number of recommendations in her letter dated June 23, 2015. Ms. Munch's recommendations are addressed here in the order they were presented in her letter:

I. Development of Policies and Guidelines for Sexual Assault Cases:

- *Ms. Munch recommended that the MCAO continue to utilize the Condensed Policy and Guidelines for Handling Sexual Assault cases: A review of the Sex Assault Data Sheets indicates this is the case.*

II. Training for County Attorney Supervisors and prosecutors in response to sexual assault:

- *Ms. Munch recommended continued training for MCAO prosecutors in the areas listed in the MOU as well as on additional topics such as prosecuting cases involving Native American Victims and Drug and Alcohol Facilitated Assault: The MCAO continues to look for training opportunities and will schedule and attend trainings on these*

topics. The MT AGO has already discussed with the MCAO SVU plans in the upcoming quarter to schedule a training on working with Native American Victims.

- *Ms. Munch recommended that she spend additional time with the MCAO developing training blocks for use in the large Montana community:* **Ms. Munch provided sample curriculum for sexual assault and domestic violence training at the inaugural meeting of the Montana Multi-Disciplinary Training Team on sex assault held in September, 2015. Development of a training program utilizing community partners is ongoing in conjunction with the MT AGO.**

III. Assurances to on-going practices within the Missoula County Attorney's Office

- *Ms. Munch recommended that the MCAO utilize the victim advocate and SVU to reduce the time period between the charging decision and the first meeting with the victim:* **The time between charging decision and first meeting with the victim has improved dramatically. In the last quarter, on all cases referred for charging the meetings with the victim occurred either before the charging decision or within a day or two of the charging decision.**
- *Ms. Munch recommended that the MCAO continue to collect and evaluate data with regard to communication with victims and advocates in order to ensure long term changes:* **The parties to the MOUs have all agreed MCAO will continue to collect and provide data to the MT AGO through June 2016.**
- *Ms. Munch recommended that the MCAO solicit and consider feedback of victims and community based advocates in order to ensure that her role and the introduction of these services to victims in the community are maximally effective and the services are not unnecessarily duplicated:* **On June 29, 2015, the MCAO implemented a victim survey that is conducted on each closed sex assault case. In the last reporting Quarter, three surveys have been completed and all indicate positive experiences by the victims. These surveys are attached at Exhibits 4, 5, and 6.**
- *Ms. Munch recommended that the SVU participate in some strategic planning with the SVU partners to identify the best methods for utilizing and growing prosecutorial and*

investigative expertise in the SVU: No action to report. The MT AGO will work with the MCAO to make progress on this goal in the coming quarter.

- *Ms. Munch recommended the SVU identify and implement a process to help SVU prosecutors evaluate stress levels and effectiveness on a routinely scheduled basis: MCAO supervisors are monitoring stress levels with the understanding that SVU attorneys are at a high risk for burnout. Current staffing in the MCAO does not allow for either a reduction in caseload or rotation of attorneys out of the SVU. This issue will be addressed in the next budget cycle with a request for an additional attorney. In the meantime, MTAGO and TA are planning to work with the MCAO to assist them in developing a plan to assist the current sex crimes prosecutors in identifying and responding to the vicarious trauma that prosecutors and other in these positions frequently experience.*
- *Ms. Munch recommended that the SVU review MOU's between MCAO and the law enforcement partners to ensure they are being implemented and followed and whether they need revision: The MCAO reports that the MOU's generally are working well and are serving their intended purpose. The MT AGO and TA note that the MPD's cooperation in the SVU and implementation of best practices is ahead of the MSCO. The hope is that the MSCO will eventually develop a model of investigation and cooperation that is on par with that the MPD*
- *Ms. Munch recommended that a member of the MCSO who will be handling sex assault cases be identified and join the SVU as quickly as possible: The MCSO has specifically declined to designate an investigator to handle sex assault cases and join the SVU, citing limited resources. The MCSO reports that they chose to have sex assault cases as part of the general detective rotation out of a concern for investigator burnout.*
- *Ms. Munch recommended that supervisor review continue over a longer period of time in order to guarantee forward progress and watch trends over time: The MCAO intends to have supervisory review of sex assault cases on a permanent basis.*

IV. Improved communication with law enforcement and community partners:

- *Ms. Munch recommended that the SVU participate in an on-site visit to other SVU's operating in similar communities:* **The SVU conducted an on-site visit to an SVU in Boise, Idaho in August, 2015.**
- *Ms. Munch recommended that members of the SVU identify specific areas where additional training for all SVU members would be helpful to improve the quality of the cases:* **No action to report. As noted above, MT AGO has already discussed with the MCAO SVU plans in the upcoming quarter to schedule a training on working with Native American Victims. The parties have also identified an opportunity to explore ways to improve the victims cooperation in investigations and prosecution of these cases. We will address this area in the upcoming quarter. Additionally, the MTAGO and TA are recommending that the SVU arrange for consider specific sexual assault training for the in-house investigator, Mike Dominick.**
- *Ms. Munch recommended that the MCAO consider being a partner in the formation of a multi-disciplinary training team that could provide training in other parts of Montana:* **On September 17, 2015, Kirsten Pabst and all the MCAO SVU attorneys attended the facilitation meeting for the creation of the Montana Multi-disciplinary Training Team on Sex Assault. Over twenty members of the professional community attended and brainstormed ideas for the structure, funding and mission of the team. The team has applied for various grant funds and is currently planning a pilot training program in Helena, MT.**

