

Fifth Presentation to the Commission on Sentencing

Justice Reinvestment in Montana: Impact Analyses and Reinvestments

Carl Reynolds, Senior Legal and Policy Advisor

Karen Chung, Policy Analyst

Grace Call, Senior Policy Analyst

Marriah Vinson, Program Associate

Marshall Clement, Director of State Initiatives

| Key Challenges

Growing Impact of Substance Use. Drug use presents a growing challenge for Montana's criminal justice system. Between 2009 and 2015, there was a 62 percent increase in arrests for drug offenses. Stakeholders report drug use and insufficient treatment as being leading causes of violations and revocations.

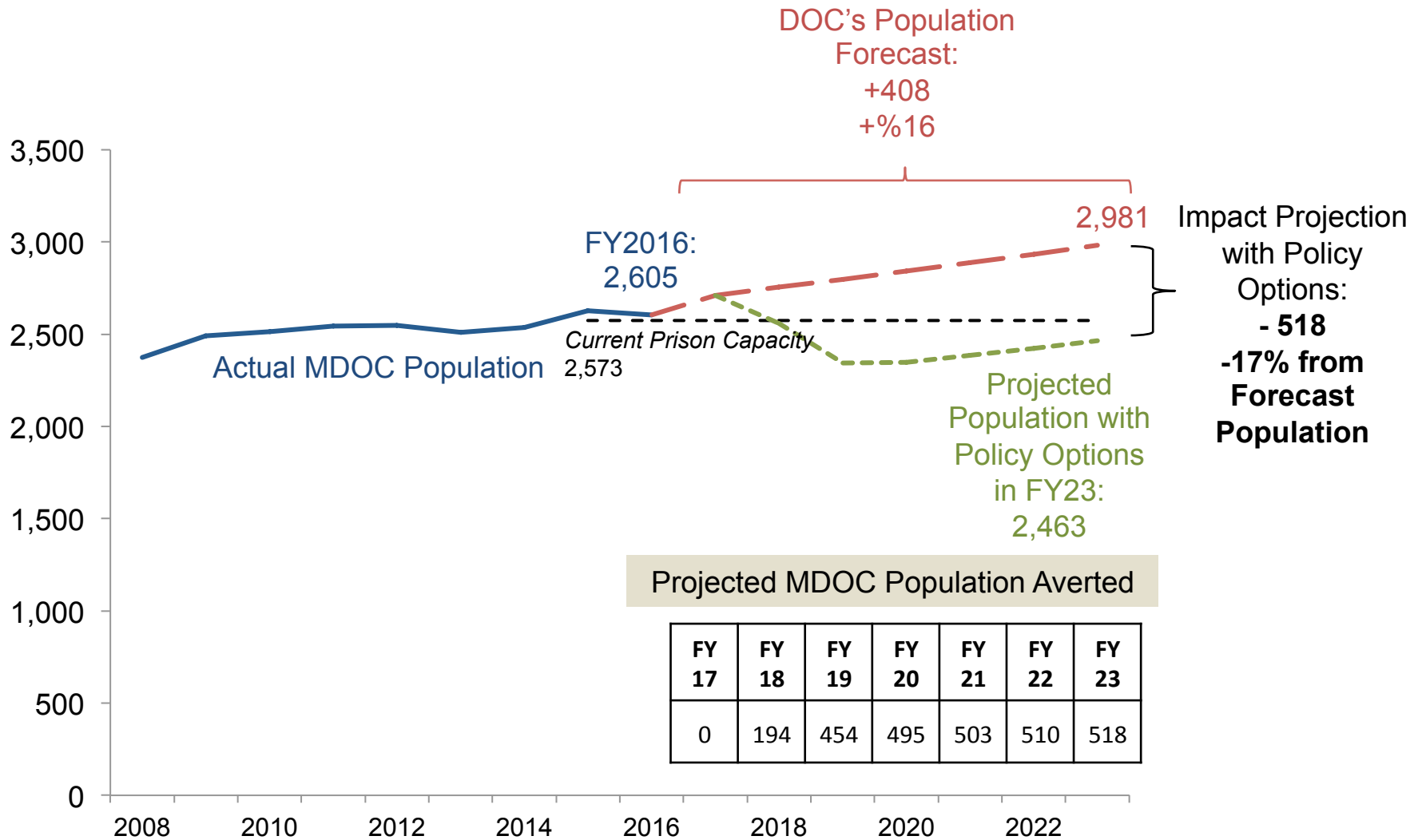
High Rates of Recidivism. The primary driver of costs and growth in Montana's criminal justice system, including the growth in arrests, alternative facility admissions, and prison admissions, is people who are cycling back for technical violations or new crimes.

Rising Cost of Prisons and Jails. Prisons and jails in Montana are at capacity. The statewide jail population has risen 67 percent between 2011 and 2013. Unless the state acts, the prison population is projected to continue to increase 17 percent by 2025, requiring tens, if not hundreds, of millions of dollars in new spending.

