

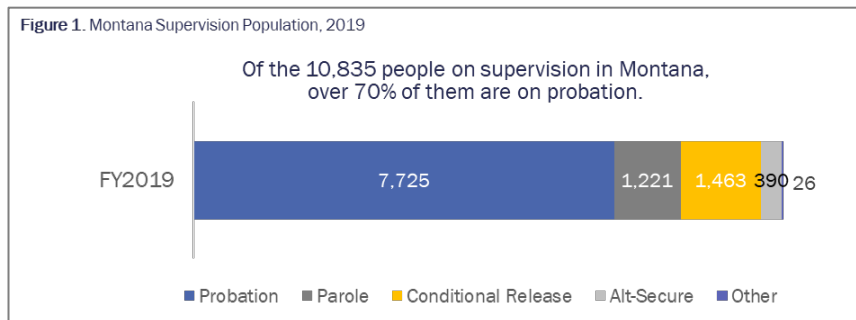
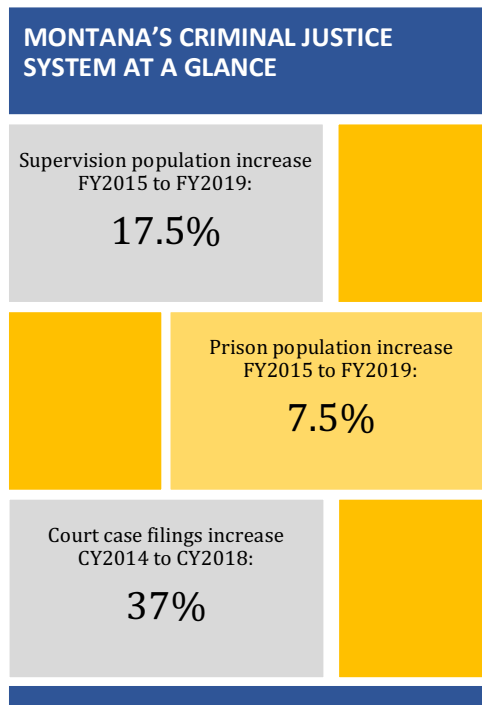


# MONTANA CASELOAD STUDY REPORT

## Introduction

In 2019, the Montana legislature asked the Montana Department of Corrections (MDOC) to conduct an organizational assessment of the supervision structure and allocation of offender caseloads across probation and parole staff that is based on offender risk levels determined through a risk assessment. To carry out this project, MDOC requested assistance from The Council of State Governments (CSG) Justice Center. Through quantitative and qualitative analysis, CSG Justice Center staff acquired a deep knowledge of the policies and practices, current reforms, and data capacity of the MDOC, which are reflected in this report. The caseload report assesses the following:

- 1) Current pressures on Montana’s supervision system
- 2) MDOC’s use of risk, need, responsivity (RNR)-based supervision and caseloads
- 3) The structure of the probation and parole division within MDOC
- 4) Opportunities to increase the efficiency and efficacy of MDOC’s probation and parole division and the supervision of almost 11,000 people in Montana (see Figure 1.)





## Justice Reinvestment in Montana

Justice Reinvestment is a data-driven process to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety. In June 2015, Montana state leaders requested and received support to employ a Justice Reinvestment approach to study the state’s criminal justice system, which resulted in nine pieces of enacted legislation: Senate Bills 59, 60, 62, 63, 64, 65, 67, Senate Resolution 3, and House Bill 133.

The Montana Department of Corrections (MDOC) has worked in partnership with the CSG Justice Center to analyze data, assess community supervision systems, and improve evidence-based policies and practices. Specific implementation efforts were focused on parole board practices, supervision practices, program evaluation processes, and data collection that will address both prison and jail population growth, reduce recidivism, and avert supervision population growth. It can take three to five years for full impacts from a Justice Reinvestment process to be realized.

### Context and Methodology

MDOC and the CSG Justice Center established a work group in October 2019 for the specific purpose of gathering and analyzing data and reviewing policies, procedures, processes, and documents to guide this analysis. MDOC’s eight-member work group consisted of a project manager, Justice Reinvestment coordinator, statistics and data staff, along with probation and parole division leadership. From October to November 2019, the work group met regularly with CSG Justice Center policy and research staff to provide information, add context, and review findings.

#### *Quantitative Analysis*

CSG Justice Center staff conducted quantitative data analysis based on more than 1.2 million data records provided by MDOC. Every attempt was made to identify trends and examine data over a five-year time span from State Fiscal Year (SFY) 2015 to SFY2019. There was special focus on SFY19 to understand recent supervision practices. In addition, case filing data was obtained through the Administrative Office of the Court’s published annual reports. Data reviewed included the following:

- MDOC 2019 Biennial Report
- Probation and parole division staffing levels, SFY15–SFY19
- Probation and parole division organizational chart, November 2019
- District court case filings, calendar year (CY)15–CY18



- Supervision caseload volume, SFY15–SFY19
- Probation and parole officer supervision contacts with people on supervision, SFY15–SFY19
- Early release and Conditional Discharge from Supervision (CDFS) considerations for people on supervision, July 2018–November 2019
- Average length of stay metrics for the supervised population, SFY19
- Revocation rates by region, SFY19

### *Qualitative Analysis*

CSG Justice Center staff reviewed MDOC policy, procedure, and processes. The MDOC work group provided additional context and insight into the findings that resulted from this analysis. CSG Justice Center staff facilitated phone discussions with multiple levels of MDOC staff to understand tasks and duties of probation and parole officers (POs), institutional probation and parole officers (IPPOs), and institutional case managers (CMs). Members of the MDOC workgroup and MDOC leadership reviewed the findings in this report for accuracy.

