

The Montana Children's Justice Center: Overview

February 2012

At the Montana Department of Justice, we know that preventing and responding to crimes involving children requires specialized training and resources. No single agency, individual or professional discipline has all the skills or resources necessary to effectively investigate and respond to child victims. The need is urgent. First and foremost, all Montana children deserve to be safe. But when they are victimized, these children deserve compassion and justice. And anyone who hurts a child must be brought to justice.

The Children's Justice Center will serve as a liaison, bringing together the many partners who need to work together to ensure that our kids are kept safe – especially law enforcement, child protection and the medical community. The Division of Child and Family Services within the Department of Public Health and Human Services is a key partner in any cooperative effort on behalf of Montana's children.

Sexual Predator Enforcement Unit & Internet Crimes Against Children (ICAC) Task Force

Every month, the computer crime unit documents an average of 800 hits from Montanans to Internet sites supplying child pornography. The majority of these hits aren't accidental. Investigations have shown that many of these individuals are child predators actively seeking images of children being sexually abused. The technology these offenders use changes rapidly. To stay ahead of these predators and protect Montana's children, it is critical to have a highly trained team that can properly investigate, apprehend and prosecute these cases.

Through the Children's Justice Center and our partnership with the Montana Internet Crimes Against Children (ICAC) task force, we have created a Sexual Predator Enforcement Unit. This team is comprised of:

- two investigators who specialize in child protection and Internet crimes against kids,
- a prosecutor dedicated to Internet crimes and sexual assault of children, and
- a forensic computer specialist trained to uncover and preserve digital evidence.

This four-person Sexual Predator Enforcement Unit works to enforce Montana's child sex abuse laws and keep our children safe from online predators.

The unit is already making a difference. It has initiated over 60 investigations around Montana involving child predators who are suspected to have used the Internet to exploit children. To date, these investigations have resulted in the arrest and prosecution of eight men, all of whom have been charged with sexual abuse of children.

- The unit arrested one of these men based on allegations that he possessed and distributed images of child sex abuse, with some of the children in the images under the age of 12. At the time of his arrest, he was a registered sex offender based on a prior conviction of sexual intercourse without consent. He is facing trial and, if convicted, could face life in prison without release.

- It arrested another man based on evidence that he was downloading and advertising images of child sex abuse over the Internet. A subsequent investigation uncovered evidence that he had sexually assaulted a 13-year-old girl and exposed himself to a 14-year-old girl. If these charges are proven, he could face up to life in prison.
- The unit also assists local authorities in investigating and prosecuting these complex cases. The unit recently assisted local law enforcement in investigating, arresting and charging a man with sexual abuse of children for possessing images of child sex abuse and three counts of sexual intercourse without consent with three different girls, all under the age of 16. He is facing trial and if convicted could face up to life in prison.
- In a recently closed case, the unit convicted a Bozeman man who was using computers in both Gallatin and Ravalli counties to download and distribute images of children engaged in sexual conduct. Some of the children in these images were under the age of 12. He was charged with sexual abuse of children in both counties, pled guilty, and is now in the Montana State Prison serving two, concurrent, 25-year sentences.

The Sexual Predator Enforcement Unit also provides training for local, state and federal law enforcement agencies on the latest techniques and technologies that predators use to exploit children. Recently the unit cooperated with the U.S. Attorney's Office to hold a series of trainings across Montana where local law enforcement learned the basics of digital investigations.

The unit will continue to stay on the leading edge of digital investigations, assist local authorities in maintaining competency in these investigations, and hold accountable the offenders who seek to exploit our children.

Sexual or Violent Offender Registry (SVOR) – Offender Compliance

For the past two years, we've been using technology to make Montana's Sexual or Violent Offender Registry easier to use, including adding Google maps so people can see where offenders live in relation to their homes, the neighborhood park or anywhere else they take their kids.

We are committed to further improving that registry.

Nationally, sexual and violent offenders are typically unresponsive to law enforcement. In Montana, about 25 percent fail to return letters asking them to confirm their address. Of those, some are incarcerated for another crime or probation violation, and others have died. While tracking down those who fail to register is a huge time commitment for the local law enforcement agencies charged with that task, it is critical that it gets done.

To make sure it does, in August 2011, we created the SVOR Compliance Unit. Two investigators and an analyst now assist local authorities in tracking down these offenders and ensuring that they are living in accordance with their court orders.

Over the past six months, the Compliance Unit has reduced the number of non-compliant sex offenders in Montana from 272 in August 2011 to 106 on February 9, 2012. The SVOR Compliance Unit will continue to work on the ground in our communities with local law enforcement, because every family in our state needs to have complete confidence in the Sex or Violent Offender Registry.