Goals of Justice Reinvestment in Montana

- Avert spending associated with growth in prison and jail populations
- Make the pretrial decision-making process more informed and effective in order to increase public safety
- Improve access to and the quality of programs funded by taxpayers to reduce recidivism
- Reinvest in strategies to hold offenders accountable and increase public safety
- Improve services and resources for victims of crime
- Modernize the parole process
- Ensure the sustainability of data-driven policies and evidence-based practices

The Commission on Sentencing’s policy options are projected to avert prison population growth by 518 people, averting \$71 million in spending in private facility and jail contracts.



| Policy Option Icon Key



Averts prison or supervision population growth



Increases public safety and reduces recidivism



Provides tools to reduce jail population pressures

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

Summary: Create a match grant program to incentivize counties to adopt a pretrial risk assessment tool for felony defendants and a dangerousness and/or lethality assessment for people charged with domestic violence offenses, and to provide supervision for higher-risk pretrial defendants.

Bill draft: LCj001

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



2. Revamp the presentence investigation report so that it is more structured and objective, encourages the use of evidence-based practices in sentencing, and is produced in a timely fashion.

Summary: Require that presentence investigation reports include risk assessment information to help judges identify people who will likely benefit most from supervision and treatment and require probation and parole officers to complete a report within 30 working days of a guilty plea or verdict.

Bill draft: LCj002

Reinvestment: \$540,000 annually starting FY2018



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

Summary: Eliminate the required minimum jail sentences of one day for first offense driving with a suspended license and 30 days for third offense petty theft.

No reinvestment



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

Summary: Require the use of citation, or notices to appear, in place of arrests for traffic offenses.

No reinvestment



5. Support the creation and expansion of diversion programs.

Summary: Establish a grant program to advance the development and expansion of diversion programs, including deferred prosecution programs.

Bill draft: LCj001

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



6. Expand eligibility criteria for problem-solving courts.

Summary: Allow certain people who have been convicted of a less serious violent offense or sex offense, whose criminal conduct is directly related to a substance use disorder, to participate in drug court with the approval of the prosecution, the defense, and the court.

Bill draft: LCj006

No reinvestment



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

Summary: Require DOC to adopt guidelines to structure its placement decisions for people sentenced to DOC commit based on risk assessments.

Bill draft: LCj007

No reinvestment



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

Summary: Require prerelease centers to submit periodic progress reports to DOC for every resident after 90 days of each individual's placement in the center.

Bill draft: LCj007

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



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

Summary: Require treatment facilities to deliver more evidence-based treatment and programs and become licensed health care facilities.

Bill draft: LCj009

No reinvestment



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

Summary: Appropriate funds and leverage additional federal Medicaid dollars to provide access to behavioral health treatment and programs to people on supervision with a high need for treatment and a high likelihood of reoffending.

Bill: LCj10A

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.



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

Summary: Prioritize probation resources for people who are most likely to reoffend by requiring probation and parole officers to notify the court when an individual on probation is in compliance with the conditions of supervision to request that the individual be conditionally discharged at 9-, 18-, and 24-months by risk.

Bill: LCj011

No reinvestment



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

Summary: Task an existing interim committee to explore the following issues various ways to increase access to tribal resources such as programs offered by tribes.

Bill: LCj012

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.

Summary: Require the parole board to create structured parole guidelines that are based on research and evidence-based practices. Establish a professional parole board with three full-time, paid board members.

Bill: LCj013

Reinvestment: \$350,624 annually starting FY2019



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

Summary: Limit to 60 days the sanction time that people receive on a first- and second-time technical violation, and to 180 days for a third-time technical violation.

Bill: LCj011 and LCj013

Reinvestment: No reinvestment



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

Summary: Establish two grant programs to advance local opportunities to remove barriers to housing for people returning to the community after incarceration.

Reinvestment: \$50,000 in FY2018 then \$325,000 annually beginning FY2019



16. Expand eligibility for crime victim compensation benefits.

Summary: Expand the definition of who can make a compensation claim to include family members and partners. Extend the statute of limitations from one to two years. Create a compensation benefit for crime scene cleanup and relocation. Increase the minimum compensation amount for funerals and burials.

Bill: LCj016

Reinvestment: \$251,500 annually starting FY2018



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

Summary: Provide state funding for batterer's intervention programs and create state standards to ensure quality and consistency of programming. Increase state resources available to counties for supervision of people who have committed domestic violence offenses.

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



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.
- B. Require the Department of Corrections to report annual data on the impact of implementing justice reinvestment legislation.
- C. Require the Department of Corrections to regularly validate its risk assessment tool.
- D. Require the Department of Corrections to receive ongoing training in risk assessment and evidence-based practices.
- E. Establish program standards and authorize the quality assurance unit within the Department of Corrections to evaluate state-funded programs and enforce program standards.
- F. Require that the Department of Corrections' probation and parole interventions and incentives grid follow evidence-based practices.

Reinvestment: \$313,000 - 383,000 annually

FY2018-FY2023 Total 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
Total operating costs averted and saved	\$5,356,397	\$11,759,548	\$12,958,438	\$13,371,633	\$13,770,917	\$14,194,011	\$71,410,943
Pretrial Grants	\$25,000	\$425,000	\$425,000	\$425,000	\$425,000	\$425,000	\$2,150,000
PSI Unit	-	\$540,000	\$540,000	\$540,000	\$540,000	\$540,000	\$2,700,000
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
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
Total Reinvestments	\$1,475,284	\$3,924,692	\$4,704,692	\$4,724,692	\$4,704,692	\$4,774,692	\$24,308,744

Thank You

Karen Chung, Senior Policy Analyst
kchung@csg.org

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