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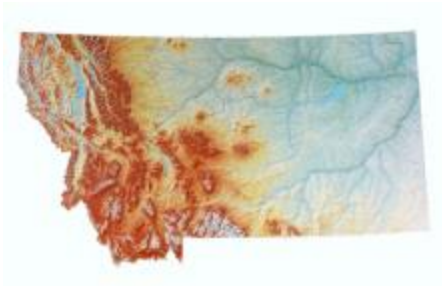

Interim Analyses for the Montana Sentencing Commission

Part One: Front-End Justice System Trends

Council of State Governments Justice Center

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All figures are subject to further analysis and revision.

DRAFT FOR DISCUSSION

Justice Reinvestment in Montana

JUSTICE REINVESTMENT

A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety

The Justice Reinvestment Initiative is supported by funding from the U.S. Department of Justice's **Bureau of Justice Assistance (BJA)** and **The Pew Charitable Trusts**

SB 224 created the Montana Commission on Sentencing with a mandate for empirical study and evidence-based practices.

State leaders requested assistance to conduct a comprehensive analysis of Montana's criminal justice system.

Sincerely,

Governor Steve Bullock

Chief Justice Mike McGrath

Attorney General Tim Fox

Senate President Debby Barrett

Speaker of the House Austin Knudsen

Senate Minority Leader Jon Sesso

House Minority Leader and Legislative Council President Chuck Hunter

Mike Batista, Director, Department of Corrections

Justice Reinvestment Timeline

The CSG Justice Center will deliver data and conclusions about the Montana criminal justice system through three presentations.

These presentations will be shared with members of the Sentencing Commission and stakeholders prior to the March 1st and 2nd, 2016 Commission meeting.

The presentations will examine trends and highlight possible areas for further discussion and analysis pending approval by the Commission. The three presentations are organized in the following way:

- Front-end – crime, arrests, case processing and jail usage
- Sentencing and DOC Admissions
- Release decisions and community supervision

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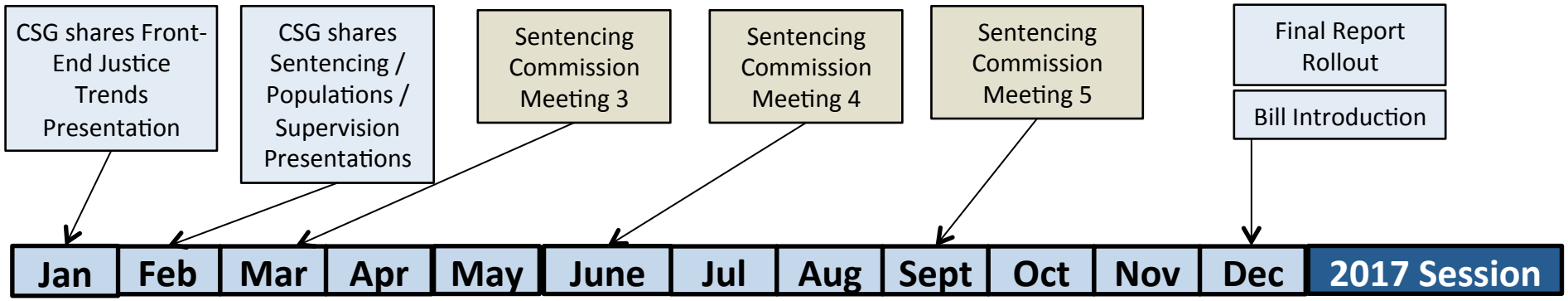
Collaborative Approaches to Public Safety

The Council of State Governments is a national non-profit, non-partisan membership association of state government officials that engages members of all three branches of state government.

The CSG Justice Center provides practical, nonpartisan advice informed by the best available evidence.



An Overview of Our Front-End Findings

- Overall, index crime in Montana is at its lowest levels since 2000. Arrests, however, have been increasing.

Index crime down 18%, while total arrests are up 12%.

- Drug-related arrests, arrests of those on pre-trial release or community supervision, and repeat arrests are supporting increased arrest rates. These trends are geographically concentrated.

Drug-related arrests have increased 62%. Six localities account for 76% of the increase in total arrests.

- The increase in arrests appears to be placing additional pressure on the courts and jails.

The jail incarceration rate increased 67% from 2011 to 2013.

1. Overall Crime and Arrest Findings

As measured by reported Part I index crime, Montana is safer today than in 2000. In the face of a large decrease in overall crime, driven by a consistent decrease in property crime and a small increase in violent crime, arrests have consistently increased.

Overall Part I crime has decreased

18 %

from 2000 to 2014.

Property crime has decreased 31%, while violent crime increased 4%. Property crime is at its lowest rate in more than 25 years. Violent crime has recently increased but remains under the levels of the early- to mid- 2000s.

Total reported arrests have increased

12%

from FY 2009 to FY2015.

Between FY2009 and FY2015, arrests increased by 4,000. During the same period Part I crime decreased by 1,000 reported incidents.

64%

of arrests are for misdemeanor charges

Drug-related charges account for about one-fifth of all misdemeanor arrests, as well as 24% of felony arrests.

American Indians account for

27%

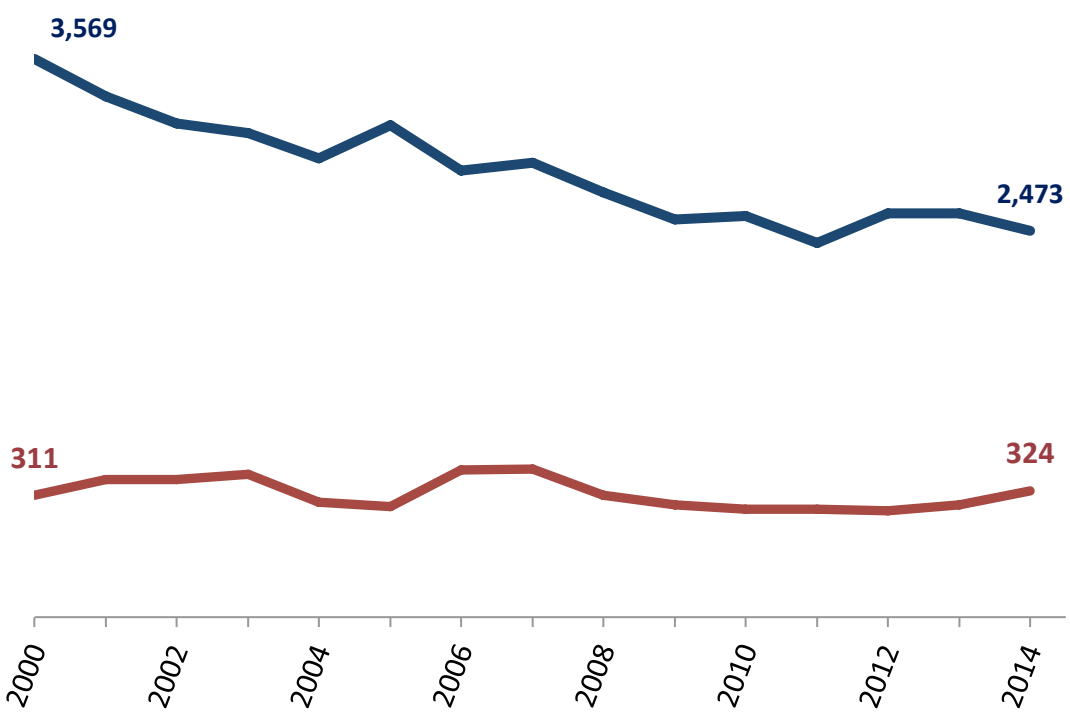
of arrests related to supervision/FTA

American Indians/Alaskan Natives are 7% of the Montana population, 19% of all arrests, and 27% of supervision and failure to appear (FTA) arrests.

