

## Detailed Explanation of Reinvestments

The following are preliminary estimates of the impact of adopting the 23 policy options presented to the Commission on Sentencing in June 2016. By enacting these policies, Montana has the potential to avert significant costs and growth in the state prison, supervision, and jail populations, and significantly increase the number of people able to be served in prerelease centers between FY2018 and FY2023.

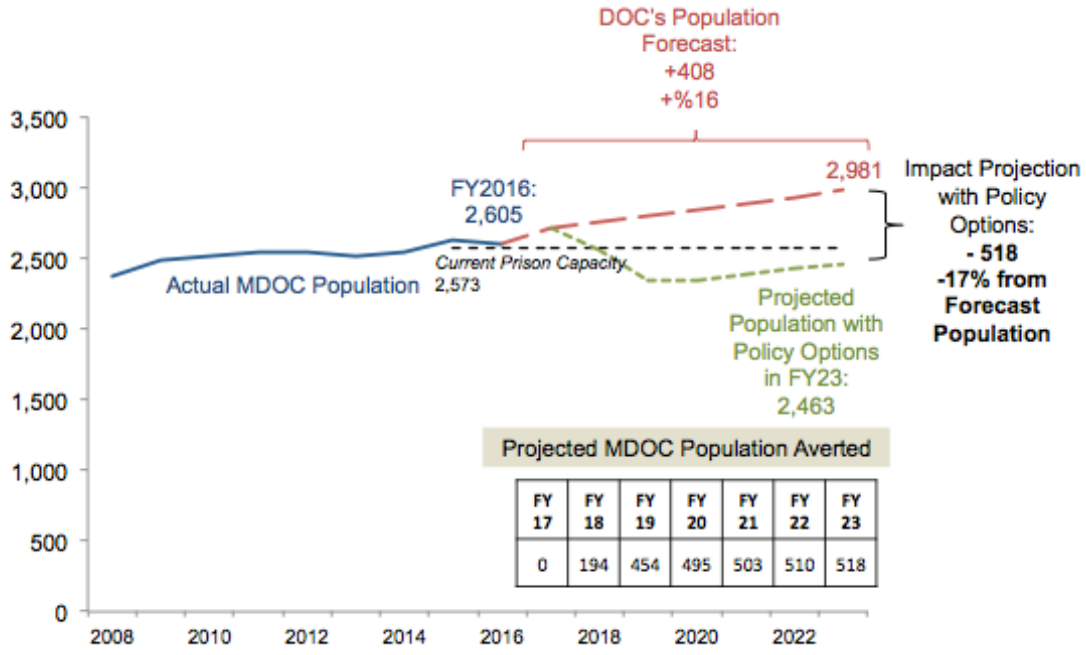
### Summary of Impacts

- Avert at least \$80 million between FY2018 and FY2023
- Reduce the prison population from the baseline projection by 518 people between FY2018 and FY2023, bringing the prison population down below the current level
- Reduce the supervision population from the baseline projection by 2,639 people
- Double the number of people who can be served in prerelease centers with the existing number of beds
- Provide numerous tools that can enable counties to manage the growth in or reduce their jail populations
- Averting growth in the prison population and generating savings in this six-year time frame would position Montana to instead reinvest \$28 million in strategies to save beds, reduce recidivism, and increase public safety at a lesser cost to taxpayers.

### **Prison**

Montana's prison population is projected to grow from 2,573 from FY2015 to 2,981 in FY2023. Reducing length of stay at prerelease centers, Policy 8, and structuring sanctions in lieu of revocation for technical violations of probation or parole, Policy 14, will restrain future prison population growth, and even reduce the prison population to below current capacity, by a total of approximately 518 people by FY2023 below the baseline population projection. By averting growth in the state prison population between FY2018 and FY2023, effective implementation of the proposed policy framework will help the state avoid at least \$71 million in contracting costs, and up to hundreds of millions of dollars in construction and operating costs that would otherwise be needed to accommodate the forecasted growth.

Figure 1. Actual and Projected Prison Population FY2008 – FY2023



**Supervision**

Montana’s probation and parole supervision population is projected to grow 19 percent, from 8,783 in FY2015 to 10,365 in FY2023. By limiting the length of stay for people who are compliant on supervision, Policy 11, Montana could help avert growth in the supervision population and \$9 million in future costs to hire additional supervision officers.

**Prerelease Centers**

By reducing length of stay at prerelease centers and by increasing their effectiveness at reducing recidivism, Policy 8, more people can be served without increasing the number of beds. This strategy will reduce the per-person cost of placement in these facilities.

