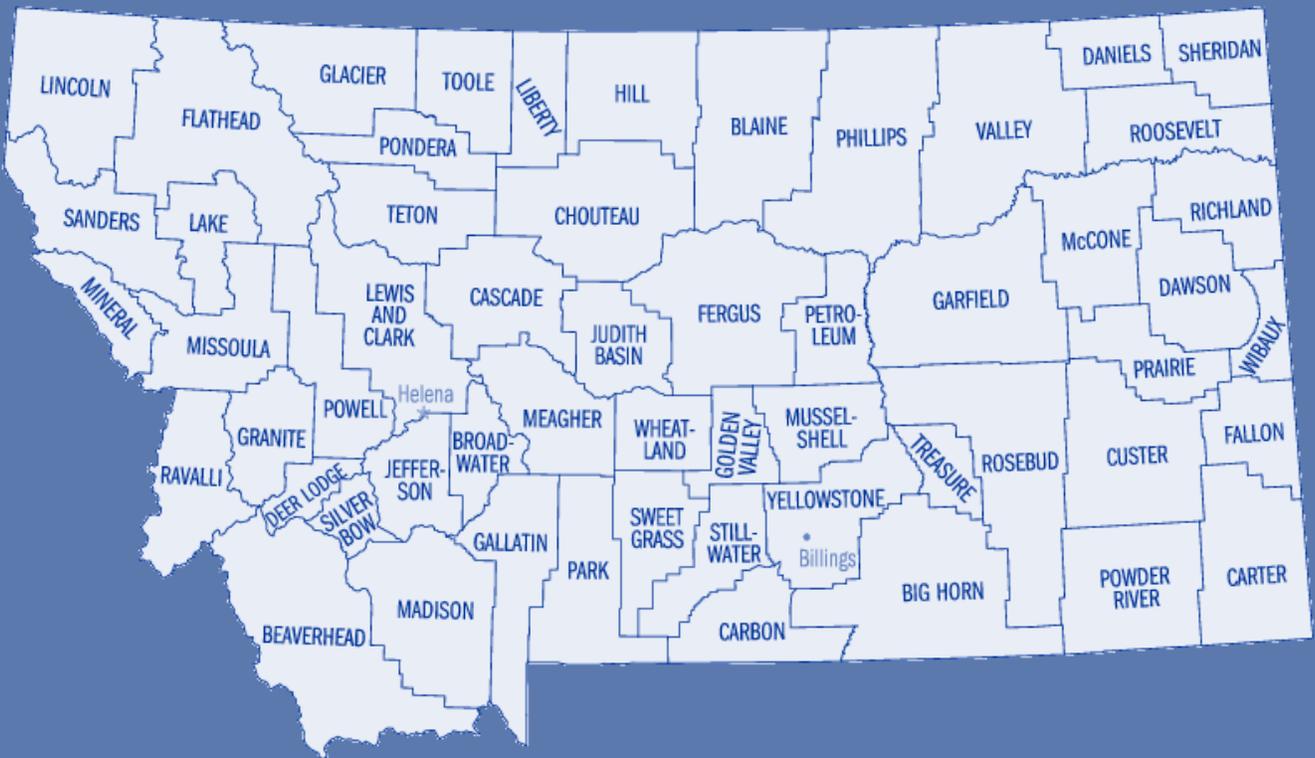


Montana's Prosecutors - Innovative Programs -



National Prosecutors' Consortium



August 2019

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The Evolving Role of the Prosecutor

Over the last forty years, there has been a dramatic transformation and expansion of prosecutors' mission, to not only vigorously prosecute criminal cases, but also to engage in crime prevention, problem solving and community partnerships. Prosecutors' fundamental goal is to protect the community and ensure justice when enforcing the law. Traditionally, a prosecutor's role was a limited and relatively passive one - to evaluate and prosecute arrests made by the police.¹ That role has expanded and evolved significantly. The shift is driven by the need for more complex solutions that not only seek positive outcomes for victims, but also strive for long-term solutions for preventing crime and assisting those who are entangled in the criminal justice system.

Prosecutors are uniquely situated to be effective in carrying out these new initiatives. They play a pivotal role in the criminal justice system, making decisions and exercising discretion about whether to prosecute, whom to prosecute, and how to prosecute. Also, as leaders in law enforcement, prosecutors can work with the police and other partners to improve community relationships and to build trust in the criminal justice system.



1. Catherine M. Coles, *Evolving Strategies in 20th- Century American Prosecution*, in *THE CHANGING ROLE OF THE AMERICAN PROSECUTOR, 182-187* (John L. Worrall & M. Elaine Nugent-Borakov, eds., 2008).