Montana Child Sexual Abuse Response Teams (MCSART)

Through the MCSART Program, the Montana Department of Justice has been dedicating resources to child victims since 2008. Thanks to that effort, Montana is changing the way we treat child victims. Professionals now work together as part of multi-disciplinary teams. These teams meet regularly to discuss cases and pool their collective expertise to treat the victim and ensure the offender is held accountable. By working together, they ensure that child victims have to go through only one interview and one medical examination. This approach puts less stress on the child, reduces the potential for contaminating evidence through multiple interviews, and increases our chances of putting offenders behind bars.

Across the state, we now have 17 well-developed and trained multi-disciplinary teams.

Children's Advocacy Centers

We are also creating child advocacy centers where child victims can feel safe and welcome. Child advocacy centers are designed to distract children from the distress and ugliness they have experienced. Children are no longer being shuttled from the police station, to a doctor's office, to a counselor's office. Instead, all these professionals come together in one warm, inviting, and kid-friendly place where adults have to step over the Legos and sit in kid-sized chairs.

Montana now has 10 centers in all, five accredited by the National Children's Alliance – in Butte, Hamilton, Helena, Kalispell and Missoula. Another three centers are up and running in Thompson Falls, Dillon and Anaconda, and there are two tribal centers on the Crow and Northern Cheyenne reservations.

In 2011, Children's Advocacy Centers in Montana served more than 700 children.

Forensic Training

Through the Children's Justice Center initiative, the Department of Justice is supporting and strengthening the teams that respond to child victims. We're helping them keep up with best practices and, through the Montana Law Enforcement Academy, we're making first-rate child forensic interview training available and affordable in state.

In 2010, the Academy conducted the first child interview training specifically designed by Montanans for Montanans. Since then, we have made that training available in state to 60 law enforcement officers, tribal representatives, child protection staff and other team members. By June 2012, we expect to have trained double that number.

Drug Endangered Children (DEC)

Like the one-year-old baby in Great Falls who drank orange juice laced with methamphetamine last summer, children who grow up in homes with parents who abuse or manufacture drugs are at great risk. In addition to the potential for poisoning, these children frequently suffer neglect and abuse. According to prosecutors in the Great Falls poisoning case, the parents did not take the baby to the emergency room, even when she showed signs of withdrawal.

Not surprisingly, drug abuse is a factor in more than 60 percent of cases in which children must be removed from their homes and placed in foster care in Montana.

The Children's Justice Center has partnered with the Montana chapter of the Drug Endangered Children program, a non-profit organization that advocates for these children, and with the Montana Narcotics Officers Association. By working together, these groups will intervene on behalf of drug endangered children, rescuing, sheltering and supporting these young victims.

Child Protection Attorneys

Five attorneys within the Department of Justice specialize in civil custody cases on behalf of children whose safety requires that DPHHS takes temporary legal custody. These attorneys respond to cases statewide at the request of local county attorneys' offices. They are located in Billings, Bozeman, Great Falls and Missoula.

In 1999, when the child protection attorneys began their work, there was a backlog of over 600 state child custody cases statewide. A decade later, these dedicated lawyers have made that backlog a thing of the past, helping ensure that no abused or neglected child has to wait in legal limbo.

Child Abduction Response Team (CART)

For those rare incidents where the unthinkable actually happens and someone takes a child, we have developed a new Child Abduction Response Team (CART) to assist local law enforcement agencies in pulling together the rapid, coordinated response so critical in responding to a missing or abducted child case.

It's a team we hope we never need to call into action but, should the need arise, we will be ready with a carefully planned response that leaves no stone unturned.

CJC Director Dana Toole

Dana Toole has devoted her life to helping child victims in Montana. Under her leadership, the Children's Justice Center will both build upon programs created within the DOJ and help communities throughout the state develop response systems that put traumatized children first, while ensuring that anyone who hurts a child is held accountable.

Dana's biography is included at the conclusion of this report.

Children's Justice Center: Program Detail

The Children's Justice Center is an agency-wide initiative at the Montana Department of Justice dedicated to improving how we protect children, prosecute offenders and respond to child victims.

Sexual Predator Enforcement Unit

DOJ has partnered with the Montana Internet Crimes Against Children (ICAC) Task Force to assist in educating, investigating and prosecuting computer-facilitated child exploitation cases.

The Sexual Predator Enforcement Unit:

- properly investigates and prosecutes those who sexually exploit children through the use of the Internet and/or computers;
- provides training and equipment to those involved in investigating and prosecuting Montana ICAC Task Force cases; and
- provides community education regarding the prevention of Internet crimes against children.

The Montana ICAC program helps state and local law enforcement officials work together to educate the public, investigate cases and arrest those who use computers to prey upon and exploit children. ICAC also encourages law enforcement agencies to work with prosecutors on holding these criminals responsible for their actions.