V. Public Outreach and Education:

- *Ms. Munch recommended that the MCAO create a strategy for how to continue outreaching to and educating the public about the improvements they are making in their office in an effort to better educate and receive feedback from the public from whom they serve:* **Kirsten Pabst has been a regular guest on TalkBack radio program, discussing the SVU, the role of the Victim Witness Coordinator, the new investigator's role and Jordan Kilby's specialization at the MPD's SVU. Kirsten Pabst met with several state legislators and community leaders, including the US**

Attorney for Montana and the attorney with the US DOJ to discuss developments with the SVU as well as ideas for the future of sexual assault prosecutions in Montana. Members of the MCAO are also involved in the formation of the new Montana Multi Disciplinary Training Team on Sex Assault and are contributing time and expertise to its development.

VI. Assessment of this Agreement and Review of Cases by the Montana Attorney General

- *Ms. Munch recommend that case reviews continue and that a more formal case review process be identified and implemented by the MCAO and MT AGO in order to create a more consistent method for case reviews: **The formal case review process is attached as Exhibit 1 and will be implemented as of this report.***

AGGREGATE DATA ANALYSIS

The MOU between the MT AGO and MCAO² contemplates that the MT AGO will provide in this quarterly report “an analysis of collected data from the MCAO and a report on all measurable improvements in the response to allegations of sex assault.” For purposes of this report, the Data analyzed will include those items listed on page 3 of the MOU between the MCAO, MT AGO and USDOJ, which includes the Aggregate Data on Sex Assault cases from June 2014 through September 8, 2015, specifically including:

- The number of sexual assault cases referred for review by local law enforcement to MCAO;
- The number of sexual assault cases charged by MCAO;
- The disposition of charged sexual assault cases;
- The number of sexual assault cases in which additional investigation was requested of local law enforcement;
- The number of victims of sexual assault who have utilized the services of the in-house victim witness coordinator.

As a pre-requisite to gathering this Aggregate Data and as a way to monitor compliance in particular cases, the MCAO also is providing the MT AGO with the following case specific data as outlined in the Monitoring and Compliance Plan (March, 2015 report, Exhibit 2):

² All the MOUs referenced in this report are attached as Exhibit to the First Quarterly Report, available here at <https://dojmt.gov/wp-content/uploads/Quarterly-Report-January-2015.pdf>.

- Copies of all Current Sex Assault Case Data Forms on all cases referred to MCAO for charging or review since the last Quarterly Report.
- Copy of the complete files for all declined sex assault cases, if any, since prior Quarterly report.
- Data on sexual assault cases, organized by Defendant name and Case Number, which includes:
 - Referral type: review or charging.
 - Decision made
 - Disposition
 - Sentence
 - The following dates and time spans: Date of referral, Date of any request for further investigation; Date of prosecution decision; Date of meeting with victim; Date of meeting with advocate; Date of plea offer; Date of Disposition.

The Aggregate Data provided by the MCAO is presented in attached Exhibits 2 and 3. Exhibit 2 represents cases referred for a charging decision from June 2014 through September 8, 2015. Cases referred for a charging decision are cases where law enforcement feels it has completed investigation and that there is probable cause to charge the case.

Exhibit 3 represents cases referred from June 2014 through September 8, 2015 for “review only.” Cases referred for “review” are cases “where, in the eyes of the MPD detective, the investigation has not developed probable cause necessary for arrest and prosecution.”³ The assigned prosecutor reviews that investigation and either agrees with the law enforcement decision to make the case inactive or refers the case back for further investigation.

We note that the sub-categories of “cases referred for review,” which includes cases where victims declined to participate, should not be read to imply that the MPD or the MCAO or the MT AGO considers a victim’s decision to cooperate with the case as a pre-requisite for probable cause to arrest or sufficient evidence to charge. Regardless of the way that these cases are referred to the MCAO, all the cases are subjected to the same substantive review by a prosecutor to determine whether the case should be charged, declined, or referred for further investigation. The victim’s decision to participate is only one of the many factors that play into the prosecutor’s decision, and does not necessarily foreclose the possibility of charging the case.

³ Memorandum of Understanding Between Office of the Missoula County Attorney’s Office and the City of Missoula Police Department (Dec. 13, 2013), at p.2.

I. Comparative Analysis of Cases Referred for Charging Decisions:

An analysis of the aggregate data for cases referred for a charging decision is provided below in Tables 1 and 2. Table 1 is based on data compiled in the first quarterly report (June 2014 through November 2014). Data gathered for the second quarterly report (November, 2014 through March 1, 2015) indicates that no cases were referred for charging in the reporting period ending March 1, 2015. Table 2 is based on the Data compiled during the reporting period of March 2, 2015 through June 4, 2015. Table 3 is based on the Data compiled during the current reporting period of June 5, 2015 and September 8, 2015.

According to the MCAO Sex Assault Manual there is no specific deadline for making a charging decision on cases referred for prosecution or meeting with the victim. The manual states at pages 19 to 20 that the prosecution should make contact with the investigator within two weeks of referral and emphasizes that communications with victims is of paramount importance. While the number of cases referred for charging in this period is only 2, the cases that have been reported show drastic improvement in the pace of prosecution. The average time between referral and charging has improved from 27 days in the prior reporting period to 9 days in the current reporting period. The time between the referral and contact with the victim has improved from 28 days in the previous reporting period to 7 days in the current reporting period.