The National Prosecutors' Consortium

The National Prosecutors' Consortium (NPC) project is designed to collect information on innovative programs employed by prosecutor offices, to assist prosecutors in developing and deploying new programs, and to expand their research capabilities. The main areas of focus are the prevention of violent crime, community engagement, and encouraging victim/witness cooperation.

Many of the nation's prosecutors relish the opportunities presented by their expanded roles in the criminal justice system and have adopted innovative programs. However, the nature of their new initiatives is impacted by the size and resources of the organization. A large office with plentiful resources can implement multiple forward-thinking initiatives that impact a large segment of their population. Conversely, a smaller jurisdiction may only have the capacity to develop a smaller, yet still meaningful initiative.

Innovative programs described in this paper are newly developed initiatives undertaken by an office in keeping with its unique resources and the needs of its community. Ideas for new programs are freely shared amongst prosecutors and can nevertheless be innovative when they are introduced, implemented and customized to suit the needs of a particular office. For instance, a program that would be considered innovative in a smaller office, may be more common-place in a larger office. We seek to highlight those offices that are embracing their new role by working within their capacity to bring effective and proactive programs to their communities.

As part of the NPC project, a prosecutor survey was administered during 2019 at the county level across the United States on a state-by-state basis. The survey captures baseline information about prosecutor offices and collects information about the various evolving and non-traditional aspects of a prosecutor's office, such as alternatives to incarceration, preventing violent crime, community outreach, victim/witness support, and treatment programs.²

2. Solomon, S.E., Uchida, C.D., Connor, C., Swatt, M.L, Revier, L, Quigley, A. M., & Hock, S. (2019) *National Prosecutors' Consortium, Survey Highlights: Montana, Justice & Security Strategies.*

Overview of Montana Prosecutor Programs

Montana prosecutor offices range in size and in the types of communities that they serve. Some serve in larger cities and others work in suburban districts or rural areas. The available resources and staff vary greatly between the offices, as does the needs of their communities.

Out of 56 counties, 26 (46%) of the prosecutors in Montana participated in the NPC survey. The survey demonstrates that the responding Montana prosecutors participate in a wide variety of programs and initiatives. These programs include Drug courts, Alcohol/DUI courts, Victim and Witness Assistance, Youth Education programs, and Co-Located Child Abuse programs.

The survey found that 46% of Montana's prosecutors engage in problem solving courts or other programs that offer alternatives to incarceration. Many offices (69%) offered Victim Assistance, and at least half had Restitution programs (54%), Witness Assistance programs (50%), and Victim Services even when there is no arrest (73%). Just under half of the offices reported participation in Community Engagement programs (42%). Specifically, Montana prosecutors are involved with Co-Located Child Abuse programs (34%), Youth Education programs (23%), and Truancy programs (12%). Some prosecutors also have Co-Located Domestic Violence programs (23%) and Violence Reduction programs (15%). A smaller number of prosecutors offer Adult Education programs (8%) Sports programs (4%), and Neighborhood Clean-Up programs (4%).

Innovative Programs - Examples

To demonstrate the variety of innovative programs initiated in Montana, two offices are highlighted: Missoula County and Cascade County.

The Missoula County program is one of the first organizational resiliency programs for prosecutors of its kind. It provides information and services to prosecutors, staff, law enforcement partners, and jurors to address the negative effects of the secondary trauma they experience when working on violent crime cases. The Cascade County program is a Veteran Treatment Court that provides individualized and comprehensive treatment plans for its participants to help them overcome mental health or substance abuse challenges while still living in the community.

