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Friday, February 14, 2014

Justice Department Finds Substantial Evidence of Gender Bias in Missoula County Attorney's Office

Response to Sexual Assault Cases with Women Victims at Issue

Today, the Department of Justice issued a letter of findings describing problems in the Missoula County, Mont., Attorney's Office's response to sexual assault, and concluding that there is substantial evidence that the County Attorney's response to sexual assault discriminates against women. The department opened civil pattern or practice investigations of the Missoula County Attorney's Office, along with the Missoula Police Department and the University of Montana's Office of Public Safety, in May 2012. The department investigations, brought under the Violent Crime Control and Law Enforcement Act of 1994, and the anti-discrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, focused on allegations that the three law enforcement agencies were systematically failing to protect women victims of sexual assault in Missoula. The department, along with the Office for Civil Rights at the Department of Education, also opened an investigation of the University of Montana's handling of allegations of sexual assault and harassment of students under Title IV of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. The investigation of the Missoula Police Department and both investigations of the University of Montana were resolved in May 2013, via cooperative agreements with the Justice Department.

"Prosecutors play a critical role in ensuring that women victims of sexual assault have effective and equal access to criminal justice," said Acting Assistant Attorney General Jocelyn Samuels for the Civil Rights Division. "We uncovered evidence of a disturbing pattern of deficiencies in the handling of these cases by the County Attorney's Office, a pattern that not only denies victims meaningful access to justice, but places the safety of all women in Missoula at risk. We hope that this letter will enable us to move forward with constructive discussions with the County Attorney to resolve these serious concerns."



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The department’s investigation uncovered evidence indicating that the Missoula County Attorney’s Office engages in gender discrimination in violation of the Equal Protection Clause of the 14th Amendment to the Constitution as well as relevant federal laws. In particular, the investigation found evidence that the decisions of the County Attorney’s Office regarding the investigation and prosecution of sexual assaults and rape, particularly non-stranger assaults and rapes, are influenced by gender bias and gender stereotyping and adversely affect women in Missoula. The investigation found that the following, taken together, strongly suggest gender discrimination:

- Despite their prevalence in the community, sexual assaults of adult women are given low priority in the County Attorney’s Office;
- The County Attorney does not provide Deputy County Attorneys with the basic knowledge and training about sexual assault necessary to effectively and impartially investigate and prosecute these cases;
- The County Attorney’s Office generally does not develop evidence in support of sexual assault prosecutions, either on its own or in cooperation with other law enforcement agencies
- Adult women victims, particularly victims of non-stranger sexual assault and rape, are often treated with disrespect, not informed of the status of their case and revictimized by the process; and
- The County Attorney’s Office routinely fails to engage in the most basic communication about its cases of sexual assault with law enforcement and advocacy partners.

“Over the past eight months, 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 U.S. Attorney Michael Cotter for the District of Montana. “It is our sincere hope that the Missoula County Attorney will follow that example and work cooperatively with the Justice Department to address the deficiencies identified in our investigation, and to improve the safety of women in this community.

The investigation was conducted jointly by the Special Litigation Section of the Civil Rights Division and the U.S. Attorney’s Office for the District of Montana. The prevention of sex-based discrimination is a top priority of the Civil Rights Division and U.S. Attorney’s Offices. The Civil Rights Division has worked to ensure that women are not subject to discriminatory practices by law enforcement in New Orleans, Puerto Rico and elsewhere. Additional information about the Civil Rights Division is available [on its website](#). Additional information about the U.S. Attorney’s Office for the District of Montana can be found [on its website](#).

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