## Research, Findings, and Recommendations

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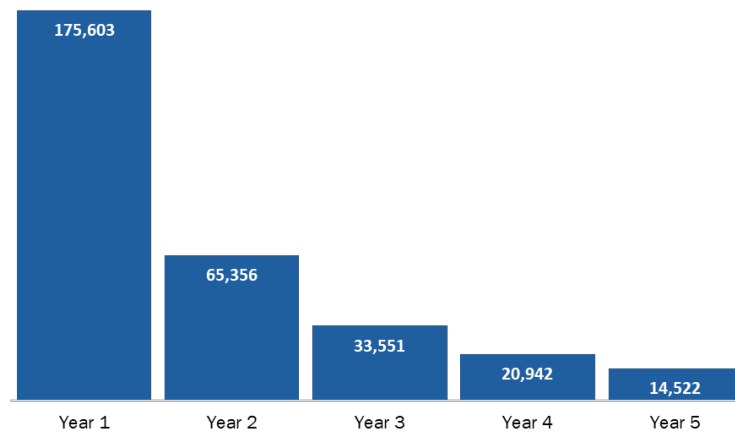
A staffing analysis, such as this workload study, of probation and parole officers that includes and organizational assessment of the supervision structure, caseloads, and use of risk assessments also requires an in depth analysis of how staff function relative to supervision practices more generally and an understanding of the system pressures which contribute to and impact staffing and practices. Using both qualitative and quantitative data, the CSG Justice Center organized findings and recommendations into three categories: (1) criminal justice system pressures, (2) supervision practices, and (3) organizational structure and staffing. Criminal justice system pressures explore the current challenges in Montana’s criminal justice system, focusing on issues affecting the supervision population and strategies that can impact the supervision population, staffing, and caseloads. The supervision practices section of this report examines the workload (e.g., reporting requirements, data entry, contact requirements) of probation and parole officers, while the organizational structure and staffing section explores the caseloads (e.g., number and risk levels of people an officer is assigned) of POs and staffing. Findings and recommendations are grounded in research to provide policymakers and MDOC leadership with a foundation for decision-making within the state.



## *Criminal Justice System Pressures*

Approximately 4.5 million Americans, or 1 out of every 55 adults, are on probation or parole, an increase of more than 300 percent since 1980.<sup>1</sup> Increases in supervision populations can create high officer caseloads, strain resources, and create barriers to recidivism reduction. Research shows that approximately 70 percent of people who fail on supervision do so within the first two years of supervision (see Figure 2.).<sup>2</sup> Because most people fail early in their supervision term, long supervision term lengths are often ineffective and drain resources. Approximately 30 states have tackled this issue by placing a cap on felony probation terms of 5 years or less, and 35 states have mechanisms for early release from supervision.<sup>3</sup>

Figure 2. Five-year rearrest rates for people released from prison in 30 states, 2005

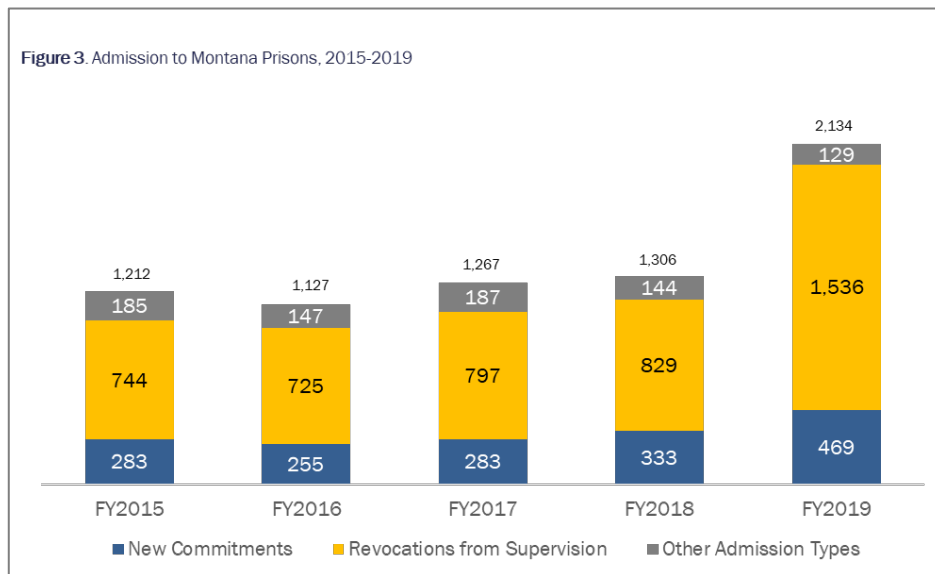


## Findings

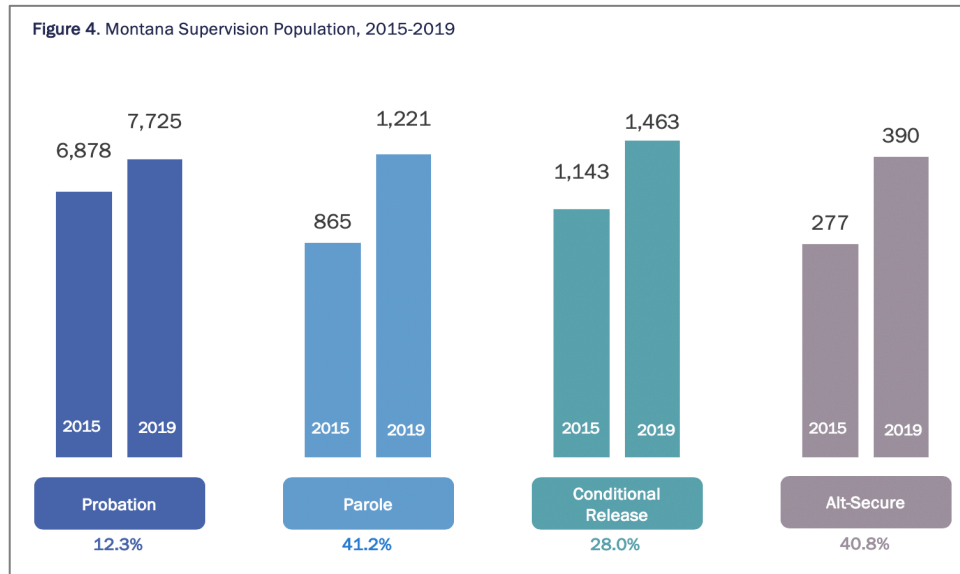
1. **Over the past five years, Montana has seen increases in felony-level case filings, the prison population, and the supervision population.**
  - a. **Felony court case filings.** Felony court case filings have increased 37 percent from Calendar Year (CY) 2014 to CY2018 but have begun to decline in CY2019.<sup>4</sup> Increased case filings place additional pressure on probation and parole staff required by law to conduct pre-sentence investigations (PSIs) within 30 days of a guilty plea or verdict. Since 2014, 3 additional district court judges have been added in the state, for a total of 49 district court judges, which increases the volume of PSIs requested per court every month.<sup>5</sup>
  - b. **Montana's prison population.** The prison population increased 7.5 percent from SFY2015 to SFY2019, averaging approximately 2 percent per year for the last three fiscal years.<sup>6</sup> The prison population growth is being driven by an annual increase in prison admissions, which were particularly high for



both new court commitments (41-percent increase) and revocations (85-percent increase) between SFY2018 and SFY2019 (see Figure 3).<sup>7</sup> It should be noted that in FY2018, MDOC increased bed capacity by 205 to reduce the county jail backlog, which accounts for a portion of the increase MDOC has experienced.



