

DOC COMMITMENT SENTENCE OUTCOME

1 WHEREAS, In September 2018, the Criminal Justice Oversight Council approved a
2 Resolution to address the issue of the Department of Corrections following
3 judicial sentences and recommendations of the District Court; and

4 WHEREAS, the Resolution resolved that the “Department of Corrections shall honor and
5 follow placement recommendations made in court orders and sentences for any
6 offenders convicted of a felony offense; or in the alternative the Criminal Justice
7 Oversight Council shall make recommendations for statutory changes to remove
8 DOC discretion in placement decisions;” and

9 WHEREAS, On September 15, 2020, the Criminal Justice Oversight Council received a draft
10 of recommended legislation to address the issue of Department of Corrections
11 commitment sentences and an offender’s placement outcome; and

12 WHEREAS, in MCA 46-18-Part 2, a District Court may sentence a felony offender to a
13 variety of sentences to include a commitment to the Department of Corrections
14 for a period not to exceed 5 years; and

15 WHEREAS, recent statistics provided by the DOC have shown that a higher number of these
16 commitments are being sent directly to prison or released to the community and
17 not reflecting the Judge’s intention and/or recommendation for needed services
18 while incarcerated; and

19 WHEREAS, the Montana Justice Reinvestment project goals include reserving prison space
20 for the most serious and violent offenders, reducing recidivism by changing

21 offender behavior, and improving decision-making at the front end and back end
22 of the system; and

23 WHEREAS, treatment and prerelease beds have been largely unused and underutilized in the
24 past 2 years as determined by the Department of Corrections where offenders do
25 not have access to treatment and other services; and

26 WHEREAS, underutilized beds within the Criminal Justice System create a burden to the
27 taxpayers of Montana by paying for services not used by the Department of
28 Corrections.

29 WHEREAS, The Criminal Justice Oversight Council was established to monitor and evaluate
30 legislative changes and criminal justice reform efforts.

31 THEREFORE, BE IT RESOLVED BY THE CRIMINAL JUSTICE OVERSIGHT
32 COUNCIL:

33 SECTION 1: Support legislation that requires the Department of Corrections to honor
34 and follow placement recommendations made in District Court orders and
35 sentences for any offenders convicted of a felony offense.

36 **AND,**

If the Department of Corrections does not follow recommendations of the
District Court, they shall provide a written notice to the Court within 40
days of placement outlining why the District Court's recommendation was
not followed.

37 SECTION 2: The Department of Corrections shall collect and analyze data with respect
38 to District Court ordered placement recommendations and implementation

39 for offenders given a DOC commitment for the Montana Justice
40 Reinvestment project and through at least the next biennium.

41 SECTION 3: The Department of Corrections shall collect and analyze data related to
42 new criminal offenses committed by offenders under their supervision prior
43 to the Montana Justice Reinvestment project and through at least the next
44 biennium.

45 APPROVED and ADOPTED on this _____ day of November 2020.

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JUDGE KURT KRUEGER
Chairman
Criminal Justice Oversight