



Justice
Center

Criminal Justice Oversight Council

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Council of State Governments Justice Center



Overview

- 01 Background
- 02 Prison population trends
- 03 Supervision population trends
- 04 Key takeaways and next steps

Challenges in Montana when state leaders embarked on Justice Reinvestment



Jail and prison **overcrowding** as well as increased arrests, district court case filing and length of time between arrest and disposition



Increased community supervision revocations accounting for 74 percent of prison admissions



Lack of risk based decision-making at the front end and back end of the system

Goals for Justice Reinvestment to increase public safety



Reserve **prison space** for the most **serious and violent** offenders



Reduce **recidivism** by changing offender behavior



Improve **decision-making** at the front end and back end of the system

CSG works with stakeholders in each state to identify key metrics and establish benchmarks for monitoring progress



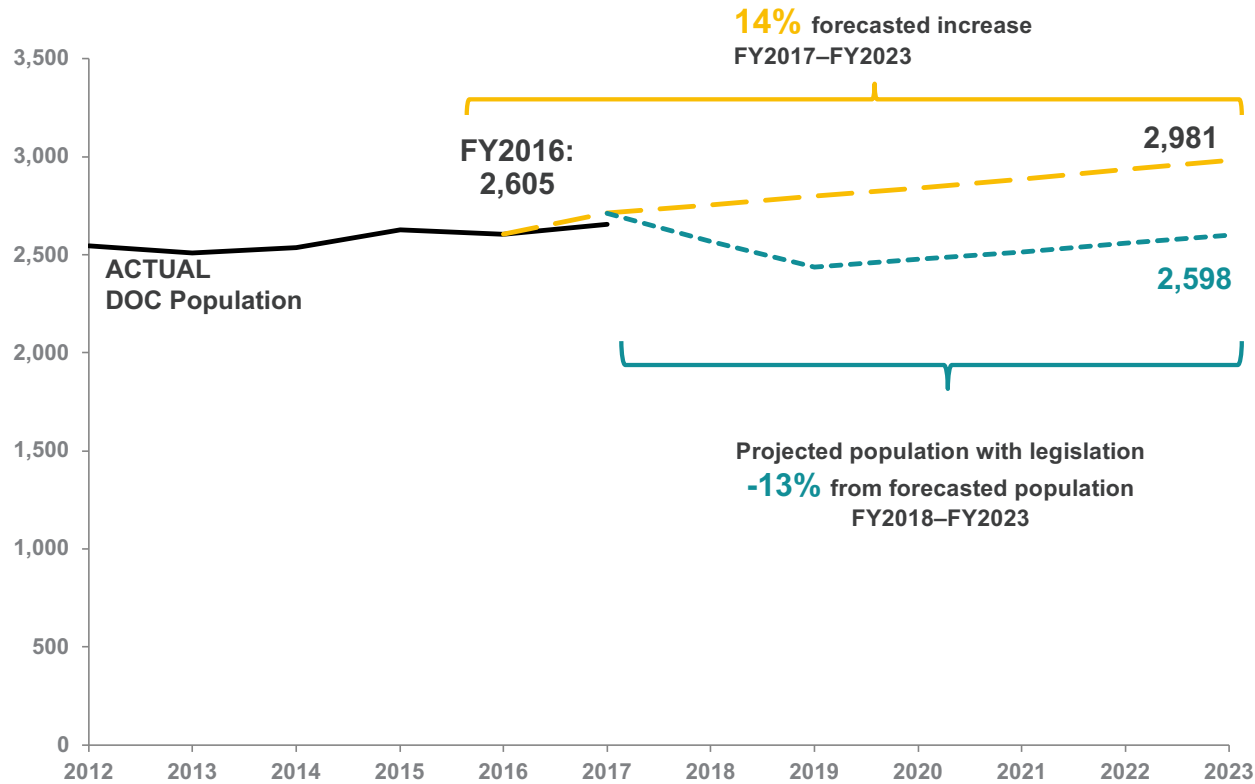
State monitoring is the process of collecting, monitoring, analyzing and using data about a state's criminal justice system in order to improve outcomes and inform technical assistance.



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Montana's package of legislation is projected to avert prison population growth by 13 percent by FY23



\$69 million

in averted costs

383 fewer people

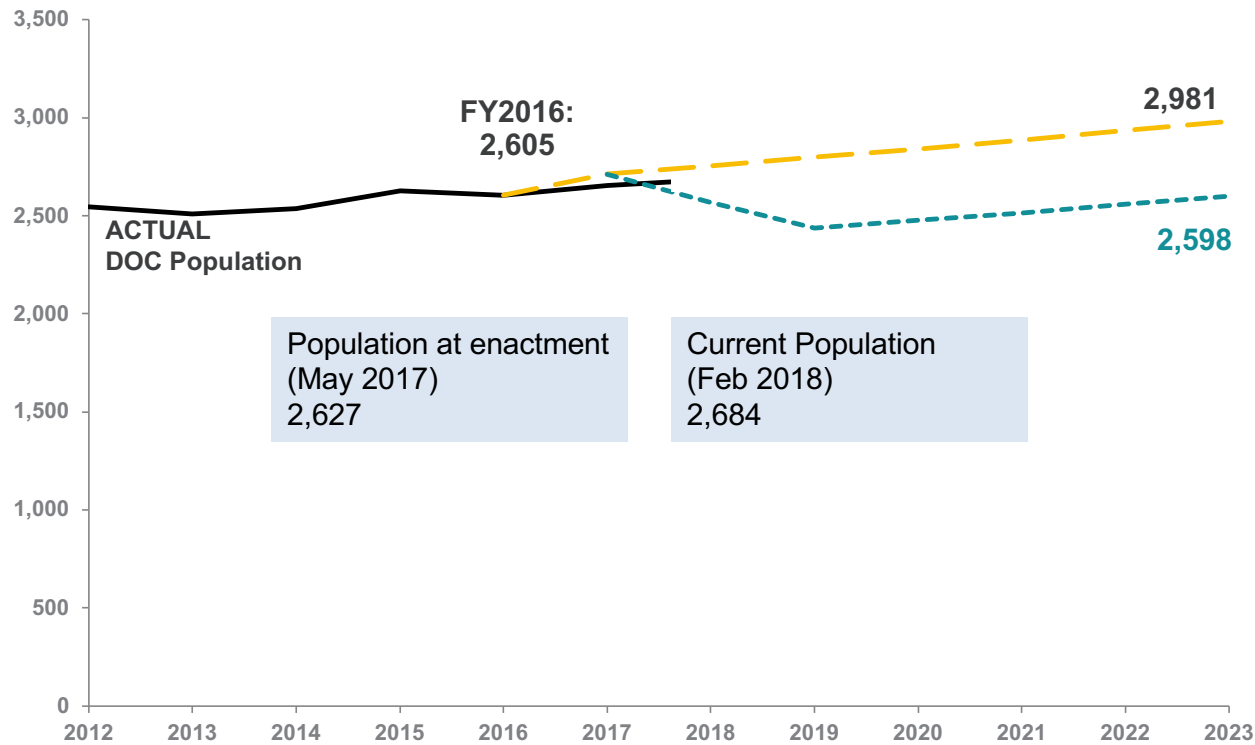
in prison than forecasted FY2023 population

2,639 fewer people

on supervision than forecasted FY2023 population

Source: Montana Department of Corrections, "Adult Population Summary Actual – FY2008 to 2014; Projected FY2015 to 2025"; CSG Justice Center analysis based on projections from DOC