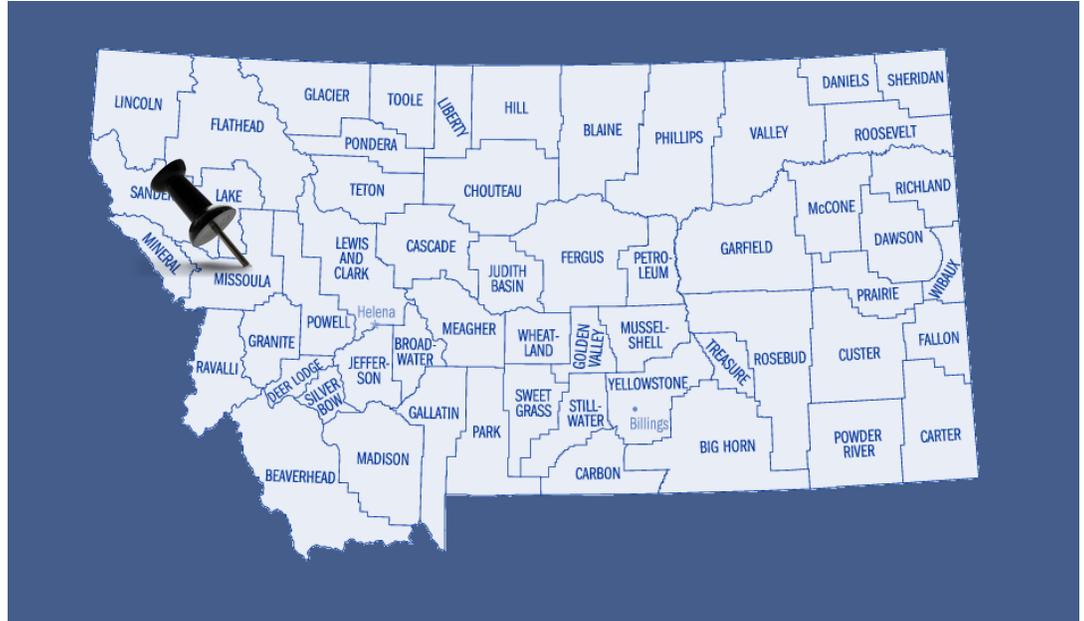
Missoula County Attorney's Office

Population: 117,441

Number of Prosecutors: 22 full-time prosecutors

Secondary Trauma Group

In 2016, the Missoula County Attorney's Office in collaboration with Western Montana trauma expert Andrew Laue, L.C.S.W., created and implemented a groundbreaking organizational resiliency program for prosecutors and staff called Secondary Trauma Group. The goal of the group is to prevent and mitigate the negative effects associated with



working with violent crime victims and to establish organizational resilience as a professional competency. This innovative and cost-friendly program came to fruition in just four months and costs only \$2,800 per year for the expert facilitator. The need for the Secondary Trauma Group was and is eminently clear—little if any secondary trauma work has been done in the field of criminal prosecution, even though the profession is immersed in violence and trauma.

Violence and trauma experienced by victims produces profound negative effects of secondary trauma stress (STS)—also described as vicarious trauma or compassion fatigue—on people who regularly work with victims of primary trauma, such as prosecutors and law enforcement officers, among others. Indirect exposure to trauma such as listening to details of abuse, preparing cases for court, and seeing photographic evidence of traumatic injuries accumulates over time and, unless the prosecutor utilizes strategies for preventing and addressing STS, that cumulative exposure can significantly impact work life, personal life, and mental health. According to trauma psychologists and consistent with the experience of Missoula County prosecutors, those who work with victims of crime for prolonged periods of time often experience symptoms similar to those of PTSD.

To address this critical issue and create better outcomes in Missoula County, the Secondary Trauma Group implements four major components as part of its curriculum— initial orientation to trauma; development of a group trauma-resiliency culture; integration and impact of trauma resilience; and case-specific trauma response teams. Each component is outlined in detail below.

Orientation

Prosecutors, child protection attorneys, paralegals, and victim witness coordinators receive an initial four-hour training session on concepts grounded in the latest research in the field of trauma work. The orientation session has the largest number of participants out of all four program components. Participants learn about how primary trauma affects a victim and causes a neurobiological response which makes organizing, recalling, and communicating stored information extremely difficult, providing critical insight into counter-intuitive responses in interviews and in court. The orientation session is also aimed at educating the larger group about the long term negative effects of exposure to STS, the necessity of processing STS, and how to prevent, process, and mitigate STS in healthy, holistic ways.

Development of a Group Culture of Trauma Resiliency

The second component consists of monthly two-hour sessions with a smaller core group. The expert facilitator utilizes the process of dynamic experiential learning, combining lecture, discussion, idea-sharing, and resonating to show how long-term work with traumatized people physically, mentally and emotionally impacts one's personal life and professional performance. The work is intended to build concrete skills that can be applied in a variety of contexts to reduce the impact of STS, enhance the level of positive functioning in and outside of work, and increase longevity in the workplace.

Integration and Impact

The third component is a summary four-hour meeting for the core group, where the team engages in concrete planning and prepares to go back to the larger work force as trauma-resilient ambassadors who promote a culture of trauma-fluency at the institutional level.

Case-Specific Trauma Response Teams

The final component consists of intermittent two-hour, post-trial debriefings with prosecutors, jurors, and the law enforcement team. After one particularly gruesome homicide, more than a

dozen people, all deeply affected by the victim's death, convened in a trauma-informed setting and had a vibrant and therapeutic discussion bringing much-needed closure while educating participants about trauma.

Understanding trauma and identifying appropriate responses is an ongoing process, and the Missoula County Attorney's Office has taken a monumental step to promote not only prosecutor wellness, but also the wellness of others involved in the criminal justice system who face secondary trauma. The program's initial rollout saw such great success that additional implementation is scheduled and will continue into the future.