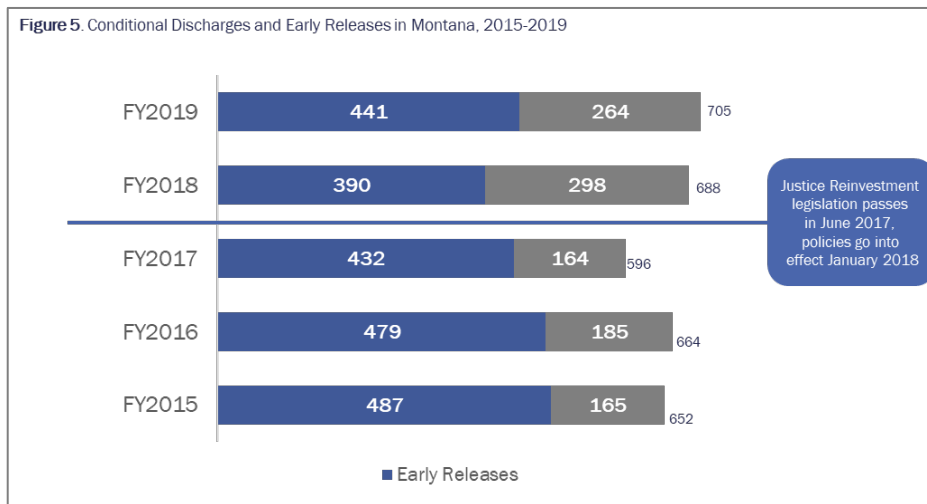
- c. **The supervision population** (probation, parole, conditional release, and alternative placements). Montana’s supervision population increased 17.5 percent from SFY2015 to SFY2019 (see Figure 4).<sup>8</sup> This growth impacted all six regions of the state and all supervision types; however, the female supervision population saw the most significant increase—27.3 percent—versus an increase of 14.1 percent for men on supervision.



2. **Over half of supervision failures after release from prison occur within the first year.** In Montana, 57 percent of men and 53 percent of women who returned to a correctional facility after release from prison (both direct discharge from prison with no supervision and parole supervision) did so within the first year after release.<sup>10</sup> The first year of supervision is critical, and resources for behavior change should be prioritized when people are at the highest risk of failure. Additionally, the importance of reentry planning prior to released should also be stressed. Longer supervision terms can mean that critical resources are disbursed toward the end of people’s sentences when their risk of returning to prison is much lower.<sup>11</sup>
3. **People are successfully completing parole or conditional release and are then transferred to probation to serve a suspended sentence.** At sentencing, a judge has the option to utilize a suspended sentence for a person convicted of a felony. The term of the suspended sentence is for a period up to the maximum sentence allowed, and the suspended sentence is served under the jurisdiction of the court and probation supervision. Additionally, the sentencing judge has the ability to utilize a suspended sentence in conjunction with a DOC Commit or prison placement where the suspended portion of the sentence is served after the DOC Commit or prison placement. In SFY2019, 193 people successfully completed parole or conditional release and were subsequently transferred to probation supervision to serve a suspended sentence.<sup>12</sup> The supervision of 193 people for one year costs the state approximately \$442,935.<sup>13</sup>
4. **Since Justice Reinvestment was enacted, Conditional Discharge from Supervision (CDFS) and early release from supervision have increased 9.4 percent.** Detailed criteria for CDFS eligibility was enacted in 2017 to allow people on



supervision to be released early based on compliance with supervision rules and financial obligations. CDFS was structured so that people assessed as low risk are eligible at an earlier time in their supervision term than people assessed as high risk based on research demonstrating that unnecessarily keeping low-risk individuals under correctional control can increase their likelihood of committing a new offense. Since Justice Reinvestment was enacted, CDFS for people on probation has increased, while early releases from supervision have decreased. The net result has been an overall increase of more than 9 percent (see Figure 5).<sup>14</sup> The impact of the CDFS was projected to be greater than what has occurred in Montana. Based on the limited data available on eligibility of people for CDFS and approval rate of CDFS requests, it is difficult to determine if everyone who is eligible is receiving conditional discharge from supervision. MDOC has implemented tracking measures to collect this information; however, it has not been in place long enough for sufficient evaluation.



## Recommendations

### *Montana Department of Corrections*

- **Examine what is driving growth in the prison and supervision populations, as well as the increases in felony case filings.** The significant increase in prison admissions for both new commitments and revocations requires additional analysis. Understanding what is driving the high rate of revocations can help the state develop appropriate strategies to address the increases while maintaining public safety. Specific attention should be paid to technical violations and whether additional training of officers and programming for people on supervision can lower the technical violation rate. The assessment of drivers should be completed for each



judicial and probation district to determine if certain geographic areas of the state are driving the increases.

- **Evaluate and report supervision lengths for both successful and unsuccessful supervision terms.** CSG Justice Center staff were unable to examine supervision lengths for this report due to how information is collected in the Offender Information Management System (OMIS). Understanding how long people are on supervision and at what point during their supervision term they fail can help identify points in time when effective strategies to improve supervision successes and reduce recidivism should be implemented. Data on supervision term lengths should be examined for people on probation, parole, conditional release, and probation for a suspended sentence. The supervision lengths should be cross-referenced with the risk assessment level that people on supervision were assigned.

