



Justice
Center

Criminal Justice Oversight Council

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The Council of State Governments Justice Center



Overview

01 Implementation Overview

02 Criminal Justice System Trends

03 Policy-Specific Metrics

04 Recommendations

There were several key challenges in Montana when state leaders embarked on Justice Reinvestment.



Jail and prison **overcrowding** as well as increased arrests, district court case filings, 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

State leaders outlined goals for Justice Reinvestment to ultimately increase public safety.



Prioritize **prison space** for people convicted of the most serious and violent offenses



Reduce **recidivism** by changing behavior



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

Montana enacted nine Justice Reinvestment bills that significantly change state and local practices throughout the criminal justice system with impacts on jails and prisons and in the community.



JAIL

**SB 59
PRETRIAL**

**PROSECUTOR
DIVERSIONS**

**SB 60
PRESENTENCE INVESTIGATIONS**

**HB 133
SENTENCING**



PRISON

**SB 59
QUALITY
ASSURANCE**

**EVIDENCE-BASED
PROGRAMMING**

**SB 64
PAROLE GUIDELINES**

PROFESSIONAL PAROLE BOARD



COMMUNITY

**SB 62 & SB 67
PEER SUPPORT
SPECIALISTS**

**BATTERERS'
INTERVENTION
PROGRAMS**

**SB 63 & SB 64
PROBATION AND
PAROLE SUPERVISION**

**SB 65
REENTRY
HOUSING**

**SJ 3
TRIBAL-STATE
COLLABORATION**

In June 2017, state leaders requested Phase II technical assistance and capacity-building funding from BJA to ensure effective implementation of Justice Reinvestment policies.

Technical assistance provided by the CSG Justice Center focused on four key areas:



Fostered collaboration across branches, agencies, and state and local leaders through a strong oversight structure to ensure ongoing support for and sustainability of Justice Reinvestment policies



Provided expert guidance on the use of risk and need assessment and adoption of evidence-based practices across multiple points in the system, including correctional programming, PSIs, supervision strategies, and parole decision making



Identified key metrics, help set up data tracking, and analyzed criminal justice trends so the state understands the impacts of new policies



Provided grant oversight for up to \$500K in funding to remove barriers to implementation and improve Montana's ability to monitor progress

Montana state agencies have implemented changes to reduce jail populations, improve prison effectiveness, and expand supports for people in the community.

Impact Area	Montana	CSG Justice Center Assistance
 <p>JAIL</p>	<ul style="list-style-type: none"> • Pretrial risk assessment and services grant program (OCA – SB 59) • New pre-sentence investigations process and report (PPD – SB 60) 	<ul style="list-style-type: none"> • Provided education for judges and POs on use of risk and need assessment
 <p>PRISON</p>	<ul style="list-style-type: none"> • Modernized parole board structure and adopted decision-making guidelines (MBPP – SB 64) • Set up evidence-based program review committee (DOC – SB 59) • Set up quality assurance mechanisms to ensure adherence to principles that reduce recidivism (DOC – SB 59) • Created new data systems to track and monitor policies (DOC, OCA) 	<ul style="list-style-type: none"> • Assisted with restructuring of parole board • Guided the creation of decision-making guidelines tool and its validation • Facilitated parole board strategic planning • Conducted prison programming observations and helped develop the program review committee • Trained DOC staff on programming evidence-based practices • Assisted in the development of quality assurance and continuous quality improvement processes
 <p>COMMUNITY</p>	<ul style="list-style-type: none"> • Updated Montana Incentives and Interventions Grid (MIIG), an evidence-based supervision tool (PPD – SB 63 & 64) • Created new process for conditional discharge from supervision (DOC – SB 63) • Awarded supportive housing grants (MBCC - SB 65) • Created a behavioral health peer certification program (DPHHS – SB 62) 	<ul style="list-style-type: none"> • Guided creation of new MIIG to better hold supervised people accountable and reduce recidivism • Provided trainings to supervision officers on MIIG • Recommended data tracking of key metrics to measure impacts

CSG Justice Center staff have conducted a large scope of implementation work since May 2017 when Justice Reinvestment legislation was enacted.



*Items funded include Justice Reinvestment coordinator position, IT staff to execute data system improvements, programming evaluation training, a portion of the Montana Public Safety Forum

Since enactment, Montana has put significant time, effort, and resources into improving its criminal justice system and should see the impact in the coming months.



DOC, including PPD, the Board of Parole, the Board of Crime Control, and the Supreme Court undertook numerous projects aimed at improving the criminal justice system, including:

- Increasing the use of evidence-based practices
- Streamlining processes to align with best practices and enhance decision making
- Developing additional supports for people who are incarcerated, on supervision, or reentering from prison



However, the state has not seen the expected decline of its prison or supervision populations, which continues to strain resources.

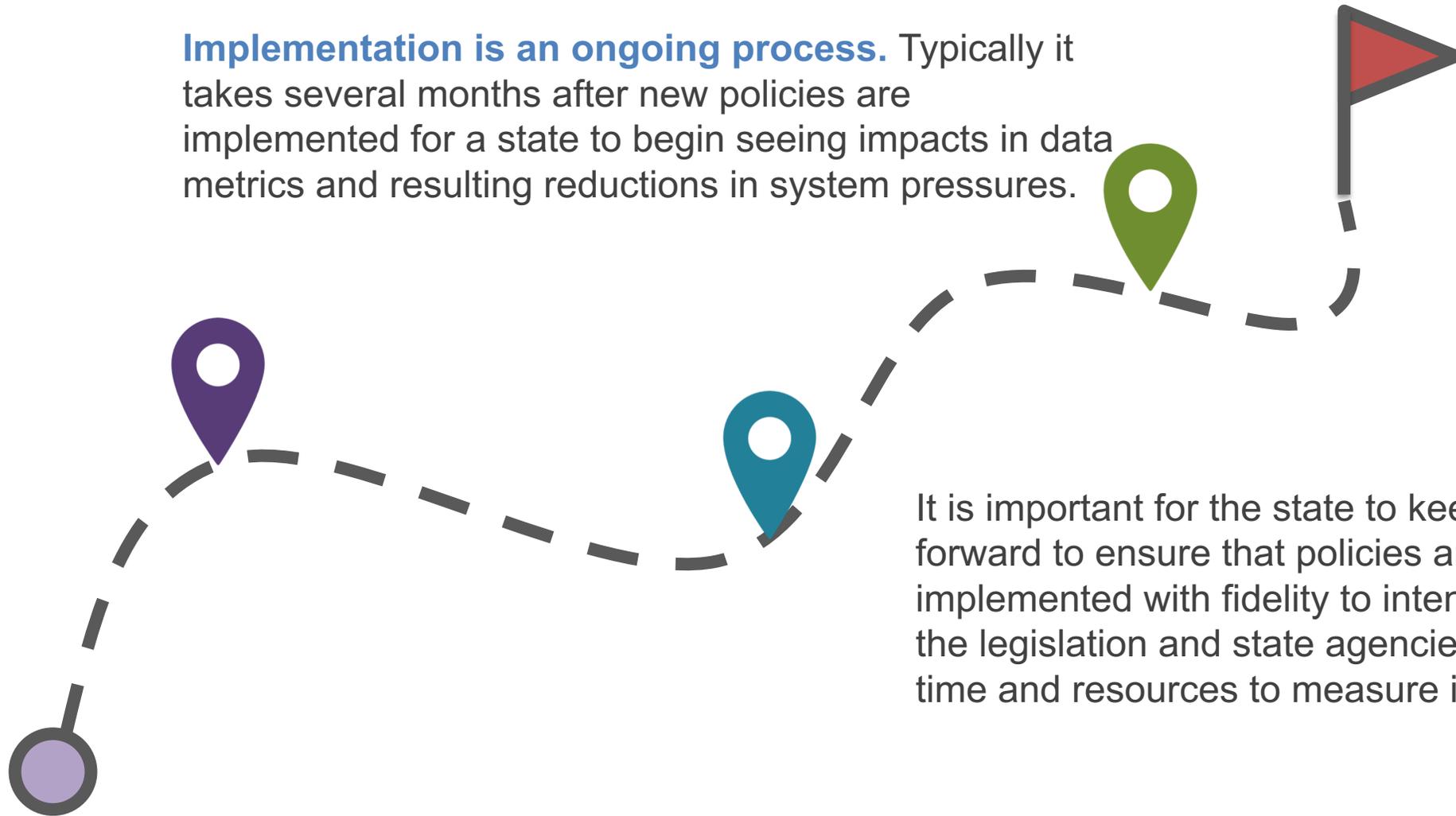
- The prison population has increased 3.4 percent since enactment, and the supervision population has increased 7.0 percent since enactment.
- Many JR policies have been implemented too recently for the state to see their impact.



Moving forward, Montana state agencies must improve data collection and reporting systems in order to fully understand the impacts of new policies. Additionally, the state should refrain from significant modifications or rollbacks to Justice Reinvestment policies until enough time has passed to measure the impact of the nine bills.

The impacts of Justice Reinvestment policies will take years to be fully realized.

Implementation is an ongoing process. Typically it takes several months after new policies are implemented for a state to begin seeing impacts in data metrics and resulting reductions in system pressures.



It is important for the state to keep moving forward to ensure that policies are implemented with fidelity to intentions of the legislation and state agencies have the time and resources to measure impact.



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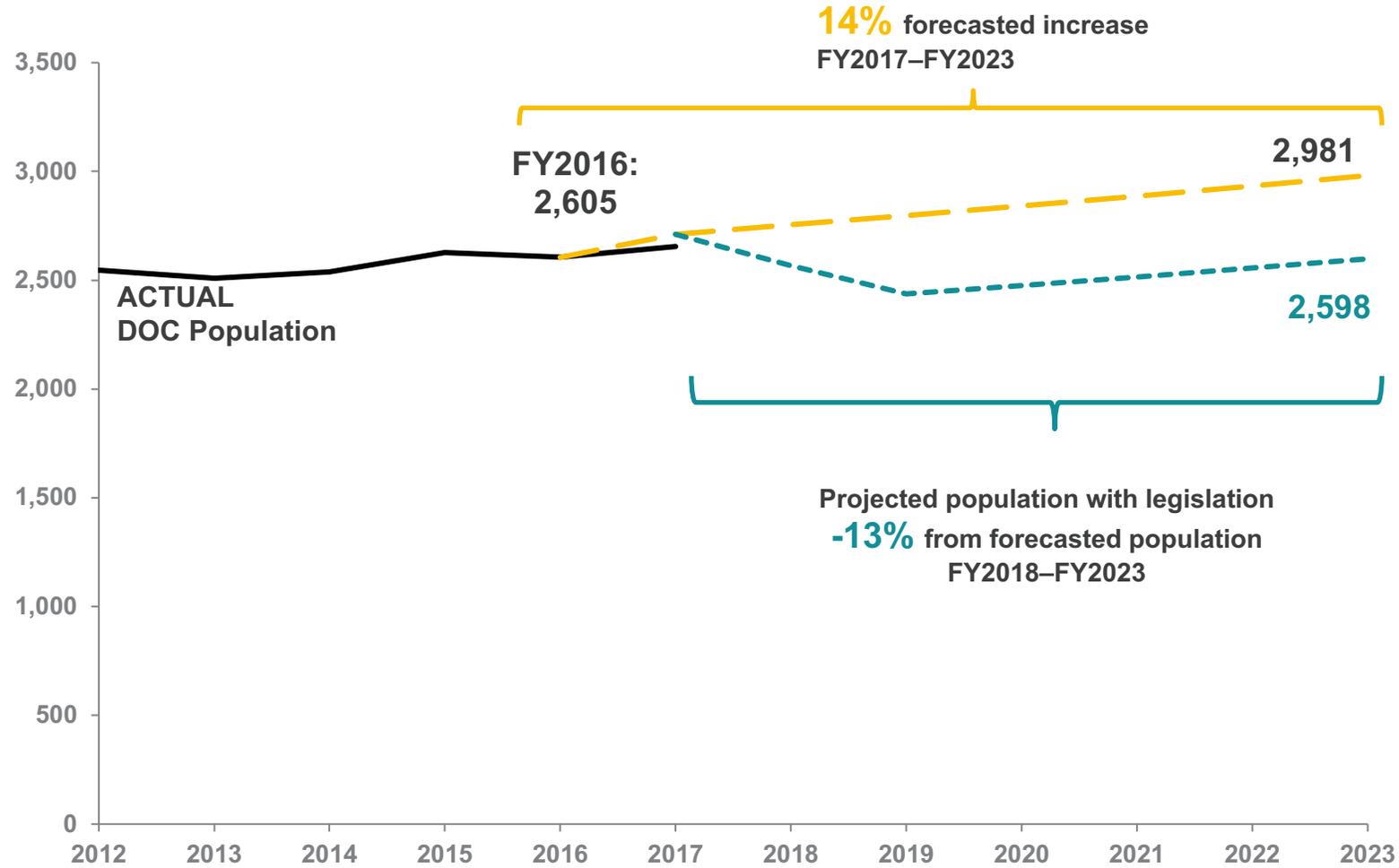
Overall, criminal justice trends in Montana have remained in line with the last data analysis in June, 2018.

Full FY2018 data from DOC confirms the key takeaways from the last Criminal Justice Oversight Council Meeting:

1. Montana's prison population has not declined as projected, but DOC has increased bed capacity by 205 to reduce the county jail backlog.
2. The largest contributor to increased prison admissions is new court commitments.
3. The supervision population continues to grow, as placements to probation, parole, and conditional release outpace releases.
4. Supervision revocation rates are decreasing despite an increasing community supervision population. This means an increasing number of people are completing supervision successfully.

Additionally, OCA and OPD data confirm that felony case volume has been increasing significantly, resulting in growing pressure across Montana's criminal justice system.

Montana's package of legislation was projected to avert prison population growth by 13 percent by FY2023.



**\$69
million**

**in averted
costs**

**383
fewer
people**

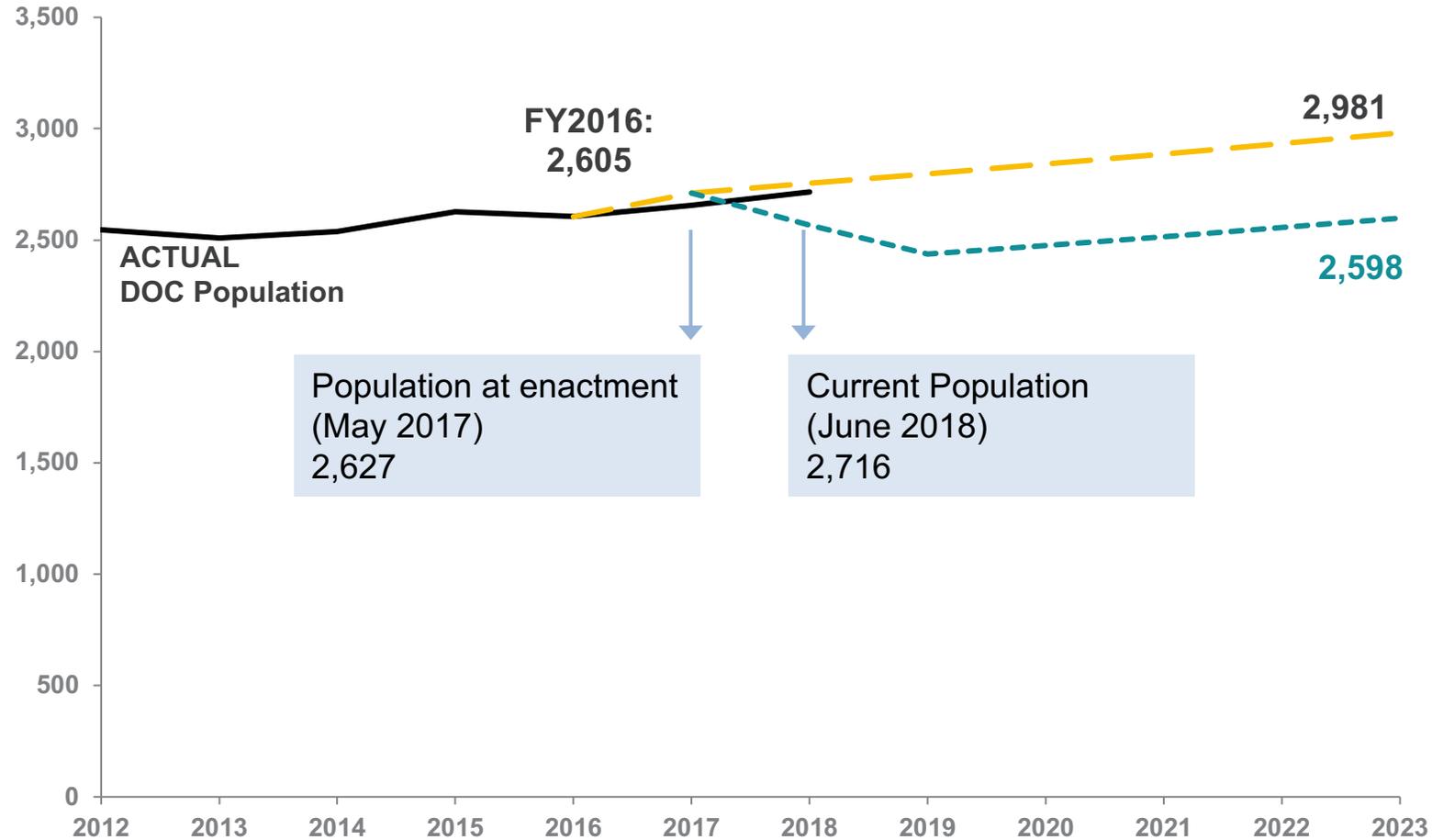
**in prison than
forecasted
FY2023
population**