Montana's prison population has increased by 57 people since JR enactment



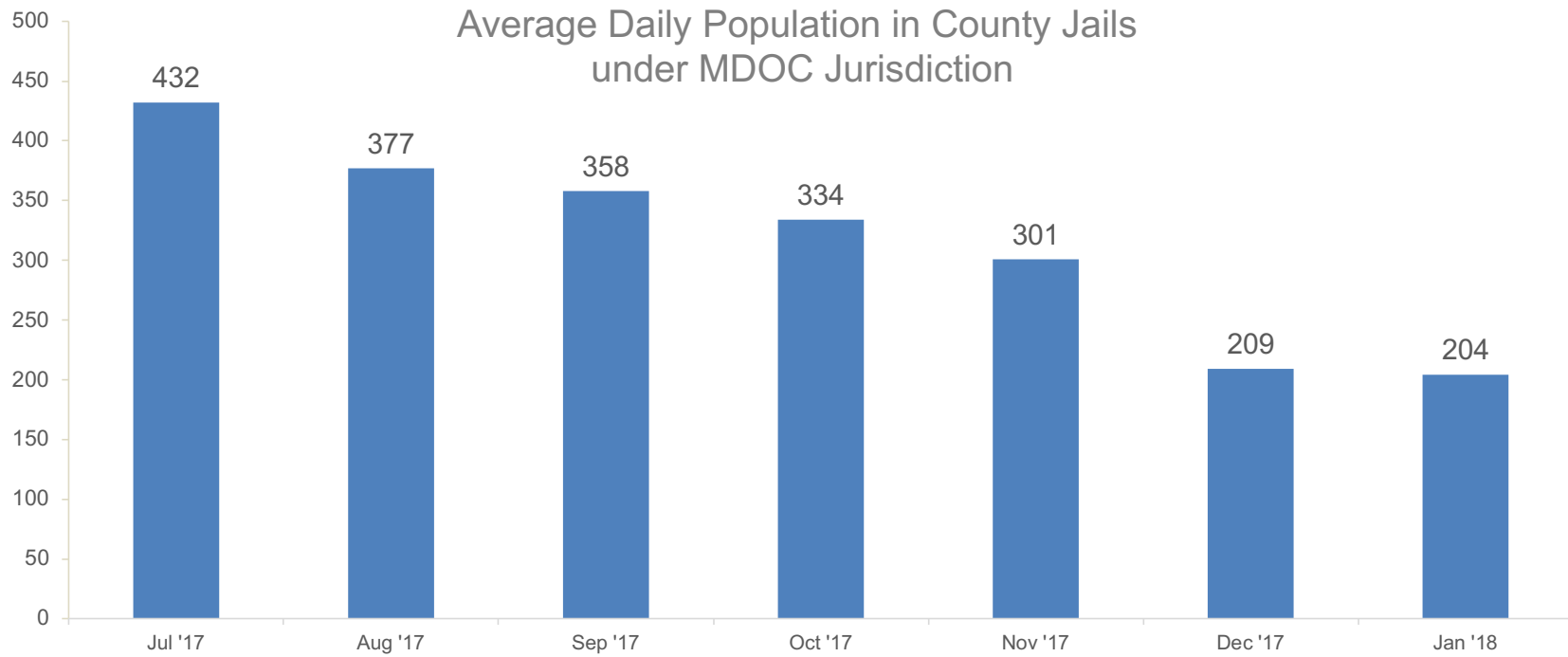
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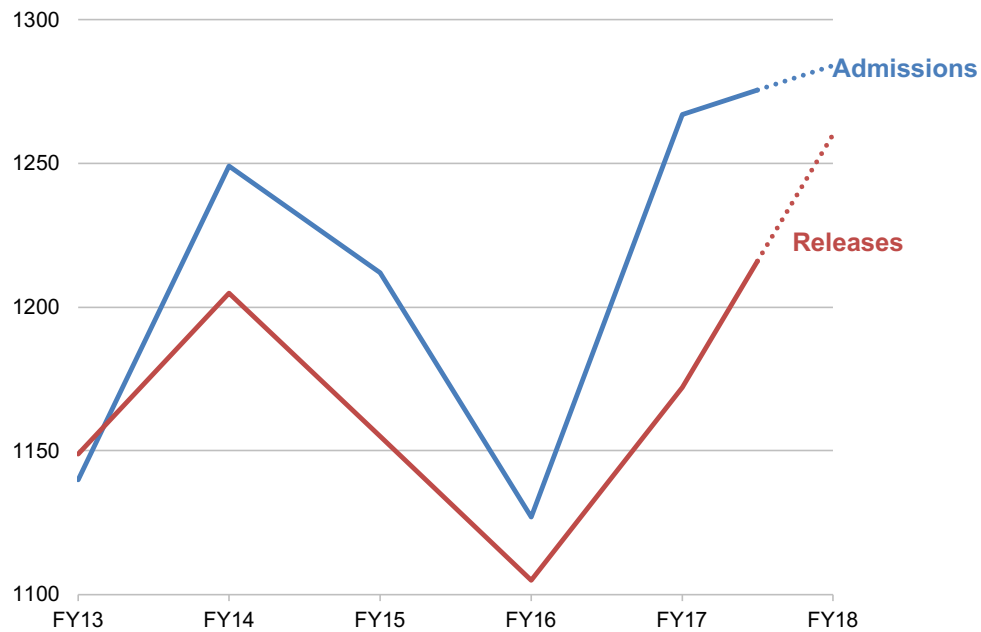
The pressure from county jail backlogs has been easing up since July 2017



Source: Montana Department of Corrections email communication with Justice Center staff, 3-20-2018

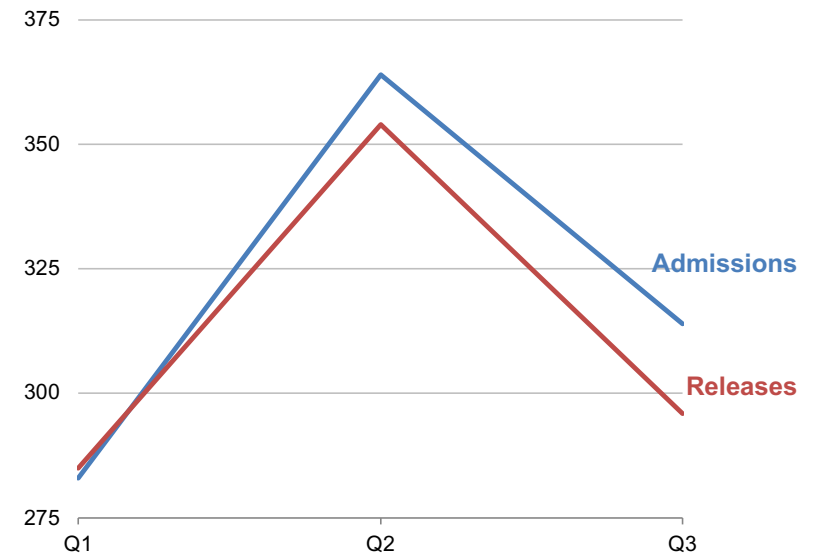
Prison admissions are outpacing releases, contributing to an increased prison population