#### *Potential Legislative Options*

- **Evaluate the effectiveness of suspended sentences on recidivism reduction in Montana.** Reduce supervision lengths by capping suspended sentences terms. This may benefit the supervision population in Montana without compromising public safety. Long supervision terms increase caseloads, consumer resources, and may be unnecessary depending on when people fail during their supervision term.
- **Consider allowing people on conditional release (e.g., DOC Commit) to be eligible for CDFS utilizing current criteria.** In Montana, only people on probation and parole supervision are currently eligible for CDFS. People sentenced as a DOC Commit—where the judge grants MDOC the authority to determine placement in an institution, treatment facility, or community supervision (e.g., conditional release)—are ineligible for CDFS. In SFY2019, 1,041 people were placed on conditional release.<sup>16</sup>

#### *Supervision Practices*

Community supervision (i.e., probation, parole, and conditional release) provides an alternative to incarceration, connects people to relevant programming, and ultimately holds individuals accountable. Risk and need assessments, such as the Montana Offender Reentry and Risk Assessment (MORRA) and Women’s Risk and Need Assessment (WRNA) used in Montana, provide direction to probation and parole officers on the intensity of supervision needed, programming and services that would be most effective to promote behavior change, and the ability to see change over time. Officers should also use assessment results to identify responsibility factors, such as a lack of motivation or language barriers, and tailor





interventions to address challenges that may limit a person’s success on supervision. Ultimately, officers should hold people accountable by confronting inappropriate behavior and sanctioning misconduct, but also support people’s rehabilitation by proactively engaging them in appropriate treatment and services prior to any violations of their supervision conditions and providing incentives and positive reinforcement for progress made toward the goals identified in their case plan. The examination of supervision practices provides context and understanding of PO workload which provides insight into staffing needs and organizational structure.

## Findings

1. **MDOC supervises people based on their assessed risk level.**
  - a. **Policy and procedure.** In accordance with nationally recognized best practices, MDOC policy requires POs to supervise people assessed as high risk at a higher level than people assessed as low risk. However, an examination of contact requirements reveals that there is minimal differentiation between the amount of contacts for people assessed as moderate and low risk. Contacts should decrease as a person’s risk level correspondingly decreases.

Montana <sup>17</sup>				
Supervision Level	Offender Contacts (Per Year)	Collateral Contacts (Per Year)	Monthly Report (Mail/Email Update)	Total
High	24	12	0	36
Medium	12	12	0	24
Moderate	4	4	8	16
Low	4	2	8	14
Administrative	1	0	11	12
Idaho <sup>18</sup>				
Supervision Level	Offender Contacts (Per Year)	Collateral Contacts (Per Year)	Monthly Report (Mail/Email Update)	Total
Level 4	24	12 (up to 12 additional if in programming)	0	36–48
Level 3	18	6 (up to 12 additional if in programming)	0	24–36
Level 2	2	2 (up to 4 additional if in programming)	0	4–8
Level 1	No Standard – Respond to critical incidents and evaluate placement every 180 days			
Limited Supervision Unit (LSU)	0	0	12	12

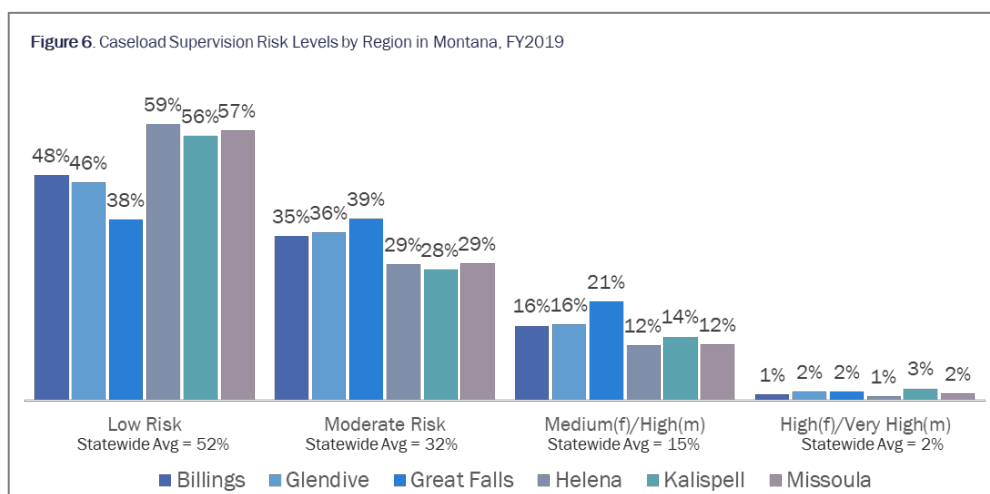


b. **Data**

- i. **Contacts by risk level.** A review of data on the frequency of contacts based on assigned supervision levels indicates that MDOC probation and parole staff have an increased amount of contacts as the supervision level increases; however, the analysis was unable to ensure that the type of contacts (i.e., offender contact, collateral contact, and monthly report) were completed according to policy. According to policy, contacts should range from an average of 18 per year for low supervision levels to an average of 39 per year for high supervision levels.<sup>19</sup> For men, low-risk cases have 18.6 contacts per year, moderate-risk cases have 29.1 contacts per year, high-risk cases have 35.9 contacts per year, and very high-risk cases have 43.5 contacts per year.<sup>20</sup> Women have 2 to 3 fewer contacts per year across each of the four categories.<sup>21</sup>
- ii. **Type of contact.** OMIS has eight different contact types, which were collapsed into three contact types for analysis: offender contacts, collateral contacts, and monthly reports. The distribution of each type of contact remained relatively constant between SFY2015 and SFY2017, but in SFY2018 and SFY2019, offender contacts increased 13 percent, while collateral contacts and monthly reports decreased 7 percent.<sup>22</sup> Changes to the risk profile of people on supervision during the same timeframe do not account for these changes in the distribution of contact type. Therefore, this change is likely due to a shift in supervision practices beginning in 2018. Increased in-person contacts with someone on supervision, with a decrease in monthly reporting creates an increased workload for POs.

Contacts occur via face-to-face meetings in the office, at the person's home, or in the community. These contacts take time in order to assess the safety and stability of the home, dynamics of relationships with others in the home, and indications of noncompliant behavior, such as drug/alcohol use, association with known felons, or the presence of weapons. Monthly reports require POs to verify that the person on supervision submitted paperwork providing a written update on supervision progress. Follow-up may be needed if a person on supervision does not submit the required monthly report; however, it generally takes less time to verify monthly reports than it does to meet face-to-face with a person on supervision.

2. **The MORRA and WRNA have not been validated on the Montana population.** Revocation rates range from 27 to 40 percent depending on the region in Montana, yet 84 percent of the supervision population is assessed as low or moderate risk (see Figure 6).<sup>23</sup> This shows there is potentially a discrepancy between the assessed risk level and high rates of reincarceration. To understand these discrepancies, the MORRA and WRNA should be validated on the population in Montana.