**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

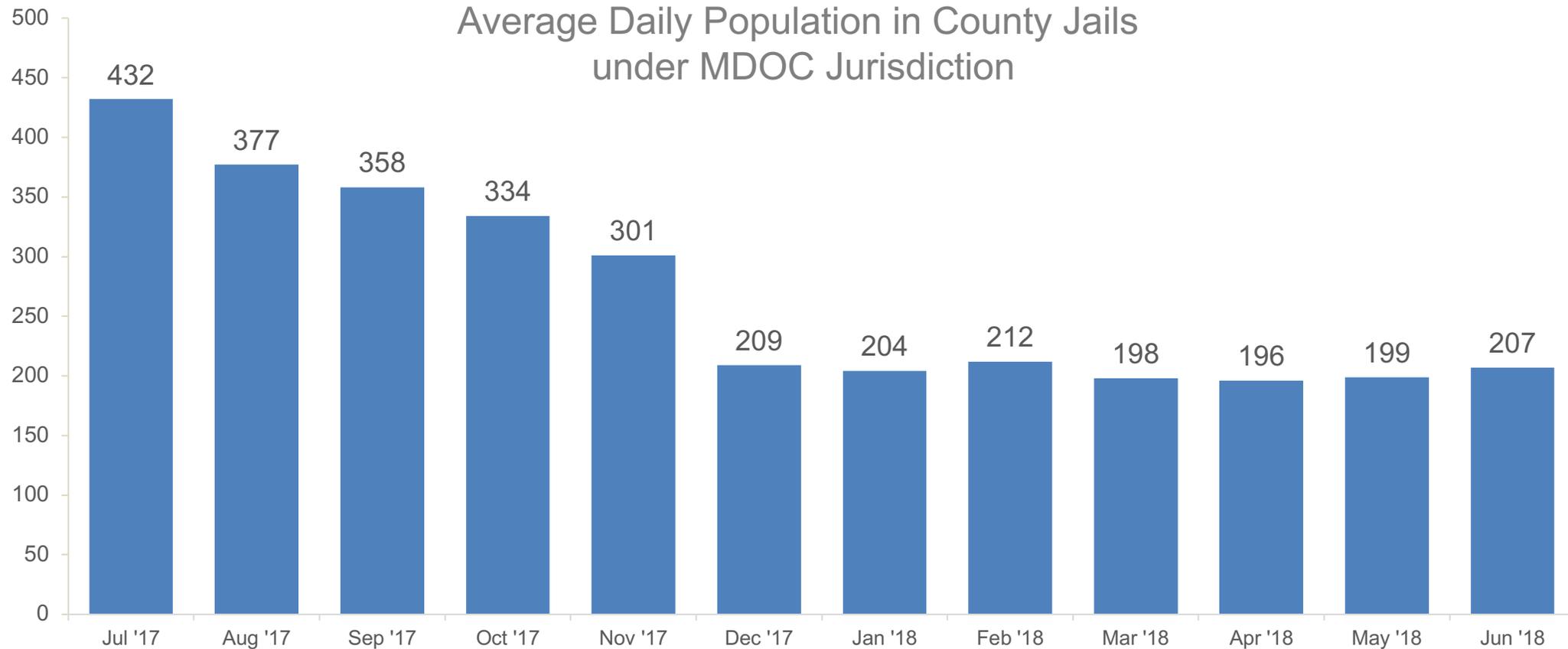
Montana's prison population has increased by 89 people since JR enactment, while the DOC has increased its capacity.



Since the 2017 legislative session, DOC has increased capacity by **205** beds.

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; MDOC Monthly JR Tracking spreadsheet, 8-8-2018

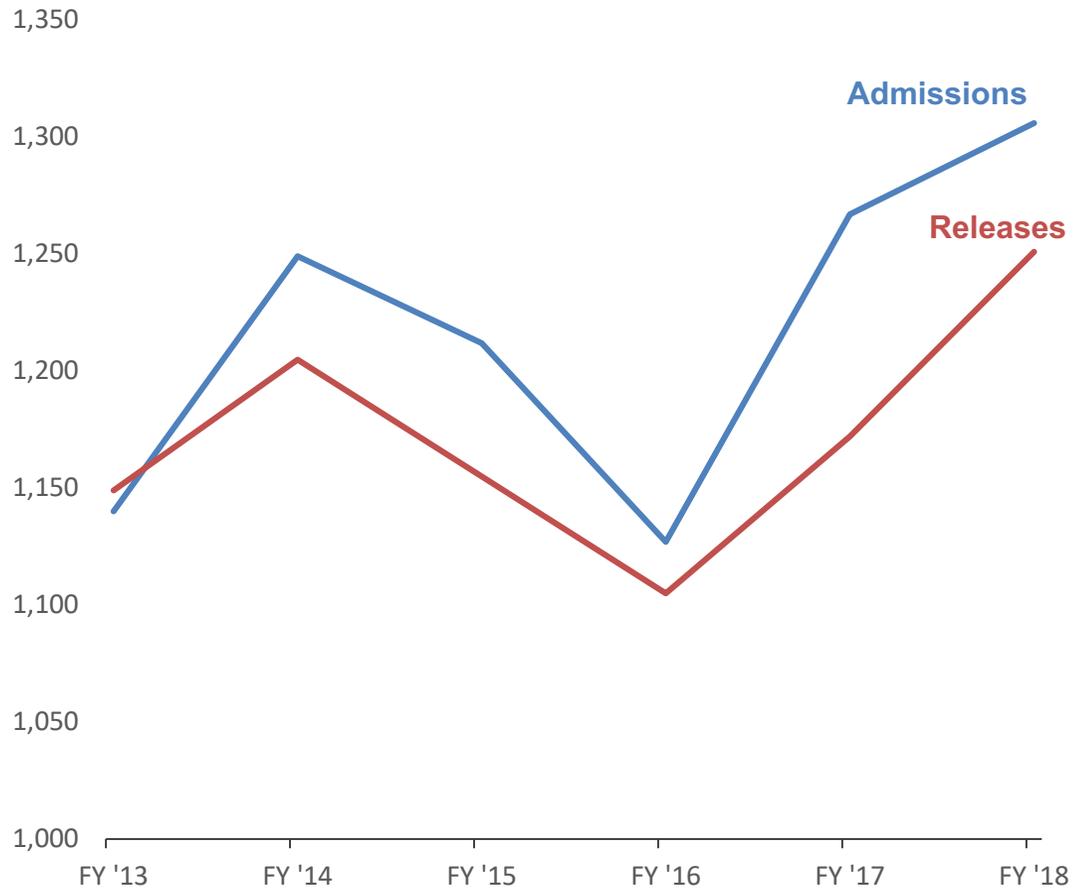
The pressure from county jail backlogs has been easing up since July 2017 as people in jail holds move to secure prison beds.



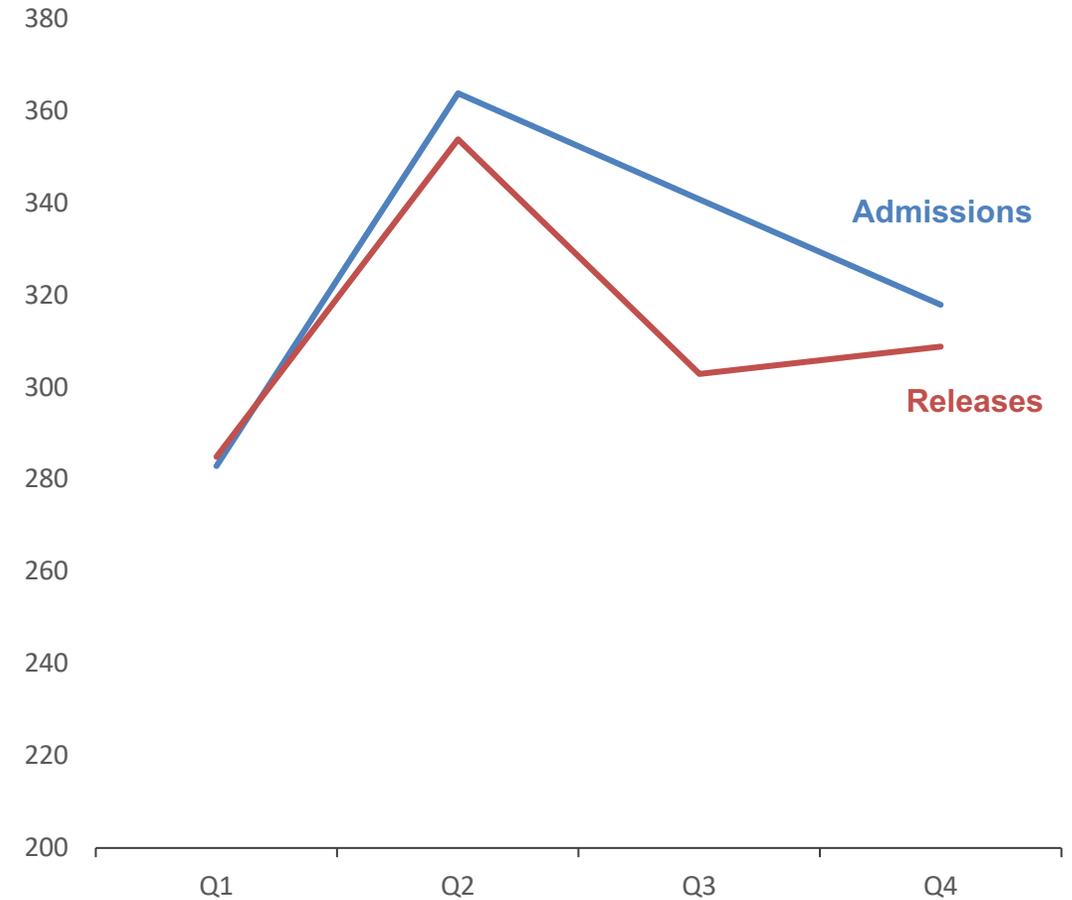
Source: Montana Department of Corrections email communication with Justice Center staff, 8-23-2018

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

Prison Admissions and Release Trends

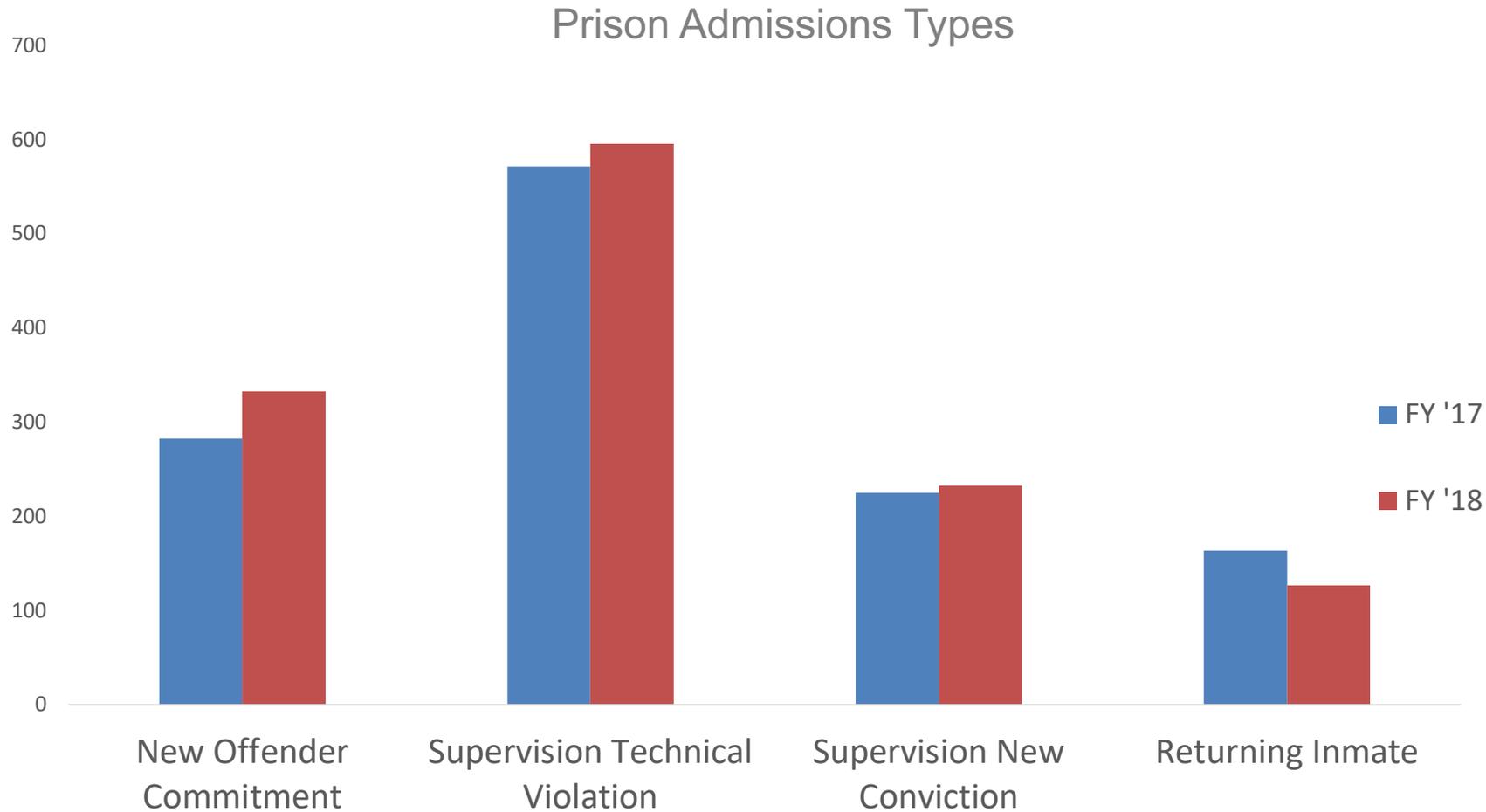


FY2018 Prison Admissions and Releases by Quarter



Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 8-8-2018

The largest increase in prison admissions from FY17 to FY18 was new commitments followed by people entering prison due to community supervision technical violations.



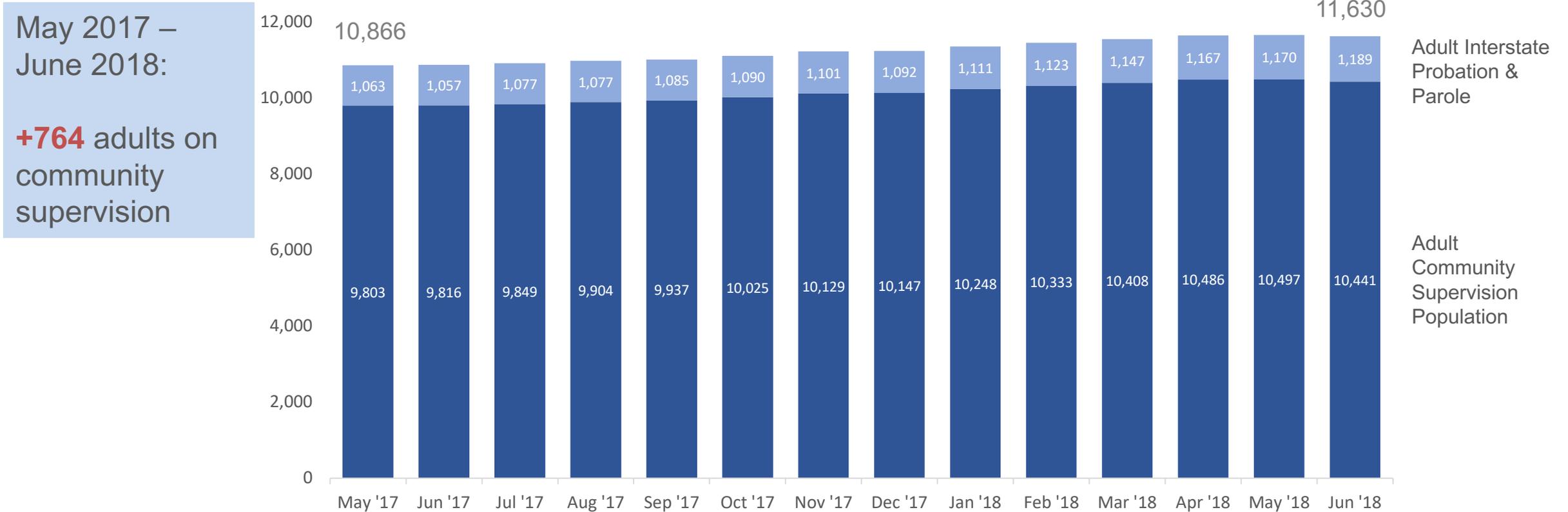
17.7% increase
in new offender commitments from FY17 to FY18 (50 additional admissions)

4.2% increase
in supervision technical violation admissions (24 additional admissions)