**Jails**

By enacting Policy Options 1 through 5, encouraging the use of pretrial risk assessment and supervision at the county level, expediting presentence investigations, eliminating two mandatory minimum jail sentences, reclassifying traffic offenses as civil, and funding the expansion of deferred prosecution across the state, Montana state policymakers can provide a wealth of tools for county jails to reduce populations below current levels, averting costs for county governments.

**Reinvestments in Effective Public Safety Strategies**

The outcomes described above are largely driven by changes to state policy and practice. To be effective at not only easing pressure on prison, supervision, and jail populations, but also reduce recidivism and new criminal activity, Montana should reinvest a portion of the savings (at least

\$80 million and up to hundreds of millions of dollars over six years). Altering reinvestment levels would not change the impact projections listed above, but could change recidivism outcomes and local impacts that would result from the enactment of these policy options. The following details reinvestment recommendations based on the policy options under consideration by the Commission on Sentencing.

Table 1. Summary of Reinvestments FY2018 – FY2023

FY18	FY19	FY20	FY21	FY22	FY23
\$2,475,284	\$4,536,692	\$5,316,692	\$5,336,692	\$5,316,692	\$5,386,692

### Reinvestments in Policy Options

- Reinvestments associated with Policy Options 1, 2, 5, 8, 10, 14, and 15 will help to achieve greater impacts by reducing recidivism and improving public safety, at a cost of approximately \$1.8 million
- Reinvestments associated with Policy Options 13, and 16 through 25 will strengthen the quality of existing services and programs and other criminal justice operations, and ensure that the impacts of the proposed policy options are tracked and realized, at a cost of approximately \$700,000 in FY2018. If Montana enacts legislation that impacts prison population and reinvests in strategies that reduce recidivism, the state can receive \$500,000 in support from the federal government that funds some of these activities in the first two years after enactment.

### Discussion of Reinvestment by Policy Options

#### 1. Establish the use of pretrial risk assessment tools and supervision.

Reinvestment: \$25,000 in FY2018 then \$425,000 annually starting FY2019

Enacting this policy option should reduce jail populations in selected counties. This option provides state funding to create a match grant program to incentivize counties to adopt a pretrial risk assessment tool for felony defendants and supervise higher-risk pretrial defendants. The annual budgets of two pretrial services programs of the most populous counties in Montana are: Gallatin County, approximately \$500,000; and Missoula County, approximately \$200,000. Based on these budgets, it is estimated that new programs in mid-sized Montana counties would require \$250,000, with the following assumptions:

- 3 pretrial officers who conduct assessments and each supervise a caseload of 60 high-risk individuals at a \$50,000 salary per officer (\$150,000)
- Fringe benefits for three officers at 35% of salary or \$17,500 per officer (\$52,500)
- Supplies, contracts, equipment, and travel costs at \$47,500 (\$47,500)

The following estimates assume that the grant program would be developed in FY2018, and would begin administering grants in FY2019. This grant program is a county match

program. It is assumed that the county's initial investment would be a 25 percent match for FY2019 and FY2020 and the county would receive a maximum award of \$187,500. This match amount would increase to 50% in subsequent years. An annual state reinvestment of \$425,000 would allow the state to award at least two counties to develop and operate a pretrial services programs in FY2019 and FY2020, and additional counties in subsequent years. The state agency administering the grant program would require \$25,000 in administrative costs annually, beginning in FY2018.

**2. Revamp the presentence investigation report so that it is less time-intensive, more structured and objective, and encourages the use of evidence-based practices in sentencing.**

Reinvestment: \$360,000 annually starting FY2018

Enacting this policy option should reduce jail populations by expediting the presentence investigation process and reduce recidivism by helping judges identify who would likely benefit from supervision and treatment. This option requires that presentence investigations (PSI) are expedited and PSI reports include risk assessment information. Probation and parole officers currently conduct 3,600 PSI every year, or 300 PSIs per month.

To implement this policy change, DOC would create a presentence investigation unit in the Probation and Parole Division. A probation and parole officer could conduct 15 PSIs per month, requiring a total of 23 probation and parole officers in the PSI unit to conduct 300 PSIs per month. Assuming that creating a PSI unit would decrease the workload of current probation and parole officers by 10%, requiring 14 fewer officers, DOC would require a net total of 6 new officers (20 officers in PSI unit - 14 fewer officers from decreased workload).