Prison Admissions and Release Trends*



* Estimated based on 8 months of data

FY2018 Prison Admissions and Releases*

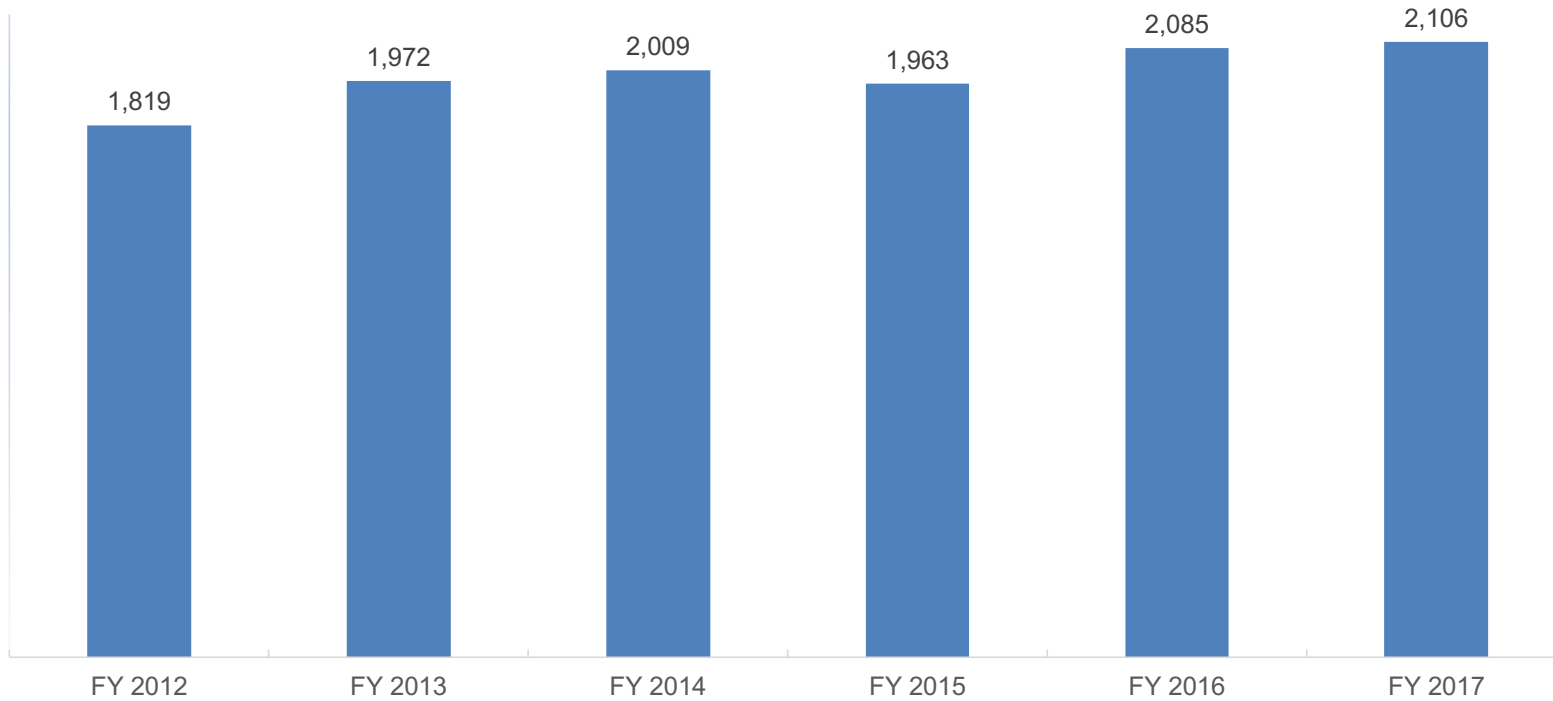


* Q3 Estimated based on 2 months of data

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 3-13-2018

Population in alternative facilities has increased

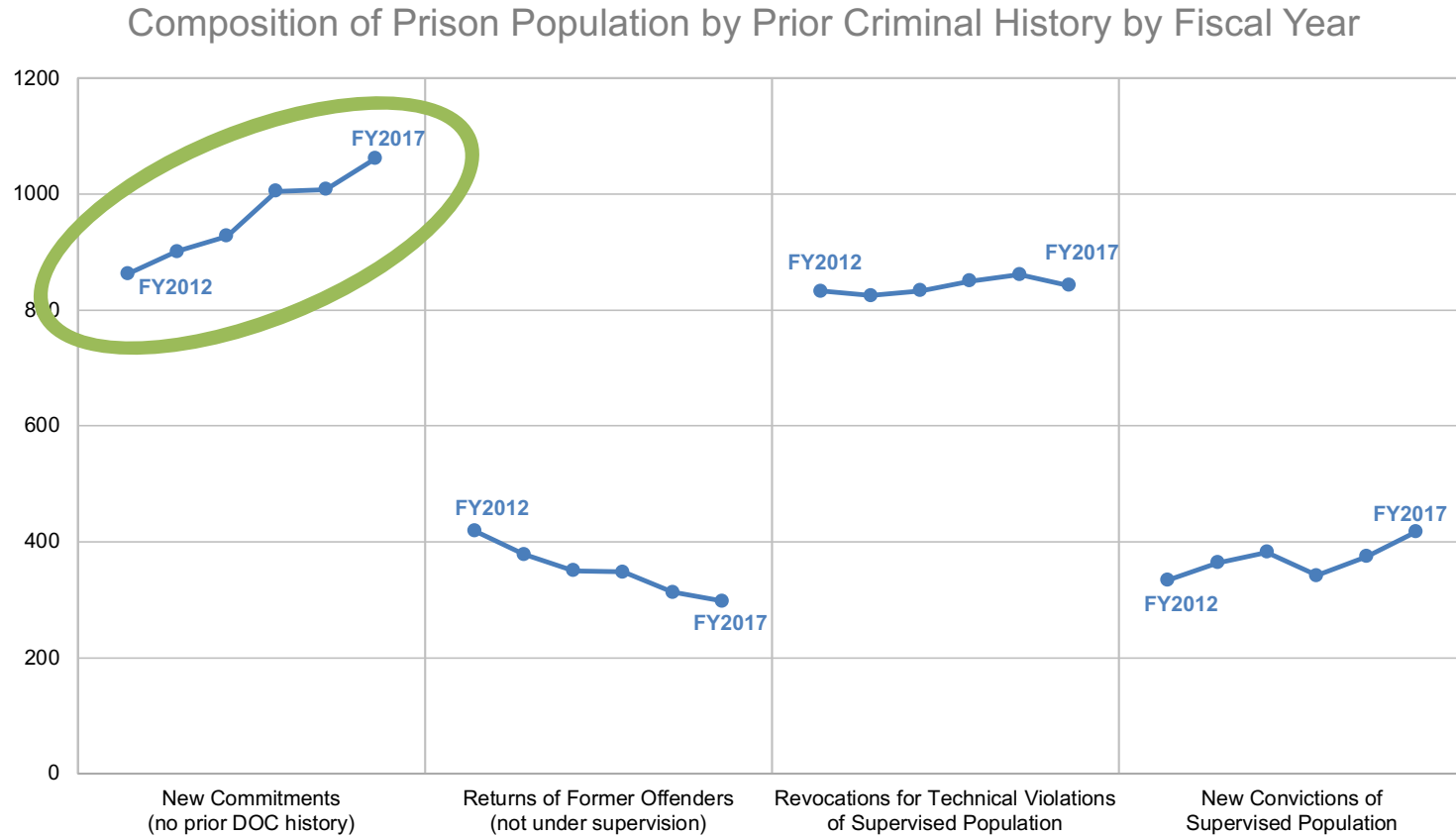
Montana Alternative Facilities Population



