



OFFICE OF THE CITY ATTORNEY

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2007-064

October 16, 2007

Marijuana Initiative Oversight Committee  
Attn: John Masterson, Chair  
200 W. Broadway  
Missoula MT 59802

Re: Response from City Attorney's Office to 9/14/2007

Dear Mr. Masterson:

This letter is in response to your September 14, 2007 letter requesting information from city officials.

Initially, please note that this county initiative does not pertain to the City of Missoula. Deputy County Attorney Mike Sehestedt informs the city that the initiative does not apply to the city and the county commissioners do not have authority or jurisdiction over city government operations. Further, local governments are not required, pursuant to a citizen request, to compile information, statistics or data that it does not already compile and utilize for local government purposes.

- Number of warnings of adults for marijuana misdemeanors in 2006
  - ❖ Records not maintained by the City Attorney's Office
- Number of warnings of adults for marijuana misdemeanors in 2007
  - ❖ Records not maintained by the City Attorney's Office
- Number of citations of adults for marijuana misdemeanors in 2006
  - ❖ Records not maintained by the City Attorney's Office
- Number of citations of adults for marijuana misdemeanors in 2007
  - ❖ Records not maintained by the City Attorney's Office
- Number of arrests of adults for marijuana misdemeanors in 2006
  - ❖ Records not maintained by the City Attorney's Office
- Number of arrests of adults for marijuana misdemeanors in 2007
  - ❖ Records not maintained by the City Attorney's Office
- Number of prosecutions of adults for marijuana misdemeanors in 2006
  - ❖ 2006 Prosecutions under Mont. Code Ann. § 45-9-102 = 74
- Number of prosecutions of adults for marijuana misdemeanors in 2007

- ❖ 2007 Prosecutions under Mont. Code Ann. § 45-9-102 = 51
- Number of warnings of adults for marijuana felonies in 2006
  - ❖ Records not maintained by the City Attorney's Office
- Number of warnings of adults for marijuana felonies in 2007
  - ❖ Records not maintained by the City Attorney's Office
- Number of arrests of adults for marijuana felonies in 2006
  - ❖ Records not maintained by the City Attorney's Office
- Number of arrests of adults for marijuana felonies in 2007
  - ❖ Records not maintained by the City Attorney's Office
- Number of prosecutions of adults for marijuana felonies in 2006
  - ❖ Records not maintained by the City Attorney's Office
- Number of prosecutions of adults for marijuana felonies in 2007
  - ❖ Records not maintained by the City Attorney's Office
- Estimated average staff time spent per marijuana warning
  - ❖ Records not maintained by the City Attorney's Office
- Estimated average staff time spent per marijuana citation
  - ❖ Records not maintained by the City Attorney's Office
- Estimated average staff time spent per marijuana arrest
  - ❖ Records not maintained by the City Attorney's Office
- Estimated average staff time spent per marijuana prosecution
  - ❖ Information is not compiled or tracked by the City Attorney's Office
- Estimated average staff time spent per marijuana post-conviction management (probation, supervised release, etc)
  - ❖ Records not maintained by the City Attorney's Office
- Average city law enforcement wage
  - ❖ Records not maintained by the City Attorney's Office
- Average city prosecution & judiciary wage
  - ❖ FY08 average annual wage for deputy city attorney (prosecutorial services)  
\$59,945
  - ❖ FY08 annual wage for assistant city attorney (prosecutorial services)  
\$75,436
- Average post-conviction wage (probation, supervised release, etc)
  - ❖ Records not maintained by the City Attorney's Office
- Other information to help the committee understand the city resources devoted to adult marijuana activities in Missoula, including but not limited to:
  - Categorization based on whether the marijuana warning/citation/arrest/prosecution was incidental to other crimes or solely for the marijuana activity
    - ❖ Information is not compiled or tracked by the City Attorney's Office
  - Categorization based on demographics of citizens charged with marijuana crimes
    - ❖ Information is not compiled or tracked by the City Attorney's Office

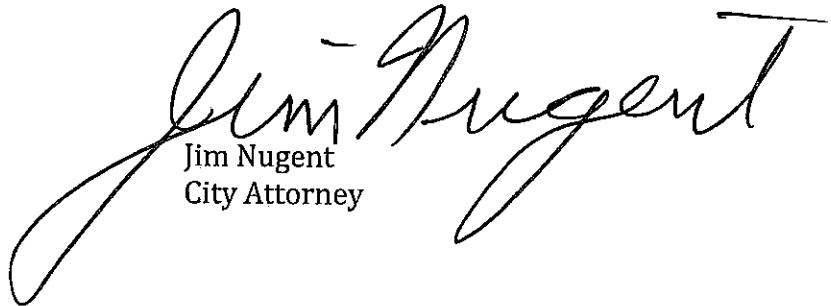
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- Categorization based on whether the enforcement activity was conducted at the behest of or in coordination with county, state, or federal agencies.
  - ❖ Information is not compiled or tracked by the City Attorney's Office
- Categorization based on whether property was seized.
  - ❖ Information is not compiled or tracked by the City Attorney's Office

Sincerely,

OFFICE OF THE CITY ATTORNEY



Jim Nugent  
City Attorney

JN:kmr

cc: John Engen, Mayor  
Bruce Bender, CAO  
Rusty Wickman, Chief of Police  
Legal staff