A probation and parole officer's salary and benefits is \$50,000 annually, and operational expenses per officer are \$10,000 per year. To add 6 new probation and parole officers, DOC would require \$360,000 annually starting in FY2019. This estimate assumes that the PSI unit would be operational in FY2019.

Policy option 11, which limits length of stay for people who are compliant on probation supervision, which would reduce the supervision population, DOC may be able to offset some or all of this cost.

**3. Eliminate mandatory minimum jail sentences for first offense driving with a suspended license and third offense petty theft.**

Enacting this policy option should reduce jail populations.

**4. Reclassify traffic offenses, other than driving under the influence, as civil or citation-only offenses.**

Enacting this policy option should reduce jail populations.

**5. Support the creation and expansion of diversion programs.**

Reinvestment: \$25,000 in FY2018 then \$200,000 annually starting FY2019

Enacting this policy option should reduce jail populations by diverting people to high-quality treatment and programs, and would allow the state to avert spending associated with prosecuting, processing, incarcerating, and supervising people who would benefit most from participating in behavioral health treatment and programs.

This option provides state resources through a grant program to advance the development and expansion of deferred prosecution programs and general diversion programs. The following estimates assume that the grant program would be developed and established in FY2018, and would begin administering grants in FY2019. This program would provide \$35,000 grants to five counties, and would require \$25,000 in administrative costs annually for a state agency to administer the program. Administrative costs in FY2018 would be \$25,000, and the full cost of the program would be \$200,000 annually starting FY2019.

**6. Expand eligibility criteria for problem-solving courts.**

No reinvestment

**7. Focus prison and community corrections space those who are most likely to reoffend.**

Enacting this policy option would reduce prison population and may increase the community supervision population by assisting DOC in making more consistent placement decisions and prioritizing prison and community corrections resources for people who have the greatest risk of recidivism.

**8. Require prerelease centers to deliver more intensive evidence-based programming and treatment within a shorter time period.**

Reinvestment: \$80,458 in FY2018 and \$160,917 annually starting FY2019

This policy option establishes prerelease centers as “reentry centers.” The policy option requires reentry centers to submit periodic progress reports to DOC for every individual beginning at 90 days of each individual’s placement in the reentry center. DOC will monitor these reports and determine, based on progress, when an individual can be released or needs additional time to complete programming and acquire skills in a reentry center prior to release.

To implement this option, DOC would require two staff, one in the Probation and Parole Transition Office and one in DOC’s Quality Assurance Office, to monitor progress

reports from prerelease centers and determine when to discharge each resident based on program completion and skill acquisition. DOC would hire staff at the following costs:

- 1 Quality Assurance Compliance Technician at \$24/hour and \$17,878 in fringe benefits and other costs = \$73,604
- 1 Probation and Parole Division Staff at \$29.50/hour and \$25,966 in fringe benefits and other costs = \$87,313

In total, DOC would require \$80,459 in FY2018 and \$160,917 annually starting FY2019. This estimate assumes that it would take 6 months to hire staff upon the enactment of legislation and appropriation of funds.

**9. License and adopt evidence-based standards for treatment facilities serving people in the criminal justice system.**

No reinvestment

**10. Fund access to behavioral health treatment and programs to reduce recidivism for people on community supervision.**

Reinvestment: \$600,000 in FY2018, \$900,000 in FY2019, then \$1.68 million annually starting FY2020, which would enable the state to leverage \$1.8 million in federally-funded Medicaid resources.

This policy option appropriates funds and leverages Medicaid to provide enhanced risk reduction programs and behavioral health treatment to people on supervision, and targets people who are failing on community supervision. Based on historical supervision violation figures, the target population for would be 1,900 people annually, and based on national figures, it is estimated 80 percent of these people would have a treatment need. DOC's target population would be 1,500 people annually.

The majority of these people are eligible for Medicaid, which covers services such as substance use treatment if deemed necessary by a trained healthcare provider. This policy option leverages Medicaid to provide enhanced services to, and funds community engagement specialist and peer support specialists for, these populations. Enhanced services include substance use treatment tailored to criminal justice populations, with provisions for specific interventions such as risk reducing and cognitive behavioral techniques, measuring risk of relapse, specialized training for providers, and greater collaboration across community corrections, probation and parole, and community providers.