3. **There are inequitable workloads among probation and parole officers.** Nationally recognized best practices indicate that supervision agencies should establish caseload maximums by risk level or develop a rubric that weights higher supervision levels more than lower supervision levels to ensure an equal workload among officers. MDOC encourages supervisors to account for risk level when assigning cases; however, standards to ensure workload equity do not exist. Data on the distribution of risk levels among POs in Montana demonstrates inequitable workloads among supervision officers.
4. **Information is not fully shared across divisions and criminal justice agencies.** As a result, risk assessments, case plans, and programming to address criminogenic needs are often duplicated as a person moves from incarceration to supervision.
5. **While MDOC plans to implement an updated version of the OMIS in 2020, the current version creates inefficiencies and data reporting challenges.**
  - a. **Data system**
    - i. **Some data fields don't autofill and may have several unnecessary steps to complete.** The autofill function varies by field, which causes inefficiencies and promotes inconsistencies in data entry. Additionally, unnecessary and/or similarly worded data fields can cause inaccuracies in reporting by staff.



- ii. **Reports for supervisors are lengthy and do not display data in a user-friendly way.** Reviewing reports, identifying errors, and ensuring timeliness of work consumes a significant amount of supervisor time, which takes away from the supervisor’s ability to effectively coach staff, ensure that interactions with people on supervision are effective, and monitor accuracy of assessments. MDOC began creating a few dashboards but has delayed these reports until the new version of OMIS is complete and implemented.
- iii. **Reports from OMIS are most frequently used to identify errors instead of drive decision-making.** This limits MDOC’s ability to use data to inform regular decision-making and policies.

## Recommendations

### *Montana Department of Corrections*

- **Ensure the accuracy of the MORRA and WRNA by validating each tool by race and gender.** MDOC should implement quality assurance (QA) and continuous quality improvement (CQI) protocols to ensure the accuracy of MORRA and WRNA assessments. QA is an audit process that retrospectively examines completed assessments to ensure they are fully filled out and scored according to designated protocols. CQI requires direct observations of staff conducting assessments to ensure interviews are completed appropriately and the assessment is scored properly. Both QA and CQI protocols are necessary to ensure the accuracy of assessments. The validation of the MORRA and WRNA should not happen until the accuracy of assessments is confirmed through QA and CQI protocols; otherwise MDOC risks validating assessments on incorrect data. Once the accuracy of assessments is confirmed, through QA and CQI protocols, MDOC should validate the MORRA and WRNA assessments on the supervision population in Montana with racial and gender breakdowns. To the extent possible, validation should adhere to best practices and standards that have been developed through current research.<sup>24</sup> Ensuring accuracy and validating assessment tools will guarantee that people on supervision are supervised at the appropriate level and receiving necessary services to reduce recidivism.
- **Ensure that probation and parole officers have equitable workloads.** A structured system of factoring in assessed risk level when assigning cases to staff will ensure a more reasonable workload distribution amongst staff. MDOC should develop caseload maximums by risk level or develop a rubric that weights higher supervision levels more than lower supervision levels. For instance, in Texas, parole caseload goals range from a low of 14 people per officer for the most intensive GPS supervision, to a high of 75 people per officer for average typical caseloads.<sup>25</sup> Alabama



allows officers to have higher caseloads but limits the number of high-risk people on an officer's caseload to 20.<sup>26</sup> As a result, the caseload sizes among probation and parole officers vary but the workload is more equitable.

- **Ensure there is adequate differentiation of contacts and supervision based on assessed risk level.** Research indicates that people assessed as high risk do best with more frequent contacts, programming, and services. As risk levels decrease the contacts, programming, and services should correspondingly decrease.<sup>27</sup> Ensure that OMIS can track contacts, programming, and services based on assessed risk level. Additionally, implement QA and CQI protocols to confirm POs are using appropriate supervision techniques to promote behavior change.
- **Develop a unified comprehensive case plan that follows a person as they transition from incarceration to supervision or move from one facility to another and ensures that information is shared across agencies and providers.** Wisconsin Department of Corrections is an example of an agency that instituted unified case plans that are updated as a person moves through the system instead of re-creating them at each stage. This will create efficiencies and reduce staff workload.
- **Continue the OMIS Governance Committee and identify resources necessary to become a data-driven organization.** In June 2018, MDOC established the OMIS Governance Committee, which is charged with oversight of all aspects of the correctional system. Standing data governance, security and access management, records and document management, and training committees were created. The governance committee meets monthly to review reports from the standing committees, assigns tasks to the committees, and reviews all system change requests. MDOC should continue to work toward the vision of a user-friendly data system to reduce data entry errors and provide real-time data outputs to all levels of staff in a visual way that is easy to consume and understand in order to make data-driven decisions. Findings identified with OMIS are not a direct reflection of the skill set of staff employed by MDOC, but a function of resources and staffing levels being inadequate to make improvements in an expedited way to become a data-driven organization. The OMIS Governance Committee should expand past evaluating OMIS improvements to additionally identify resources and staffing necessary to meet the needs and vision of MDOC becoming a data-driven organization.
- **Adopt policy to expand the use of monthly reporting, or administrative caseloads.** A 2019 Idaho report indicated that the creation of Limited Supervision Units (LSUs) has saved the state \$10 million since 2015.<sup>28</sup> The cost of the LSU in Idaho is approximately \$.45 per day compared to the average cost of supervision in Montana of \$6.29 per day.<sup>29</sup> Additionally, the LSU has allowed Idaho to reduce caseload sizes so that POs who supervise people assessed as higher risk have a caseload average of 51 people. Since enactment, Idaho has also experienced a crime rate reduction of 9.9 percent.<sup>30</sup>



## Organizational Structure and Staffing

Far too often, officers have high caseloads that limit their ability to focus their attention on people who are most likely to reoffend and help them change their behavior. While there is no universally accepted standard for caseload size, officers must have caseload sizes that allow them to effectively hold people on supervision accountable for their actions and facilitate behavior change. Without manageable caseload sizes that allow officers to provide tailored supervision, efforts to improve supervision practices will fall short of recidivism-reduction goals. Some states fund supervision at levels that keep caseloads low enough to enable officers to work intensively with people at a high risk of reoffending. An evaluation of caseload sizes found that when supervision officers are using best practices, a caseload of 50 or fewer was more effective than higher caseloads.<sup>31</sup>