Part I reported crimes have decreased so consistently that they likely are not exerting pressure on front-end resources. The relationship between drugs and misdemeanor crime, both directly and as an antecedent, is playing a key role in the pressure front-end law enforcement is experiencing.

Overall, reported index crime is down 18 percent as a result of a steady decrease in property crimes.

Index Crimes per 100,000 Population, 2000-2014
(2 vertical axes presented for trend clarity)



Property Crime Rate fell 31%

Property crimes include Burglary, Larceny-Theft, & Motor Vehicle Theft

Larceny-Theft, down 7,004 incidents (26%), accounted for almost all of the decrease in the number of property crimes.

Violent Crime Rate increased 4%

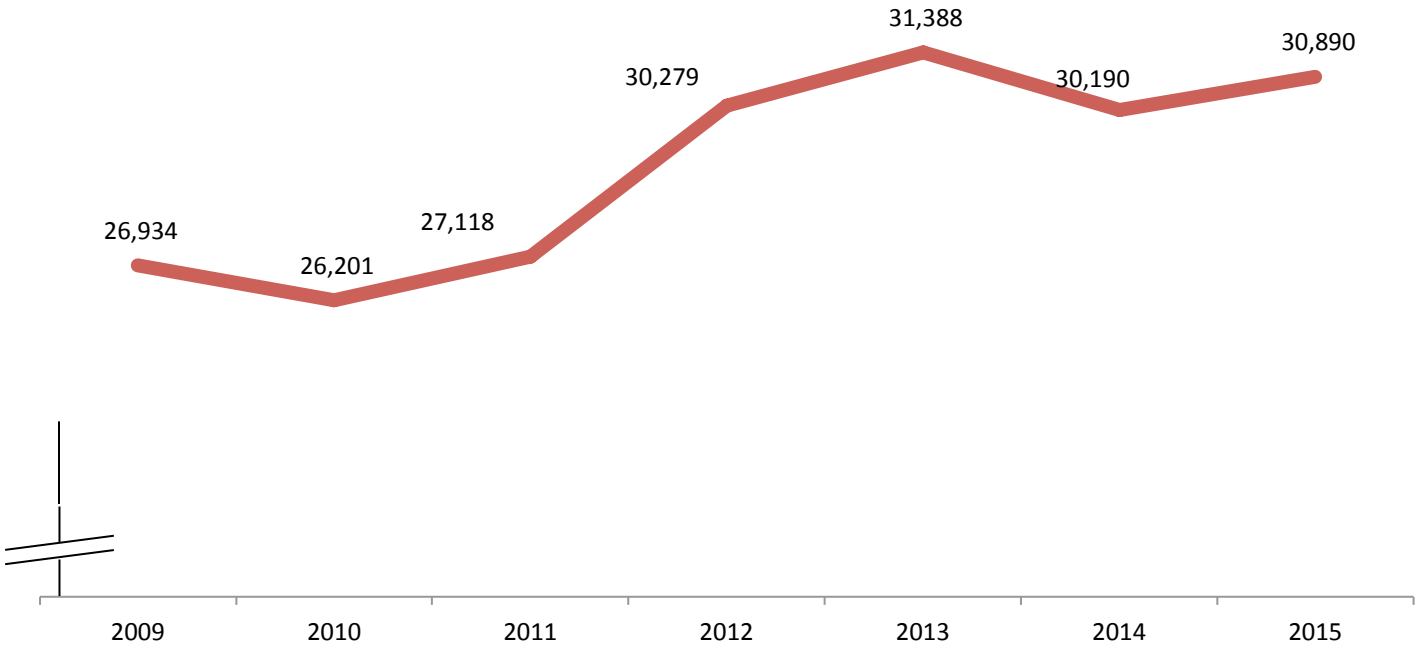
Violent crimes include Murder, Rape, Robbery & Aggravated Assault

Aggravated assaults , up 256 incidents (11%), accounted for 51% of the increase in the number of violent crimes

Source: FBI UCR Online Data Tool and Crime in the U.S., 2014. "Legacy" rape definition selected.

Despite the decline in reported crimes, total arrests have increased 12 percent, by 4,000 arrests, between FY2009 and FY2015.

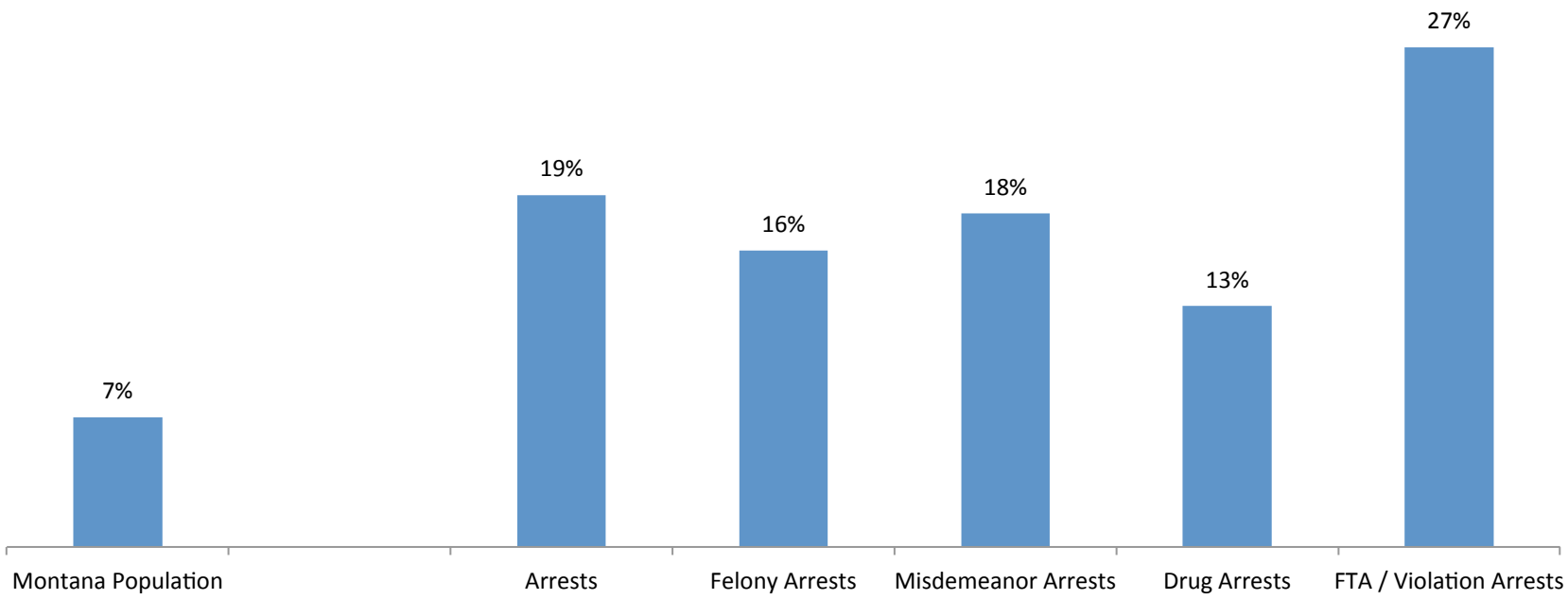
Total Arrests Reported to Montana's Department of Justice
FY2009 - FY2015