The state would cover the following costs:

Total Cost to Enhance Treatment: \$2.17 million  
Montana's Share to Enhance Treatment (15 percent): **\$325,000**

Cost of Community Engagement Specialists at 25:1 client to provider ratio, \$50,000 salary, serving 30 percent of target population or 450 individuals: **18 positions at \$900,000**

Cost of Peer Support Specialists at 25:1 client to provider ratio, \$35,000 salary, and serving 50 percent of target population and, if Medicaid funded, state share cost of \$5,495 each: **30 positions at \$164,850**

The state would require \$500,000 in FY2018 and FY2019 to develop to infrastructure for providing direct care, then \$1.4 million annually starting FY2020 to provide enhanced treatment and services.

This option also appropriates \$400,000 annually to fund Montana State University's Office of Rural Health to develop behavioral health professionals who are willing and able to work with criminal justice populations in rural areas. Funds could potentially be used to provide grants to higher education institutions to develop specialized curricula and training for such practitioners, to provide tuition reimbursements, and create fellowships and scholarship programs. The state would require \$100,000 in FY2018 to establish the program, arrange a working group, and form a development plan. The full appropriation to fund the office's rural workforce development efforts would be \$400,000 annually starting FY2019.

In total, the state would reinvest \$600,000 in FY2018, \$900,000 in FY2019, and \$1.68 million annually starting FY2020.

#### **11. Focus supervision resources on people who are most likely to reoffend.**

Enacting this policy option would reduce the supervision population and reduce caseloads, allowing currently funded officers to work more effectively and closely with people on supervision who pose a higher risk of reoffending, and those who were more recently released from a secure or residential facility.

#### **12. Explore increasing access to tribal resources for tribal members who are in the state criminal justice system.**

No reinvestment

#### **13. Modernize the parole board and the parole decision-making process to ensure that the board's decisions are informed, consistent, and sustainable.**

Reinvestment: \$350,624 annually starting FY2019

This policy option requires the Board of Pardons and Parole to be a professional board with three full-time, paid board members for a total cost of \$350,624 at the following costs:

- 1 chair at \$44/hour and \$32,004 in fringe benefits = \$123,544
- 1 board member at \$40/hour and \$30,340 in fringe benefits = \$113,540
- 1 board member at \$40/hour and \$30,340 in fringe benefits = \$113,540

This estimate assumes that the professional board would be established and in operation starting FY2019.

**14. Limit the term of incarceration for technical violations of conditions of probation and parole.**

Reinvestment: \$1,700,000 annually

This policy option would reduce the prison population by limiting the time that people revoked on a technical violation spend in prison prior to being released. Research shows that longer sanctions do not lead to lower recidivism.

A reinvestment of \$1 million annually would enable the Department of Corrections to contract with jails and prerelease centers for additional sanction beds. A \$1 million annual reinvestment would allow DOC to contract for approximately 33 beds per year, based on the average jail contract cost per day of around \$83, which amounts to around 400 30-day sanctions.

**15. Improve access to housing for people reentering the community.**

Reinvestment: \$50,000 in FY2018 then \$525,000 annually beginning FY2019

This policy option creates a supportive housing grant program (based on the Frequent User Systems Engagement, or FUSE, program) for cities, counties, and tribes to provide case management and housing placement for people who are difficult to house, including those with criminal histories. This policy option also provides state resources to create a landlord grant program to help cities, counties, and tribes to support landlord engagement activities including hiring a housing specialist or navigator, and building and managing risk mitigation funds to reimburse landlords for tenant-related property damages or expenses when they house a “hard-to-house” person, including those with a criminal record.

The following estimates assume that both grant programs would be developed and established in 2018 and would begin administering grants in FY2019. Supportive housing grants would support up to three cities, counties, or tribes in Montana, serving up to 300 people throughout the state, requiring the state to reinvest \$25,000 in FY2018 in administrative costs and \$250,000 annually starting FY2019. Landlord engagement grants would support up to three cities, counties, or tribes, and the state would require \$25,000 in FY2018 for administrative costs and \$75,000 annually starting FY2019.

**16. Expand eligibility for crime victim compensation benefits.**



Reinvestment: \$251,500 annually starting FY2018

This policy option expands the statutory definition of secondary victim, increases the compensation limit for mental health benefits for secondary victims, creates a crime scene cleanup benefit and a relocation benefit, and increases the funeral/burial benefit to be more in line with national estimates for funeral costs.

In FY2014, there were 30 homicides in Montana. To increase the funeral compensation benefit from \$3,500 to \$7,000 for 30 beneficiaries, Montana would require an additional \$105,000 annually. To compensate 30 beneficiaries with a new crime scene cleanup benefit, which averages \$1,000 per crime scene annually, Montana would require an additional \$30,000 annually.