Increase in alternative facility population has put pressure on county jail beds

Source: Montana Department of Corrections "ADP History thru FY2014.xlsx" and communications with MTDOC staff

An increasing number of people in the stock prison population had no prior involvement with DOC



Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 3-13-2018

Prior to 2017, there were a number of challenges related to board staffing and decisional practices

Staffing

Board members were 7 volunteers

11 FTEs including parole analysts, clerical, media staff

Decision-Making

Not trained in decision making

Parole analysts were essentially making decisions related to release, revocation, clemency

Data show increasingly delayed parole releases

Process was not transparent

Practices

Set offs could be for up to 6 years in all cases

Parole interviews focused on underlying crime

Parole reports contained extraneous information

SB 64 created sweeping changes for the board, with aggressive implementation timelines

Staffing

Board members were
7 volunteers
11 staff
paraprofessionals
clerical staff

**5 full-time,
professional board
members and 3 full-
time support staff**

Decision-Making

Not trained in decision
making
Parole board made
essential
decision on
release and
clemency
Data shared largely
denied
Process
transparent

**Trained in best practices
and using guidelines**

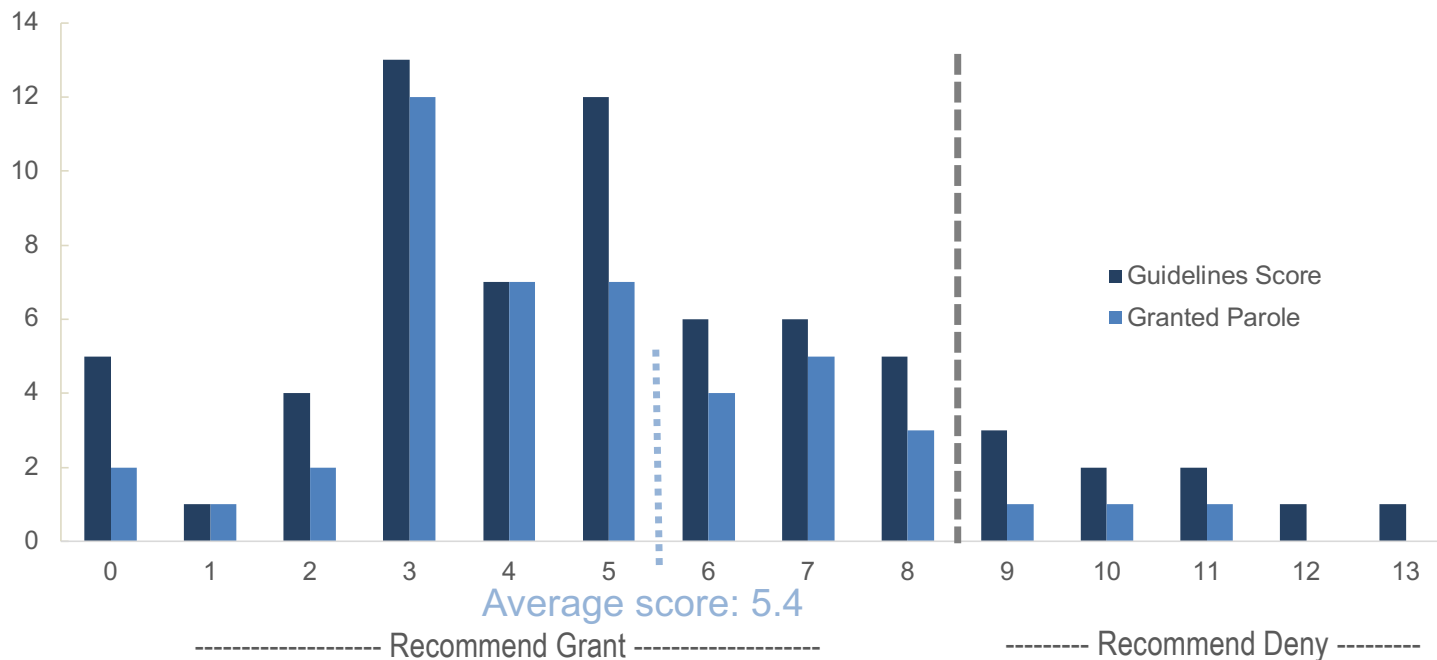
Practices

Set off for up
to 6 months
Parole board
focus on underlying
crime
Parole board
continuous
Large data-based
system

**Set offs limited to 1 year
except for sex/violent cases**

Pilot sample of 136 cases shows many people are scored as “likely to parole” but the Board uses its discretion in addition to the guidelines tool

Distribution of Guidelines Pilot Scores

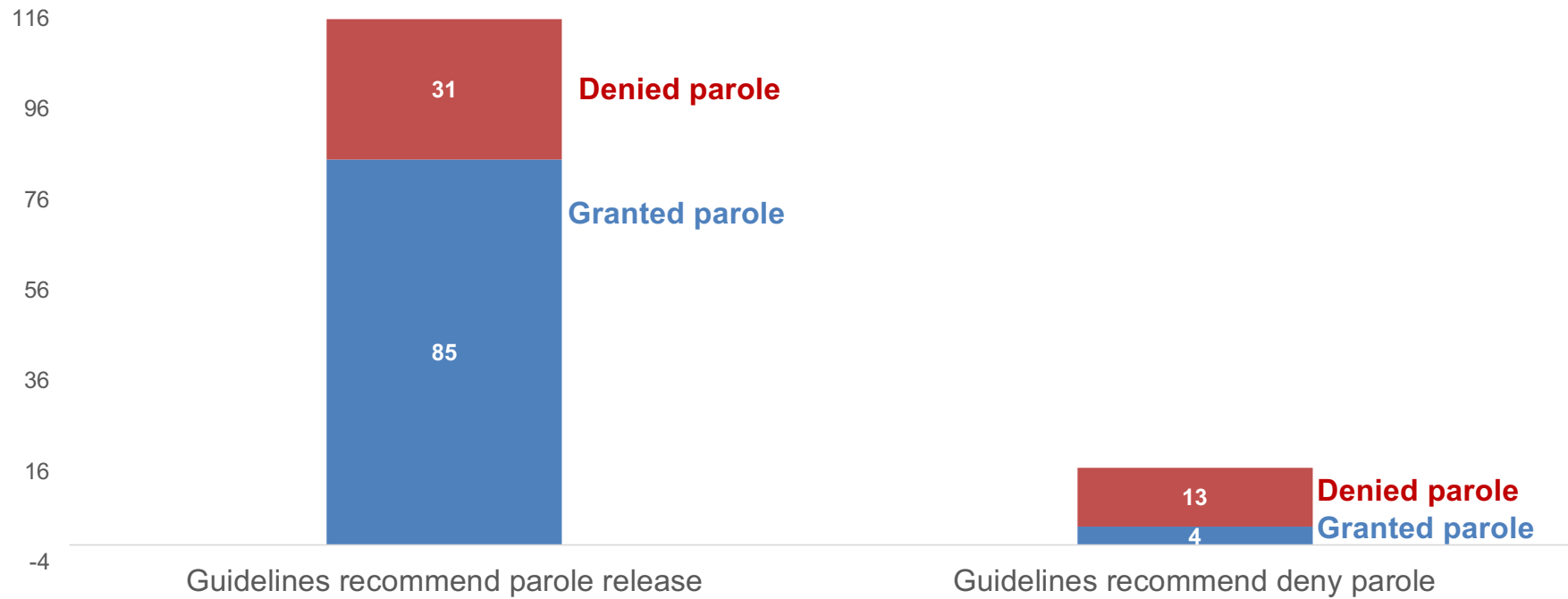


The Board of Parole decisions aligned with guidelines recommendations **74%** of the time

Source: CSG Justice Center analysis of guidelines pilot data

Where does the Parole Board deviate from guidelines recommendations?

