

MISSOULA CITY ATTORNEY'S OFFICE

Budget Committee – July 17, 2019

DEPUTY CITY ATTORNEY (PROSECUTION)

Prosecution impacts necessitating a 9th attorney

- Six years since additional attorney (prosecutor) added (FY 2014)
 - Increase in compensatory time earned (non-compensable if not used)
- Defense attorneys, PDO / Investigators, Pro Se defendants
 - 5 prosecutors vs 6 public defenders, 4 conflict defenders, and 4 private investigators; 10-12 routine private defense counsel; and pro se defendants
- Chief prosecutor carries a full caseload
 - Administrative duties
- Caseload factors / how many is too many
 - Each prosecutor averages 300 – 350 active cases daily
- February 2017 changed to two fulltime courtrooms daily / three courtrooms on some Thursdays
 - Two prosecutors assigned to each courtroom with a fifth rotation attorney that handles pro se cases and miscellaneous hearings
 - Court hearings requiring a prosecutor can be as many as 61+ hours per week with variables on number of and length of trials and other proceedings
- Jury system, preparing for more than one jury / waived jury bench trials
 - Triage mode
- Unable to specialize prosecutors to focus on domestic violence / sexual assault
- Additional officers
 - Since FY 2014 MPD added 7 sworn officers and 2 community service specialists (requesting additional six sworn officers in FY 2020)
 - Training new officers
- Significant increase in electronic media associated with criminal investigations /prosecutions
- Impact of decrease in state social services budget – mental health

Civil impacts necessitating a 9th attorney

- Duties that should be assigned to prosecutors are crossing over to civil chief and deputy attorneys significantly impacting their workload and the city attorney
 - Motions for Expungement in District Court
 - Confidential Criminal Justice requests
 - Court coverage
- Civil work has increased without any additional civil attorneys (since FY 2007)
 - Addition of legal work for Missoula Water Company / Eko Compost / and anticipated acquisition of Phantom Hills water system
 - Anticipated increased legal work for Parks & Recreation department with departure of staff attorney
 - Contract reviews (increased)
 - Increased public record requests
- Other agency work including MHA / Mountain Line

CITY ATTORNEY'S OFFICE / PROSECUTION SERVICES

√ Missoula Municipal Court is historically one of the busiest courts by filings in the state

Violations filed by year	CY 2018	CY 2017	CY 2016	CY 2015	CY 2014
Billings Municipal Court	16,377	18,237	16,424	14,778	18,365
Missoula Municipal Court	14,599	16,531	19,539	18,280	18,401
Great Falls Municipal Court	11,276	13,378	13,399	11,334	11,695
Bozeman Municipal Court	6,538	6,125	7,339	7,432	7,543

- Police vacancies and officer leaves (WC, FMLA, etc.) resulting in fewer officers on the street

***Source - Montana Courts of Limited Jurisdiction (Stats)

Criminal citations	CY 2018	CY 2017	CY 2016	CY 2015	CY 2014
Missoula Municipal Court	3,640	3,857	3,994	3,993	3,790

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Referred Cases	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015
Cases opened	3,925	4,367	4,527	3,773	3,011

Court settings	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015
Jail Court	1,928	1,932	1,754	NT	NT
Weekend Jail Court	297	235	NT	NT	NT
Bench Trial	380	335	394	326	346
Final Jury Pretrial	1,552	1,755	2,092	1,828	1,660
Initial Omnibus	4,056	3,551	3,292	2,938	2,906
Jury Instruction Conference	1,488	1,669	1,975	1,740	1,577
Jury Trial	1,488	1,572	1,743	1,634	1,534
Jury Trials Held	20	13	9	3	7
Restitution / Sentencing Hearing	407	319	405	292	235
Waived Jury Bench Trial	260	316	441	398	335

Administrative	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015
Charging Review / Investigative Subpoena	137	150	155	107	123
Case Review	2,515	2,734	3,520	3,366	3,070
Briefs filed	95	102	76	71	58
PTRS	190	247	256	298	453

√ Increase in victim services including increased communications and meetings with prosecutor

Offense types	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015
Theft	695	919	802	836	649
Driving under the influence, Agg DUI, Per se	448	540	476	306	652
Violation of order of protection/contact order	319	115	79	114	143
Criminal trespass to property	407	346	356	271	236
Obstruction/resisting arrest	294	284	327	283	278
Partner or family member assault	178	154	171	154	185
Assault	136	140	155	139	144
Identity theft/deceptive practices/forgery/bad check	92	116	157	111	168
Sexual Assault	10	13	7	25	20