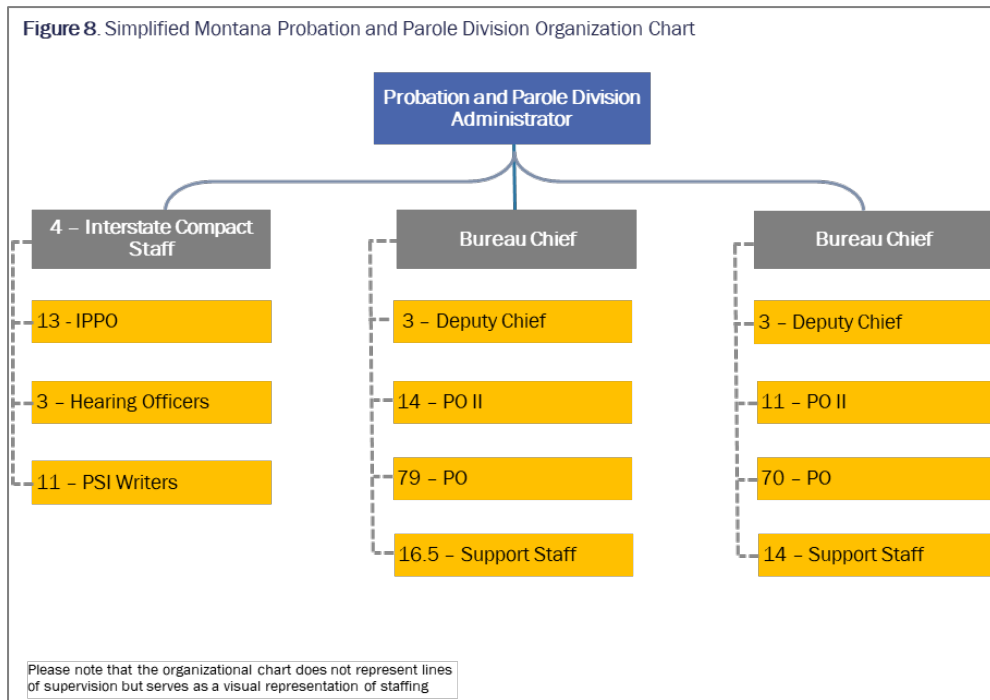
### Montana System

The CSG Justice Center staff compared Montana probation and parole division staffing to the states of North Dakota, Vermont, and Wyoming. Each state consists of a Department of Corrections which oversees probation and parole services throughout the state. In addition, to probation and parole division statistics, state size, population, and number of counties in the state were included as a frame of reference. Figure 7 provides a comparative analysis of the states. Montana is the largest state in terms of geographical size and total state population. The numbers below are not adjusted for comparison but reflect raw data on staffing and supervision size.

Figure 7. Comparative Analysis of States

	Montana <sup>32</sup>	North Dakota <sup>33</sup>	Vermont <sup>34</sup>	Wyoming <sup>35</sup>
<b>Total State Population</b>	1,062,000	760,077	626,299	555,737
<b>State Size</b>	147,040 mi <sup>2</sup>	70,761 mi <sup>2</sup>	9,623 mi <sup>2</sup>	97,818 mi <sup>2</sup>
<b>Number of Counties</b>	56	53	14	23
<b>Supervision Population</b>	10,825 (FY19)	6,866 (FY19)	8,335 (FY15)	6,950 (FY19)
<b>Supervision Offices</b>	23	17	11	25
<b>Total Field Staff</b>	244.5	122	253	178
<b>Indirect Staff (supervisors, admin, counselors, etc.)</b>	92.5	94 Sworn Officers	56	67
<b>Direct Supervision Staff</b>	152	Unknown	197	111
<b>Client to Direct Staff Ratio</b>	71.2 to 1	Unknown	42.3 to 1	62.6 to 1

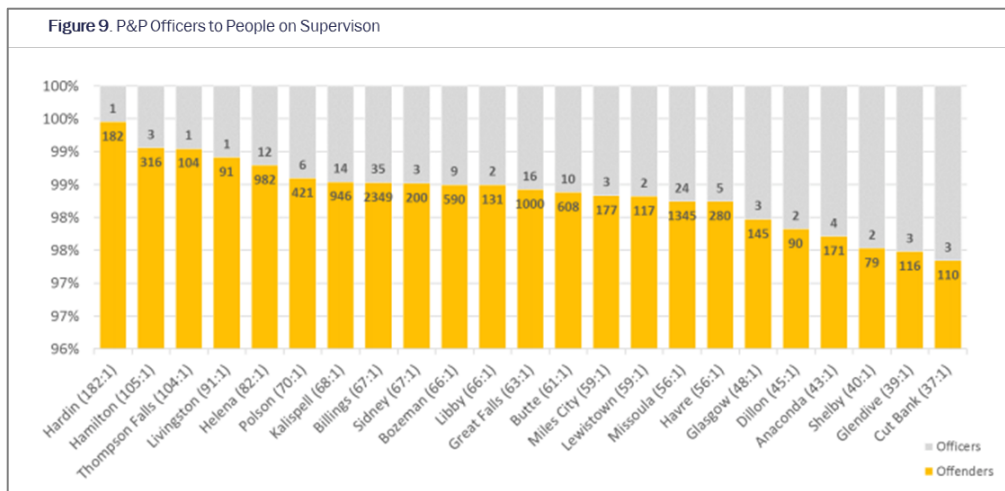
A simplified organizational chart for the Montana probation and parole division was created to provide details on organizational structure and staffing levels (see Figure 8.).<sup>36</sup> The probation and parole division is structured in two geographic areas (east and west), six regions and 23 field offices. The probation and parole division administrator oversees the function of the entire division while the bureau chief is responsible for half of the state. One deputy chief is assigned to each region of the state. POII positions are locally based first line supervisors responsible for the direct supervision of POs. In Montana, POIIs also conduct sanction hearings which require due process procedures for people on supervision who commit certain level of violations. Some states only require due process hearings for people on parole supervision, but Montana requires due process for all supervision populations which creates additional workload and accounts for why POIIs only supervise approximately 6-8 POs per person. The organizational structure in Montana appears appropriate based on other states and the more rural nature Montana.