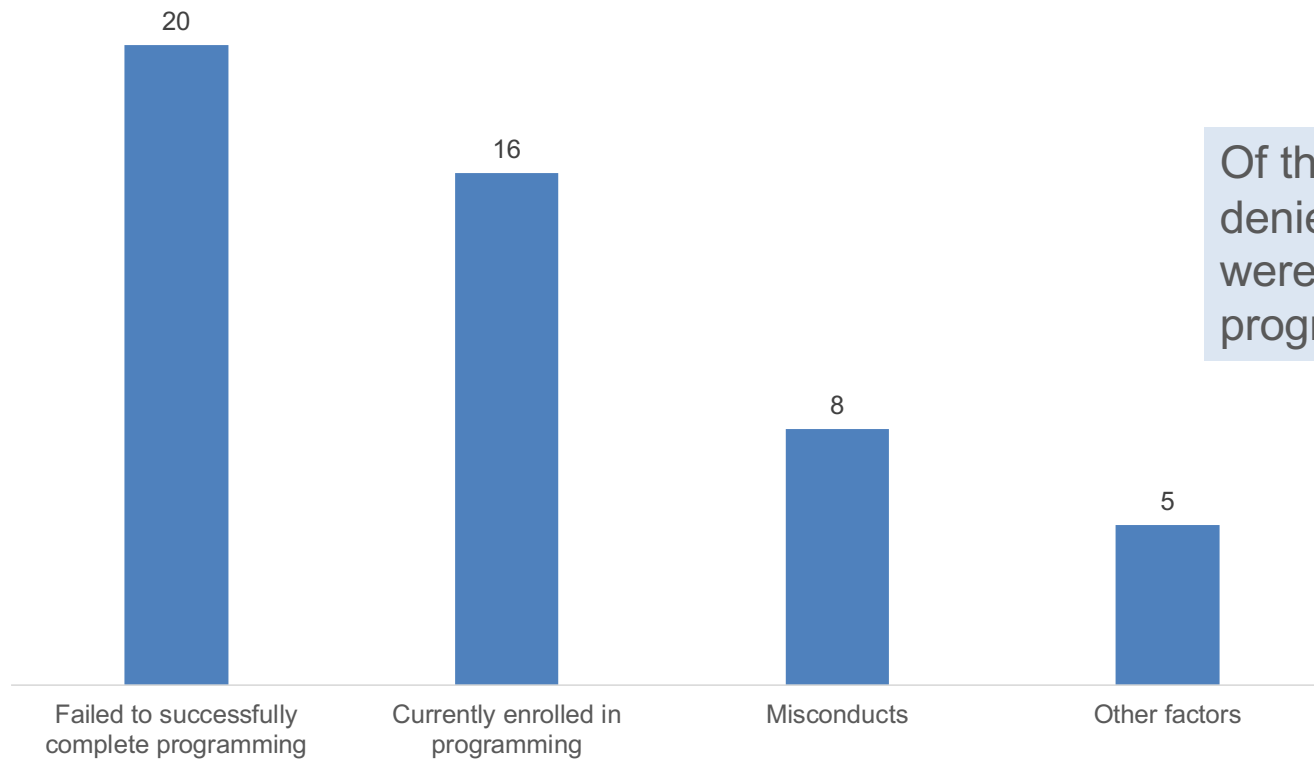
Parole Board Pilot Decisions that Agreed or Disagreed with Guidelines



Source: CSG Justice Center analysis of guidelines pilot data

What are the primary reasons cited for denying parole?

Reasons for Parole Denial (N=44)



Of the 44 people denied, **16 (36%)** were on waitlists for programming

Source: CSG Justice Center analysis of guidelines pilot data

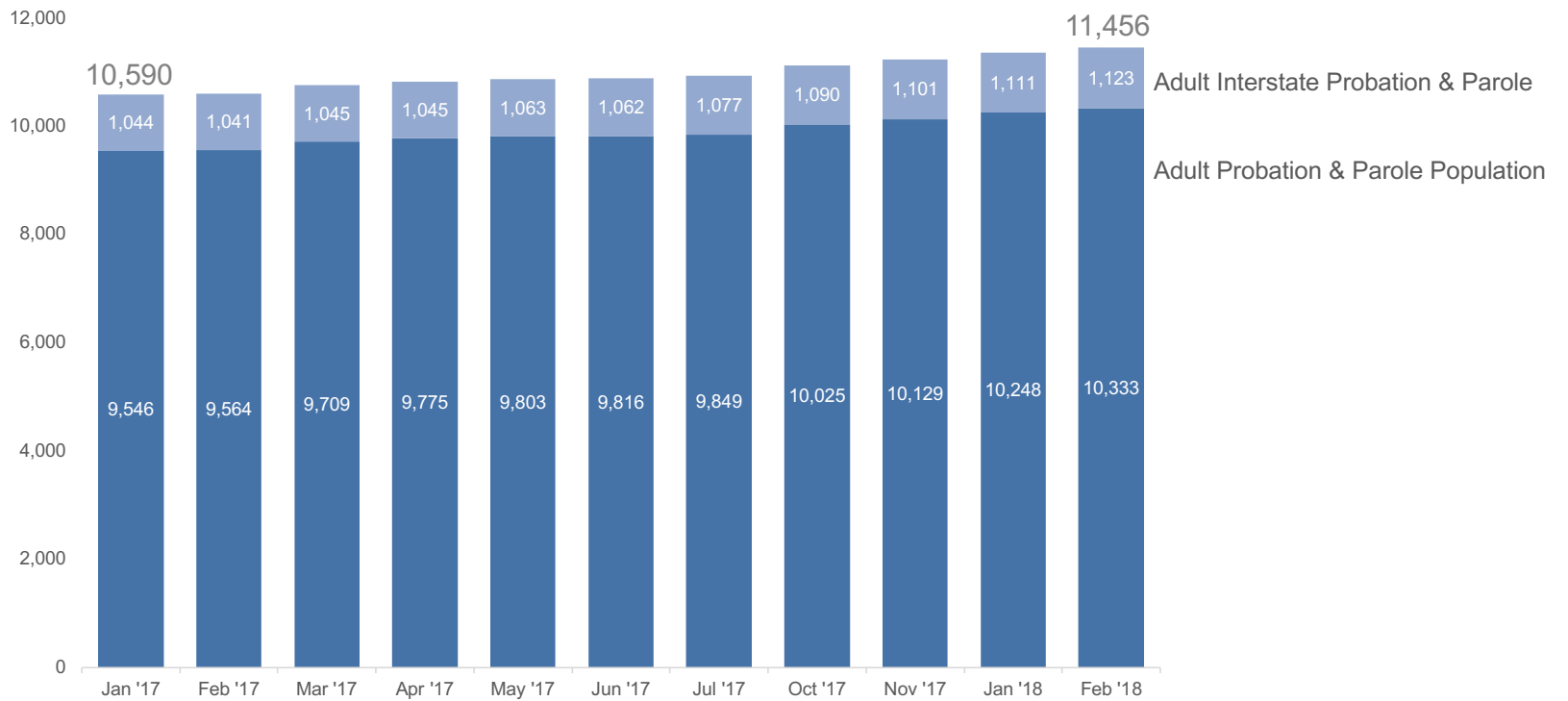


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The supervised population has grown 8% since January 2017