Attorney General's Initiatives

In 2010, we created the child sexual predator unit that includes criminal investigators, analysts, a prosecutor and a forensic computer analysis team. This expert group supports local law enforcement across the state in the investigation and prosecution of criminals who victimize children.

The Sexual Predator Enforcement Unit has initiated over 60 investigations into child predators who use the Internet to exploit children. The unit has secured a conviction, has eight active prosecutions and regularly assists federal prosecutors who have jurisdiction in cases that cross state borders.

We have also partnered with U.S. Attorney Mike Cotter to provide community education programs regarding the prevention of Internet crimes against children. With the U.S. Attorney's Office, DOJ developed age-appropriate materials for kids from elementary to high school, as well as parents.

Sexual Predator Enforcement Unit partnerships:

- ✓ U.S. Attorney's Office
- ✓ Internet Crimes Against Children (ICAC) Task Force
- ✓ Local law enforcement agencies
- ✓ Montana Highway Patrol

Sexual or Violent Offender Registry (SVOR) and Compliance Unit

Montana's Sexual or Violent Offender Registration Act is designed to protect the public from sexual and violent offenders by requiring offenders to register with local law enforcement agencies in the jurisdiction where they reside. Information about these offenders is then made available to the public.

This Registry provides an up-to-date listing of sexual and violent offenders who are required to register their whereabouts. This information can help citizens protect themselves and their children from sexual and violent offenders.

While offenders are required to register with local law enforcement agencies, DOJ houses the registry. DOJ also sends annual address-verification letters to all registered offenders, letters to all level 2 offenders twice per year and quarterly letters to level 3, high-risk sexual offenders.

Attorney General's Initiatives

In September 2009, the Sexual or Violent Offender Registry search capability was expanded to include a mapping feature. This allows users to enter a specific street address and city, and the search then uses Google Maps to generate a map showing the location of offenders within a certain radius of that address.

Sex offender compliance is a challenge for local law enforcement in Montana, as it is across the country. The Attorney General has made compliance an agency priority and, in August 2011, reallocated existing resources within the department to create an SVOR Compliance Unit. This unit is comprised of two investigators and an analyst who assist local law enforcement with the verification of addresses for both sexual and violent offenders. Working with local law enforcement, the investigators travel the state, literally knocking on doors identified by our crime analyst to locate and verify the addresses of offenders who have failed to notify authorities of address changes.

SVOR partnerships:

- ✓ Local law enforcement agencies
- ✓ Local prosecutors
- ✓ State and federal probation and parole officers
- ✓ U.S. Marshal's Office

Montana Child Sexual Abuse Response Team (MCSART)

In 2008, the Montana Child Sexual Abuse Response Team Program (MCSART) began working statewide to provide training, equipment and support for Montana communities and the professionals who were forming multi-disciplinary teams to respond to crimes against children.

The multi-disciplinary team investigative model uses improved evidence collection through forensic interview and forensic medical exam techniques, reduces contaminated evidence from multiple interviews, and also provides victim support to traumatized children and their non-offending caregivers. The core member agencies of the teams are county prosecution, law enforcement, medical, child protection and mental health.

MCSART is a needed program; the numbers identify the problem.

- Each year between 2008 and 2011, the DPHHS Child and Family Services Division received an average of 584 reports of child sexual abuse in Montana.
- In 2010, 311 rapes were reported to law enforcement in Montana. Almost half of these rape victims – 152 – were children under the age of 18. Of the minor children victimized by rape, 22 were under 10 years old.
- Children's Advocacy Centers in Montana have served 1,823 Montana children between 2009 and 2011.

MCSART helps organize teams of professionals who surround a child victim of crime or abuse to ensure the child is treated in a safe, non-victimizing way and that evidence is gathered to bring the child's assailant to justice. MCSART also provides training for professionals around the state to ensure that all Montana's child victims receive the same high level of care and that justice prevails.

Attorney General's Initiatives

Since 2008:

- *The number of multi-disciplinary teams in Montana has grown from 5 to 17. Six of these are tribal teams.*
- *The number of Children's Advocacy Center Programs has grown from 4 to 10.*
- *Montana now has five nationally accredited Children's Advocacy Centers: Butte, Helena, Kalispell, Missoula and Hamilton.*
- *Montana has two tribal Children's Advocacy Centers: Crow CARE Center and Lane Deer CARE Center.*

This growth is based on the training, equipment and technical support MCSART provides for the teams and centers. It is also indicative of the commitment of Montana professionals to improving the response to child victims.