According to a report by Montana's Crime Victim Compensation program to the Office of Victims of Crime, there were an estimated 99 domestic violence victims who received compensation in Montana in 2013.<sup>1</sup> To compensate 99 beneficiaries with a new relocation benefit at \$1,000, Montana would require an additional \$99,000 annually.

According to the same report, Montana provided \$70,876 in mental health benefits in 2013. Montana's Crime Victim Compensation program estimates that 25% of these benefits, or approximately \$17,500, were paid to secondary victims. By doubling the mental health benefit for secondary victims from \$2,000 to \$4,000, it is estimated that Montana would require an additional \$17,500.

#### Summary of Benefits

Funeral <i>30 beneficiaries x \$3,500 increase in benefit</i>	\$105,000
Crime Scene Cleanup <i>30 beneficiaries x \$1,000 average benefit</i>	\$30,000
Relocation <i>99 beneficiaries x \$1,000 average benefit</i>	\$99,000
Mental Health <i>\$17,500, FY14 payout to secondary victims, doubled</i>	\$17,500
Total	\$251,500

#### **17. Improve the quality of and access to batterer's intervention programs.**

Reinvestment: \$125,000 in FY2018 then \$250,000 annually starting FY2019

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<sup>1</sup> Office of Victims of Crime, "2013 Montana State Wide Compensation Report," <http://ojp.gov/ovc/grants/sbsmap/ovccp13mt1.htm>

This policy option creates a state-funded source for batterers' intervention programs (BIP), increases the number of BIP providers throughout the state, and creates state standards to ensure quality and consistency of programming. This option also doubles state resources available for supervision of domestic violence offenses.

The following estimates assume that the BIP grant program would be developed and established in FY2018, and would begin administering grants in FY2019. This grant program would provide \$25,000 grants to providers in five communities to improve the quality of and access to BIP, and would require \$25,000 in administrative costs annually for a state agency to administer the program. Administrative costs in FY2018 would be \$25,000, and the full cost of the grant program would be \$150,000 annually starting FY2019.

According to the Board of Crime Control, Montana currently spends approximately \$100,000, using fees collected from marriage licenses, to enable the supervision of people convicted of domestic violence offenses. An additional \$100,000 investment by the state starting FY2018 would double state resources available for supervision of people convicted of domestic violence offenses.

## **Oversight, Quality Improvement, and Improving Standards**

### **18. Provide oversight and improve quality of programs and practices.**

#### **A. Create a centralized, interagency oversight body to guide and track the implementation of justice reinvestment legislation.**

Reinvestment: \$28,000 annually

This policy option establishes an interbranch, interagency committee to oversee the successful implementation of justice reinvestment policies in the years following enactment of the legislation. Based on the fiscal note for SB 224, which established the Commission on Sentencing, and conversations with legislative staff, the estimated need to newly establish a 10-member oversight body is \$28,000 to cover travel, meals, lodging, and salaries for members of the public.

#### **B. Require DOC to report annual data on the impact of implementing justice reinvestment legislation.**

Reinvestment: \$56,721 in FY2018 then \$108,443 annually starting FY2019

This policy option mandates DOC to produce an annual report on the impact of the state's justice reinvestment legislation, including the extent to which the department has met implementation goals and projections concerning the prison population, statewide recidivism rate, and other key public safety metrics.

To implement this option, DOC would require an additional economist or statistician to conduct data analyses to measure the impact of the state’s justice reinvestment legislation. To hire an economist or statistician at the current market rate of \$39.16 per hour, \$29,990 in fringe benefits, and a one-time operating expense of \$5,000, DOC would require \$56,721 in FY2018 and \$108,443 annually starting FY2019. This estimate assumes that it would take 6 months to hire staff upon the enactment of legislation and appropriation of funds.

**C. Require DOC to regularly validate its risk assessment tool.**

Reinvestment: \$70,000 in FY2018 and every five years

This policy requires DOC to validate the MORRA and WRNA every five years, ensuring that the tools are accurately applied to the state’s population over time and that the tools are predictive across race, ethnic, and gender groups, and in particular, for tribal communities.

The typical cost validate a risk assessment tool is \$35,000 per tool, therefore, DOC would require \$70,000 in FY2018 and every five years.