End of Month Adult Supervised Population

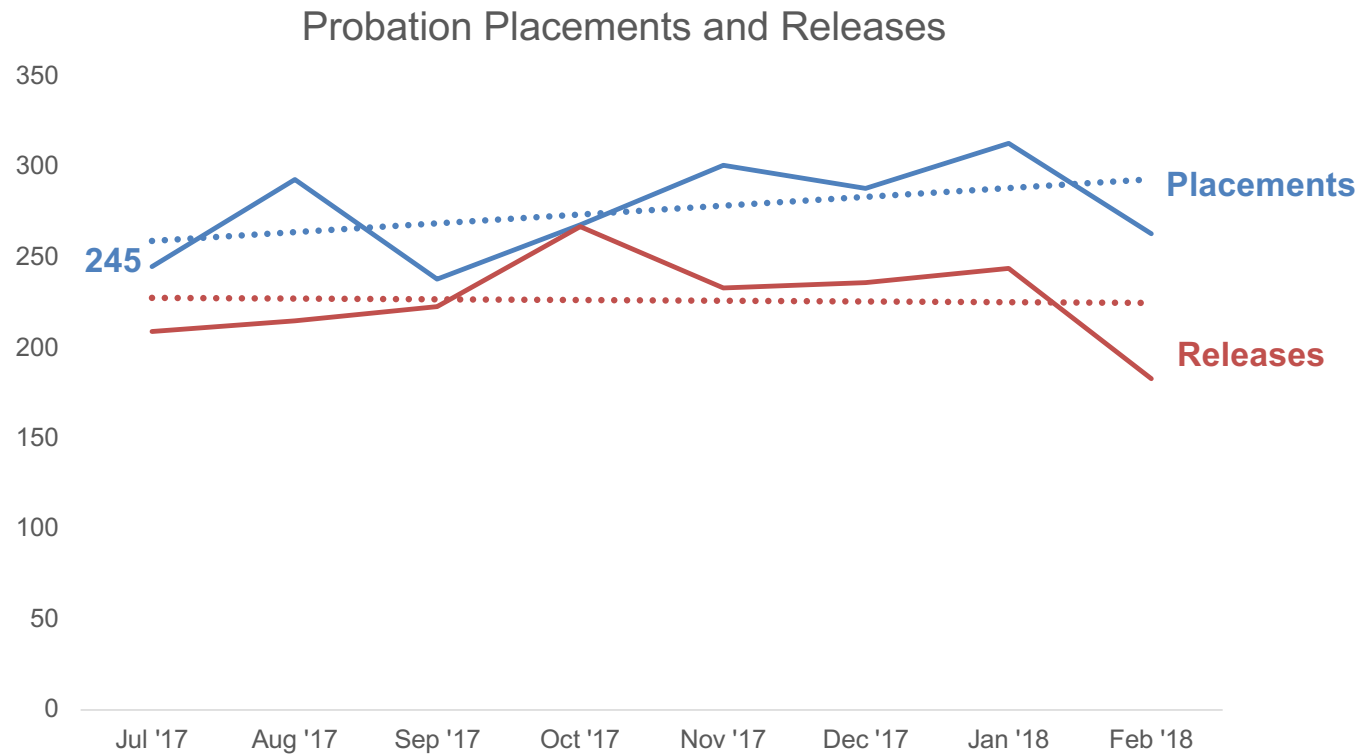


From Jan 2017
– Feb 2018:

+866 adults on
probation and
parole

Source: Montana Department of Corrections, Spreadsheet emailed 3/20/2018. Data unavailable for August, September, and December 2017

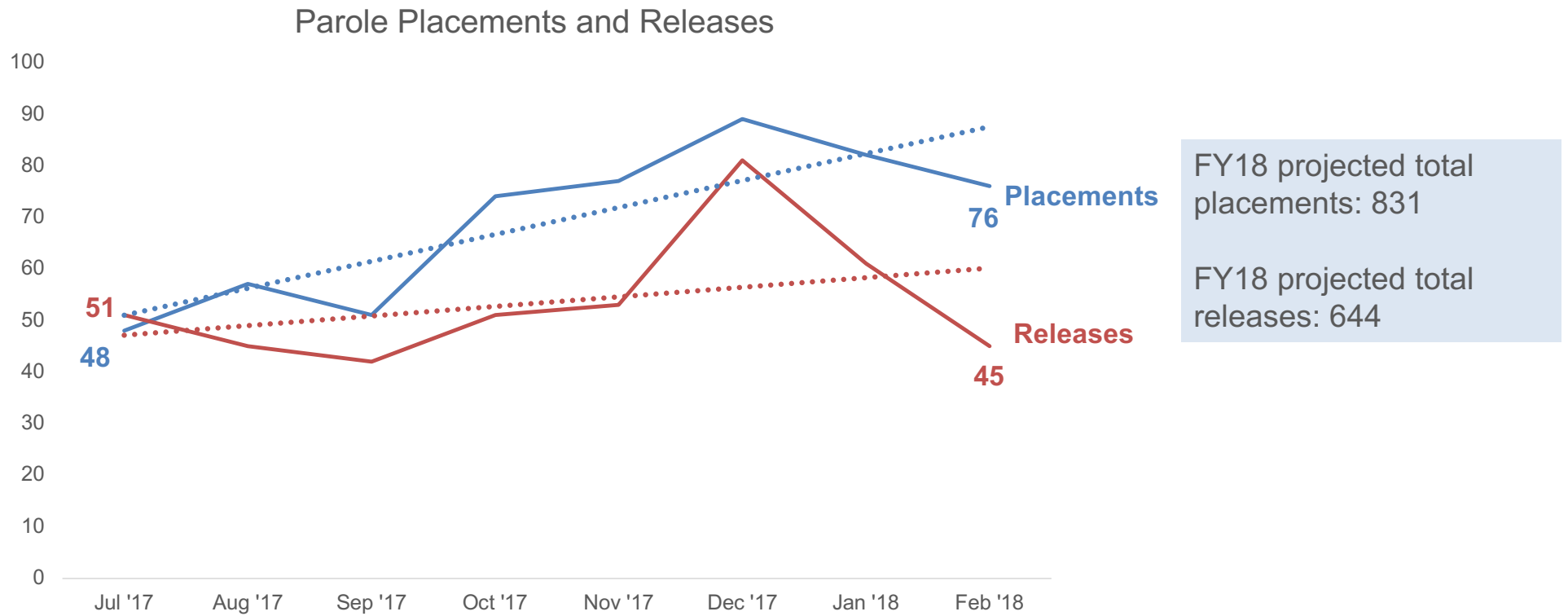
Placements to probation have increased slightly over FY18 while releases have remained steady, contributing to an increasing probation population



