



U.S. Department of Justice

Civil Rights Division

*Assistant Attorney General
950 Pennsylvania Ave, NW - RFK
Washington, DC 20530*

Commissioner Bill Carey, Chair
Commissioner Jean Curtiss
Commissioner Michele Landquist
Missoula Board of County Commissioners
200 West Broadway
Missoula, Montana 59802

Mr. Fred Van Valkenburg
County Attorney
Missoula County Courthouse
200 West Broadway
Missoula, Montana 59802

Re: Investigation of the Missoula County Attorney's Office

Dear Commissioners Carey, Curtiss, and Landquist, and County Attorney Van Valkenburg:

This letter is to inform you that the United States Department of Justice's Civil Rights Division and United States Attorney's Office for the District of Montana are commencing an investigation of the Missoula County Attorney's Office pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 ("Section 14141"), and the pattern or practice provisions of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d ("Safe Streets Act"). The investigation will focus on allegations that the County Attorney's Office is engaged in a pattern or practice of gender discrimination in violation of the Fourteenth Amendment and the Safe Streets Act. Specifically, the Department of Justice ("Department") will review allegations that the County Attorney's Office has failed to investigate or prosecute sexual assaults against women because of their gender or in a manner that has a disparate impact on women. We will conduct a concurrent investigation of the University of Montana at Missoula's Office of Public Safety ("OPS") and the Missoula Police Department ("MPD"). The Department's Educational Opportunities Section is also simultaneously conducting an investigation into allegations of sex discrimination by the University of Montana pursuant to Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c-6, and Title IX of the Education Amendments of 1972, 42 U.S.C. § 2000h-2.

Please be assured that we have not reached any conclusions about the subject matter of this investigation and will consider all relevant information, including information pertaining to efforts the County has undertaken to ensure compliance with federal law. During our investigation, we will seek to speak with OPS, MPD, University, City, and County officials, as well as victims of sexual assault, external stakeholders, such as representatives of relevant

community-based organizations, leaders within the local criminal justice system, and others with relevant insights into this matter. The investigation will include a comprehensive review of the County Attorney's Office policies and practices.

Upon completion of our investigation, if we conclude that there are no systemic violations of constitutional or federal statutory rights by the County Attorney's Office, we will notify you that we are closing the investigation. If, on the other hand, we conclude there are violations, we will provide you and the public with our findings and attempt to work with you to reach agreement regarding how best to remedy these violations. If an appropriate remedy cannot be achieved through agreement, the Attorney General is authorized to bring litigation in the United States District Court.

In our years of enforcing these civil rights statutes, we have worked with jurisdictions across the nation to resolve our investigations, in almost all cases without contested litigation. We assure you that we will seek to minimize any potential disruption our efforts may have on the operations of the County Attorney's Office. We will contact you to discuss the next steps of our investigation. Please feel free to contact Special Litigation Section Chief Jonathan M. Smith at (202) 514-6255 or United States Attorney Michael Cotter at (406) 457-5120.

Sincerely,

Thomas E. Perez
Assistant Attorney General

Michael W. Cotter
United States Attorney