



Legislative Audit Division

Performance Audit Summary

Juvenile Detention

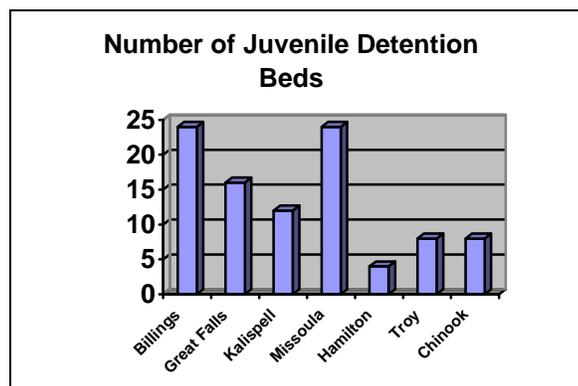
November 2000

Introduction

The Legislative Audit Committee requested a performance audit of juvenile detention activities in Montana. Title 41, chapter 5, MCA, makes counties responsible for detention and provides for state funding assistance. For the 2000-01 biennium, the legislature appropriated \$1.1 million to assist counties with the cost of juvenile detention. Audit work focused on the allocation and use of the appropriation administered by the Montana Board of Crime Control (MBCC).

Montana Counties Responsible for Detention

By statute, counties are responsible for providing juvenile detention services separate from adults. Counties may use holdover facilities (non-secure), short-term secure detention (not to exceed 10 days), or a secure youth detention facility (long-term) to meet detention needs. Statute allows counties to contract with private service providers, operate their own facility, participate in a regional operation, or contract with another county. Two or more counties may establish a juvenile detention region; law allows five state detention regions. Counties may issue general obligation bonds for acquisition, purchase, or construction. To pay the county share of the cost of equipping, operating, or maintaining detention facilities, counties may also levy taxes. The law requires Montana detention facilities to be licensed by the Department of Corrections.



Currently, there are seven licensed juvenile detention facilities in Montana.

Daily Rate Influenced by Several Factors

Facilities charge a daily rate or price for juveniles held in detention. We found the cost of operations is the primary

factor considered in rate determination. However, other factors also influence daily rates: estimated occupancy rate, detention "market", and available sources of revenue. During our audit, daily rates ranged from \$130 to \$240 per day.

Use of Detention is a Local Decision

We found the spectrum of detention use varied across the state. At one end detention is viewed as the last course of action. Juveniles are not placed in detention unless a serious offense (personal injury or significant property damage) is committed. For other less serious offenses, alternatives such as electronic monitoring, home arrest, shelter care, foster care, and/or tracker/mentor programs are used. At the other end of the spectrum, detention is used early in the process as an immediate consequence.

Summary: Community Use of Detention Varies

Officials indicated the Youth Court Act provides flexibility allowing communities to determine how "hard" they want to be on juvenile crime. Secure detention is one of the tools allowing flexibility. According to many officials, communities choose to bear the detention facility cost burden (with state assistance) when it is a tool they decide to employ. We found detention use varies from community to community and is influenced by factors such as facility availability, daily rates, cost of transportation, community awareness, availability of alternatives, and juvenile population.

Legislature Assists with Detention Funding

State law directs MBCC to provide grants, within the limits of available funding, to assist counties in establishing and operating detention services. For fiscal years 1997-98 and 1998-99, General Fund appropriations for grant awards to counties were approximately \$834,000. The state share of the total cost of juvenile detention for fiscal year 1997-98 was 52.2 percent; for fiscal year 1998-99 it was 36.7 percent. The 1999 Legislature approved an additional \$300,000 for fiscal years 1999-00 and 2000-01, making the total available for cost-share grants \$1,134,942. The state share for fiscal year 1999-00 was projected to cover approximately 38 percent of total costs.

Conclusion: Legislative Intent Is Met

The intent of the law was to establish a process to provide a funding incentive to ensure counties implemented state and federal detention requirements. *The administrative processes and procedures initiated by MBCC and Montana counties ensure implementation.*

Simplify Expenditure Reporting and Quarterly Disbursement Process

Quarterly, regions submit a detention expenditure report showing detention usage and costs from counties within the region. MBCC staff reviews expenditure information and transfers funding to regions to cover the authorized state share of detention costs. Reports are not consistent between regions. The report is time-consuming to prepare and does not provide facilities with useful information. MBCC staff also indicated report review is time-consuming and provides limited monitoring value. *We recommend simplifying the expenditure report by developing a summary the regions would provide to MBCC on a quarterly basis.*

Compliance Monitoring

MBCC reviews compliance reports submitted monthly by facilities. Staff compare reported data to statutory criteria to identify noncompliance. MBCC staff does not routinely visit facilities to verify information accuracy.

We identified several concerns regarding hearing documentation, including court orders that did not reflect the time of day of the hearing, unsigned court orders, and files without any hearing documentation.

MBCC staff should establish criteria for detention facility staff indicating specific requirements needed to verify compliance with state and federal requirements. MBCC staff should visit facilities to verify documentation is maintained.

Non-secure Detention Incentive

Section 41-5-1904, MCA, allows MBCC to award grants to eligible counties not to exceed 50 percent of estimated costs for secure detention and not to exceed 75 percent for non-secure detention. The legislature wanted to discourage the use of secure detention and to promote less costly, non-secure community-based programs. However, only two to four percent of detention expenditures are used annually for non-secure alternatives.

The non-secure incentive does not work. The incentive favors use of secure detention, because 50 percent of a \$150 daily rate is significantly more than 75 percent of a non-secure option which can be as low as \$6 per day for electronic monitoring.

If there is still a need for an incentive for non-secure detention, then existing criteria should be revised to promote the non-secure option.

State Funding Level Determination

The 1999 Legislature increased state funding for juvenile detention by 40 percent for the biennium. This decision was based on historical data presented by the board. The board's information did not address future detention usage or the state's future responsibility. Some local officials expressed a need to "honor" the 50 percent match level for secure detention. Others agreed that the state should not attempt to cap the number of beds or detention facilities. There was consensus among local officials that local governments should retain flexibility to develop detention capabilities within the framework of the Youth Court Act.

MBCC should expand its analysis of detention usage. Analysis should include how usage impacts state and local funding and include proposals regarding the state responsibility for sharing costs with counties.

Detention Management

The state is currently involved in three juvenile detention related activities: allocation of state funding, compliance monitoring, and facility licensing. Administration of funding and compliance monitoring are functions of MBCC. Licensing is a Department of Corrections responsibility. Officials expressed a variety of concerns with the current delegation of responsibilities, ranging from too much control for licensing to not enough control over compliance. One common theme was to examine the connection between the primary activities: state funding, compliance monitoring, and licensing.

For compliance monitoring of Youth Court Act requirements, statute indicates the consequence for continued noncompliance is termination of the state grant. Some officials indicated there should be a similar link between state funding and compliance with licensure requirements; others disagreed. Since the implementation of detention requirements, there has not been a comprehensive review to decide where and how Montana juvenile detention should be administered.

MBCC has the responsibility and authority to evaluate the current delegation of responsibilities for detention oversight, consider alternatives, and propose changes as necessary.

For a complete copy of the report (00P-12) or for further information contact the Legislative Audit Division at 406-444-3122; e-mail to lad@mt.gov; or check the web site at <http://leg.mt.gov/audit>.