

**Gallatin County Attorney**  
Marty Lambert, County Attorney



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June 9, 2016

Hon. John C. Brown  
18<sup>th</sup> Judicial Dist., Dept. 3  
Law & Justice Center

Dear Judge Brown:

Re: County Attorney participation in the Gallatin County Treatment Court

On June 8, 2016, during a meeting of the Gallatin County Commission, the following persons spoke in support of a salary increase for my deputies:

Christina Powell, Executive Director of Help Center, Inc., Coordinator of the Gallatin County Child Advocacy Center, and Program Director, Sexual Assault Counseling Center

Katy Oslerloth, R.N., M.S. Sexual Assault Nurse Examiner (SANE) and trainer for Bozeman Health Services SANEs and pediatric SANEs

Kathy Coles, Veteran domestic violence and crime victim advocate, now retired from the Victim/Witness Office

Adam McDunn, citizen and relative of violent crime victim

Victim/Witness Services Director Stacy Wesen

Bozeman City Attorney Greg Sullivan

Assistant City Attorney Anna Saverud

Assistant Chief of Bozeman Police Rich McLane

Bozeman Police Detective Captain Andy Knight

Gallatin County Sheriff Brian Gootkin

Belgrade Police Det. Sgt. Dustin Lensing

Gallatin County Justice of the Peace Rick West

Gallatin County Court Services Director Steve Ette

These speakers made varied remarks to the Commission regarding the deputy county attorney pay issue, however, the speakers consistently mentioned the following themes: Gallatin County has a committed team of persons and agencies who serve crime victims, and deputy county attorneys are an integral part of that team; the public and crime victims are best served where the State is represented in criminal cases by experienced deputy county attorneys; and the turnover of prosecutors from my office is a setback to our efforts to keep our community peaceful and safe.

The speakers were not the only persons who provided input to the Commission on the pay raise issue. Yesterday, letters were presented to the Commission from the following persons:

Erica Aytes Coyle, Co-Executive Director of Haven  
Kelsen Young, Executive Director of the Montana Coalition Against Domestic and Sexual Violence  
Crime victim Cathy McDunn  
Dr. Tiffany Kuehl, FACEP, ED physician, and Director of Bozeman's SANE team  
Chief of MSU-Bozeman University Police Robert Putzke

The letters from these persons are attached for your review. The letters echo the remarks made by the speakers at yesterday's hearing.

As you know, my deputies work long hours in order to meet the State's burden of proof in criminal cases. My deputies are professionals and as such they receive no overtime or compensatory time for the hours they work outside of the normal work-week. My request of the Commission was a simple one: grant my deputies equal pay, based on each deputy's years of prosecution experience, to what the State Office of Public Defender (PDO) pays its attorneys. My budget requests did not include raises for my chief deputies. Although they are considerably underpaid, the chief deputies' salaries will not be addressed this year.

With regard to the deputies' pay my FY17 budget request is \$32,369.00. That dollar amount would bring my eight deputies up to the PDO pay level for attorneys of equal experience. At the time the Commission considered my request the Commission had approximately \$1,772,000.00 available to fund the request.

The Commissioners denied the request, instead voting to fund \$10,000.00 (I was told this morning that amount might be increased to around \$14,000) for pay raises for my deputies.

The Commission vote is indefensible. The community eloquently spoke to the need to pay fair wages to my deputy county attorneys and the money clearly is available to pay those fair wages. Implementation of the Commission's vote will equate to each of my deputies being paid thousands less (in Erin Murphy's case \$5,871.00 less) than the publicly-funded lawyers representing criminals in this County. I refuse to play favorites by funding, say, three of my deputies at the PDO level and leaving the crumbs for the rest.

If asked about their vote the Commissioners will no doubt argue that adoption of the PDO pay matrix will commit the County to additional salary increases for the deputies in the years to come. I will reply that experience for prosecutors is vitally important, as pointed out by the citizens and officers who wrote to and testified to the Commissioners on June 8, 2016. This County willingly should commit to pay fair wages to encourage attorneys to stay in my Office to serve the public and crime victims.

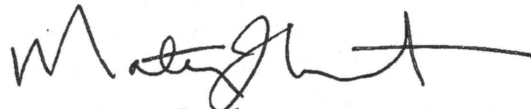
Yesterday Sheriff Gootkin said that a balance should be struck between spending tax dollars on programs to benefit criminals, such as the Treatment Court, and spending tax dollars on law enforcement and crime victims. Sheriff Gootkin said, in effect, that the Commission's funding decisions are out of balance in this county, and that more money and attention is being

paid to programs for criminals than for programs for crime victims. I agree with the Sheriff. When District Judge Thomas Olson, Chuck Watson and I started Treatment Court in 1999, I had no idea that there would come a time when I would serve with a Commission that repeatedly would fail to adequately fund Gallatin County's prosecutors. That time has come.

Instead of seeing my deputies grow and advance through the years as they gain experience and confidence, I'm in the position of having to plan for turnover among my deputies. The Commissioners have failed to recognize that the continued growth of Gallatin County has increased my deputies' responsibilities. Accordingly, I must review the resources of my Office and focus my Office's prosecution efforts on holding offenders accountable for their criminal conduct.

As part of my review, effective immediately, the Gallatin County Attorney's Office's association with the Gallatin County Treatment Court Program will end. My deputies and I must focus our efforts on pursuing the successful and timely prosecution of criminal offenders.

Please contact me if you would like to discuss these matters.

A handwritten signature in black ink, appearing to read 'Marty Lambert', with a long horizontal stroke extending to the right.

Marty Lambert  
County Attorney

CC: Hon. Mike Salvagni  
Commissioners