FY18 projected total placements: 3,312
FY18 projected total releases: 2,715

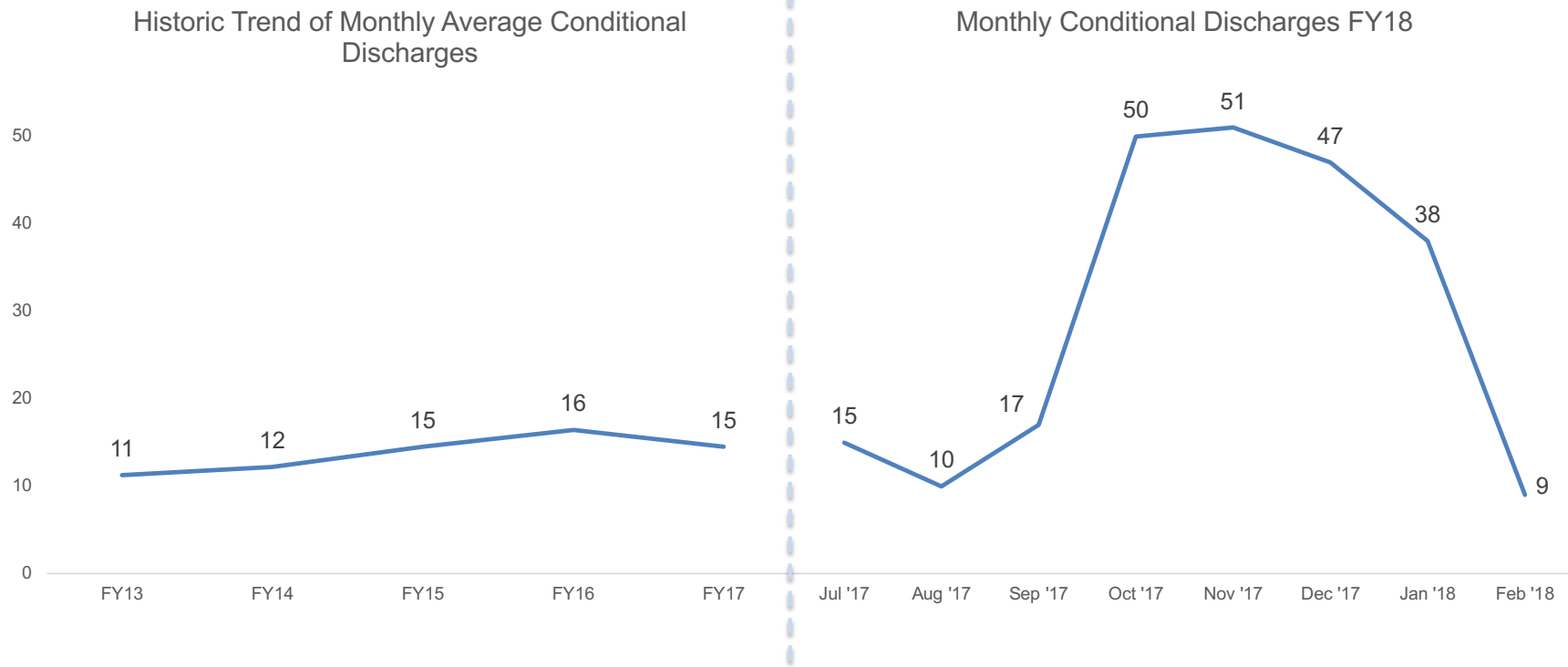
Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 3-13-2018

Similarly, placements to parole are also outpacing releases from parole in FY18, contributing to an increasing parole supervision population



Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 3-13-2018

Conditional discharges from supervision (CDFS) were increasing as a result of JR policy in SB 63, but then declined significantly

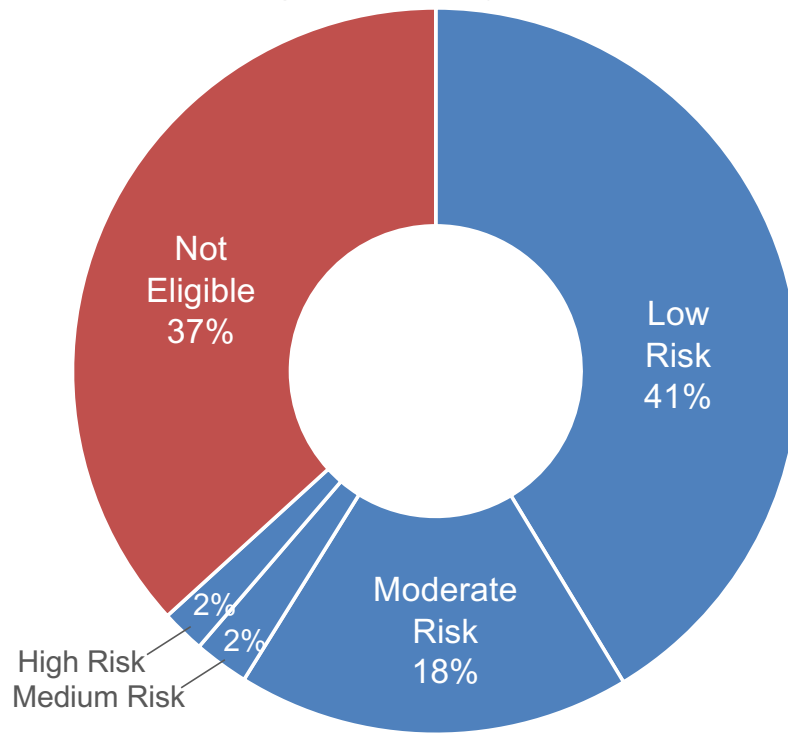


Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 3-13-2018

Currently, 4,890 probationers are potentially eligible for conditional discharge based on their length of time on supervision

The majority of individuals eligible for conditional discharge based on the length of time they have already been supervised are low or moderate risk. However, a portion of these people may not be eligible due to their behavior on supervision.

Probationers Eligible for Conditional Discharge Based on Length of Time, by Risk Level