**Table 1: Analysis of Sex Assault Cases Referred for a Charging Decision
June 2014 and November 25, 2014 (Exhibit 2).**

SA Cases Referred to MCAO for Charging by MPD and MCSO	10
SA Cases Charged by MCAO	8
SA Cases Referred for Further Investigation by MCAO	1
SA Cases Declined by MCAO	1
SA Cases in Which Prosecutor Made Contact with Victim	8 ⁴
Average Time Between Referral and First Contact with Victim	35 days
Longest Time Between Referral and First Contact with Victim.	147 days

⁴ Regarding the two cases in which the victim was not contacted, one victim was unable to be reached despite attempts by the Detective and Crime Victim Advocate. The other victim had not been contacted at the time of this report.

Shortest Time Between Referral and First Contact with Victim	0 days
Average Time Between Referral and Charging Decision	21.4 days
Longest Time Between Referral and Charging Decision	70 days
Shortest Time Between Referral and Charging Decision	0 days

**Table 2: Analysis of Sex Assault Cases Referred for a Charging Decision
March 2, 2015 through June 4, 2015 (Exhibit 2)**

SA Cases Referred to MCAO for Charging by MPD and MCSO	3
SA Cases Charged by MCAO	1
SA Cases Referred for Further Investigation by MCAO	1
SA Cases Declined by MCAO	1
SA Cases in Which Prosecutor Made Contact with Victim	3
Average Time Between Referral and First Contact with Victim	28 days
Longest Time Between Referral and First Contact with Victim.	55 days
Shortest Time Between Referral and First Contact with Victim	9 days
Average Time Between Referral and Charging Decision	27 days
Longest Time Between Referral and Charging Decision	38 days
Shortest Time Between Referral and Charging Decision	16 days

**Table 3: Analysis of Sex Assault Cases Referred for a Charging Decision
June 5, 2015 through September 8, 2015 (Exhibit 2)**

SA Cases Referred to MCAO for Charging by MPD and MCSO	2
SA Cases Charged by MCAO	1
SA Cases Referred for Further Investigation by MCAO	1
SA Cases Declined or Dismissed by MCAO	2

SA Cases in Which Prosecutor Made Contact with Victim	2
Average Time Between Referral and First Contact with Victim	7 days
Longest Time Between Referral and First Contact with Victim.	13 days
Shortest Time Between Referral and First Contact with Victim	1 days
Average Time Between Referral and Charging Decision	9 days
Longest Time Between Referral and Charging Decision	12 days
Shortest Time Between Referral and Charging Decision	7 days

II. Comparative Analysis of Cases Referred for “review only”:

An analysis of the aggregate data for cases referred for “review only” is provided below in Tables 4, 5, 6 and 7. Table 4 includes data collected from June 2014 through November 2014 for the first quarterly report. Table 5 includes all data collected from November 2014 through March 1, 2015 for the second quarterly report. Table 6 includes all data collected from March 2, 2015 through June 4, 2015 for the third quarterly report. Table 7 includes all data collected from June 5, 2015 through September 8, 2015 for the current report.

The Sex Assault Policy and Procedure Manual, at page 19 through 21, provides that cases referred to MCAO for “review only” should be reviewed by a prosecutor within one month of referral. The Current report shows a dramatic decline in the review time taken on these cases by the MCAO. In the previous reporting period the average time to review a case was 19 days. In the current reporting period the average time was 5 days. The MCAO now has been consistently within the one month standard on all cases referred for review since March of 2015.

**Table 4: Analysis of Sex Assault cases Referred for “Review Only”
June 2014 through November 25, 2014 (Exhibit 3)**

		Average Time Between Referral and Decision (Days)	Cases in Which CA Agreed with Investigator	Cases in Which CA Referred Back for Further Investigation	Cases in Which the CA’s Review is Pending

Total SA Cases Referred for Review	16	40	12	4	0
SA Cases Referred for No PC	9	41	7	2	1
SA Cases Referred Where Victim Declined to Participate	8	40	5	3 ⁵	0

**Table 5: Analysis of Sex Assault cases Referred for “Review Only”
November 26, 2014 through March 1, 2015 (Exhibit 3)**

		Average Time Between Referral and Decision (Days)	Cases in Which CA Agreed with Investigator	Cases in Which CA Referred Back for Further investigation	Cases in Which the CA’s Review is Pending
Total SA Cases Referred for Review	13	16	2	7	4
SA Cases Referred for No PC	5	19	1	2	2
SA Cases Referred Where Victim Declined to Participate	4	4	1	3 ⁵	0

**Table 6: Analysis of Sex Assault cases Referred for “Review Only”
March 2, 2015 through June 4, 2015 (Exhibit 3)**

		Average Time Between Referral and Decision (Days)	Cases in Which CA Agreed with Investigator	Cases in Which CA Referred Back for Further investigation	Cases in Which the CA’s Review is Pending
Total SA Cases Referred for Review	6	19	4	2	0

⁵ The reasons for referring a case back for further investigations are varied. In one case the CA made contact with the victim and the victim decided to participate. Even where the victim has declined to participate, the CA will sometimes want to insure the timely collection of ephemeral evidence in the event the victim decides to later participate.