Source: Montana Department of Justice Arrest Data, FY2009 – FY2015

Arrests for American Indian/Alaskan Native people are driven by higher rates for arrests for failure to appear or supervision violations.

Proportion American Indian/Alaskan Native
Montana Population and Arrest Categories, FY2015

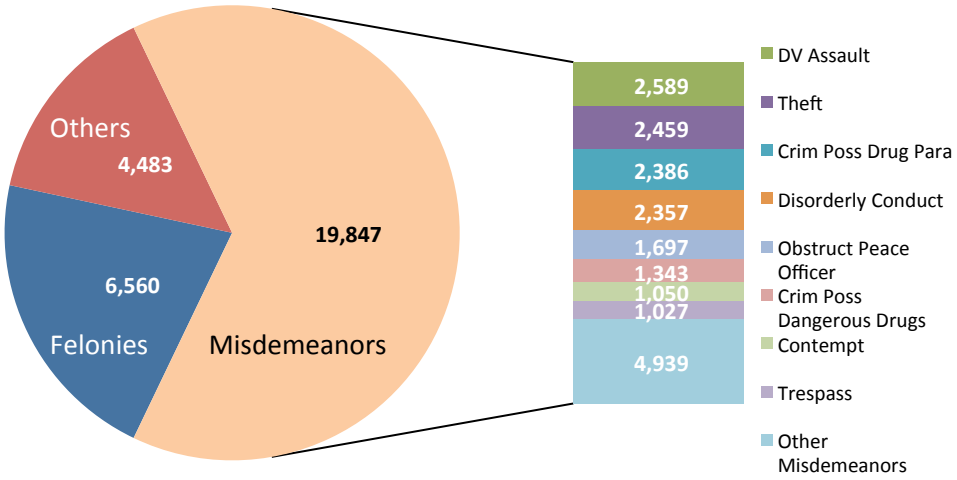


Source: Montana Department of Justice Arrest Data, FY2009 – FY2015

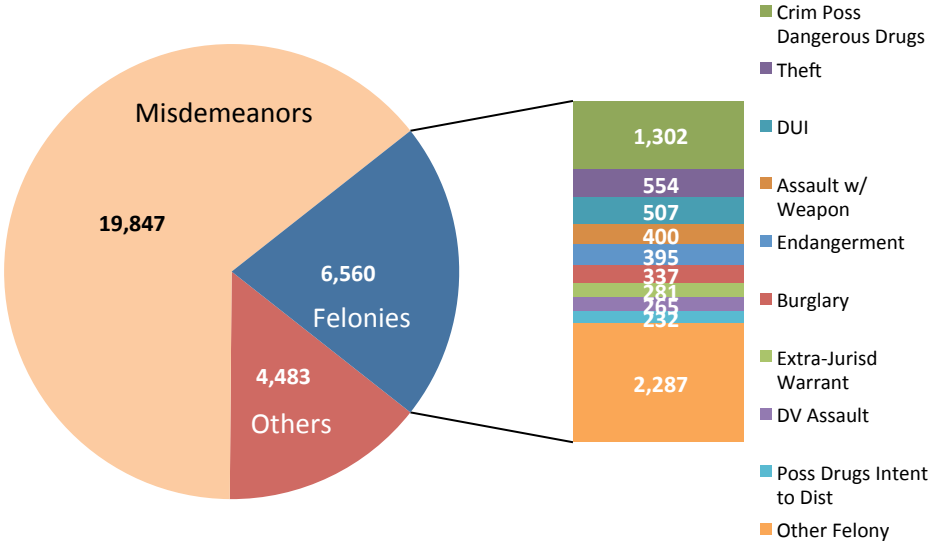
Drug charges are the leading categories for both misdemeanor and felony arrests.

FY2015 DOJ-Reported Arrests – Breakout of Charge Types

Misdemeanor Charges



Felony Charges



Theft, Assault, and Burglary are the only Part I Index crimes included in the top 10 largest categories of felony arrests

Source: Montana Department of Justice Arrest Data, FY2009 – FY2015

Overall Crime and Arrest Findings: Next Steps

Qualitative Feedback

- Receive feedback from Commissioners and stakeholders about how well these analyses match the situation on the ground.
- Are there factors, not included in aggregate crime and arrest data that can explain these trends?

Additional Data

CSG Justice Center has distributed brief surveys to the County Prosecutors and Sheriffs to elicit their input on what is happening on the front lines.

These qualitative data will help contextual the aggregate data and ensure voices of local experts are included in future work.

Stakeholder Conversations

- Hold discussions with Montana DOC to better understand the data around American Indian/Alaskan Native arrest rates while on supervision.

2. Drivers of Arrests Findings

The primary drivers of the increase in arrests in Montana are the increase in drug-related arrests and arrests for supervision violations, revocations, and pretrial failure to appear; increases in arrest in six localities; and recidivism.

Arrests for violations, revocations, and FTA grew

106%

Between FY 2009 to FY2015.

Arrests for violations, revocations, and failure to appear (FTA) more than doubled from 2,181 to 4,483 between FY2009 and FY2015.

Drug-related arrests increased

62%

between FY 2009 to FY2015.

Together, misdemeanor and felony arrests for drug offenses increased from 3,445 to 5,569 between FY2009 and FY2015.

Six localities constitute

76%

of the increase in arrests.

Six localities representing 45 percent of the resident population growth in Montana (Billings, Great Falls, Missoula, Butte/Silver Bow, Yellowstone, and Helena) constituted the vast majority of the increase in arrests between FY2009 and FY2015.