Through the Montana Law Enforcement Academy, DOJ has made first-rate child interview training available and affordable in state. Since 2010, 60 Montana professionals who respond to child victims of crime – including law enforcement, tribal representatives and child protection staff – have completed the Montana forensic child interviewing class. By June 2012, we expect to have doubled that number.

In October 2011, the Attorney General hosted a three-day “Justice for Children Conference” in Billings. The conference offered prosecutors, investigators and child abuse professionals a foundation for handling child abuse cases from a multi-disciplinary team approach.

Just as within local teams, MCSART’s success depends on true partnerships:

- ✓ Children’s Alliance of Montana – state chapter of National Children’s Alliance
- ✓ DPHHS - Division of Family Services – a formalized liaison through the CJC
- ✓ Montana Law Enforcement Academy – a training partner
- ✓ Local and tribal law enforcement agencies – critical members and advisors statewide.

Child Protection Attorneys

The five attorneys within the Child Protection Unit handle child abuse and neglect cases throughout Montana. These attorneys specialize in civil cases on behalf of children whose safety requires that the DPHHS Child and Family Services Division takes temporary legal custody. The attorneys assist county attorney’s offices statewide, and are located in Billings, Bozeman, Great Falls and Missoula.

The unit focuses on resolving the legal status of children who have been in foster care for more than 15 out of the most recent 22 months.

Child Abduction Response Team (CART)

Responding to a missing or abducted child requires a multi-disciplinary approach that includes law enforcement, family services, victims’ advocates, emergency management personnel, analysts, and search and rescue professionals. CART is an organized, rapid and planned response to an abducted child or other missing child incident.

Attorney General’s Initiatives

We have developed a Child Abduction Response Team (CART) to assist local law enforcement agencies in responding to child abductions.

CART partnerships:

- ✓ AMBER Alert
- ✓ National Center for Missing and Exploited Children
- ✓ Local law enforcement agencies
- ✓ Federal Bureau of Investigation
- ✓ Montana Highway Patrol

Drug Endangered Children (DEC)

The Children's Justice Center is partnering with the Montana Drug Endangered Children Alliance, a non-profit organization, to coordinate statewide resources for professionals who respond to children affected by drug abuse. As with other children victimized by crime, drug endangered children are best served by a team approach.

Statewide data shows that drug abuse is a factor for 60 percent of the children removed from their homes and placed in out-of-home care.

AG Initiatives

Through DEC, DOJ provides multi-disciplinary training and protocols necessary to ensure that the proper investigation, prosecution, safety and placement of children in drug endangered environments occurs in Montana.

Early in 2012, the DEC program is hiring a coordinator to provide training, tools and technical support to local teams. DOJ has partnered with DEC in order to intervene on behalf of drug endangered children by rescuing, defending, sheltering, and supporting them.

In addition, DOJ plays a significant role in the efforts to reduce substance abuse in Montana. The Attorney General has prioritized efforts to reduce prescription drug abuse through the Invisible Epidemic campaign, prescription drug take-backs, stepping up law enforcement and prosecution resources, and proposing the legislation that created Montana's new prescription drug registry. DOJ also worked with legislators during the 2011 session to ban synthetic marijuana.

DEC partnerships:

- ✓ DEC Board of Directors
- ✓ Montana Narcotics Officers Association
- ✓ DPHHS, Child and Family Services Division
- ✓ Local law enforcement agencies

Biography – Children’s Justice Center Director Dana Toole

Dana Toole has been on the leading edge of child protection services for almost three decades.

As a licensed clinical social worker, she specializes in child welfare and has worked with Montana children and families since 1984. Dana’s career includes eight years as a child protective services investigator and four years directing the Family Law Mediation Program for Montana Legal Services Association. Since 2008, she has worked for the Montana Department of Justice, coordinating the Montana Child Sexual Abuse Response Team (MCSART) program.

Dana developed and directed Lewis and Clark County’s Child Advocacy Center, a nationally accredited program, from 2006 to 2011 and is a founding member of the Lewis and Clark County multidisciplinary team that responds to child victims of crime and abuse. She has conducted hundreds of child forensic interviews for Montana law enforcement agencies, tribal law enforcement and the FBI. She is a trainer for the Court Appointed Special Advocate (CASA) program in Montana and is an instructor for the University of Montana, School of Social Work.

At the national level, Dana works with the National Children’s Alliance as an accreditation site reviewer for Children’s Advocacy Centers in other states; and with the Western Regional Children’s Advocacy Center in Colorado as a trainer for multi-disciplinary teams in western states including tribal teams. She is also a founding member of the Children’s Alliance of Montana, the state chapter representing multi-disciplinary teams and children’s advocacy center programs.

Dana grew up in the Bitterroot Valley, studied both history and social work at the University of Montana, and has lived in Helena with her husband Jeff and three sons since 1991.