SA Cases Referred for No PC	3	25	1	2	0
SA Cases Referred Where Victim Declined to Participate	4	15.25	3	1	0

**Table 7: Analysis of Sex Assault cases Referred for “Review Only”
June 5, 2015 through September 8, 2015 (Exhibit 3)**

		Average Time Between Referral and Decision (Days)	Cases in Which CA Agreed with Investigator	Cases in Which CA Referred Back for Further investigation	Cases in Which the CA’s Review is Pending
Total SA Cases Referred for Review	9	5	8	1	0
SA Cases Referred for No PC	3	13	2	1	0
SA Cases Referred Where Victim Declined to Participate	6	7	6	0	0

CONCLUSION

The data from this reporting period shows that the MCAO has greatly improved the pace of its sex assault prosecutions, both in reaching decisions and communicating with the victim. This is likely due to the focus on these metrics by the SVU supervisor, the placement of an Investigative Specialist in the MPD and the work of the Victim Witness Coordinator. In the next reporting period the MT AGO and TA have identified the need for training on factoring in the victim’s wishes into prosecutorial decision making, as well as working with victims from Native populations. The MT AGO and TA also hope to work with the MCAO to have the SVU engage in some strategic planning consistent with the TA’s recommendations.

Case Review Procedure for Reviews Conducted Pursuant to the MOUs between the MTAGO, MCAO and USDOJ

1. **Scope of Review:** The MCAO will forward to the MTAGO and Technical Advisor (TA) the complete case, including an up to date Sex Assault Data Sheet, recorded interviews, videos and transcripts if available, for any sex assault case where the MCAO has declined prosecution. Cases where the MCAO has declined prosecution is defined to include any case forwarded for referral that is not charged, declined, dismissed, or settled with deferred prosecutions. The TA and MTAGO will review cases referred for review by examining the Sex Assault Data Sheet for those cases. If further review is need on cases referred for review, the TA or MT AGO may request the complete file.
2. **Goals of Review:** The TA and MTAGO will review cases to:
 - a. Ensure continued compliance with the MOUs signed by the DOJ, MCAO and MAG
 - b. Provide feedback on whether the case was “ready” to have a charging decision made or needed additional action and/or investigation
 - c. Review cases that are not filed and provide feedback if necessary about what else can be done to strengthen the case for filing
 - d. Provide a timely review of cases in order to address outstanding issues that may be barriers to cases being filed.
3. **Process for case reviews**
 - a. After receiving the complete case file, the MTAGO and TA will:
 - i. independently review the cases within two weeks
 - ii. Consult on which cases may require further information or follow up, and for these cases:
 1. Arrange a conference call with prosecuting Attorney(s) in order to talk about case and provide feedback to prosecuting attorney.
 2. Ensure victim advocate and victim included in communication loop
 3. If additional investigative or prosecutorial action is required, reset case for next SVU meeting for status if appropriate
 - b. MTAGO will Document process/action taken/filing decisions on all reviewed cases and publish in the next quarterly report.

The cases below were referred to the Missoula County Attorney's Office by law enforcement for review only. Cases referred for review only are cases in which the investigator has determined that probable cause for a charge does not exist, no suspect has been identified and all leads have been exhausted, or the victim has requested that the investigation be discontinued. The assigned prosecutor reviews that investigation and either agrees with the law enforcement decision to make the case inactive or refers the case back for further investigation.

LE Case Number	Pre-referral consult	Date Referred for review	Reason for review only	Decision - 1)review complete - agree with assessment or 2) review complete - referred for further investigation	Date of Decision	Time Between Referral and Decision		
2014-854	yes	7/8/2014	No PC for charges	review complete - agree	9/8/2014	2 months		
2014-11348	yes	7/9/2014	Victim discontinuation	review complete - agree	7/29/2014	20 days		
2014-5100	no	7/25/2014	No PC for charges	review complete - agree	9/16/2014	1 month 22 days		
P131012-010	no	6/18/2014	No PC for charges; victim discontinuation	review complete - referred for further investigation - Review -complete agree	8/21/2014	2 months 4 days		
2014-2526	yes	6/20/2014	Victim discontinuation	review complete - agree	8/12/2014	1 month 22 days		
2014-3559	?	6/23/2014	No PC for charges	review complete - agree	8/12/2014	1 month 19 days		
2014-6195	yes	7/15/2014	Victim discontinuation	review complete - referred for further investigation	11/13/2014	4 months 11 days		
2014-18539	yes	8/5/2014	Unable to contact victim	review complete - agree	8/15/2014	10 days		
2014-8880	yes	8/5/2014	No suspect identified	review complete - agree	8/12/2014	7 days		
2014-1341	yes	9/18/2014	No PC for charges	review complete - agree	10/20/2014	32 days		
2014-26666	no	9/25/2014	No suspect identified; victim discontinuation	review complete - agree	11/14/2014	1 month 19 days		