Of every individual arrested in FY2012,

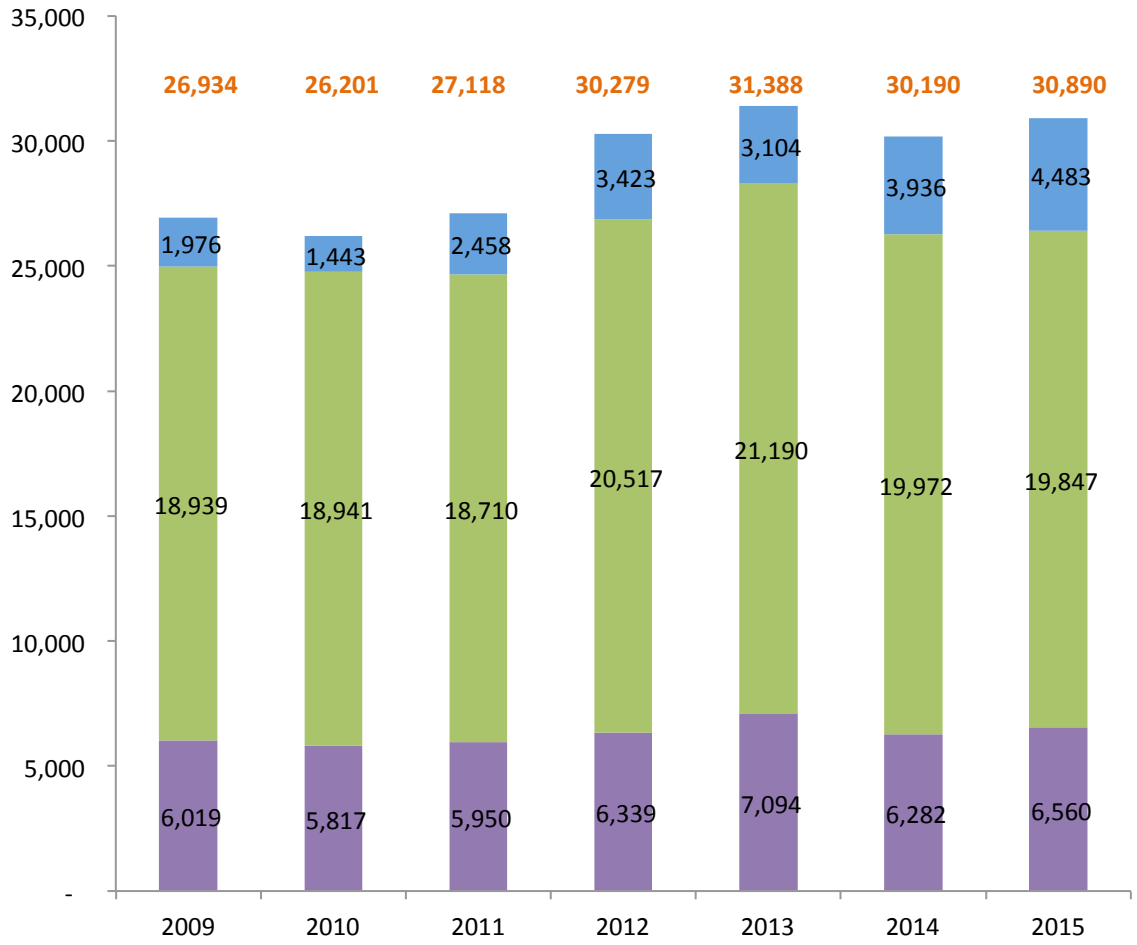
61%

were re-arrested within three years of their initial arrest

Recidivism rates have increased. Of every individual arrested in FY2009, 46 percent were re-arrested within three years of their initial arrest., with 61 percent arrested in FY2012 arrested by FY2015.

The number and proportion of arrests involving revocations/violations/ FTAs has doubled and account for 60% of the increase in total arrests.

Total Arrests, FY2009-2015



Source: Montana Department of Justice Arrest Data, FY2009 – FY2015

Total Number of Arrests

Total arrests increased 12% from 2009.

Revocation/Violation/ FTA Arrests (8% to 15%)

Revocation/violation/FTA arrests account for 60% of the increase in overall arrests.

Misdemeanor Arrests (70% to 64%)

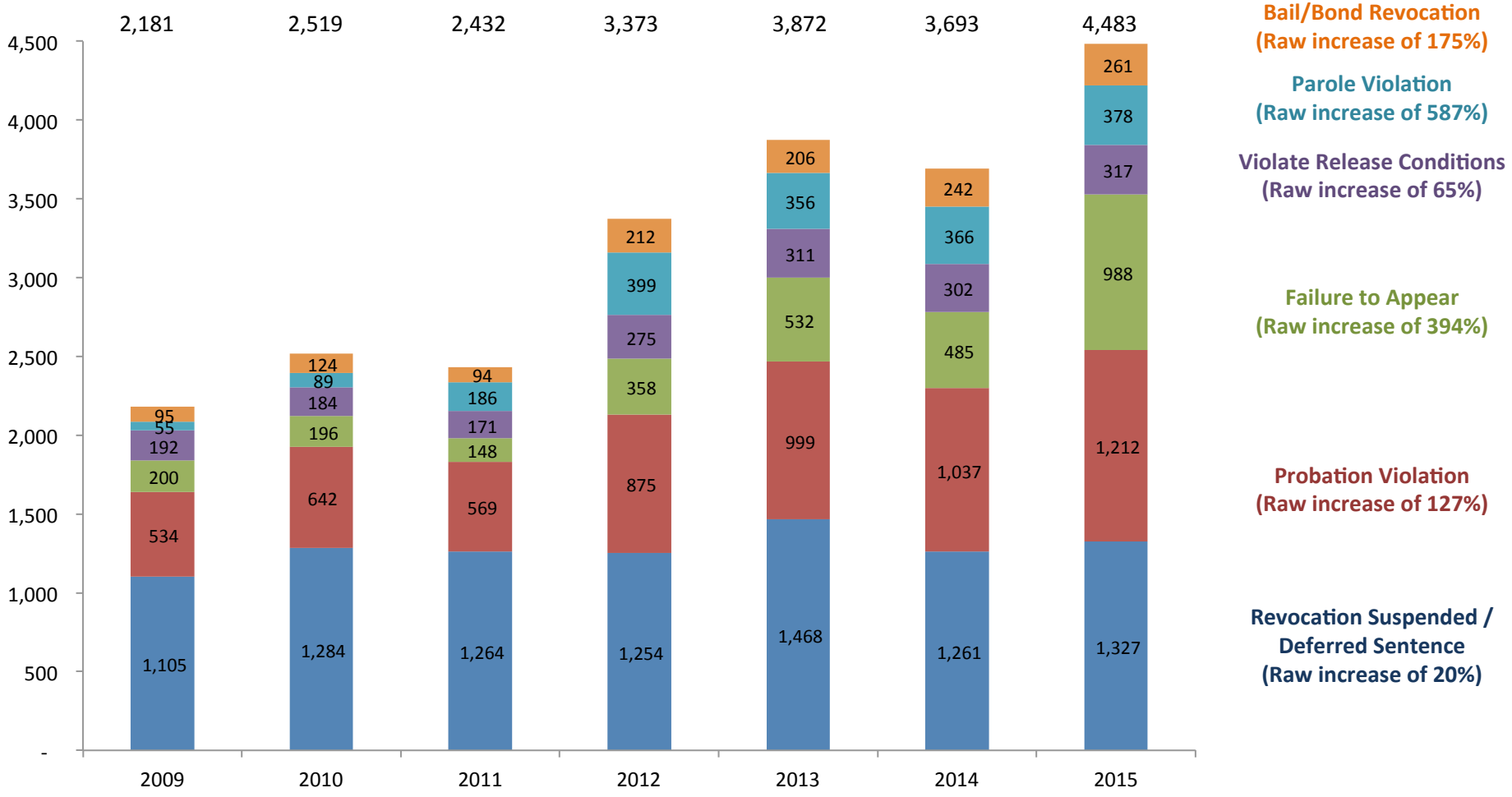
Misdemeanor arrests increased 5% and account for 32% of the overall increase.