## Findings

1. **Caseload sizes among probation and parole officers vary significantly across the state. Regions with local specialty courts, in particular, have inconsistent distribution of caseloads among probation and parole officers.**

- a. **Caseload sizes.** Caseload sizes range from 37 to 182 with an average of 78 people on supervision per caseload (see Figure 8).<sup>37</sup> This does not include POIs who typically carry smaller caseloads.



- b. **Specialty courts** (e.g., drug court, mental health court, veterans court). MDOC reports that specialty courts have been increasing across the state. The intensive nature of specialty courts requires probation and parole officers to have lower caseload sizes for effectiveness and to meet specialty court requirements. Specific data about the impact of specialty courts on the caseloads within MDOC is unavailable.

2. **A high attrition rate among probation and parole officers leads to an inexperienced workforce.** MDOC reports a 25-percent attrition rate for POs, which leads to additional workload demands on existing staff while new POs are hired.<sup>38</sup> Additionally, the high attrition rate places training demands on supervisors and leads to a more inexperienced workforce. Over the past several years, MDOC has been changing the role of POs from a surveillance-type officer to a behavior change agent with a focus on rehabilitation. This shift requires a different skill set than the one MDOC previously sought and can produce turnover from staff who are uncomfortable or unwilling to adopt new skills. Level of education is a factor in providing MDOC with skilled staff. While Montana statute allows MDOC to require a bachelor’s degree as a





minimum qualification for supervision positions, this has not been historically enforced.<sup>39</sup> Typical entry level requirements for probation and parole officers in other states require a bachelor's degree, and the skills needed for the current supervision workforce could benefit from an enforced education requirement.<sup>40</sup>

3. **Pre-sentence investigation reports (PSIs) create a significant amount of work for probation and parole officers.** In FY2019, MDOC completed 3,277 PSIs for the courts.<sup>41</sup> On average, one full-time staff member dedicated only to PSIs can complete approximately 16 PSIs per month. MDOC completes enough PSIs per year to dedicate 18 staff members to the task on a full-time basis.<sup>42</sup> Currently, MDOC has 11 staff dedicated to completing PSIs on a full-time basis. The remaining 1,165 PSIs are pushed to other probation and parole officers who carry an active caseload.<sup>43</sup> During the Justice Reinvestment process, CSG Justice Center staff estimated that MDOC would need 20 staff in the dedicated PSI unit.<sup>44</sup> MDOC was allocated six PSI positions during the 2017 legislative session and was converting 14 existing staff into PSI writers based on Commission on Sentencing recommendations.<sup>45</sup> However, due to the rising supervision population, MDOC was only able to move five staff into PSI positions for a total of 11.<sup>46</sup>
4. **IPPOs at treatment centers conduct work that case managers at facilities are funded to complete.** There are 13 IPPOs located at MDOC institutions and contract facilities across the state.<sup>47</sup> IPPOs at MDOC institutions conduct essential tasks, such as reentry planning, to ensure a smooth transition into the community upon release. Contract facilities employ case managers who conduct assessments, complete case plans, maintain contact with people's support systems, and ensure people's needs within the facility are met.<sup>48</sup> MDOC employs full-time or part-time IPPOs at these facilities who additionally conduct assessments, complete reentry plans, and ensure that people's needs within the facility are met.<sup>49</sup>

## Recommendations

### *Montana Department of Corrections*

- **Collect and track specific information on the impact of specialty courts** on the caseload distribution of the supervision officers in regions with specialty courts. This would be done to understand if workloads in each area of the state are equitable, regardless of the presence of a specialty court.
- **Examine reasons for attrition and develop retention strategies.** Attrition is a normal part of any agency but can limit effectiveness when a large portion of staff have been employed for under two years. MDOC should evaluate reasons for attrition to guide a strategic plan targeting retention strategies.
- **Evaluate whether IPPOs are needed at each contract facility.** MDOC should consider transitioning IPPOs located at contract facilities into facility liaisons who



carry a reduced caseload in the community. Assessments, case plans, and reentry planning should be transitioned to facility case managers.

*Potential Legislative Options*

- **Fund additional PSI writers.** Funding an additional seven PSI writers will reduce workloads for POs who carry a caseload. For financial impact, the average cost of a PSI writer with personnel benefits included is \$56,815 per year.<sup>50</sup> Funding seven PSI writers would cost \$397,705 per year.
- **Establish statewide standards for supervision officers in specialty courts.** Statewide specialty court standards and certification will ensure that specialty courts are utilizing best practices to reduce recidivism, create consistency in practices, ensure work demands on probation and parole officers are consistent across the state, and create caseload limits for specialty courts. This will allow MDOC to request resources appropriately.
  - As an example, Michigan has an established specialty court standard and certification process.  
<https://courts.michigan.gov/Administration/admin/op/problem-solving-courts/Pages/Training-and-Resources.aspx>



## End Notes

<sup>1</sup> Danielle Kaeble, *Probation and Parole in the United States*, (Washington DC: US Department of Justice, Bureau of Justice Statistics, 2016); Bureau of Justice Statistics, *Probation and Parole in the United States*, (Washington DC: US Department of Justice, Bureau of Justice Statistics, 1981).

<sup>2</sup> Matthew Durose, Alexia Cooper, and Howard Snyder, *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010*; The Pew Charitable Trusts, “Max Out: The Rise in Prison Inmates Released Without Supervision” (Washington, DC: The Pew Charitable Trusts, 2014).

<sup>3</sup> National Conference of State Legislatures, *Probation Term Maximums*, (Denver, CO: National Conference of State Legislatures, 2017).

<sup>4</sup> Office of the Clerk of the Supreme Court of Montana, *Supreme Court Caseload Statistics 1972-2018*, <https://courts.mt.gov/Portals/189/clerk/stats/18/historic18.pdf>.

<sup>5</sup> Office of the Clerk of the Supreme Court of Montana, *Statewide Case Processing Measures*, <https://courts.mt.gov/courts/statistics/dcstat>.

<sup>6</sup> MDOC Data shared with the CSG Justice Center during Phase 2 of Justice Reinvestment, updated December 20, 2019.

<sup>7</sup> Note: CSG Justice Center staff were unable to determine the types of revocations and court commitments driving these prison admission increases due to the timeline of this caseload report.

<sup>8</sup> Ibid.