2014-14419	no	9/29/2014	No PC for charges	review complete - agree	11/14/2014	1 month 14 days		
2014-14419	no	9/29/2014	No PC for charges	review complete - agree	11/14/2014	1 month 14 days		
2014-27553	yes	10/30/2014	No PC for charges; victim discontinuation	review complete - agree	10/31/2014	1 day		
2014-2209/2014-2310	no	8/26/2014	No PC for charges	reviewed - referred for more investigation; Received report 2.26.15 - review pending - review complete - agree	9/19/2014	24 days		
S121126-013	no	8/29/2014	Victim discontinuation	reviewed - referred for more investigation	9/4/2014	5 days		
2014-37431	?	12/23/2014	Victim discontinuation	reviewed - referred back because victim now wishes to proceed - see referred for charges list	1/2/2015	10 days		
2014-33668	yes	12/19/2014	No PC for charges	reviewed and met with victim on 2/3/15, referred for more investigation	2/9/2015	1 mo. 20 days		
2014-12205/ UM: 1406-00221	no	12/23/2015	MPD wanted review while DNA being processed.	reviewed - referred for more investigation	1/28/2015	1 month 5 days		
2014-12205/ UM: 1406-00221	no	12/23/2015	MPD wanted review while DNA being processed.	reviewed - referred for more investigation	1/28/2015	1 month 5 days		
2014-31728	yes	1/2/2015	No PC for charges	reviewed - referred for more investigation	1/6/2015	4 days		
2014-41168	no	1/5/2015	No suspect identified; victim discontinuation	review complete - agree	1/6/2015	1 day		

2014-37104	yes	1/29/2015	Victim discontinuation	reviewed and referred for more investigation. then, review complete - agree	referred back: 1/30/2015, complete: 2/26/2015	1 day and 28 days		
2015-1242	yes	2/2/2015	No PC for charges; No suspect identified	review complete - agree	2/5/2015	3 days		
2015-1519	no	2/10/2015	No suspect identified	review complete - agree	3/20/2015	1 month 8 days		
2014-39542	no	2/11/2015	Initially: Victim discontinuation rereferred for review: No PC	reviewed - referred for more investigation	initially: 2/17/2015 referred back: 5/11/2015 after meeting with Anne Munch	6 days		
2014-13070	yes	2/11/2015	No PC for charges	review complete - agree	2/27/2015	16 days		
2015-4946, 2015-4985	yes	2/20/2015	No PC for charges/unable to locate victim	review complete - agree	reviewed 2/25/2015, but waited on finding victim and review complete 3/20/2015	5-30 days		
2015-2668	no	2/23/2015	No suspect identified	review complete - agree	4/1/2015	37 days		
2014-12354	no	3/6/2015	No PC for charges, victim did not wish to pursue charges/recanted	reviewed and referred for more investiagion on 3/31/2015 - review complete - agree	3/31/2015	25 days	Referred back to MCAO after further investigation on 5/1/2015 and 2nd review complete 6/1/2015	

2015-5041	Yes	3/24/2015	No PC for charges	review complete/referred for further investigation	4/21/2015	27 days	Staffed with Anne Munch on 5/8/2015 and referred back for investigation on 5/22/2015	
2015-9405	Yes	3/26/2015	Victim discontinuation	review complete - agree	4/13/2015	18 days		
2015-8222	Yes	4/1/2015	Victim discontinuation	review complete - agree	4/6/2015	5 days		
2014-37546	Yes	4/14/2015	Victim discontinuation	review complete - agree	4/27/2015	13 days		
2015-14905	no	5/11/2015	No suspect identified	review complete - agree	6/4/2015	24 days		
2015-15509	Yes	6/17/2015	Victim discontinuation	review complete - agree	6/18/2015	1 day		
2015-17707	Yes	6/24/2015	No PC for charges	Review complete - agree	7/16/2015	22 days		
2015-8575	Yes	7/23/2015	Victim discontinuation	Review complete - agree	7/23/2015	same day		
2015-27095	Yes	7/22/2015	No suspect	Review complete - agree	7/22/2015	same day		
2015-79	No	8/17/2015	No PC for charges	Review complete - under investigation	9/2/2015	16 days		
2015-25311	Yes	8/27/2015	Victim discontinuation	Review complete - agree	8/28/2015	1 day		
2015-29096	Yes	8/28/2015	Victim discontinuation	Review complete - agree	9/2/2015	5 days		
2015-28669	Yes	9/8/2015	Victim discontinuation	Review complete - agree	9/8/2015	same day		
2015-29653	Yes	9/8/2015	Victim discontinuation	Review complete - agree	9/8/2015	same day		