**D. Require DOC staff to receive ongoing training in risk assessment and evidence-based practices.**

Reinvestment: \$65,000 in FY2018 then \$30,000 every subsequent year

This policy mandates and funds regular training for all probation and parole officers on risk assessment and evidence-based practices. In FY2018, DOC would deliver the following trainings to 179 staff (142 probation and parole officers, 23 supervisors, and 14 institutional probation and parole officers):

<b>Training</b>	<b>Length</b>	<b>Number of Staff per Session</b>	<b>Number of Sessions</b>	<b>Cost</b>
Training on Overview on Evidence-Based Practices	8 hours	Free online training available from the National Institute of Corrections		No cost
Booster training on MORRA by internal trainers	½ Day	30	6	No cost
Training on Case Planning	2 Day	30	6	\$10,250 per session X 6 sessions = \$61,500
<i>Travel costs for staff</i>		-		\$3,590
<b>Total</b>		-		<b>\$65,000</b>

DOC would require \$65,000 to deliver these trainings in FY2018. In every subsequent year, DOC would require \$30,000 annually to train new staff, provide booster trainings, and to develop internal trainers.

**E. Establish program standards and authorize the quality-assurance unit within DOC to evaluate state-funded programs and enforce program standards.**

Reinvestment: \$78,604 in FY2018 then \$147,208 annually starting FY2019; and \$20,000 every three years starting FY2018

This policy option authorizes DOC's existing quality-assurance unit to adopt a validated program evaluation tool, evaluate state-funded programs, and enforce standards to ensure programs are using best practices for reducing recidivism.

To evaluate state-funded programs, DOC requires two additional staff for the quality assurance unit for a total of \$78,604 in FY2018 and \$147,208 annually starting FY2019 at the following costs. This estimate assumes that it would take 6 months to hire an economist or statistician upon the enactment of legislation and appropriation of funds.

- 2 staff at \$24/hour, \$23,684 in fringe benefits = \$73,604 each
- A one-time operational expense of \$5,000 each in FY2018

DOC also requires \$20,000 in FY2018 to train a maximum of 8 staff on the Correctional Program Checklist (CPC), a tool developed to assess correctional intervention programs. To account for staff turnover, DOC would require \$20,000 every three years to train new staff on the CPC.

**F. Require that DOC's probation and parole interventions and incentives grid follow evidence-based practices.**

No reinvestment

Figure 3. Summary of Justice Reinvestment Policy Framework Averted Costs and Reinvestments

	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	Total
New operating costs averted	\$1,071,403	\$6,237,945	\$6,142,709	\$5,261,778	\$4,309,420	\$3,380,871	\$26,404,126
Current operating costs saved	\$4,284,994	\$5,521,603	\$6,815,729	\$8,109,855	\$9,461,497	\$10,813,140	\$45,006,818
Supervision costs averted	\$255,646	\$872,204	\$1,312,066	\$1,763,206	\$2,223,744	\$2,695,562	\$9,122,427
<b>Total operating costs averted and saved</b>	<b>\$5,612,043</b>	<b>\$12,631,752</b>	<b>\$14,270,504</b>	<b>\$15,134,839</b>	<b>\$15,994,661</b>	<b>\$16,889,573</b>	<b>\$80,533,371</b>
Pretrial grants	\$25,000	\$425,000	\$425,000	\$425,000	\$425,000	\$425,000	\$2,150,000
PSI unit	-	\$360,000	\$360,000	\$360,000	\$360,000	\$360,000	\$1,800,000
Diversion grants	\$25,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$1,025,000
Prerelease centers	\$80,459	\$160,917	\$160,917	\$160,917	\$160,917	\$160,917	\$885,004
Behavioral health treatment	\$600,000	\$900,000	\$1,680,000	\$1,680,000	\$1,680,000	\$1,680,000	\$8,220,000
Professional parole board	-	\$350,624	\$350,624	\$350,624	\$350,624	\$350,624	\$1,753,120
Sanction beds	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$6,000,000
Housing grants	\$50,000	\$325,000	\$325,000	\$325,000	\$325,000	\$325,000	\$2,715,000
Victim compensation	\$251,500	\$251,500	\$251,500	\$251,500	\$251,500	\$251,500	\$1,509,000
DV supervision and BIP	\$125,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$1,375,000
Quality improvement and oversight	\$318,325	\$313,651	\$313,651	\$333,651	\$313,651	\$383,651	\$1,976,580
<b>Total Reinvestments</b>	<b>\$2,475,284</b>	<b>\$4,536,692</b>	<b>\$5,316,692</b>	<b>\$5,336,692</b>	<b>\$5,316,692</b>	<b>\$5,386,692</b>	<b>\$28,368,744</b>