Felony Arrests (22% to 21%)

Felony arrests increased 4% and account for 8% of the overall increase.

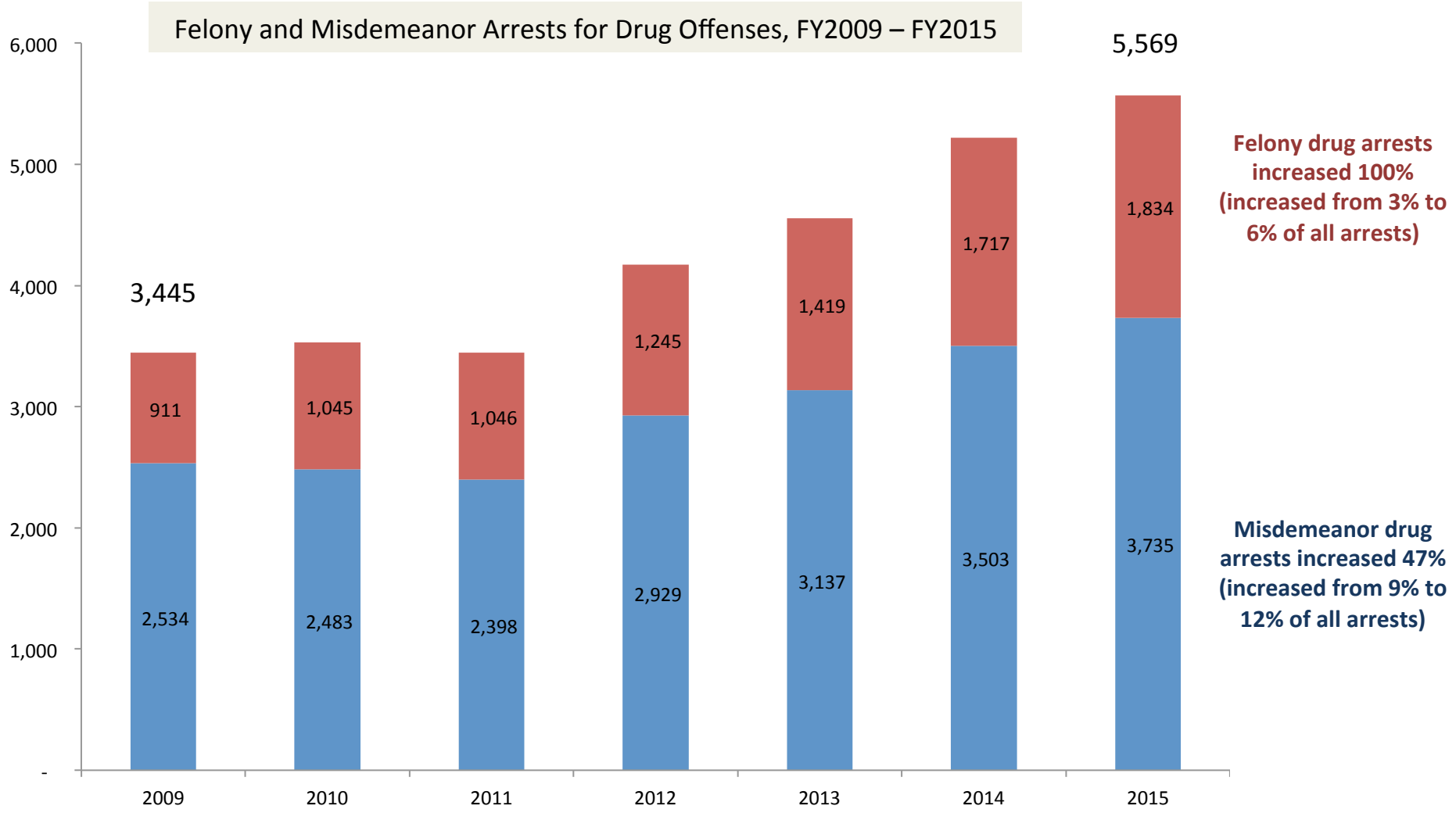
The increase in arrests for violations/revocations/FTAs is driven by recent steep increases in parole violations, probation violations, and especially failures to appear.

Arrests for Probation and Parole Violations, Revocations, and Failure to Appear, FY2009 – FY2015.



Source: Montana Department of Justice Arrest Data, FY2009 – FY2015

Drug-related arrests have increased 62% and now account for 18% of all arrests.