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 8-8-2018

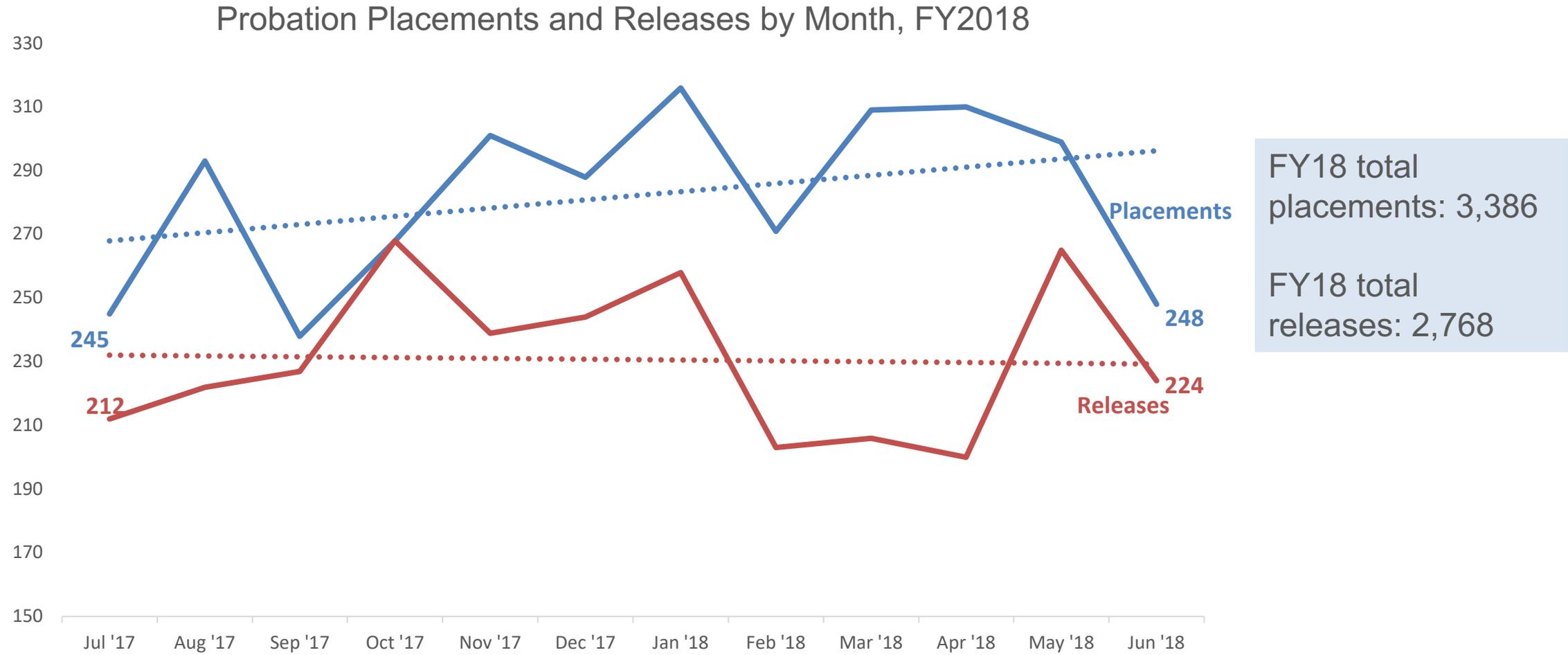
The supervised population has grown 7.0 percent since enactment in May 2017.

End of Month Adult Supervised Population



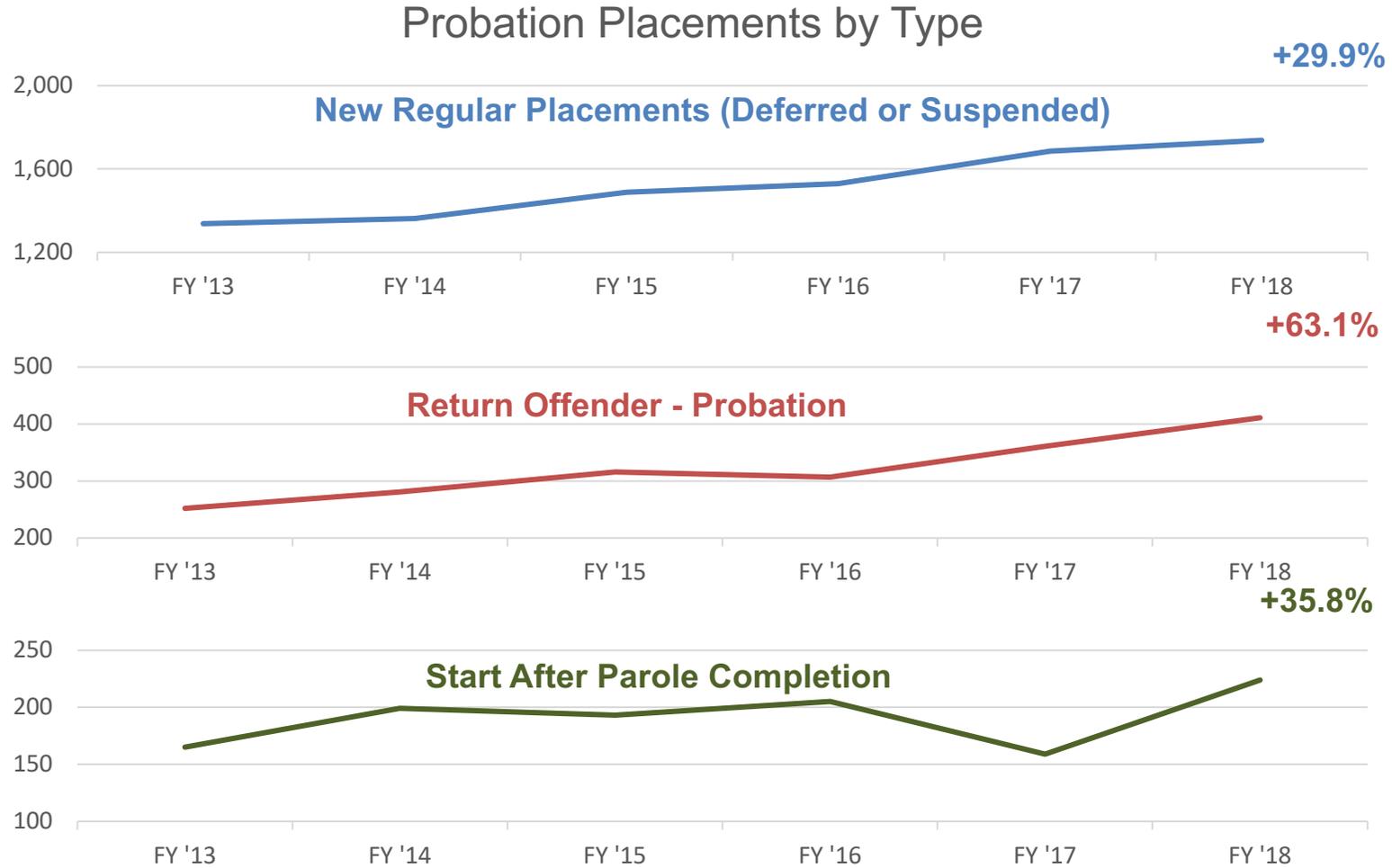
Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 8-8-2018

Placements to probation exceeded FY17 rates while releases remained steady, contributing to an increasing probation population.



Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 5-31-2018

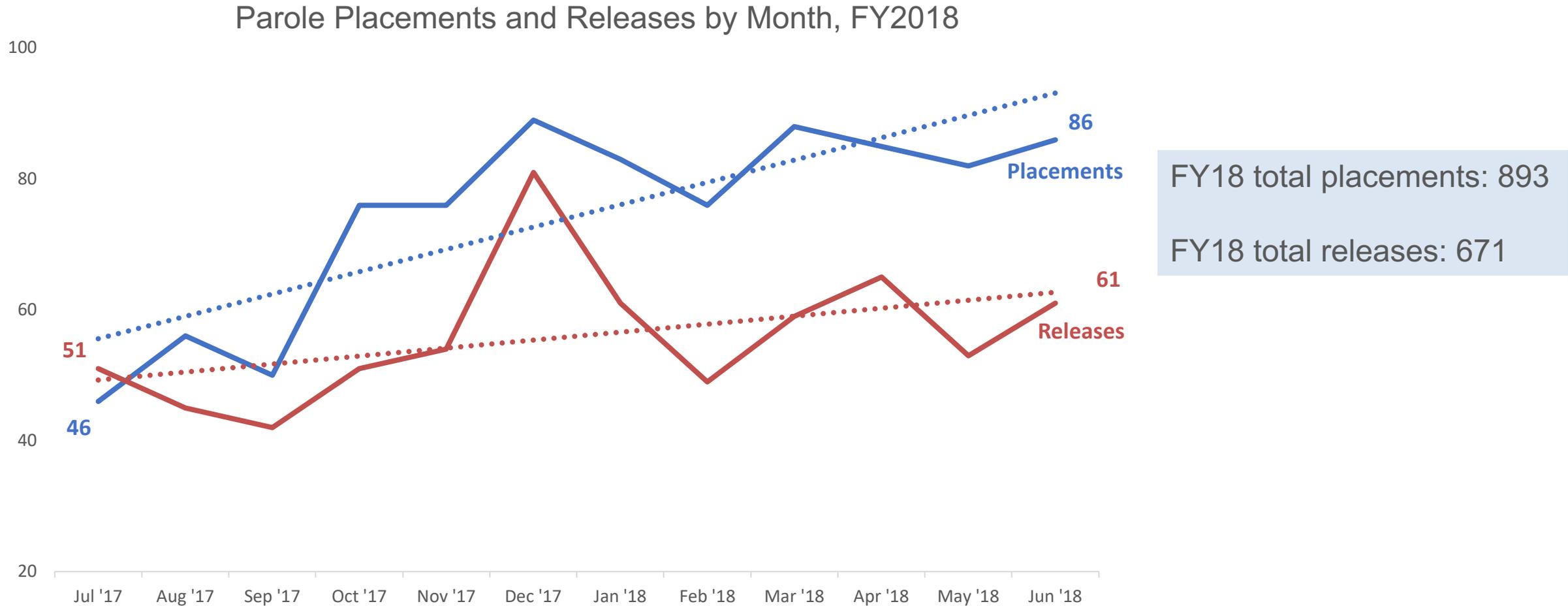
New regular placements are the biggest driver of people starting probation.



- #### Other types of probation placements:
- DOC Commit/Court Ordered Supervision
 - Post Prison/Sentence Expiration
 - Post Alternative Placement/Sentence Expiration
 - Post Alternative Placement/Treatment Completion
 - Interstate Compact Placements (from other states)
 - Post Conditional Release Completion
 - Other

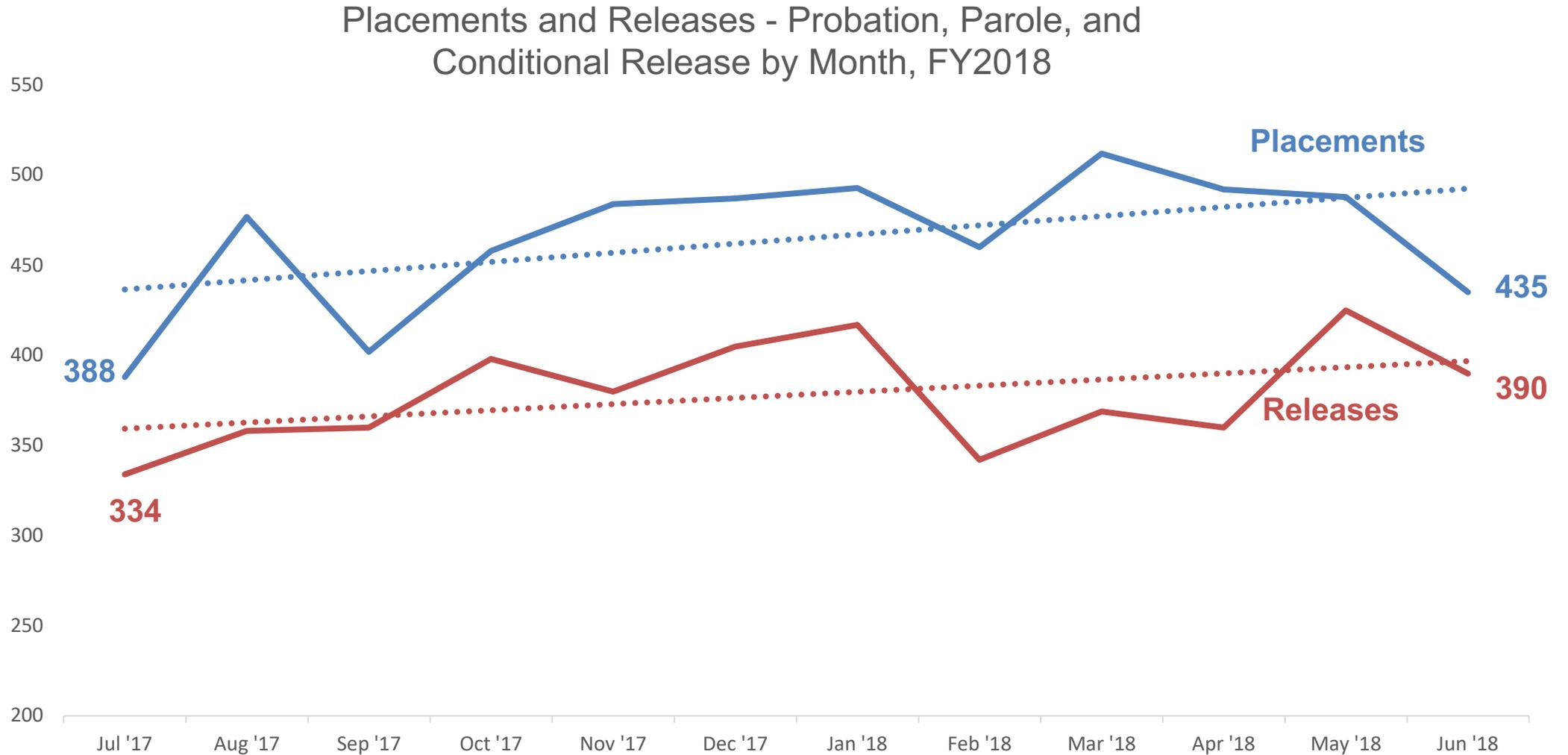
Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 8-8-2018

Similarly, placements to parole exceeded FY17 numbers and are also outpacing releases, contributing to an increasing parole supervision population.



Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 8-8-2018

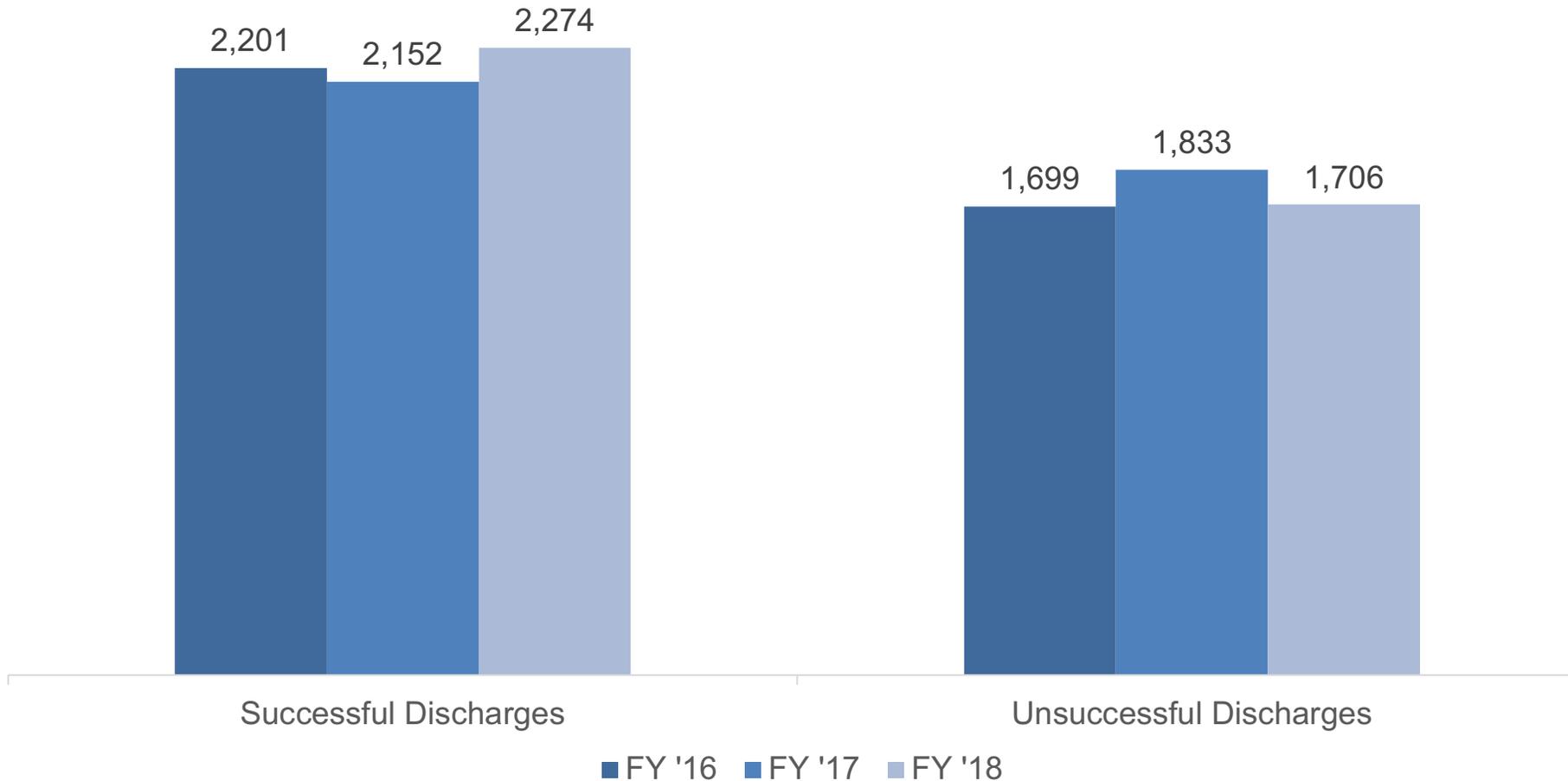
Overall, placements to all types of supervision are outpacing supervision releases.



Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 8-8-2018

Now, more people are successfully completing probation, parole, and conditional release.

Discharges from Supervision by Type



5.7% increase
in successful
releases from
supervision

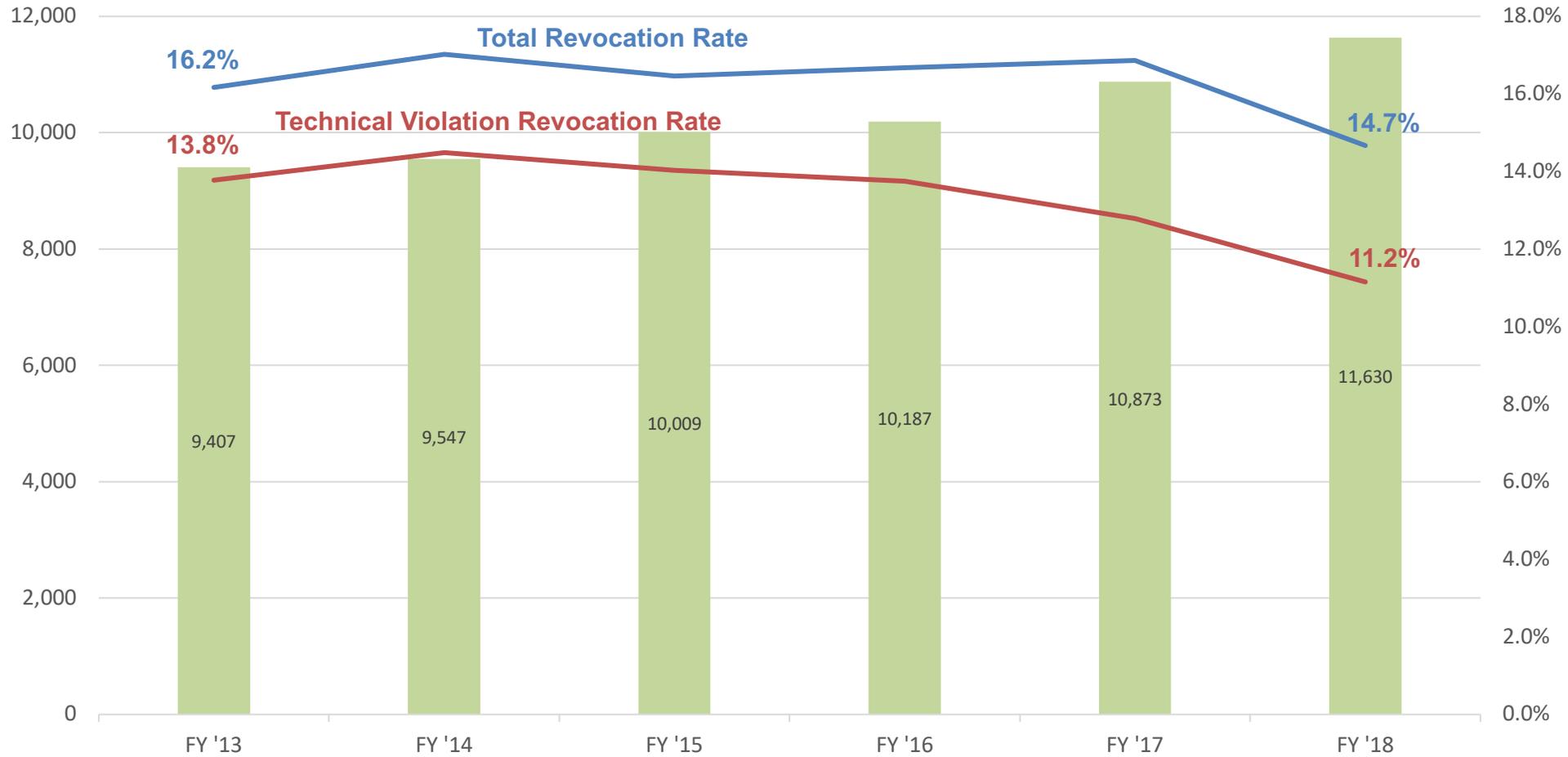
6.9% decline
in unsuccessful
releases from
supervision

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 8-8-2018

Supervision revocation rates have been decreasing, despite the increasing supervision population.

Supervision Population

Revocation Rate



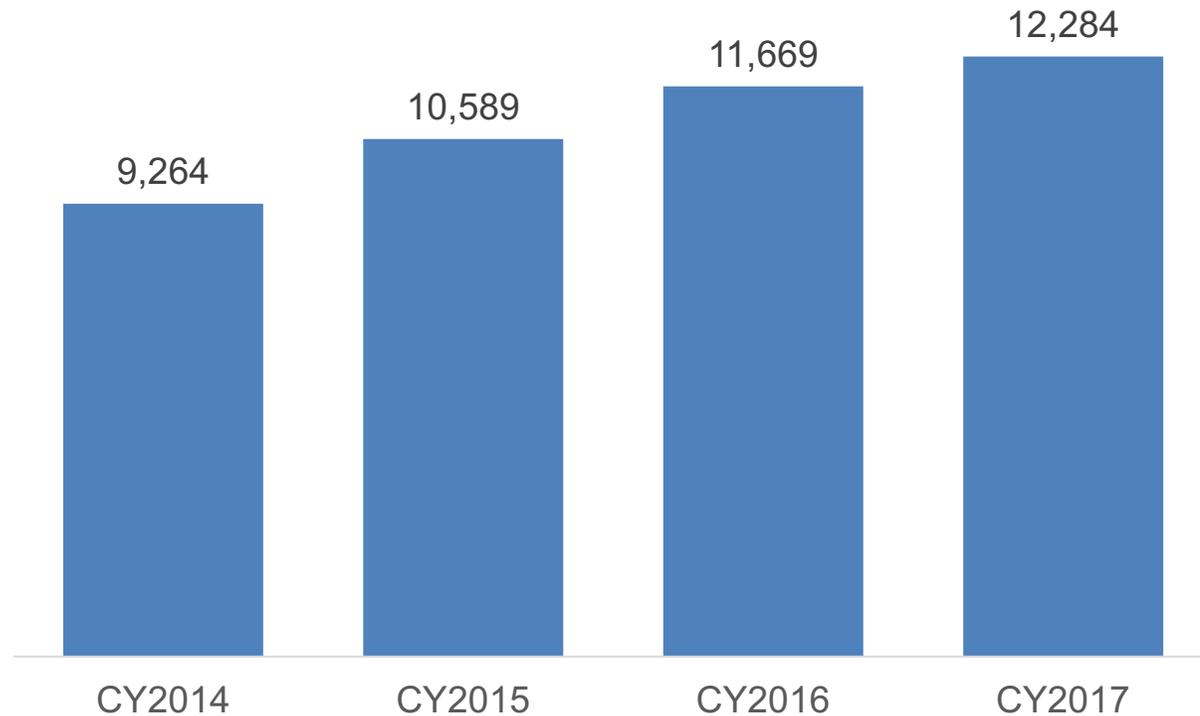
1.5 percentage point decrease in revocations from supervision from FY13 to FY18

2,223 increase in number of people on supervision from FY13 to FY18

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 8-8-18

Montana’s entire criminal justice system is expanding as increasing felony case filings continue to put pressure on the courts.

Case Filings* in District Courts
CY2014–CY2017



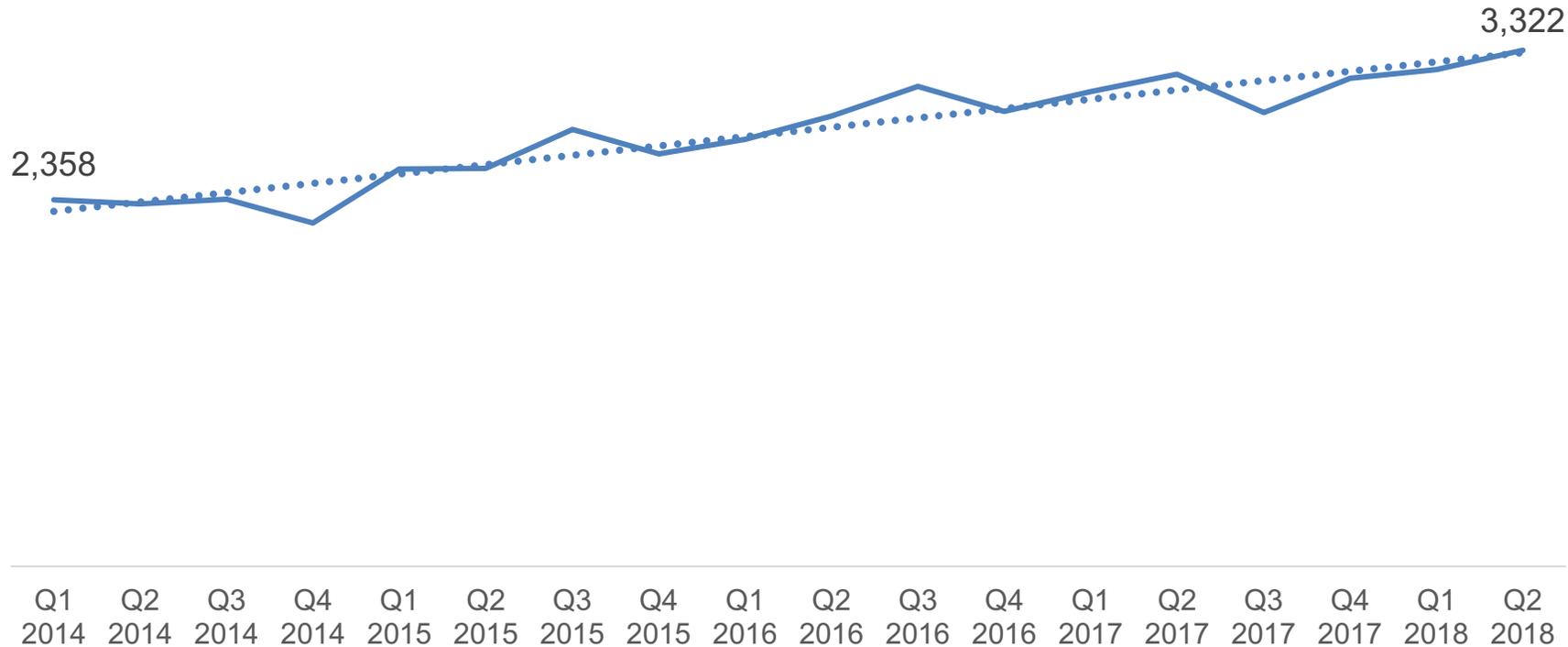
Felony case filings increased **5.3%** from CY2016 to CY2017.

*A filing is a case that has a status of “open” or “re-opened.”

Source: Montana Supreme Court, Quarterly Performance Reports
<https://courts.mt.gov/courts/statistics/dcstat#70795210-performance-measures>

A quarterly look at felony case filings shows the trend continuing to increase into 2018.

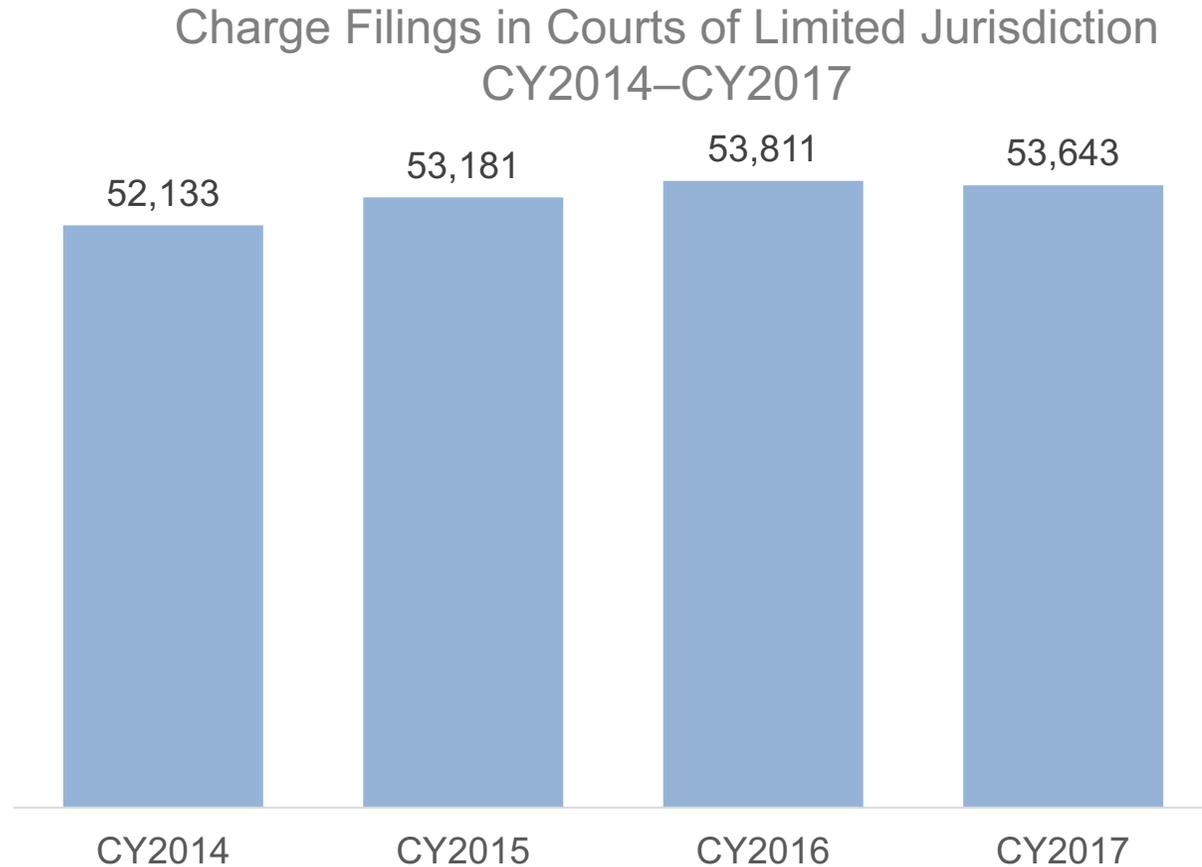
Quarterly Case Filings in District Courts
Q1 2014–Q2 2018



Felony case filings increased **40.9%** from Q1 2014 to Q2 2018.

Source: Montana Supreme Court, Quarterly Performance Reports
<https://courts.mt.gov/courts/statistics/dcstat#70795210-performance-measures>

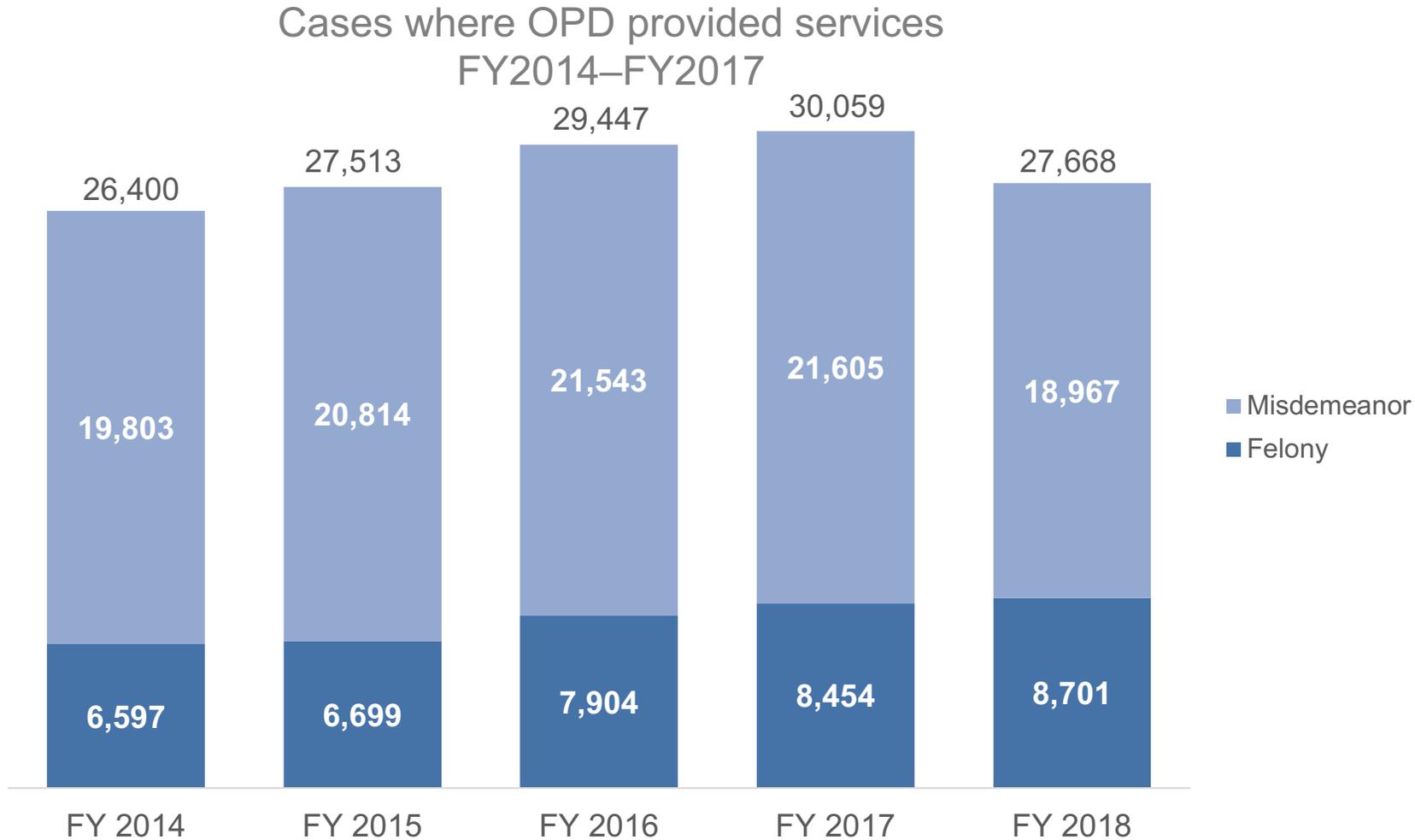
Filings for charges at the misdemeanor level have increased from CY2014 through CY2106, but tapered off in CY2017.



