

The Supreme Court of Montana
Office of the Court Administrator

Beth McLaughlin
Court Administrator



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May 22, 2019

TO: Pretrial Pilot Project Stakeholders
FROM: Beth McLaughlin, Court Administrator
RE: Pretrial Project Update

A handwritten signature in blue ink, appearing to read "Beth McLaughlin", is written over the "FROM:" line of the email header.

As we near the end of the first year of full implementation of the Public Safety Assessment and the end of the 2019 Montana Legislature, I would like to share some very important and exciting news about the pretrial program.

1. Funding extending the pretrial pilot project for an additional two years was included in the Judicial Branch budget. The funding amounts will be like the amounts allocated for the initial pilot project. Updated Interagency Agreements for each pilot county along with specific funding details will be prepared in the next few weeks to ensure the agreements are in place prior to July 1, 2019.
2. HB110, carried by Rep. Ryan Lynch, passed the Legislature. The bill clarifies the OCA has authority to conduct the PSA for misdemeanors and removes the requirement for a lethality assessment.

We had an excellent meeting with the Pretrial Working Committee last week. The group provided us with recommendations for moving forward over the next 24 months. We greatly appreciate the effort and commitment of the participants from all five counties and all criminal justice disciplines. I anticipate the Working Group as well as the Supreme Court's Pretrial Advisory Committee will continue to provide guidance to the OCA as we fully implement the project.

I also want to take this opportunity to thank all the stakeholders for their patience and willingness to work with my office to fulfill the established mission of the project:

Demonstrate to the 2019 Montana Legislature the value of pretrial services to the state's criminal justice system, defendants and the citizens of Montana.

With any new project or concept there were (and will continue to be) issues, glitches and doubts. With your help, we will continue to work to reduce the issues and improve your confidence in the Public Safety Assessment and the process and services related to the assessment.

As we move forward with the PSA and the pretrial program, here are some important reminders:

1. The PSA developed by the Arnold Foundation is considered the gold standard of pretrial assessments. See the foundations website at: arnoldfoundation.org for detailed information about the PSA.
2. The PSA was created using over 1.5 million cases from over 300 separate jurisdictions across the United States.
3. The PSA is objective and does not consider subjective factors such as: race, gender and income.
4. Extensive research shows that criminal history/system involvement, as collected via the PSA, are the strongest predictors of a defendant's failure to appear for a court appearance or being involved in new criminal activity.
5. The PSA is developed to help judges gauge risk and not intended to impede a judge's discretion.
6. Montana's Decision-Making Framework and violent crimes was developed and approved by our own Advisory and Working Committees. The DMF and supervision recommendations will continue to be refined to reflect best practices and updated research.

In the short time we have been active, it seems the use of the PSA is showing promise:

1. OCA processors have completed nearly five thousand Public Safety Assessments to date. Fewer than a dozen issues have surfaced. Since February 2019, the processors have conducted over 4,000 criminal history checks on released defendants – 96% of the defendants remained law-abiding.
2. According to data collected in December 2018, 95% of defendants involved in the pretrial release program made all court appearances.
3. The same data showed that 97% of misdemeanants and 99% of felons released from jail and completing pretrial services remained law-abiding.
4. Local pretrial programs in the five counties are developing new and innovative ways to assist defendants in remaining law-abiding and compliant with court appearances.
5. We will continue to refine data collection and share the information with all of you. The data – both good and bad – should drive our decisions in this program.

Thanks to all of you again for your efforts with this project. I look forward to continuing our work together to improve Montana's criminal justice system. I appreciate your open communication and suggestions as we move ahead in the next two years.

Cc: Chief Justice Mike McGrath
Associate Justice Ingrid Gustafson