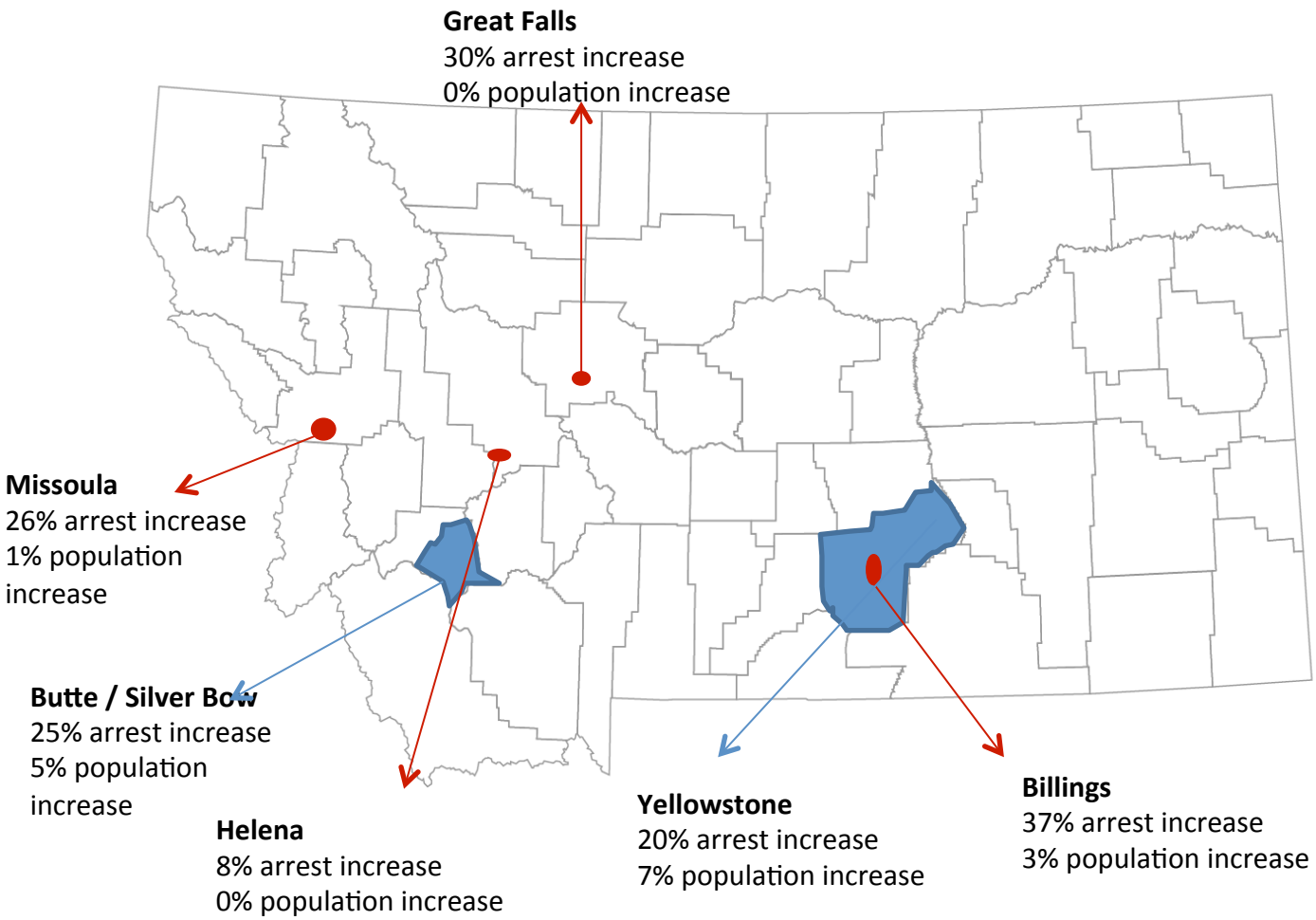
Source: Montana Department of Justice Arrest Data, FY2009 – FY2015

Six localities, representing 45% of the population growth, constitute 76% of the increase in arrests.

Montana's population increased 13% between 200 and 2014.

These six localities account for 45% of total arrests.

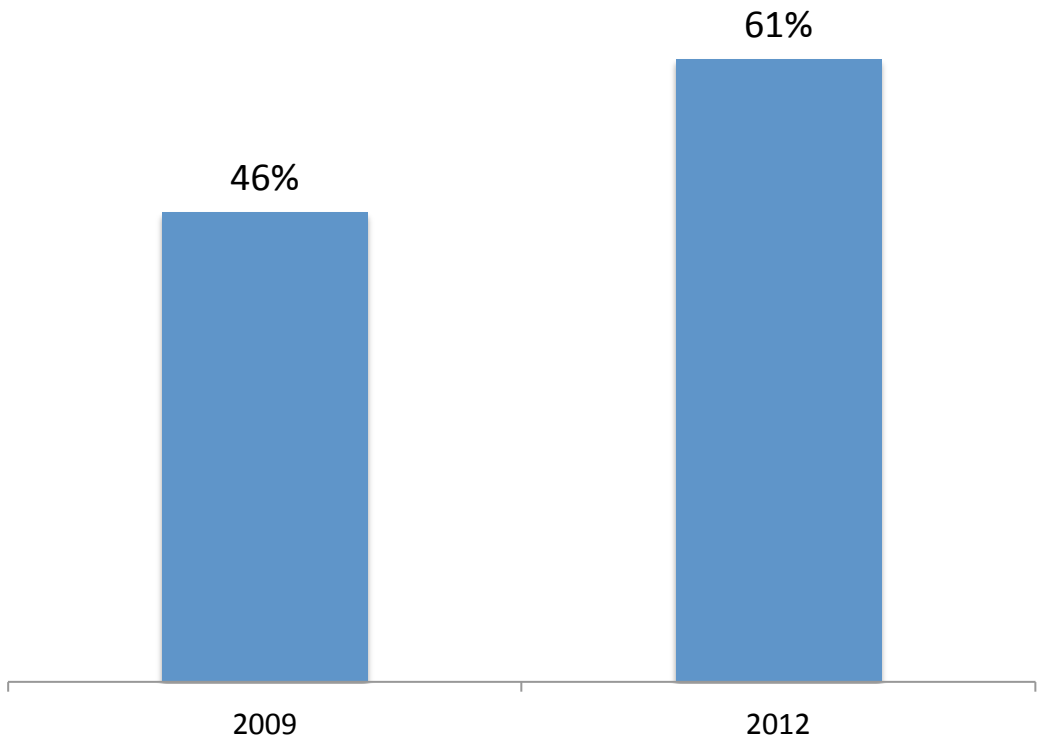
Billings, alone, accounted for 35% of the overall increase in arrests.



Source: Montana Department of Justice Arrest Data, FY2009 – FY2015

More offenders are getting re-arrested within three years of an arrest.

Three Year Re-Arrest Rate for Individuals Arrested in 2009 and 2012



Source: Montana Department of Justice Arrest Data, FY2009 – FY2015

Drivers of Arrest: Next Steps

Qualitative Feedback

- Receive feedback from Commissioners and stakeholders, including local leaders, about how well these analyses match the situation on the ground.

Additional Data

CSG Justice Center will conduct more nuanced analyses to understand recidivism and its impact on Montana's criminal justice system.

Stakeholder Conversations

- Hold discussions with Montana DOC to better understand the data around violation/revocation/FTA arrests.
- Meet with law enforcement to discuss responses to drug-related crimes.
- Speak with behavioral health stakeholders about resources for chemical dependency.
- Hold discussions with victim advocates about sexual assault trends.

3. System Pressures Findings

The increasing trend in arrests appears to be driving an increase in case filings in District Court, lengthier case processing, and pressure on county jails.

District Court case filings increased

20%

between FY 2009 to FY2015.

Between FY2011 and FY2015, case filings increased 29 percent.

Time from case filing to disposition increased

71%

between FY2012 and FY2015.

Between FY2012 and FY2015, time from case filing to disposition increased from 187 days to 319 days.

Time from plea to disposition increased

99%

between FY2012 and FY2015.

Between FY2012 and FY2015, time from plea to disposition increased from 77 days to 153 days.