Misdemeanor charge filings increased **2.9%** from CY2014 to CY2017.

The judicial branch reports misdemeanor filings as charges, not cases.

The Office of Public Defender (OPD) has also experienced an increasing number of felony cases each year, while misdemeanor cases dropped in FY2018.



People are eligible for OPD representation if the outcome of their case may include an incarcerative sentence.

The increase in felony OPD cases reinforces the impact of the increase in felony case filings.

Source: Office of Public Defender email communication to CSG, 9-25-2018



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HB 133: Implementation overview and progress

Policy Implementation

Data Available

Moving Forward

Sentencing changes

Goal: Reduce penalties for certain nonviolent drug, property, and traffic offenses

Expected Impact: Ease jail populations

Implementation: Effective date July 1, 2017

1. Creates a tiered sentencing structure with reduced penalties and higher thresholds for various property crimes, including theft, forgery, and identity theft
2. Reduces penalties for certain drug offenses such as criminal possession and distribution of marijuana and criminal distribution of dangerous drugs
3. Reduces penalties for driving without a license or driving with a suspended license
4. Redefines "persistent felony offender" as someone who has previously been convicted of two separate felonies and who is presently being sentenced for a third felony

HB 133: Montana state data systems are not equipped to fully track the impact of HB 133 sentencing changes.

Policy Implementation

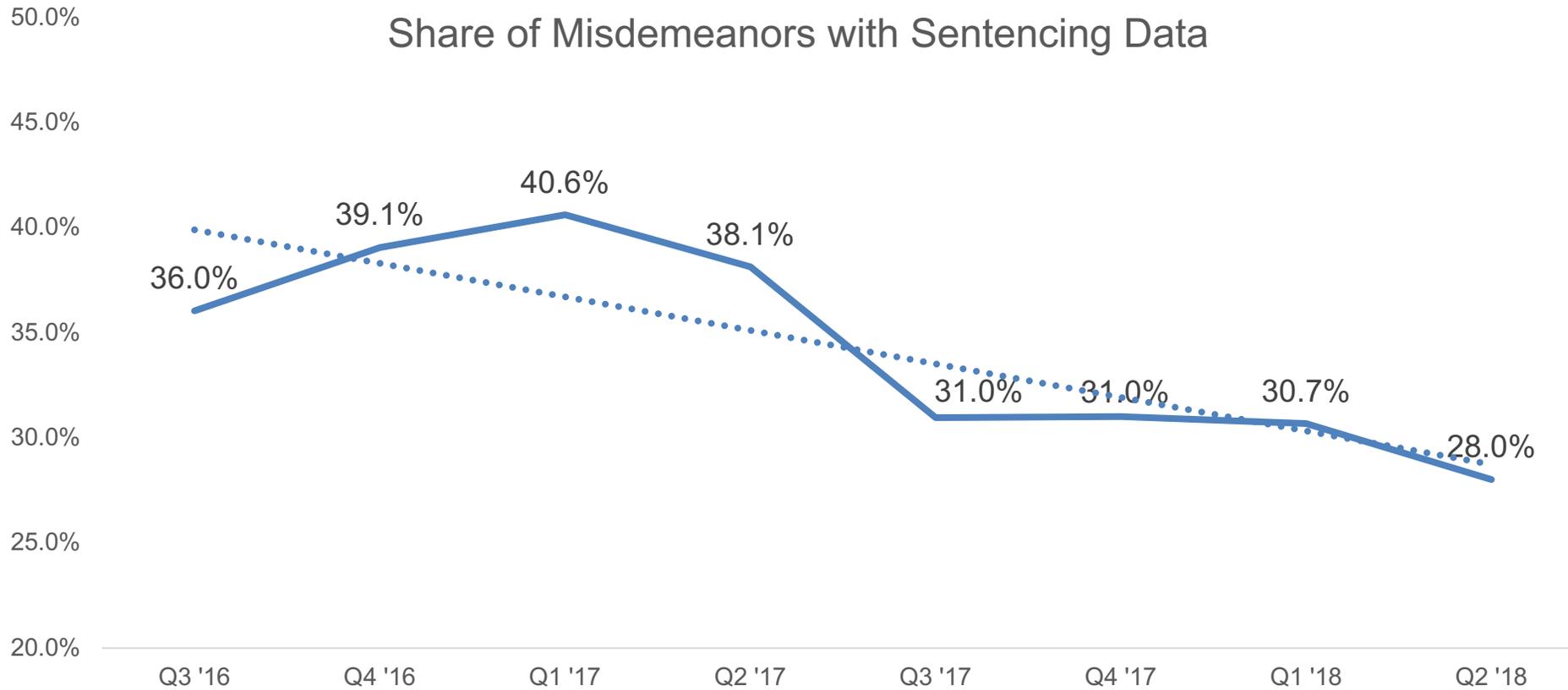
Data Available

Moving Forward

To track changes in sentence lengths and types (jail, prison, probation) due to HB 133, sentence disposition data needs to be consistently entered for all court cases in a format that can be analyzed.

- Sentence disposition data is not routinely entered into court data systems.
- DOC captures disposition data for anyone who enters into its system. However, this covers felony offenses, not misdemeanors impacted by HB 133.
- The Montana Department of Justice enters some disposition data by hand, but does not capture every misdemeanor case.
- The Office of the Public Defender began capturing sentence disposition data for all cases in its workload starting in May 2018.

HB 133: The share of misdemeanor offenses for which sentencing information is provided has fallen steadily since Q1 2017.



Misdemeanor sentencing data is needed to track the impact of HB 133 sentencing changes on jail populations

Source: Data analysis of a sample of Montana Supreme Court misdemeanor cases

HB 133: Regional analysis of misdemeanor sentencing data from January 2017 to June 2018 shows that sentencing details are available for only 31 percent of all misdemeanor offenses.

Policy Implementation

Data Available

Moving Forward

Share of Misdemeanors with Sentencing Data in Record, by Region

The following counties are included in the probation and parole regions:

Mineral, Missoula, Ravalli

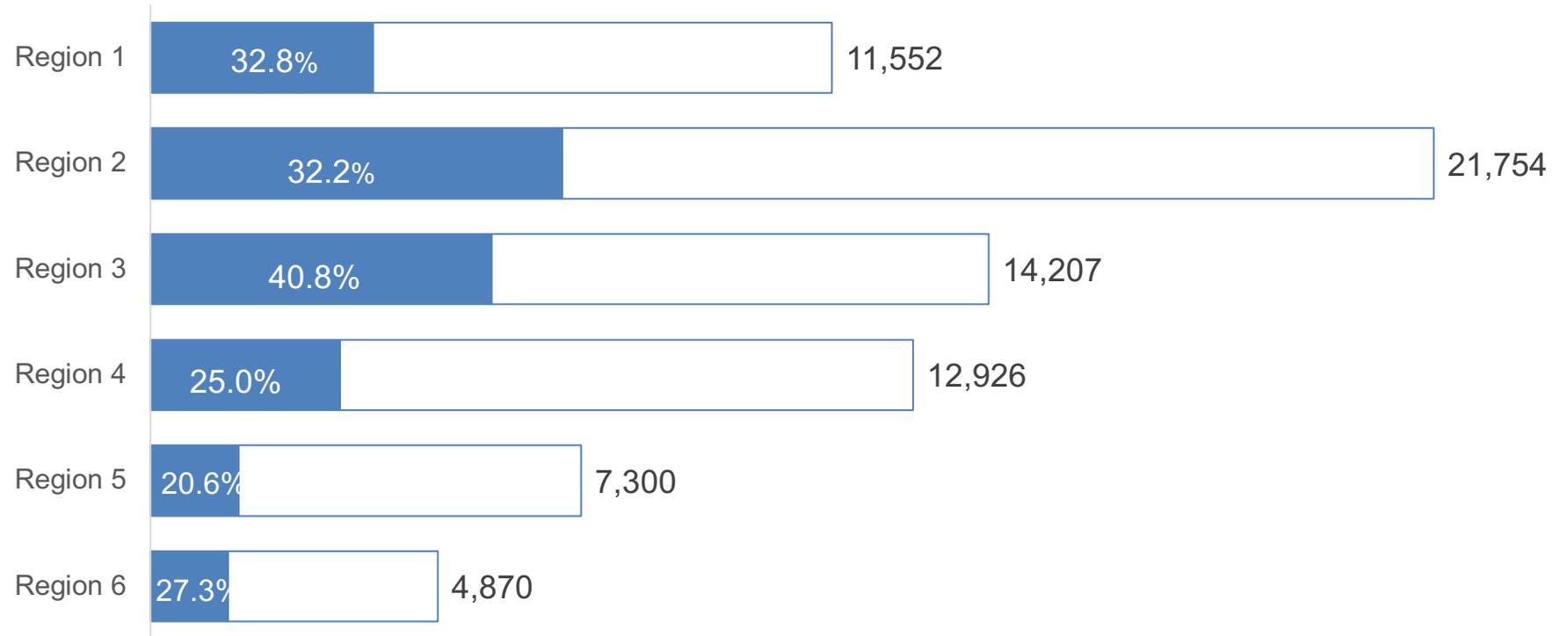
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Meagher, Park, Powell, Silver Bow, Sweet Grass

Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith Basin, Liberty, Petroleum, Pondera, Teton, Toole, Wheatland

Big Horn, Carbon, Golden Valley, Musselshell, Stillwater, Yellowstone

Flathead, Lake, Lincoln, Sanders

Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Phillips, Powder River, Prairie, Richland, Roosevelt, Rosebud, Treasure, Valley, Wibaux



□ All cases ■ Data provided

Source: Data analysis of a sample of Montana Supreme Court misdemeanor cases

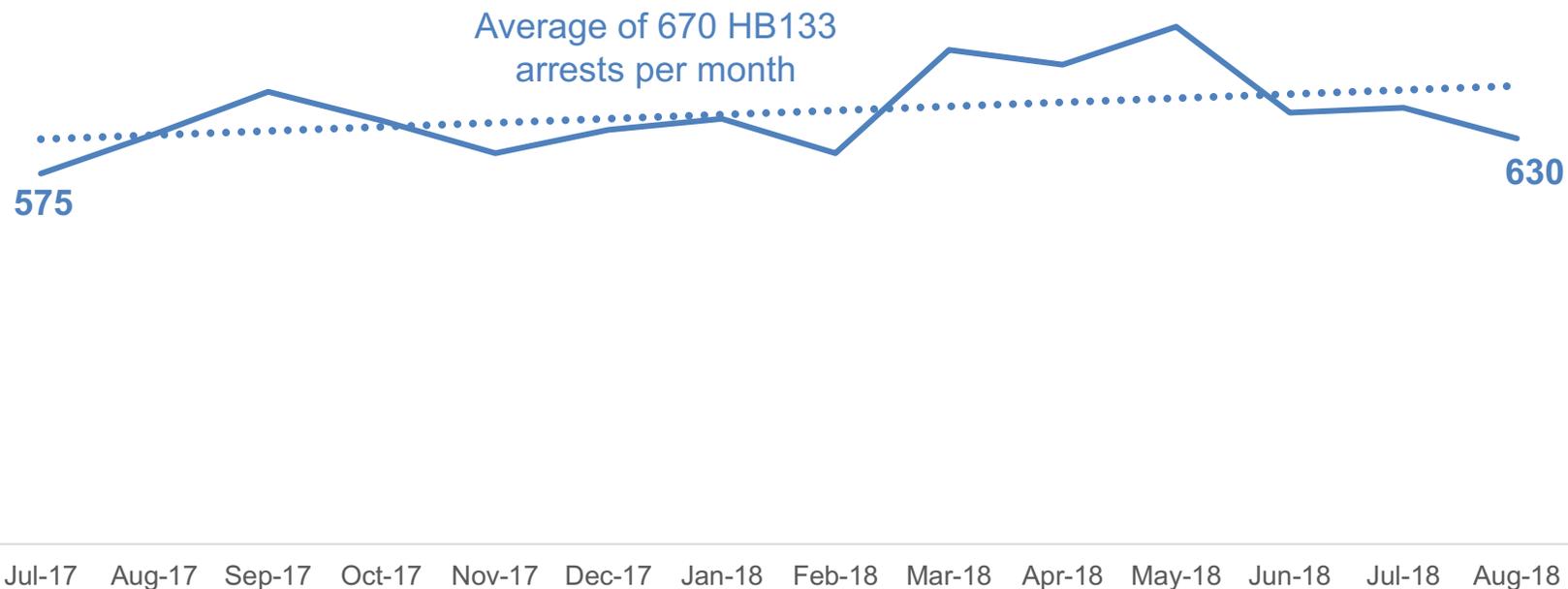
HB 133: The fingerprint requirement allows Montana to track the number of people who are arrested for most misdemeanor offenses.

Policy Implementation

Data Available

Moving Forward

Arrests Requiring Fingerprinting per HB133 that did not Previously Require Fingerprinting
July 2017 – August 2018



The Montana Department of Justice has indicated that 25 percent of all fingerprinted arrests over the past 14 months were newly subject to the HB133 fingerprint requirement.

17 percent of these arrest records contain court disposition data.

Source: Montana Department of Justice "CRIM_HB133_statistics_20180912.xlsx"

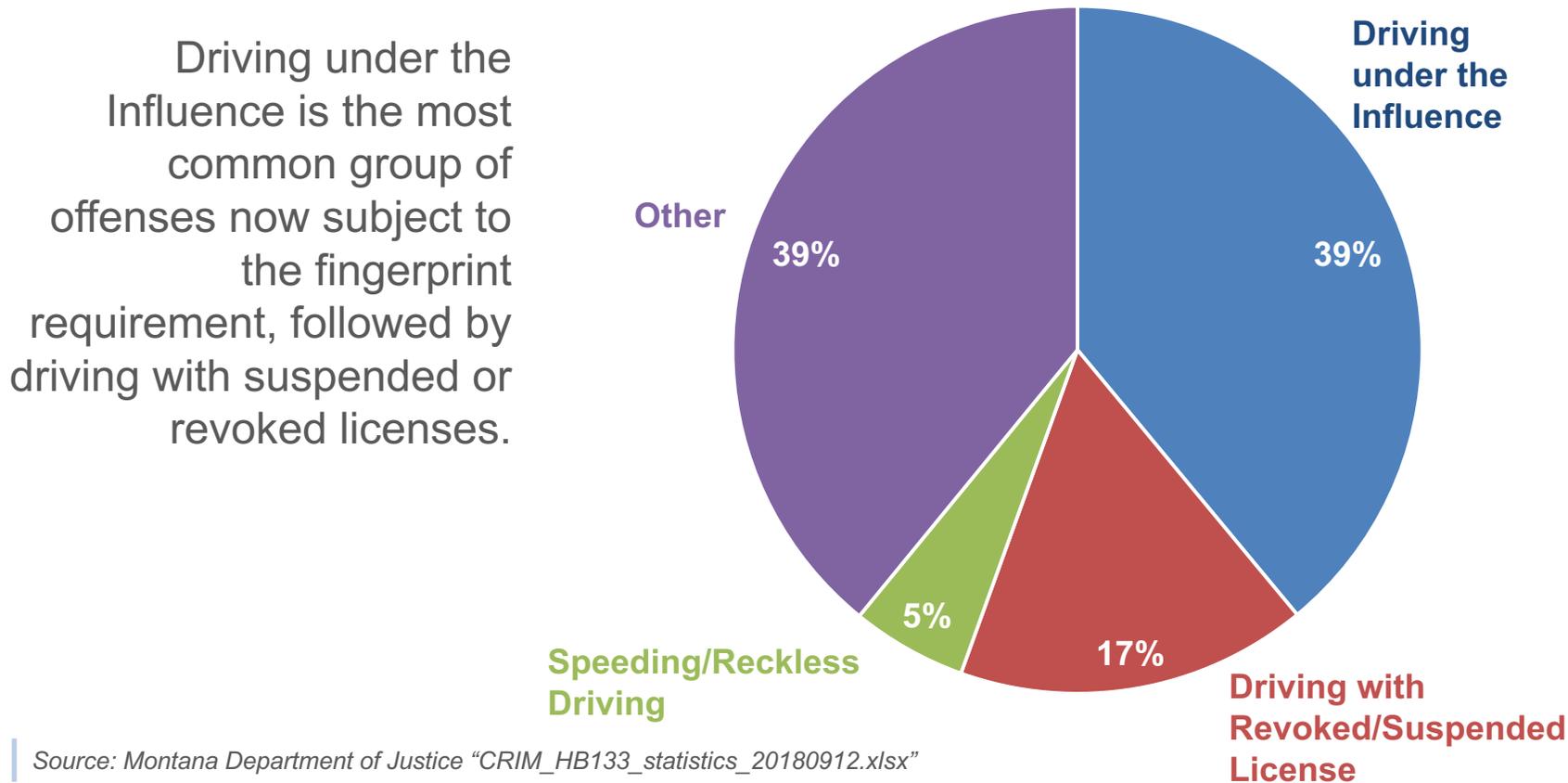
HB 133: Motor vehicle offenses were the most common misdemeanor offense group affected by the HB 133 fingerprinting requirements.