Left to Right: Clinical social worker Andy Laue; First Step social worker MC Jenni; Missoula County Attorney Kirsten Pabst; Missoula Deputy County Attorney Brittany Williams; Missoula Deputy County Attorney Jordan Kilby.

Photo Courtesy of: Photo Courtesy of Montana Public Radio: <https://www.mtpr.org/post/missoula-prosecutors-recognized-fighting-secondary-trauma>

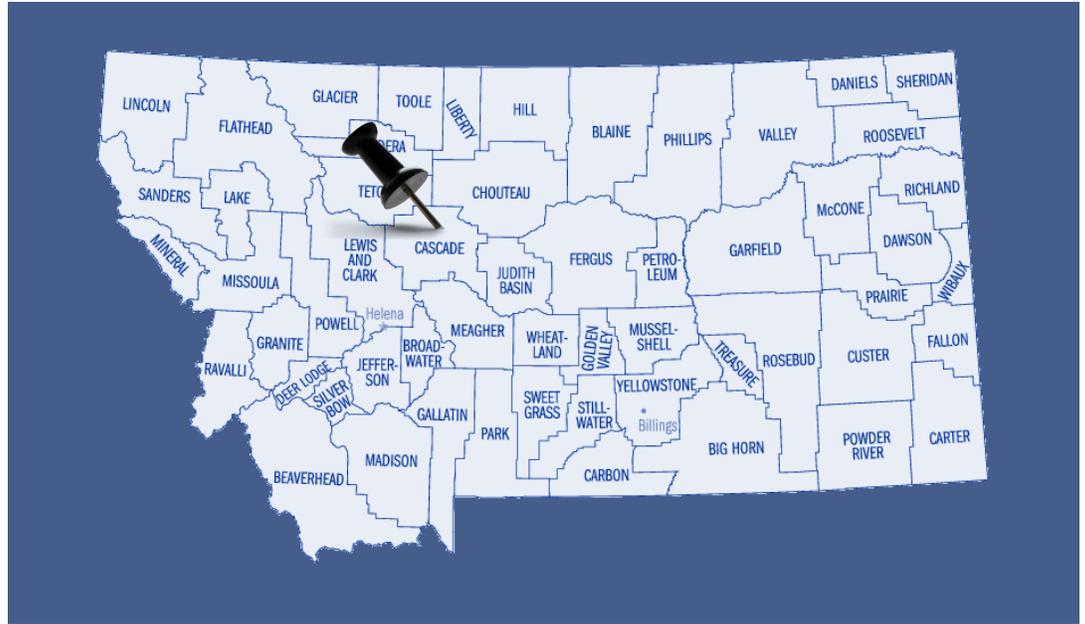
Cascade County Attorney's Office

Population: 81,643

Number of Prosecutors: 15 full-time prosecutors

Veterans Treatment Court

The Montana Eighth Judicial District Court has been serving veterans in Cascade County for the past five years through its Veterans Treatment Court. A dedicated, multidisciplinary team of approximately 20 individuals oversees the Veterans Treatment Court and includes representatives from the Montana VA



Health Care System, two independent counselors, Vet Center counselors, and over a dozen mentors who guide veterans through treatment.

The Court provides individually-tailored treatment plans to justice-involved veterans to help them achieve sobriety and mental health goals while remaining productive members of the community. Treatment providers develop the plan in conjunction with the veteran and other service providers, and subsequently place the veteran in one of three tracks—substance abuse and mental health, mental health, or misdemeanor supervision. There are five phases within each specific track, and veterans progress through each phase as they achieve treatment goals. Completing the program requires a minimum of 10 months of treatment and supervision for misdemeanor participants and a minimum of 14 months of treatment and supervision for felony participants.

The program incorporates intensive supervision and oversight with strict behavioral accountability. Each week, veterans receive a court order requiring them to submit to random drug and alcohol monitoring, participate in chemical dependency treatment, attend mental health treatment, perform community services, and participate in community support groups. Veterans receive mentoring throughout the process and receive positive incentives for compliant behavior and sanctions for noncompliant behavior.

Due to the program's rigor, when a veteran successfully completes Veterans Treatment Court, it is a clear indication of their ability to be a sober, law abiding member of society. If veterans can work, they are required to have a job. The Court also requires that veterans have safe, stable housing. In some cases, veterans achieve early release from probation, dismissal of charges, and expungement of charges. Many veterans also receive military discharge status upgrades through the VA and Department of Defense. The program has benefitted many veterans and continues to achieve its goals of reducing crime, enhancing public safety, saving taxpayer costs, and enriching lives by facilitating sobriety, treating mental health conditions, improving social relationships, and promoting lifelong stability for justice-involved veterans.

The Eighth Judicial District Veterans Treatment Court is the largest veterans treatment court in Montana, serving over 125 veterans since it was founded in 2013.