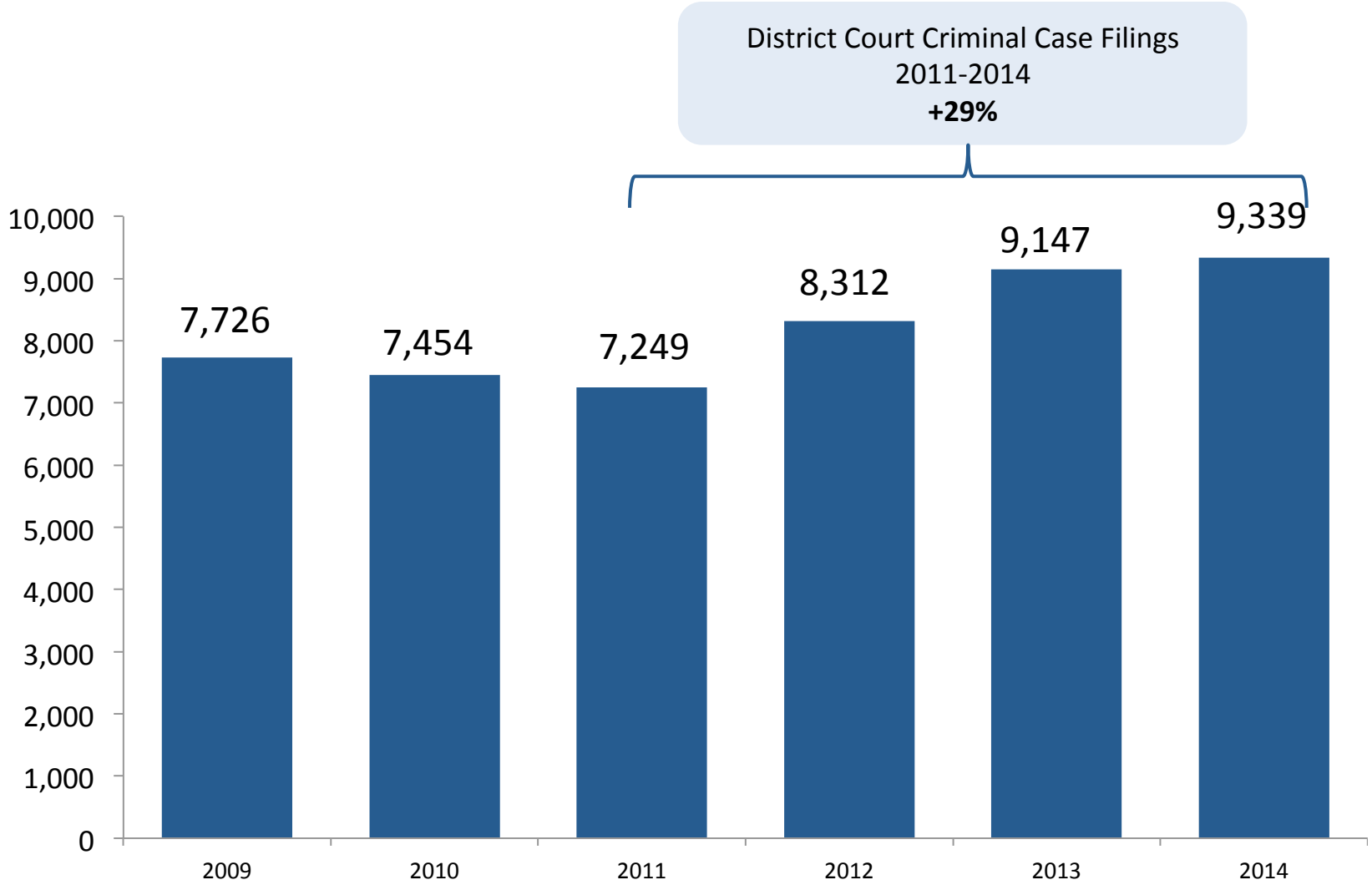
Montana's jail incarceration rate increased

67%

between 2011 and 2013.

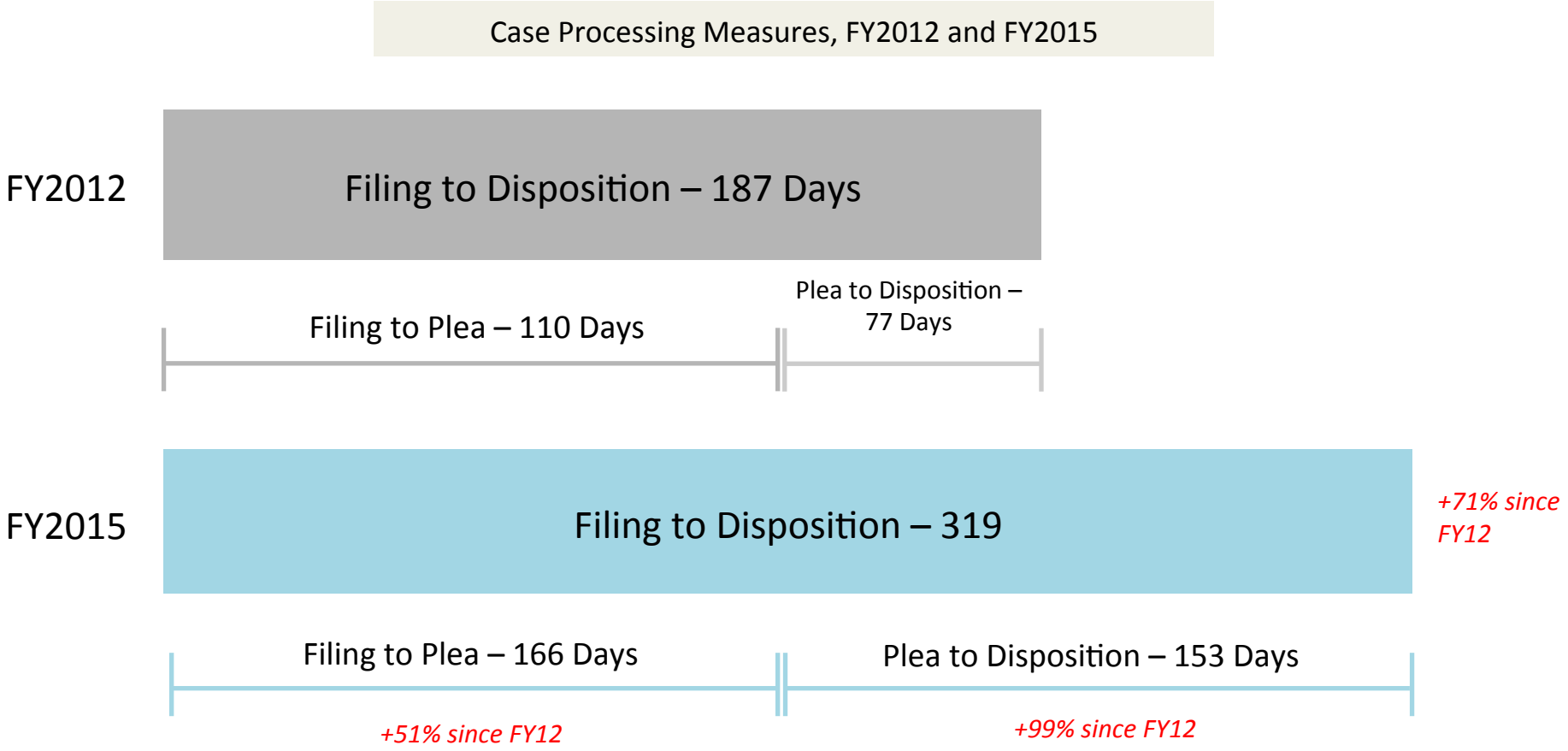
Montana's jail incarceration rate grew significantly faster than other states in the region and at 360 is the highest in the region.

