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Department of Justice Reaches Landmark Agreement to Improve Missoula County Attorney's Office's Response to Reports of Sexual Assault

The Department of Justice announced today that it has reached a comprehensive agreement with the Missoula County Attorney's Office, as well as Missoula County, Montana, and the Montana Attorney General's Office, to resolve the department's investigation of alleged gender bias in the prosecution of sexual assaults by the Missoula County Attorney's Office (MCAO). Under this first-of-its-kind agreement, MCAO and the county agree to take a number of significant steps to improve MCAO's response to allegations of sexual assault and eliminate discrimination and gender bias. This agreement completes the Civil Rights Division's investigation of the response by the Missoula criminal justice system and the University of Montana to sexual assault.

"This historic agreement will fundamentally transform the way in which the Missoula County Attorney's Office responds to sexual assault allegations," said Attorney General Eric Holder. "By taking key steps and implementing robust new safeguards to eliminate gender bias, improve communication and prosecution techniques, and increase support for victims, county law enforcement officials will strengthen their ability to combat sexual assault crimes, increase public safety, and protect those who are victimized. This action marks a critical step forward in the Justice Department's comprehensive efforts to ensure the safety and civil rights of all people across the country. And it is my hope that these remedies can serve as a model for the resolution of other cases moving forward."

Under the agreement, the MCAO will take the following steps, which will address gender bias in MCAO's response to sexual assault and help to restore community confidence in the criminal justice system:

- Develop and implement sexual assault policies and training for prosecutors, including supervisors;
- Improve treatment of individuals who report sexual assault, including in-person interviews and improved communication;
- Use prosecution techniques that have been shown to result in better sexual assault investigations, through improved communication with law enforcement and victims, use of investigators, closer supervision of the development of cases, hiring an in-house victim coordinator, and the use of expert witnesses;
- Improve communication and coordination with other Missoula stakeholders regarding sexual assault response, including through public outreach and collaboration with the Missoula Police Department in conducting, and analyzing the results of, a victim witness survey; and
- Improve the tracking and sharing of data regarding sexual assault prosecutions, so that MCAO has a broader picture of what it is doing and can better identify any general concerns or necessary improvements.

Missoula Attorney General Tim Fox, who has oversight authority over all Montana County Attorneys, has agreed to monitor the implementation of these measures, review sexual assault cases MCAO declines to prosecute, and retain a technical advisor, Anne Munch. Munch is a former sex crimes prosecutor and one of the country's foremost experts in the subject area. As technical advisor, Munch will provide training to MCAO, advise the Montana Attorney General regarding policies, and make recommendations and provide reports regarding implementation that will be made publicly available, alongside the quarterly reports the Attorney General's office will also publicly disseminate.

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"Sexual assault is a crime that is all too pervasive and that has devastating consequences," said Acting Assistant Attorney General for Civil Rights, Jocelyn Samuels. "Today's agreement completes a plan for comprehensive reform at every stage of the law enforcement response, from the handling of complaints of assault by the University of Montana, through the investigation of crimes by the Missoula Police Department, to the prosecution of those crimes by the County Attorney. This holistic approach will enable the Missoula community to improve women's safety and ensure respect for their civil rights."

"Over the past year, the City of Missoula, the University of Montana, and the Missoula Police Department already have made important strides toward improving their response to sexual assault and strengthening the community's confidence in its local police," said Michael Cotter, United States Attorney for Montana. "We are delighted that the Missoula County Attorney has agreed to partner with them and to work cooperatively with the Justice Department to improve the safety of women in Missoula."

Today's agreement resolves the last outstanding component of the department's multi-pronged investigation, launched in May of 2012, regarding the handling of sexual assault complaints made by women in Missoula. The investigation, conducted under the Violent Crime and Law Enforcement act of 1994, the Safe Streets Act, Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, evaluated the response to sexual assault at the University of Montana at Missoula, the University's Office of Public Safety (OPS), the Missoula Police Department (MPD) and MCAO. In May of 2013, the department entered into agreements with the university, OPS and MPD to resolve findings related to those parties and address deficiencies in their response to sexual assaults. The implementation of those agreements has already improved these parties' response to sexual assaults.

As part of today's agreement, Missoula's County Attorney will dismiss with prejudice the declaratory judgment action filed on behalf of the county attorney against the department in February of 2014. The department has agreed not to file suit regarding its allegations, outlined in a February 2014 letter of findings, that the MCAO's response to sexual assault violated federal law.

The agreement, as well as a description of the Department of Justice's work regarding sexual assault in Missoula, Montana, will be available at: <http://www.justice.gov/crt/about/spl/>.

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Civil Rights Division



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