Policy Implementation

Data Available

Moving Forward

Most Common HB 133 Misdemeanor Offense Convictions
July 2017–August 2018



Out of HB 133 new fingerprinted arrests, 2,123 cases were convicted from July 2017–August 2018.

The Department of Justice has removed 3,144 non-convictions from their database since July 1, 2017, as per new HB 133 requirements.

Source: Montana Department of Justice "CRIM_HB133_statistics_20180912.xlsx"

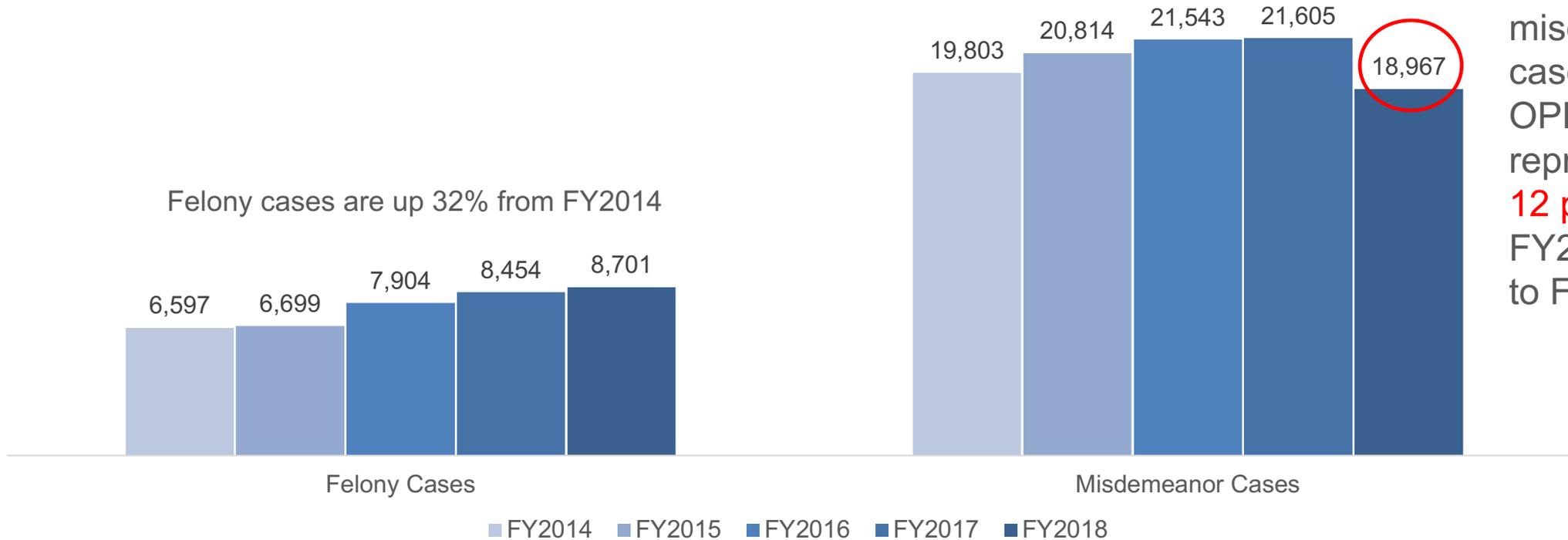
HB 133: A drop in OPD misdemeanor cases from FY2017 to FY2018 may indicate sentencing changes are resulting in more people being ineligible for incarceration, but more analysis is needed.

Policy Implementation

Data Available

Moving Forward

Felony and Misdemeanor Cases represented by OPD,
FY 2014–FY2018



Source: Office of Public Defender email communication to CSG, 9-25-2018

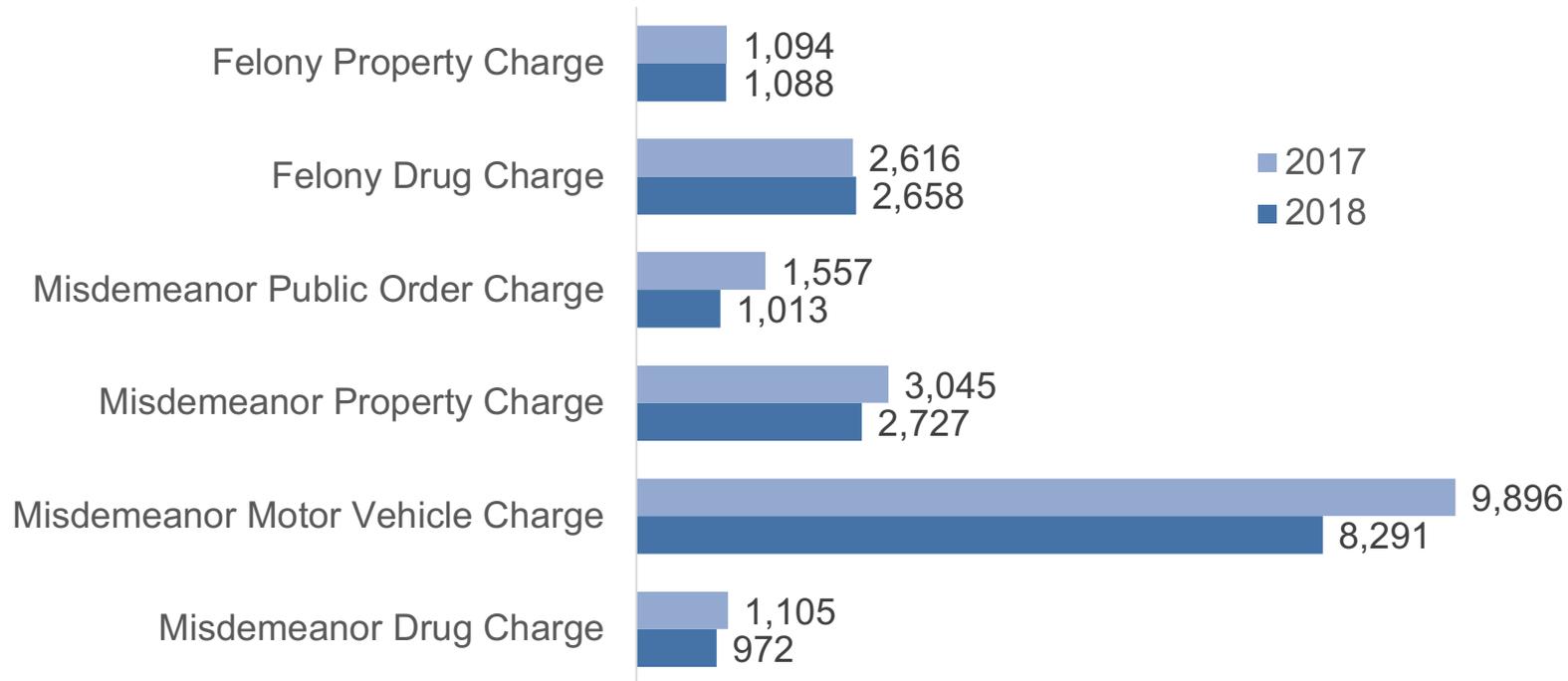
After HB 133 statutory changes, OPD has fewer cases with related misdemeanor charges in FY2018, most likely reflecting the impact of removing the option of incarceration for some low-level offenses.

Policy Implementation

Data Available

Moving Forward

Offenses Affected by HB 133 Sentencing Changes



Public order offenses and motor vehicle offenses experienced the largest decline in need for OPD legal representation.

Source: Office of Public Defender email communication to CSG, 9-28-2018

HB 133: Without accurate sentence disposition data, Montana will not be able to track the impact of HB 133 or any future sentencing changes.

Policy Implementation

Data Available

Moving Forward



Montana should set up mechanisms to ensure accurate reporting of sentence dispositions and data sharing across state and local agencies to ensure that HB 133's tiered sentencing structure is effective.

- This includes defining charge versus cases metrics to ensure consistency across agencies.

Suggested metrics to track HB 133 policy changes:

- Pre- and post-enactment sentence types (prison, jail, probation, DOC commit) and sentence lengths for impacted offenses
- Length of stay for people in jail or prison on HB 133 offenses

Suggested impact analyses:

- Jail bed savings due to reduction in incarceration to understand the fiscal impact on counties
- Prison bed impact due to elimination of some felony mandatory minimums
- Fiscal and workload impact on OPD

SB 59: Implementation overview and progress

Policy Implementation

Data Available

Moving Forward

Justice Reinvestment oversight, adoption of evidence-based practices (EBP), pretrial

Goal: Provide structured oversight of JR implementation, set up pretrial risk assessment and supervision, require DOC to adopt EBP

Expected Impact: Ease jail populations, reduce recidivism

Implementation:

- ✓ 5 Criminal Justice Oversight Committee meetings
- ✓ 5 Counties selected to receive pretrial supervision grants (Yellowstone, Lewis and Clark, Missoula, Lake, or Butte-Silver Bow)
- ✓ Public Safety Assessment (PSA) chosen as statewide pretrial risk assessment
- ✓ DOC committee set up to evaluate correctional programming for adherence to EBP

SB 59: MDOC has created a standardized process to adopt evidence-based programming in facilities and PRCs and conduct quality assurance.

Policy Implementation

Data Available

Moving Forward

Montana Department of Corrections

ABOUT CAREERS CONTRACTS NEWS & REPORTS

EVIDENCE-BASED PROGRAMS (EBP)

On this page:
[What are Evidence-Based Programs \(EBP\)](#)
[Legislative Direction](#)
[List of Approved Evidence-Based Programs](#)

Other Resources:
[Council of State Governments](#)

EBP Proposal Forms
 Request for Program Approval
 Request to use a Previously Approved Program (short form)
 Cheat Sheet for EBP Proposals

What are Evidence-Based Programs (EBP)
 Evidence-based programs refers to using programs that have been shown to be effective through research. Rather than relying on a provider's gut instincts or anecdotal evidence, evidence-based programs use available data to guide policy and practice decisions. By focusing on what works, we can expect to improve the lives of our inmates and their victims. This approach requires rigorous quality assurance and evaluation. Evidence-based programs are implemented with fidelity, and are evaluated to determine their effectiveness. A commitment to evidence-based programming requires defined outcomes that can be measured and evaluated.

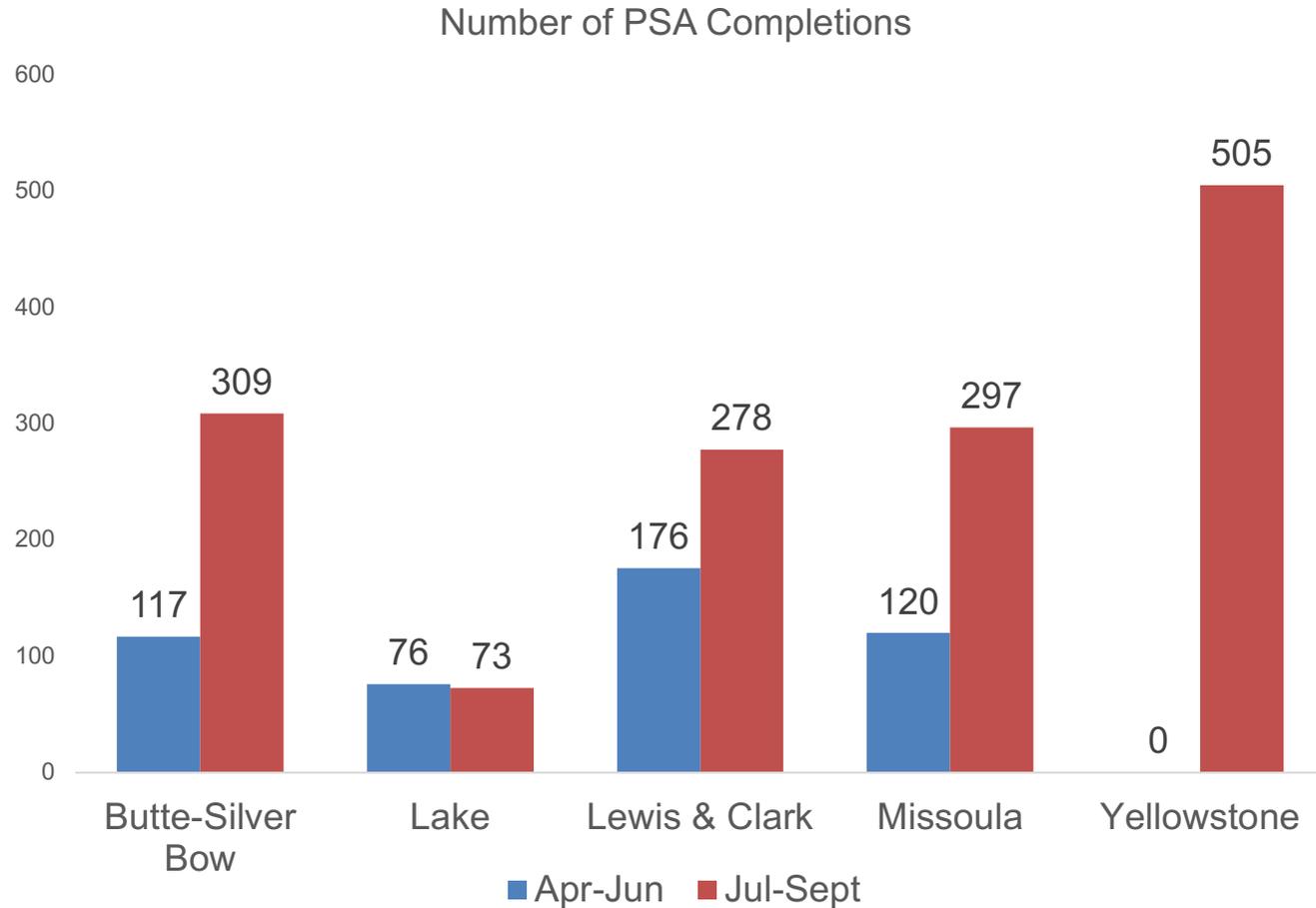
Program	Description	Target Population
Beyond Trauma and Helping Women Recover	Both of these programs are gender responsive, cognitive behavioral programs that were studied together when they were established as evidence based. Beyond Trauma is the trauma curriculum and Helping Women Recover addresses substance use issues.	Approved for use with adult females in a residential setting
Beyond Violence	A cognitive behavioral, gender responsive, anger management course.	Approved for the adult female population
Dialectic Behavioral Therapy (DBT) Skills	A cognitive behavioral group that teaches coping skills. It is especially beneficial when working with borderline personality disorder and chronically suicidal individuals and has been found effective	Approved for adult females and juvenile males, both in residential

Evidence-based programming committee

- 8 Committee meetings
- 9 Approved programs
- 3 Webinars on evidence-based correctional programming

<http://cor.mt.gov/EvidenceBasedPrograms>

SB 59: Pretrial risk assessment and pretrial supervision grant programs are being piloted in five counties.



County	PSA Start Date
Butte-Silver Bow	May 21, 2018
Lake	April 25, 2018
Lewis & Clark	May 9, 2018
Missoula	May 24, 2019
Yellowstone	July 1, 2018

1,951
PSA assessments have been completed since April 25, 2018

Source: Montana Supreme Court Data

SB 59: Closely monitor outcomes associated with pretrial risk assessment and DOC programming changes.

Policy Implementation

Data Available

Moving Forward



OCA has set up a robust tracking system for the pretrial program:

This includes collecting the following variables broken down by demographics and charge-risk profile:

- Number of defendants
- Release rate
- Time to release
- Detention rate
- Length of detention for those who are not released
- Court appearance rate
- Law abiding rate

Suggested performance measures to track DOC programming changes:

- Ratio of EBP vs. non-EBP programs per facility
- Correctional Program Checklist results
- Participant outcomes

SB 60: Implementation overview and progress

Policy Implementation

Data Available

Moving Forward

Expedited presentence investigations (PSI) and improved reports

Goal: Revamp the PSI report so that it is more structured and objective, encourages the use of evidence-based practices in sentencing, and is produced in a timely fashion.

Expected Impact: Ease jail populations, ease court workloads

Implementation:

- ✓ Integrated risk and needs assessment results into PSI template
- ✓ Provided webinar to judges on understanding risk and needs assessment
- ✓ Created data collection system to track timeliness of PSI process

SB 60: Requires PSIs to be completed within 30 days and include risk and needs assessment information.

Policy Implementation

Data Available

Moving Forward

Probation and parole officers must consistently enter data into the collection module so that the timeframe to completion can be measured to see if PPD is completing PSIs in the 30-day period. DOC has set up an electronic tracking system, and PPD is working to ensure reliable data entry.



Suggested performance measures to track SB 60 policy changes:

DOC has set up the current data system to track:

- Length of time to complete each PSI
- Length of time between guilty disposition and PSI completion
- Length of time between PSI completion and sentencing
- Reasons for delays, if applicable

OCA should continue to track court case processing times and specifically monitor criminal cases.