District court case filings are up sharply in the last four years. Almost half of the increase appears to be driven by increases in felony drug possession filings.



Source: Montana District Court Case Filings and Dispositions, 2005-2014. Cases include new offenses and "re-openings."

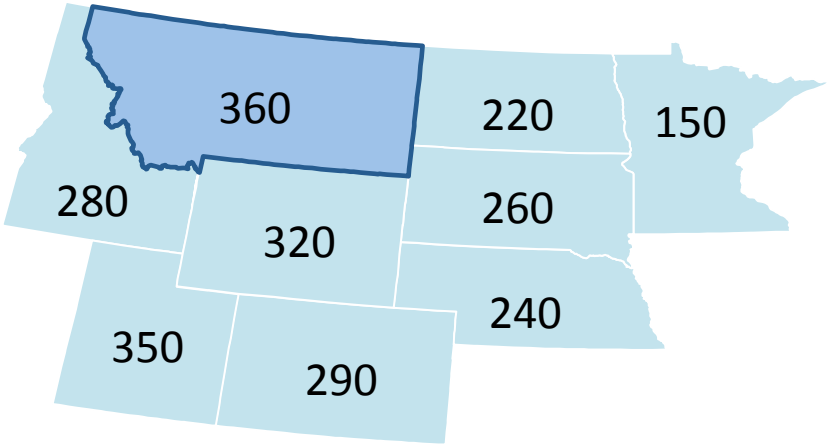
The time it takes for a case in District Court to reach disposition from various stages has increased.



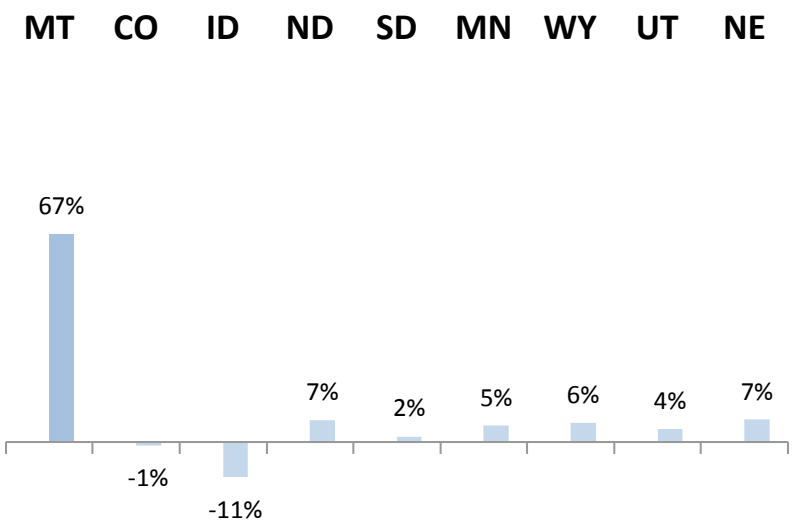
Source: Montana District Court Case Filings and Dispositions, 2005-2014
*Time calculations are based on the "oldest" filing for each unique cases, excluding cases with deferred dispositions.

Montana's jail incarceration rate increased significantly in recent years, and is the highest of its neighbors. Jail length of stay is above average.

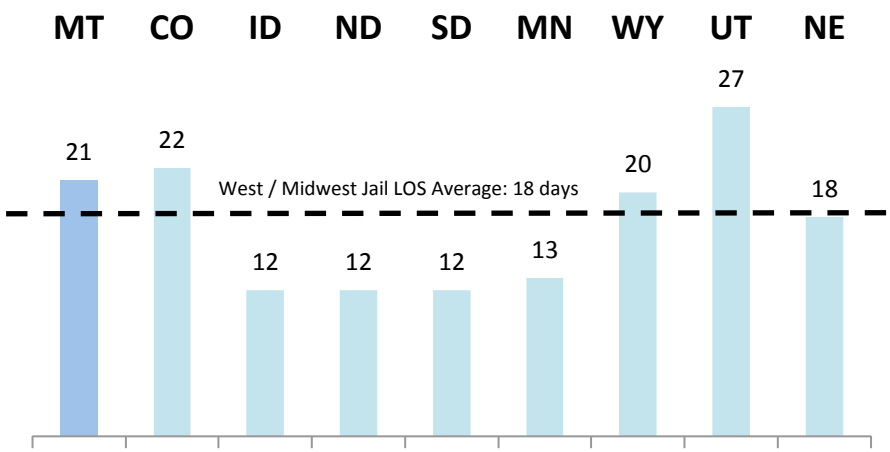
2013 Jail Incarceration Rate



Percent Change in Jail Incarceration Rate, 2011-2013



Jail Average Length of Stay, 2013



Source: US. Department of Justice, *Census of Jails: Population Changes, 1999-2013*

System Pressures: Next Steps

Qualitative Feedback

- Receive feedback from Commissioners and stakeholders about how well these analyses match the situation on the ground.
- Are there other factors that can explain the increase in case filings and case processing?

Additional Data

CSG Justice Center will analyze sentencing data to assess how these trends are affecting other parts of the criminal justice system including DOC.

Stakeholder Conversations

- Hold discussions the courts, prosecutors, and defenders about the increase in case filings and case processing.
- Meet with sheriffs to discuss the role of failure to appear cases, case processing time, and drug-related arrests in jail pressures.

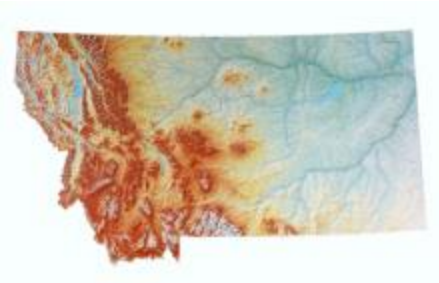
A Summary of Front-End Findings

- Reported index crimes have decreased and are not putting pressure on Montana's criminal justice system, yet arrests have steadily increased.
- Significant increases in arrests for violations, revocations, and failure to appear and for drug-related offenses, in addition to recidivism have driven the overall increase in arrests.
- The increase in arrests seems to be resulting in pressures on court work, case processing time, and county jail usage.

Next Steps

- Begin any additional research on areas of interest identified by the commission.
- In advance of the March 1st and 2nd Commission on Sentencing meeting, prepare and share a similar briefing slides on sentencing and DOC admissions, in addition to slides on release and supervision trends.
- Incorporate additional research directed by the commission into a final complete presentation for March 1st and 2nd meeting during which the CSG Justice Center will summarize these data findings.

Thank You



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