<sup>9</sup> MDOC supervision data shared with the CSG Justice Center for the workload study, December 2019

<sup>10</sup> Governor Steve Bullock and Director Reginald D. Michael, *Montana Department of Corrections 2019 Biennial Report*. (Helena, MT: Montana Department of Corrections, 2019), A-8, A-9.

<sup>11</sup> Matthew Durose, Alexia Cooper, and Howard Snyder, *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010*; The Pew Charitable Trusts, *Max Out: The Rise in Prison Inmates Released Without Supervision* (Washington, DC: The Pew Charitable Trusts, 2014).

<sup>12</sup> MDOC Data shared with the CSG Justice Center during Phase 2 of Justice Reinvestment, updated December 20, 2019.

<sup>13</sup> Email correspondence between CSG Justice Center and MDOC, December 5, 2019. The calculations were determined with the following formula: supervision cost per year of \$2,295 per person multiplied by 193 people.

<sup>14</sup> MDOC Data shared with CSG Justice Center during Phase 2 of Justice Reinvestment, updated December 20, 2019.

<sup>14</sup> James Bonta and Donald A. Andrews, *The Psychology of Criminal Conduct*, 5th ed. (London, NY: Routledge, Taylor & Francis Group, 2017).

<sup>15</sup> Crime and Justice Institute, *Implementing Evidence-Based Policy and Practice in Community Corrections*, second edition (Washington, DC: National Institute of Corrections, 2009), [http://www.cj institute.org/files/Community\\_Corrections\\_BoxSet\\_Oct09.pdf](http://www.cj institute.org/files/Community_Corrections_BoxSet_Oct09.pdf).

<sup>16</sup> MDOC supervision data shared with CSG Justice Center for the workload study, December 2019.

<sup>17</sup> Ibid.

<sup>18</sup> Idaho Department of Correction, *Standard Operating Procedure: Probation and Parole Supervision Strategies*, Version 8.0, (Adopted October 21, 2004).

<sup>19</sup> Montana Department of Corrections, *Probation and Parole Division Operational Procedure*, Procedure No. PPD 6.1.203, (Revised: July 2, 2018).

<sup>20</sup> MDOC supervision data shared with CSG Justice Center for the workload study, December 2019.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.



- <sup>24</sup> Jay P. Singh et al. "Reporting Guidance for Violence Risk Assessment Predictive Validity Studies: The RAGEE Statement," *Law and Human Behavior*. 39, no. 1 (2015) 15-22; Kevin Douglas, Jennifer Skeem, and Elizabeth Nicholson. "Research Methods in Violence Risk Assessment," in *Research Methods in Forensic Psychology* ed. Barry Rosenfeld and Steven D. Penrod (Hoboken: John Wiley & Sons Inc., 2011) 325-346.
- <sup>25</sup> *50-State Report on Public Safety* (CSG Justice Center, NY) 2017.
- <sup>26</sup> Ibid.
- <sup>27</sup> Donald A. Andrews and James Bonta. *The Psychology of Criminal Conduct*. (Cincinnati, OH: Anderson Publishing Company, 2017).
- <sup>28</sup> Idaho Department of Correction, *Justice Reinvestment in Idaho: Report to the Legislature*, (February 1, 2019), [https://www.idoc.idaho.gov/content/document/2019\\_jri\\_impact\\_report\\_final](https://www.idoc.idaho.gov/content/document/2019_jri_impact_report_final).
- <sup>29</sup> Ibid.
- <sup>30</sup> CSG Justice Center, "JR state monitoring deck" updated August 15, 2019.
- <sup>31</sup> Sarah Kuck Jalbert and William Rhodes. "Reduced Caseloads Improve Probation Outcomes," *Journal of Crime and Justice* (2012): 221-238.
- <sup>32</sup> Governor Steve Bullock and Director Reginald D. Michael, *Montana Department of Corrections 2019 Biennial Report*, A-11.
- <sup>33</sup> Vermont Department of Corrections, *Annual Report FY2015*, (2016), 17.
- <sup>34</sup> North Dakota Corrections and Rehabilitation, *2017-2019 Biennial Report*, [https://www.docr.nd.gov/sites/www/files/documents/Biennial%20Report%20Archive/2017-2019%20Biennium%20Report\\_links.pdf](https://www.docr.nd.gov/sites/www/files/documents/Biennial%20Report%20Archive/2017-2019%20Biennium%20Report_links.pdf).
- <sup>35</sup> Meeting between The Council of State Governments Justice Center and Wyoming Department of Corrections, December 19, 2019.
- <sup>36</sup> Email correspondence between CSG Justice Center and MDOC, December 11, 2019.
- <sup>37</sup> Governor Steve Bullock and Director Reginald D. Michael, *Montana Department of Corrections 2019 Biennial Report*.
- <sup>38</sup> Meeting between The Council of State Governments Justice Center and MDOC, December 1, 2019.
- <sup>39</sup> Meeting between The Council of State Governments Justice Center, December 17, 2019.
- <sup>40</sup> US Bureau of Labor Statistics, "Probation Officers and Correctional Treatment Specialists", *Occupational Outlook Handbook*, Accessed December 20, 2019, <https://www.bls.gov/ooh/community-and-social-service/probation-officers-and-correctional-treatment-specialists.htm>.
- <sup>41</sup> Note: This number was determined by using the following calculation: 16 PSIs per month x 18 staff x 12 months.
- <sup>42</sup> MDOC supervision data shared with the CSG Justice Center for the workload study, December 2019.
- <sup>43</sup> Ibid.
- <sup>44</sup> Montana Commission on Sentencing, "Detailed Explanation of Reinvestments", October, 2016, <https://leg.mt.gov/content/Committees/Interim/2015-2016/Sentencing/Meetings/Oct-2016/Exhibits/cos-csg-jri-impacts-reinvestments-october-2016.pdf>.
- <sup>45</sup> Ibid.
- <sup>46</sup> Email correspondence between CSG Justice Center staff and MDOC, December 11, 2019.
- <sup>47</sup> Ibid.
- <sup>48</sup> Meeting between The Council of State Governments Justice Center, November 2019 and December 2019.
- <sup>49</sup> Email correspondence between CSG Justice Center staff and MDOC, October 31, 2019.
- <sup>50</sup> Email correspondence between CSG Justice Center staff and MDOC, December 20, 2019.