LE Case Number	Pre-referral Consult	Date Referred	Referred back before charging decision	Decision - 1)charged, 2) declined, 3)referred for investigation	Date of Decision	Time Between Referral/ rereceipt and Decision	Date of first contact with Victim or CVA	Time between referral and first contact with victim or CVA	Initial Plea Offer	Date of Initial Plea Offer	Time between charging/meeting and plea offer	Case Disposition	Sentence	Time between initial offer and disposition	Time between referral and disposition	Time between charging and disposition	Victim Witness Corrdinator Involved
2014-12873	Yes	9/23/2014	No	Charged - DC-14-527	9/24/2014	1 day	10/23/2014	30 days	30 MSP w/ 15 susp	2/11/2015	Charging: 4 mo. 18 days, Contact: 3 mo. 17 ays	Trial: 12/7/2015					No
2014-1661	Yes	6/11/2014	Yes	Charged CR-2014-12687-C1	10/20/2014	3 mo 9 days	7/25/14.	40 days	40 years MSP	1/28/2014	Charging: 3 mo. 19 days, Contact: 6 mo. 3 days	Defendant to be evaluated at Montana State Hospital: Order 6/3/15 Defendant to be evaluated at Missoula Neurobehavial unit: Order 7/14/2015					Yes
2014-4203	Yes	6/12/2014	No	Declined - Victim would not respond to correspondence from detective and CVA	6/17/2014	4 days	Detective and advocate unable to contact victim. Call to victim advocate 6/24/2014	12 days	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	No
2014-20800	Yes	8/8/2014	No	Charged - DC-14-436	8/8/2014	0 days	10/21/2014	2 months 13 days	25 with 15 suspended MSP	10/29/2014	Charging: 2 months 21 days; Contact: 8 days	Pleaded Guilty- 12 years all suspended subject to exeption to man min.	Sentencing: 12 years with 10 suspended				No
2014-29367	No	9/29/2014	No	Charged - DC-14-530	9/29/2014	0 days	CVA - 9/29/2014 VICTIM - 9/29/2014	CVA - 0 DAYS VICTIM - 0 DAYS	Met with victim 2.25.15 to discuss possible plea offers came up with offer: 20 years MSP, 12 suspended	2/27/2015	charging: 151 days; first meeting: 151 days	defendant pleaded guilty; PSE being completed; SENT set for 9/3/2015	Sentencing continued to 11/12/2015				No
2014-35246	No	11/5/2014	Ongoing	Charged - DC-14-598	11/6/2014	1 day	11.7.15 - Victim did not show up for meeting, called her and spoke with her over the phone, she did not want to come in at that time. Met with her finally on 3.4.2015 when her father brought her in	2 days	Defendant has been clear he will not plead to SIWOC, no offer			Trial 12/2/2015					Yes
2014-35246 (co-defendant)	No	11/5/2014	Ongoing	Charged -DC-14-599	11/6/2014	1 day	11.7.15 - Victim did not show up for meeting, called her and spoke with her over the phone, she did not want to come in at that time. Met with her finally on 3.4.2015 when her father brought her in	2 days	Tier 1: 20 with 10 suspended, Tier 2: 30 with 10 suspended, Tier 3: 40 with 20 suspended	3/6/2015	Charging: 4 months. Meeting: 2 days	Pleaded guilty and agreed to testify 4/1/2015. 20 years with 18 suspended	Sentencing to be continued until after trial of co-defendant (12/7/2015)				Yes

2014-14691/2014-15207	No	7/9/2014	No	Charged DC-14-373	7/10/2014	1 day	CVA - 07/15/2014 VICTIM - voicemail: 8/6/2014; meeting: 08/20/2014	CVA - 5 DAYS, VICTIM - phone: 27 days, meeting 1 month 10 days	20 with 10* suspended MSP, 6 months, 6 months, unless eval comes back as tier 2 or 3	11/21/2014	Charging: 4 months 11 days; Contact: 3 months 1 day (however, requests made through CVA 5 days)	Pleaded Guilty	Sentence 2/24/15: 30 years with 15 suspended MSP	3 mo. 3 days	7 mo. 15 days	7 mo. 14 days	Yes
2014-5768/2014-15769	Yes	8/26/2014	No	Charged CR-2014-12491-C1	9/2/2014	7 days	Feb-15	5 months	21 months suspended, consecutive	11/30/2014	Charging: 2 months 28 days	Pleaded guilty 3/9/15	COUNT I: DISORDERLY CONDUCT 1. 10 days Missoula County Detention Facility, all suspended but time served 2. \$100 fine 3. \$85 surcharge COUNT X: ASSAULT - REASONABLE APPREHENSION OF BODILY INJURY 1. Six months Missoula County Detention Facility, all suspended	5 months 6 days	9 mo. 11 days	9 mo. 4 days	Yes
P140219-010	Yes	11/12/2014	Yes	Referred to LE for more investigation As of 9/9/15 detective had one more follow up interview to complete.	1/22/2015	2 mo. 10 days	3/31/2015	4 mos 9 days									
2015-4283	Yes	3/5/2015		Charged after extensions granted	7/21/2015	4 months 16 days	3/25/2015	20 days	offer to settle for misdemeanors pre-charge.	voicemail left for defense attorney on 6/8/2015	Initial meeting and plea offer: 2 months 14 days	Dismissed at victims request					Yes

Thank you for agreeing to answer a few brief questions. I would like to talk with you about your experience with the Missoula County Attorney's Office. I appreciate any information that you are willing to provide. It is important to recognize that your participation is voluntary. You may skip any question(s) that you do not feel comfortable answering. Your responses to the survey questions will be kept strictly confidential. At no point will your name and/or identity be connected with this survey and the answers that you provide. In other words, prosecutors will not know who has taken the survey or who has provided a particular answer. The information that your answers provide is important to us, and we ask that you answer candidly. Your answers will be used to identify key issues and will provide a basis for informing future efforts to, where needed, reform and improve the responses of prosecutors to victimization reports.

1. Did a prosecutor from the Missoula County Attorney's Office meet or offer to meet with you to discuss whether or not charges would be filed in your case?

☐ No

☒ Yes ----- If yes, please answer Question 1a before answering Question 2.