SB 62: Creates a professional behavioral health peer support specialist certification

Policy Implementation

Improve the quality of behavioral health treatment in rural areas

Goal: Require behavioral health peer support specialists to meet certification requirements under the Board of Behavioral Health to ensure access to quality behavioral health treatment for people in the criminal justice system in rural areas.

Expected Impact: Increase public safety, reduce recidivism

Implementation:

- ✓ Established application procedures and forms for certification under the Board of Behavioral Health
- ✓ Published rules for peer support specialists, including education requirements, code of ethics, and reporting requirements
- ✓ 182 peers, supervisors, and employers have attended in-person trainings
- ✓ 157 peers, supervisors, and employers have attended at least one of 12 webinars

Data

Three certifications have been issued as of September 2018.

Continue outreach and certification application processing:

- ✓ Establish networks of behavioral health service providers to encourage certification of peer support specialists.
- ✓ Increase awareness of certification process in partnership with community service providers.

Suggested metrics to track peer support specialist certification impacts:

- ✓ Number of certifications issued
- ✓ Number of individuals receiving services from certified peer support specialists
- ✓ Survey of people in the criminal justice system who are receiving services from certified peer support specialists, focusing on quality and level of services received
- ✓ Recidivism rates among people receiving services from certified peer support specialists

Moving Forward

SB 63 & 64: Implementation overview and progress

Policy Implementation

Data Available

Moving Forward

Adopting evidenced-based supervision sanction and revocation practices, modifying conditional discharge from supervision (CDFS), and modernizing the parole board

Goal: Give supervision officers the tools to sanction and incentivize behavior in a way that is shown to encourage recidivism; enable the parole board to make more informed, consistent, and efficient parole decisions to improve outcomes for people released from prison.

Expected Impact: Ease supervision population, prioritize prison space for people who pose the greatest risk to public safety, reduce recidivism

Implementation:

- ✓ Trainings conducted for POs in use of the MIIG and supervision strategies
- ✓ MIIG piloted February–April 2018 and released statewide in May 2018
- ✓ New parole board hired in summer 2017
- ✓ Parole board members trained in decision making and skill development, developed evidence-based decision-making guidelines
- ✓ Board conducted strategic planning

SB 63 & 64: Parole and probation officers began using the new MIIG statewide in May 2018.

Policy Implementation

Data Available

Moving Forward

Pilot: February–April 2018

MONTANA INCENTIVES/INTERVENTIONS GRID FOR ADULT PROBATION & PAROLE							
Incentives			**Mitigating Circumstances	**Aggravating Circumstances	Interventions		
Level 1	Level 2	Level 3			Level 1	Level 2	Level 3
Verbal recognition	Clean urinalysis certificate	Letter of recognition to Court/Board	Strong support system – including family, friends, and/or members of the community	Shortness of time under supervision prior to violation – A violation has occurred within the first 60 days	Verbal reprimand	PO/POI/Offender meeting	**Require monitoring software on electronic devices
Certificate of recognition/completion	Letter of recognition from POI/DC/BC	Request modification of appropriate condition (i.e. waive supervision fee)			Demonstrated willingness to cooperate with supervising PO	PO/POI/Offender meeting	Written reprimand
Permission to travel in-state	Early termination of intervention (i.e. 90-day EM reduced to 60)	Request CDFS/early termination (for appropriate offenders)	Positive attitude toward supervision	Excessive compliance violations over recent months – 3 or more compliance violations over the last 4 months	Written reprimand	Increased contacts (for 30-90 days)	*Enhanced Supervision Program (up to 90 days)
Verbal recognition in front of others (POI/Supervisor/Family/Employer)	Ability to skip a face-to-face appointment with PO	**Removal of monitoring software	Extended amount of time of successful supervision since last violation	Violence/threats/intimidation during violation	Increased UA/BA (up to 30 days) (SCRAM, 24/7, offender-pay drug testing)	Increased UA/BA (30-60 days) (SCRAM, 24/7, offender-pay drug testing)	Increased UA/BA (up to 90 days) (SCRAM, 24/7, offender-pay drug testing)
Modify one contact requirement (i.e. contact by phone rather than face-to-face)	Consider request to modify association restrictions	**No chaperone required for certain events as PO and pr	Stable period of employment	Failure to demonstrate positive attitude toward	Associate restrictions	Community service (11-20 hrs unless stated in conditions)	*Day Reporting (up to 90 days)
Success story shared with others	Reduce one other contact requirement	**Request of appr offenders	Substance addiction – struggling to remain		Community-based Treatment referral	Request additional conditions from Court/Board	House Arrest (up to 90 days)
Permission to travel out-of-state	Reduce supervision fees						
Letter of recognition from PO	Allow offender to bow hunt with DC approval						
Peer mentor	**Additional chaperones approved						
**Approval to go to events with chaperone	**Getting smartphone/device with monitoring software	**Sex off inc					
	**Approval of romantic relationship						

Montana Incentives and Interventions Grid (MIIG) FAQs

MIIG RESEARCH

1. Is the MIIG based on best practices in the criminal justice field? MCA 46-23-1028 (SB 59)

Yes. The MIIG incorporates several best practices such as:

- Use of incentives to promote and sustain positive behaviors
- A range of incentives and intervention options to tailor responses to the individual and behaviors exhibited
- Ability to graduate incentives and interventions within each level of response
- Expanded community-based options to promote behavior change within the least restrictive option while maintaining public safety
- Swift sanctions with increased officer discretion
- Linkage to criminogenic needs and case planning

2. Is the MIIG validated?

No. Since the MIIG is not an assessment tool validation is not needed or recommended, however, data measures will be put in place to track utilization and functionality of the MIIG.

GENERAL QUESTIONS

2 Trainings on EBP and MIIG

3 Check-in sessions with PPD staff

3 Surveys for feedback: stakeholders, probation and parole officers, PPD supervisors

Statewide Implementation: May 29, 2018

4 Trainings on EBP and MIIG

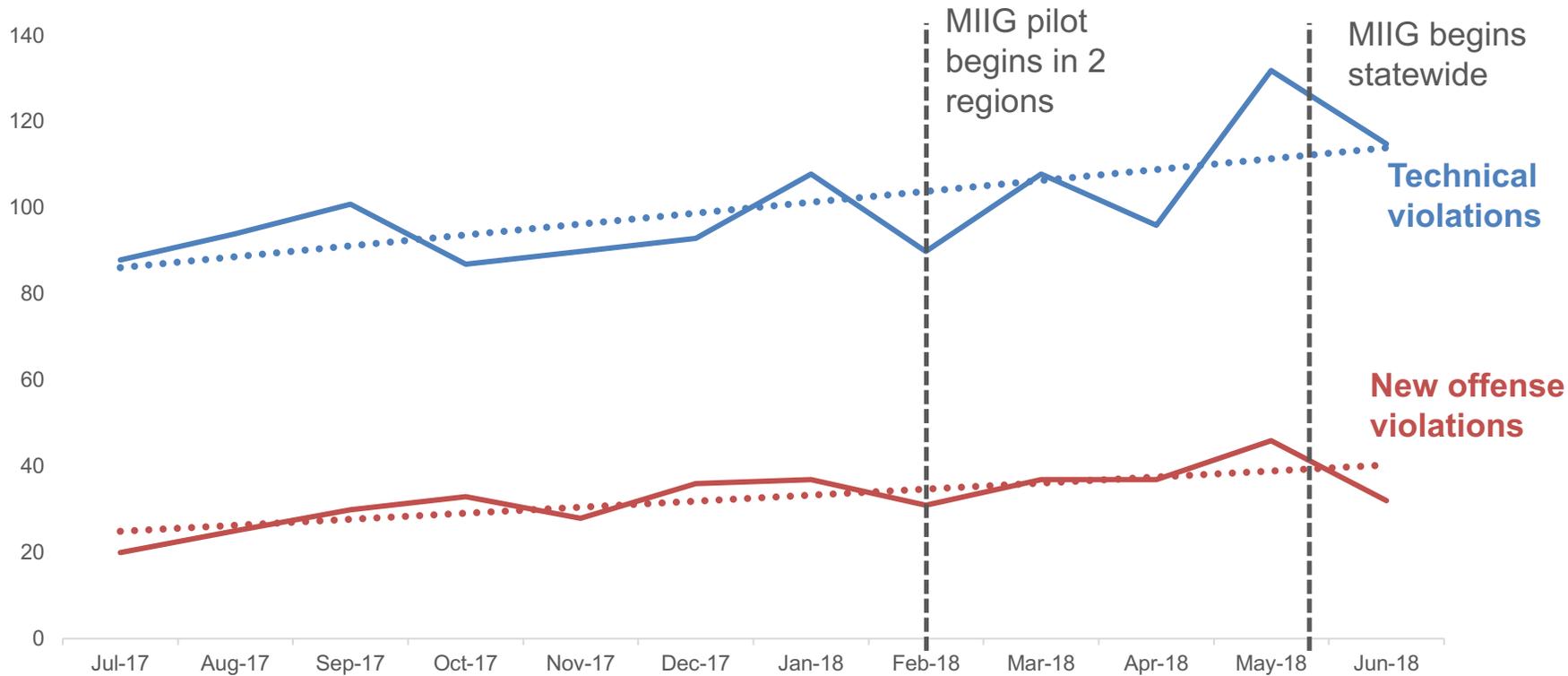
SB 63 & 64: PPD staff are increasingly using contract facilities for people who violate their terms of supervision.

Policy Implementation

Data Available

Moving Forward

Supervision Violation Admissions to Contract Facilities



One of the goals of the MIIG is to help POs use graduated sanctions in lieu of revocation to better promote behavior change, such as sending someone to a contract facility.

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 8-8-18

SB 63 & 64: The MIIG should decrease the number of people who are revoked from supervision and return to prison for technical violations (TVs).

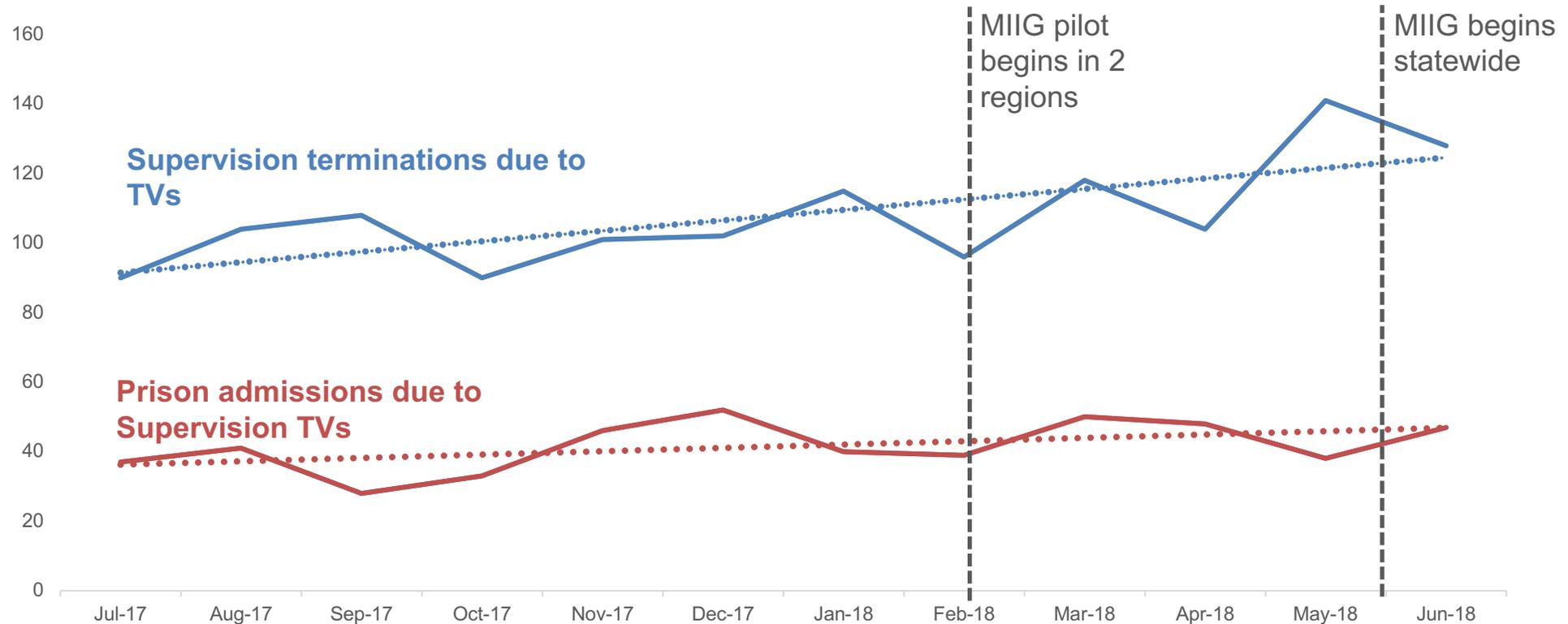
Policy Implementation

Data Available

Moving Forward

FY2018 Supervision Terminations and Prison Admits due to TVs

It's too early to see the impact of the MIIG on supervision terminations due to TVs. However, the use of the MIIG should help reduce the number of TVs and give POs better tools to respond to TVs.



Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 8-8-18

SB 63 & 64: Ensure that the MIIG is working as intended and track impacts.

Policy Implementation

Data Available

Moving Forward

Continue to improve the MIIG and supervision practices:

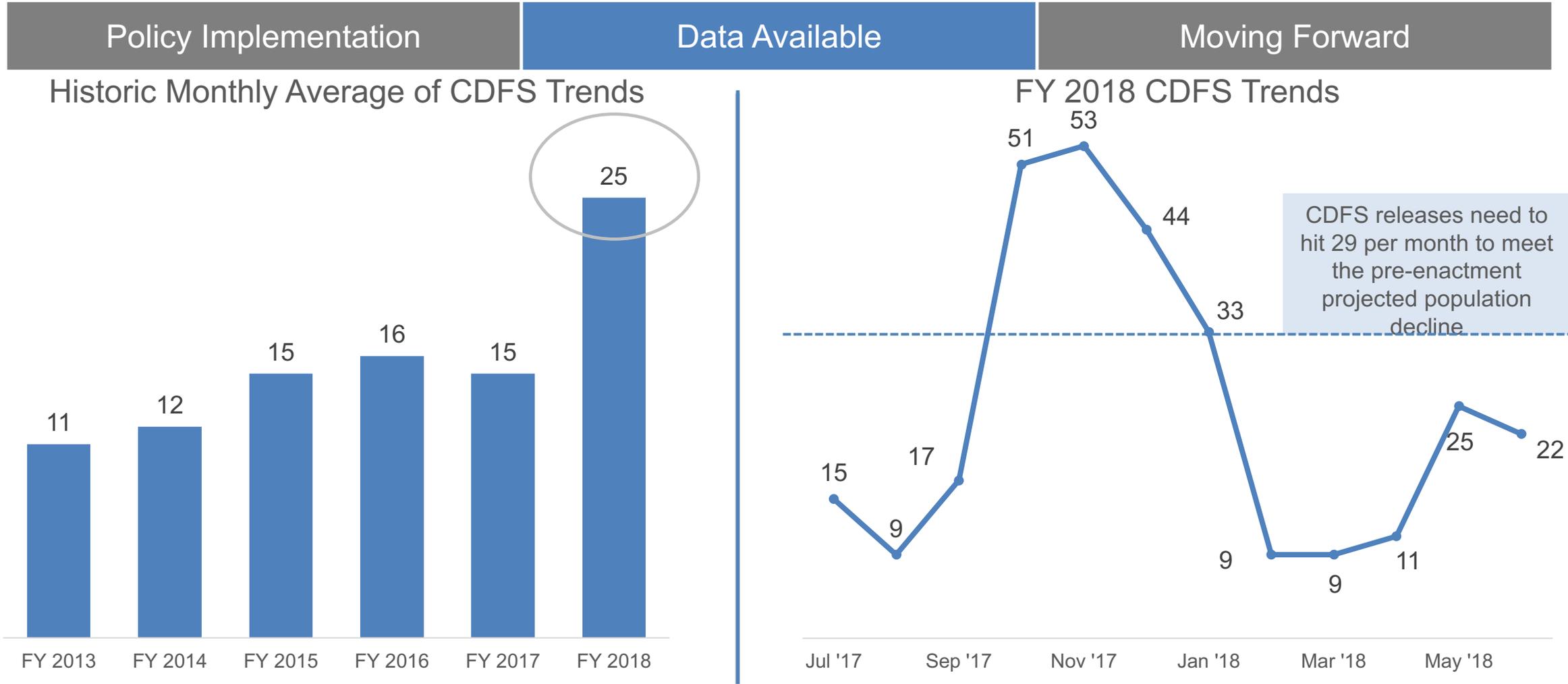
- Use JR funding to develop a more robust MIIG data tracking system.
- Ensure that MIIG data is being entered consistently into the tracking system.
- Incorporate MIIG and EBP training for new hires.
- Hold annual booster trainings.
- Review MIIG every 1–3 years to ensure incentives and sanctions are adequate, reflective of what is available, and placed in the appropriate violation levels.
- Develop and incorporate quality assurance protocols to ensure PPD staff are effectively addressing behaviors using best practices.



Suggested performance measures to track the MIIG:

- Revocation rates (TVs and new crimes)
- Successful discharge from supervision
- Proportion of time community sanctions are used prior to custodial responses
- Incentive to sanction ratio
- Percent successful on supervision after contract facility placement
- Deviation rate from MIIG recommendation

SB 63: The enhanced CDFS policy has not yet had the expected impact on the supervision population. This prevents PPD from dedicating time and resources to the highest-risk and highest-need people.



Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 8-8-2018

SB 63: Ensure that data is being collected on each CDFS petition and analyze outcomes for people released on CDFS.

Policy Implementation

Data Available

Moving Forward

DOC has created a thorough data tracking tool for CDFS petitions that is not being fully utilized. PPD must consistently enter CDFS into the system to measure the impact of the policy. Additionally, OPD should document the scope of their assistance in filling out petitions.



Suggested metrics to track CDFS policy change:

PPD needs to use the existing system to track:

- Number of petitions for CDFS, risk level of petitioners, time petitioner spent on supervision
- Outcomes of petitions (approved, denied, pending)
- Courts where petition is filed
- Opposition registered to petition

OPD should track:

- Number of pro se petitions OPD has assisted by region
- How long it takes to fill out each petition

DOC should analyze:

- Outcomes for people released on CDFS, focusing on returns to prison
- Survey stakeholders impacted by the CDFS policy, including judges, county attorneys, defense attorneys, and people on supervision to receive feedback on the CDFS process

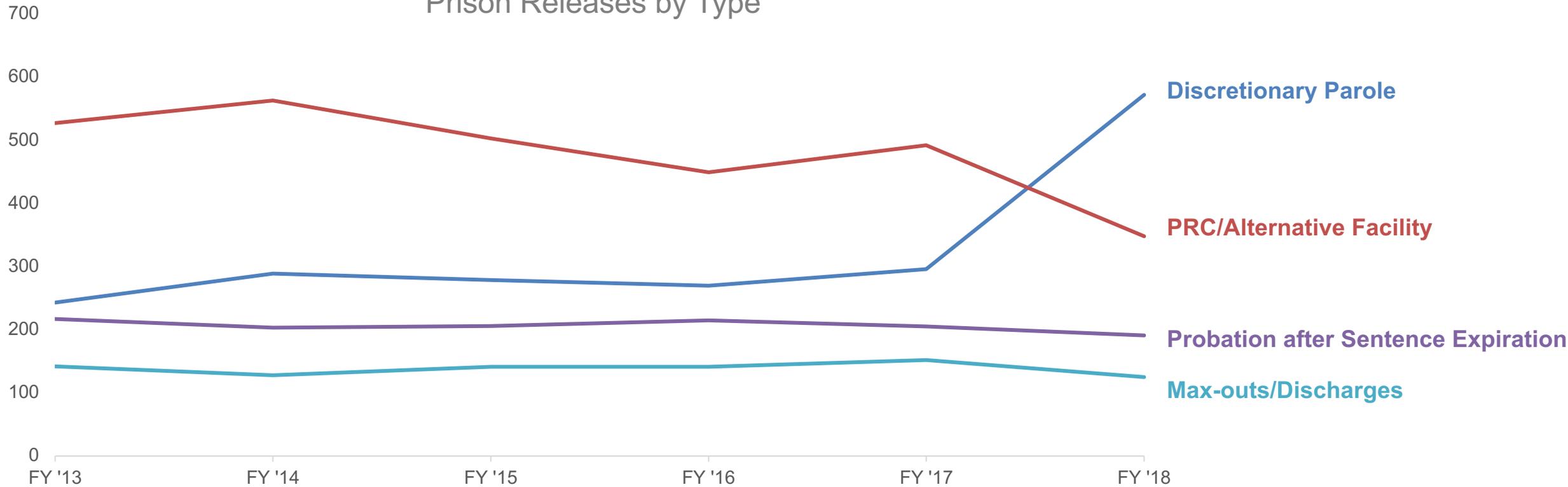
SB 64: Changes to Board of Pardons and Parole (BOPP) practices have increased discretionary releases to parole.

Policy Implementation

Data Available

Moving Forward

Prison Releases by Type



Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 8-8-2018

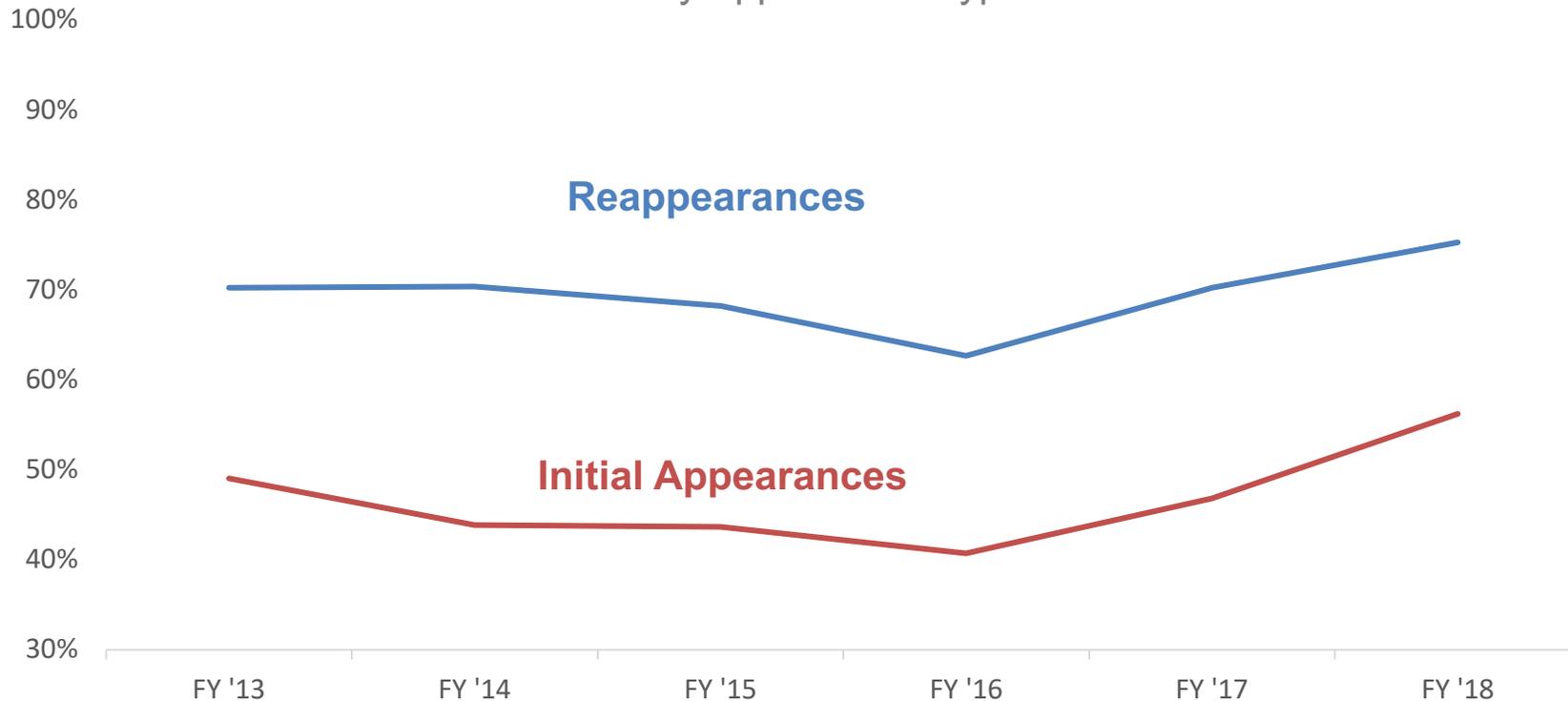
SB 64: BOPP is releasing more qualified, parole-ready people to parole supervision, particularly at the initial appearance, by using evidence-based decision-making guidelines.

Policy Implementation

Data Available

Moving Forward

Parole Grant Rate by Appearance Type Over Time



Releases are increasing as BOPP adopts evidence-based decision-making guidelines to ensure that parole-ready people are released in a timely manner.

68 percent overall grant rate August 2017–June 2018

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 8-8-2018

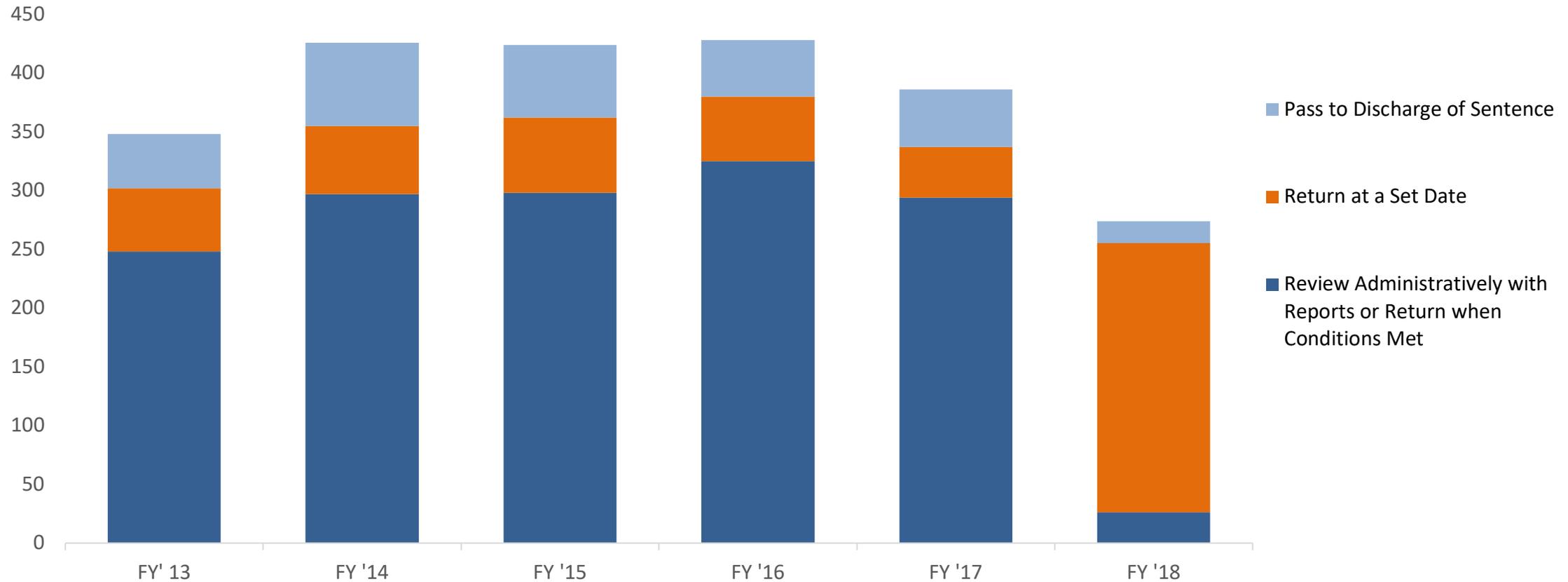
SB 64: New parole board processes have increased opportunities for people to be paroled before their sentence expires.

Policy Implementation

Data Available

Moving Forward

Parole Hearing Initial Appearance Denial Decisions



Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 8-8-2018

SB 64: The parole board should build on its momentum to ensure that it uses evidence-based practices consistently as it continues to adjust to new practices

Policy Implementation

Data Available

Moving Forward

Suggested training and collaboration:

- Continue to participate in regular training focused on the importance of and science behind parole decision making. In the short-term, all board members should be trained in the risk and needs assessment tools being used in Montana (i.e., the MORRA and WRNA).
- Continue strategic planning process, including finishing administrative rulemaking and drafting policies and procedures.
- Monitor parole supervision revocation metrics in conjunction with DOC.
- Collaborate with DOC to understand programming and referral process to better determine parole readiness and reentry needs.
- Survey judges, county attorneys, defense attorneys, contract facilities, and people on parole about parole board changes.

Suggested performance measures:

- Board workflow
- Case processing
- Decision making, including adherence to guidelines recommendations
- Outcomes of people on parole

SB 65: The Board of Crime Control awarded over \$390K in funding to supportive housing programs.

Policy Implementation

Increase housing options for people returning to the community after incarceration

Goal: Establish grant programs to advance local efforts to remove barriers to housing for people reentering the community or people with a criminal history.

Expected Impact: Increase public safety, reduce recidivism

Implementation:

- ✓ Awarded grants to supportive housing programs in Ravalli County (\$39,993), Billings (\$198,065), and Missoula County (\$153,290)
- ✓ Hired program coordinators and housing specialists in each locale
- ✓ Conducted landlord and/or property manager outreach
- ✓ Developed key program documents for landlords and potential participants

Data

No data available yet

Moving Forward

Continue program development:

- ✓ Establish landlord and property manager networks willing to lease to program clients.
- ✓ Establish partnerships with community agencies, including probation and parole, for participant referrals.

Suggested metrics to track supportive housing grant impacts:

- ✓ Number of individuals served by the program
- ✓ Number of people discharged into a homeless shelter or homeless situation after release
- ✓ Outcomes of program participants, focusing on returns to prison
- ✓ Type and level of housing assistance provided

SB 67: The Montana Board of Crime Control is in the process of adopting statewide standards for batterers' intervention programs (BIP) to ensure they are evidence informed.

Policy Implementation

Improve the quality of and access to batterers' intervention programs.

Goal: Ensures that people convicted of domestic violence offenses receive the programming that addresses their needs

Expected Impact: Increase public safety, reduce recidivism

Implementation:

- ✓ New BIP standards drafted
- ✓ Standards released for review before adoption by the Board of Crime Control

Data

No data available yet

Moving Forward

Suggested metrics:

- Number of providers who adopt standards in policy
- Number of providers who actively use standards
- Number of people who are enrolled in programs
- Number of people who successfully and unsuccessfully complete programs
- Number of people who reoffend after completing programs and the type of offense

SJ 3: The State-Tribal Relations Interim Committee took on the task of exploring barriers to successful reentry for American Indians.

Policy
Implementation

Address challenges specific to American Indians in the state criminal justice system and provide recommendations for the legislature’s consideration.

Goal: Establish a legislative committee to explore increasing access to tribal resources for American Indians who are in the state criminal justice system.

Expected Impact: Increase public safety, reduce recidivism

Implementation:

- ✓ State-Tribal relations committee has met six times since July 2017

Data

Not applicable.

Moving Forward

Continue to explore the disproportionate representation of American Indians in Montana’s criminal justice system:

- ✓ Conduct research on the drivers of American Indian admissions to prison and barriers on reentry.
- ✓ Create a grant to enable the Office of the State Public Defender to enlist tribal defense attorneys in place of appointed public defenders for tribal members.

The State-Tribal Relations Interim committee recommends the following three bills, which should include performance tracking:

- ✓ **LCsj31:** Establish grant to fund cultural programming and recovery support services to tribal members
- ✓ **LCsj32:** Require portion of housing grant program be reserved for American Indians incarcerated or supervised by the DOC in the last year
- ✓ **Lcpmed:** Establish behavioral health peer support services as qualifying medical assistance under state Medicaid

Suggested metrics to track impacts of legislation supporting successful reentry for American Indians:

- ✓ Share of American Indians incarcerated or supervised by the DOC relative to the general population
- ✓ Recidivism rates of American Indians
- ✓ Outcomes for American Indians receiving reentry services through tribal organizations



Overview

- 01 Implementation Overview
- 02 Criminal Justice System Trends
- 03 Policy-Specific Metrics
- 04 Recommendations

Better data collection is needed to address important research questions related to Justice Reinvestment outcomes.

- What has been the impact of misdemeanor sentencing changes in HB 133?
- Have changes to the pre-sentence investigation process impacted court case processing times?
- How is the new conditional discharge from supervision policy impacting entities outside corrections, like OPD and the courts and what are the outcomes for people released on CDFS?
- Is the MIIG impacting revocation rates to prison?
- Are Justice Reinvestment policies impacting recidivism in Montana?
- Have counties who have implemented pretrial risk assessment saved taxpayer money?

A working group of researchers and IT staff from multiple state agencies have identified significant data limitations that Montana needs to address.

Inconsistent tracking of sentencing, particularly with misdemeanors

No tools to ensure that local court staff are reporting information and entering data into IT systems

Lack of data coordination between agencies and a clear plan to move forward as a statewide system to improve data collection and outcome monitoring

No way to track a single person throughout the entire system to coordinate services and track recidivism

Lack of dedicated resources to ensure data-sharing efforts are sustainable

Recommendation: Shore up data resources.

Ensure that metrics are being regularly collected with fidelity for key JR policies, including the MIIG, PSI, and CDFS.

Set up an ongoing workgroup with goals, a concrete timeline, and a project manager to ensure productive collaboration across agencies.

- Objectives should include: reducing duplication of effort across agencies, increased data sharing and integrating data systems, monitoring policy impacts

Prioritize use of a single identifier used across all agency data systems to ensure that individuals can be tracked throughout the system.

Explore new policies to strengthen data collection by local courts so that sentencing information can be analyzed.

Assist counties and jails in strengthening data collection and reporting so state leaders can understand the local impact of policies.

Overall recommendations: Maintain Justice Reinvestment policies and sustain implementation momentum.



Maintain Justice Reinvestment policies in the 2019 legislative session so that the state can finish implementation and measure impacts.



Continue the Criminal Justice Oversight Council to support interbranch collaboration and provide guidance and accountability to ensure success.



Finish the creation of a public data dashboard so that Montanans can follow criminal justice metrics.



Spend \$489K in implementation grant funding before the contract expires on June 30, 2019.

- Hire the grant-funded justice reinvestment coordinator to maintain implementation momentum.
- Execute DOC IT upgrades to better collect and analyze data.
- Train staff on evidence-based evaluation practices.



**Justice
Center**

Thank You

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