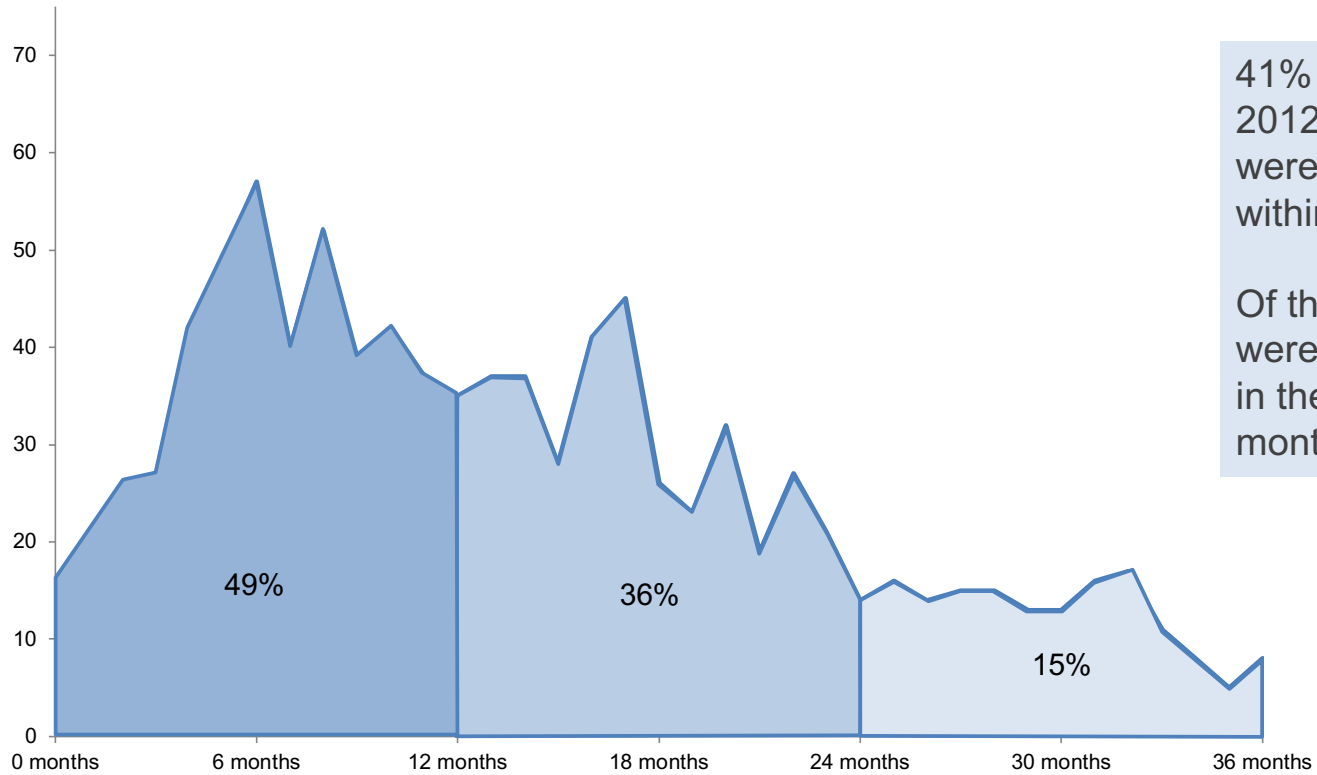


Currently eligible for CDFS based only on length of time spent on supervision

Source: Montana Department of Corrections CDFS by Time Only spreadsheet, received 3/19/18

Nearly half of probationers who reoffend do so within the first 12 months of supervision

Number of FY 2012 New Probationers Resentenced over 36 months, and Proportion of Those Resentenced Who Were Resentenced Each Year



41% of new FY 2012 probationers were resentenced within three years.

Of those, 49% were resentenced in the first 12 months.

Source: Montana Department of Corrections Admissions & Offense History Data



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Key takeaways from current data

1. Montana's prison population is still slightly increasing, while at the same time some system pressures are easing as the number of people in MDOC jurisdiction who remain in county jails decreases.
2. The Board of Parole successfully piloted decision-making guidelines but programming remains a challenge.
3. The number of people on community supervision is increasing.
4. This increasing probation and parole population is placing additional strain on corrections resources. Recent challenges to the CDFS policy are delaying impacts for low risk offenders.
5. More data is needed to do a full scale analysis of the impact of justice reinvestment policies.

Next step: track the impact of reinvestment spending

Justice Reinvestment Appropriations

Bill	Recipient	Purpose	FY 2018	FY 2019
SB 59	Judiciary	Develop and administer a pretrial program for felony defendants	\$780,000	\$780,000
SB 59	Department of Corrections (Directors Office)	CJOC implementation accountability*	\$100,000	\$100,000
SB 60	Department of Corrections (Probation and Parole)	Creation of presentence investigation unit	\$360,000	\$360,000
SB 64	Board of Pardons and Parole	Transition to full-time, professional Board of Pardons and Parole	\$29,878	\$59,755
SB 65	Board of Crime Control	Supportive housing grant program	\$200,000	\$200,000
Total Funding			\$1,469,878	\$1,499,755

*SB 59 CJOC appropriations are a part of MDOC's budget mitigation plan

Next step: shore up data resources



Convene researchers from multiple agencies to discuss impact tracking



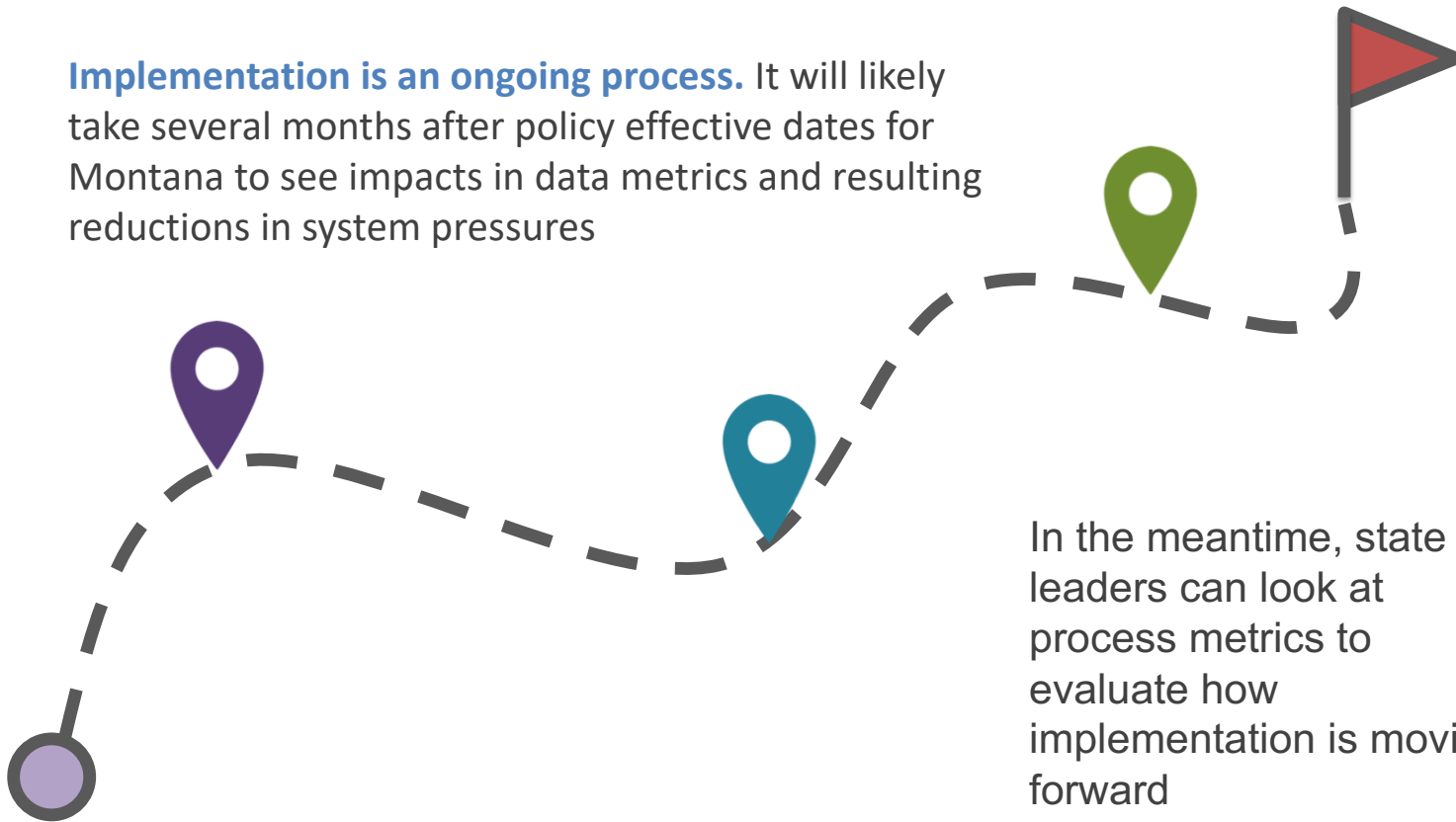
Evaluate options for using current court disposition data



Use federal justice reinvestment implementation funding to improve MDOC's data systems

The impacts of justice reinvestment policies will take years to be fully realized

Implementation is an ongoing process. It will likely take several months after policy effective dates for Montana to see impacts in data metrics and resulting reductions in system pressures



In the meantime, state leaders can look at process metrics to evaluate how implementation is moving forward



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Thank You

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