- 1a. If yes, did the prosecutor give a good explanation as to why the Missoula County Attorney's Office decided to file or not file charges?

☐ No

☒ Yes

Comments:

Kind of Scary process but really
easy & reassuring.

2. Did the Missoula County Attorney's Office file any charges in your case?

☐ No ----- If no, skip ahead to question 12.

☒ Yes ----- If yes, continue with the rest of the survey.

3. If the case was charged, did you meet with the prosecutor in person?

☐ No

☒ Yes ----- If yes, answer questions 3a and 3b before answering question 4.

3a. If yes, how many times did you meet in person with the prosecutor?

~~1 or 2~~

☐ 5 or 6

~~3 or 4~~

☐ more than 6

3b. Did you meet in person with the prosecutor before the case was charged?

☐ No

☒ Unsure

☐ Yes

4. At what stage(s) of the case did you meet with the prosecutor in person?

• Not Sure of first time if charged yet. Met w/ prosecution.

• During Pretrial Phase w/ Defense.

5. Did you meet or speak with an advocate or the Victim/Witness Coordinator before the case was charged?

☐ No

☒ Yes

6. Did you meet or speak with the prosecutor and/or Victim/Witness Coordinator by phone while the case was pending?

☐ No

☒ Yes ----- If yes, answer Question 6a.

6a. How many times did you meet or speak with the prosecutor and/or Victim/Witness Coordinator by phone while the case was still pending?

☐ 1 or 2

☐ 5 or 6

☐ 3 or 4

☒ more than 6

7. Did you have to go to court for a pre-trial hearing, trial or sentencing hearing?

☐ Yes

☒ No

☐ Unsure

8. Did the prosecutor prepare you for court?

☒ Yes

☐ No

☐ Unsure

Comments:

TALKED About what we may have to do.
Showed me courtroom.

9. Did the prosecutor describe the prosecution process to you?

☒ Yes

☐ No

☐ Unsure

Comments:

Described how trial may go.
Talked about defense strategy, etc.

10. Did the prosecutor inform you of your rights as a victim in the following stages of the case?

a. *Investigative*

☐ Yes

☐ No

☐ Unsure

☒ N/A

b. *Pretrial*

☒ Yes

☐ No

☐ Unsure

☐ N/A

c. *Trial*

☐ Yes

☐ No

☐ Unsure

☒ N/A

d. *After Trial/Sentencing*

☒ Yes

☐ No

☐ Unsure

☐ N/A

Comments:

11. If the case was charged by the Missoula County Attorney's Office, what was the result?

- ☒ Plea agreement for the charged offense
- ☐ Plea agreement for a reduced charge
- ☐ Convicted at trial
- ☐ Acquitted at trial
- ☐ Hung jury
- ☐ Dismissed
- ☐ Other
- ☐ Unsure
- ☐ Case is still pending

12. Do you have any final comments about your interactions with the Missoula County Attorney's Office?

Comments:

I had a really good experience.
Appreciate All the help I got. It could
have been really bad but it wasn't.

Thank you for agreeing to answer a few brief questions. I would like to talk with you about your experience with the Missoula County Attorney's Office. I appreciate any information that you are willing to provide. It is important to recognize that your participation is voluntary. You may skip any question(s) that you do not feel comfortable answering. Your responses to the survey questions will be kept strictly confidential. At no point will your name and/or identity be connected with this survey and the answers that you provide. In other words, prosecutors will not know who has taken the survey or who has provided a particular answer. The information that your answers provide is important to us, and we ask that you answer candidly. Your answers will be used to identify key issues and will provide a basis for informing future efforts to, where needed, reform and improve the responses of prosecutors to victimization reports.

1. Did a prosecutor from the Missoula County Attorney's Office meet or offer to meet with you to discuss whether or not charges would be filed in your case?

☐ No

☒ Yes ----- If yes, please answer Question 1a before answering Question 2.

- 1a. If yes, did the prosecutor give a good explanation as to why the Missoula County Attorney's Office decided to file or not file charges?

☐ No

☒ Yes

Comments:

2. Did the Missoula County Attorney's Office file any charges in your case?

☐ No ----- If no, skip ahead to question 12.

☒ Yes ----- If yes, continue with the rest of the survey.

3. If the case was charged, did you meet with the prosecutor in person?

☐ No

☒ Yes ----- If yes, answer questions 3a and 3b before answering question 4.

3a. If yes, how many times did you meet in person with the prosecutor?

2 or 3
phone calls

2
☒ 3 or 4

☐ 5 or 6

☐ more than 6

3b. Did you meet in person with the prosecutor before the case was charged?

☒ No

☐ Unsure

☐ Yes

4. At what stage(s) of the case did you meet with the prosecutor in person?

- ① Discussion of ~~testimony~~ willingness to testify
- ② Discussion of testimony @ trial. Strategy.
- ③ Interview w/ Defense Counsel

5. Did you meet or speak with an advocate or the Victim/Witness Coordinator before the case was charged?

☐ No

☒ Yes

6. Did you meet or speak with the prosecutor and/or Victim/Witness Coordinator by phone while the case was pending?

☐ No

☒ Yes ----- If yes, answer Question 6a.

6a. How many times did you meet or speak with the prosecutor and/or Victim/Witness Coordinator by phone while the case was still pending?

☐ 1 or 2

☐ 5 or 6

☒ 3 or 4

☐ more than 6

7. Did you have to go to court for a pre-trial hearing, trial or sentencing hearing?

☐ Yes

☒ No

☐ Unsure

8. Did the prosecutor prepare you for court?

☒ Yes

☐ No

☐ Unsure

Comments:

Prepared up to final Trial preparation.
Scheduled to meet if Trial was going to happen.

9. Did the prosecutor describe the prosecution process to you?

☒ Yes

☐ No

☐ Unsure

Comments:

Made it easy to understand
Smooth Sailing pretty much.

10. Did the prosecutor inform you of your rights as a victim in the following stages of the case?

a. Investigative

- ☒ Yes
☐ No
☐ Unsure
☐ N/A

b. Pretrial

- ☒ Yes
☐ No
☐ Unsure
☐ N/A

c. Trial

- ☐ Yes
☐ No
☐ Unsure
☒ N/A

d. After Trial/Sentencing

- ☒ Yes
☐ No
☐ Unsure
☐ N/A

Comments:

11. If the case was charged by the Missoula County Attorney's Office, what was the result?

- ☒ Plea agreement for the charged offense
- ☐ Plea agreement for a reduced charge
- ☐ Convicted at trial
- ☐ Acquitted at trial
- ☐ Hung jury
- ☐ Dismissed
- ☐ Other
- ☐ Unsure
- ☐ Case is still pending

12. Do you have any final comments about your interactions with the Missoula County Attorney's Office?

Comments:

Good Experience
Very good @ Communicating with me.
Smooth Sailing —

Thank you for agreeing to answer a few brief questions. I would like to talk with you about your experience with the Missoula County Attorney's Office. I appreciate any information that you are willing to provide. It is important to recognize that your participation is voluntary. You may skip any question(s) that you do not feel comfortable answering. Your responses to the survey questions will be kept strictly confidential. At no point will your name and/or identity be connected with this survey and the answers that you provide. In other words, prosecutors will not know who has taken the survey or who has provided a particular answer. The information that your answers provide is important to us, and we ask that you answer candidly. Your answers will be used to identify key issues and will provide a basis for informing future efforts to, where needed, reform and improve the responses of prosecutors to victimization reports.

1. Did a prosecutor from the Missoula County Attorney's Office meet or offer to meet with you to discuss whether or not charges would be filed in your case?

☐ No

☒ Yes ----- If yes, please answer Question 1a before answering Question 2.

- 1a. If yes, did the prosecutor give a good explanation as to why the Missoula County Attorney's Office decided to file or not file charges?

☐ No

☒ Yes

Comments:

another incident also occurred

2. Did the Missoula County Attorney's Office file any charges in your case?

☐ No ----- If no, skip ahead to question 12.

☒ Yes ----- If yes, continue with the rest of the survey.

3. If the case was charged, did you meet with the prosecutor in person?

☐ No

☒ Yes-----If yes, answer questions 3a and 3b before answering question 4.

3a. If yes, how many times did you meet in person with the prosecutor?

☒ 1 or 2

☐ 5 or 6

☐ 3 or 4

☐ more than 6

3b. Did you meet in person with the prosecutor before the case was charged?

☐ No

☒ Unsure

☐ Yes

4. At what stage(s) of the case did you meet with the prosecutor in person?

early

5. Did you meet or speak with an advocate or the Victim/Witness Coordinator before the case was charged?

☐ No

☒ Yes

6. Did you meet or speak with the prosecutor and/or Victim/Witness Coordinator by phone while the case was pending?

☐ No

☒ Yes ----- If yes, answer Question 6a.

6a. How many times did you meet or speak with the prosecutor and/or Victim/Witness Coordinator by phone while the case was still pending? 2 to 3

☐ 1 or 2

☐ 5 or 6

☒ 3 or 4

☐ more than 6

(volunteered)
7. Did you have to go to court for a pre-trial hearing, trial or sentencing hearing?

☒ Yes

☐ No

☐ Unsure

8. Did the prosecutor prepare you for court?

☒ Yes

☐ No

☐ Unsure

Comments:

Overall very helpful

9. Did the prosecutor describe the prosecution process to you?

☒ Yes

☐ No

☐ Unsure

Comments:

I work in the courts so we discussed it because I already knew the process

10. Did the prosecutor inform you of your rights as a victim in the following stages of the case?

a. Investigative

- ☒ Yes
- ☐ No
- ☐ Unsure
- ☐ N/A

b. Pretrial

- ☒ Yes
- ☐ No
- ☐ Unsure
- ☐ N/A

c. Trial

- ☒ Yes
- ☐ No
- ☐ Unsure
- ☐ N/A

d. After Trial/Sentencing

- ☒ Yes
- ☐ No
- ☐ Unsure
- ☐ N/A

Comments:

11. If the case was charged by the Missoula County Attorney's Office, what was the result?

- ☒ Plea agreement for the charged offense
- ☐ Plea agreement for a reduced charge
- ☐ Convicted at trial
- ☐ Acquitted at trial
- ☐ Hung jury
- ☐ Dismissed
- ☐ Other
- ☐ Unsure
- ☐ Case is still pending

12. Do you have any final comments about your interactions with the Missoula County Attorney's Office?

Comments:

very helpful / would have liked to
have help putting a permanent order
of protection in place after released
