



## **CRIMINAL JUSTICE OVERSIGHT COUNCIL**

### **67th Montana Legislature**

#### **SENATE MEMBERS**

Ryan Lynch  
Keith Regier

#### **HOUSE MEMBERS**

Kathy Kelker  
Barry Usher

#### **COMMITTEE STAFF**

Milly Allen - Research Analyst  
Katya Grover - Secretary

#### **PUBLIC MEMBERS**

Council Member Boggio  
Sheriff Canen  
Director Gootkin  
Council Member Guernsey  
Council Member Kelly  
Judge Krueger  
Council Member Lindquist  
Council Member Medrano  
Council Member Patelis  
Council Member Tenney  
Council Member Twito  
Deputy Director Wolken

# **MINUTES LOG**

January 18, 2022  
Room 102  
Helena, Montana

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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#### **MEMBERS PRESENT:**

Rep. Barry Usher, Chair (R)  
Council Member Guernsey, Public Member  
Rep. Kathy Kelker (D)  
Council Member Rhonda Lindquist, Public Member  
Sen. Ryan Lynch (D)  
Council Member Patelis, Public Member  
Sen. Keith Regier (R)  
Council Member Tenney, Public Member  
Deputy Director Wolken, Public Member

#### **MEMBERS EXCUSED:**

Council Member Boggio, Public Member  
Sheriff Canen, Public Member  
Director Gootkin, Public Member  
Council Member Kelly, Public Member  
Judge Krueger, Public Member

Council Member Medrano, Public Member  
Council Member Twito, Public Member

**STAFF PRESENT:**

Milly Allen, Research Analyst  
Katya Grover, Secretary

**AGENDA ([Attachment 1](#))**

**NO VISITORS' LIST**

**CALL TO ORDER/ROLL CALL**

- 08:03:50 Chair Usher called the meeting to order at 8:03 AM and welcomed the council members. The council secretary took roll.
- 08:05:44 Chair Usher requested council members let him know about potential absences from the meetings in advance as it might affect their voting abilities. Chair Usher asked Milly Allen, Research Analyst, Legislative Services Division, about proxy voting.
- 08:06:06 Ms. Allen addressed the question.

**MONTANA DRUG COURTS**

- 08:06:12 Chair Usher introduced Beth McLaughlin, Court Administrator, Montana Supreme Court, Judicial Branch.
- 08:06:42 Ms. McLaughlin talked about the Supreme Court key staff members and their functions. In her presentation, Ms. McLaughlin elaborated on what a drug court is overall and provided specifics regarding drug courts in Montana.  
**(Exhibit 1) (Exhibit 2)**
- 08:07:00 Council Member Medrano joined the meeting.
- 08:09:00 Council Member Medrano left the meeting.
- 08:25:00 Council Member Boggio joined the meeting.
- 08:28:00 Council Member Twito joined the meeting.
- 08:29:00 Sheriff Canen joined the meeting.
- 08:33:29 Chair Usher introduced Hon. Mary Jane Knisely, 13th Judicial District, Yellowstone County DUI Court and Veterans Treatment Court.
- 08:33:37 Judge Knisely discussed the drug courts in the 13th Judicial District.
- 08:45:00 Council Member Kelly joined the meeting.

**Council Discussion**

- 08:46:59 Chair Usher invited questions from the council members.
- 08:47:10 Rep. Kelker noted that people working for the 13th Judicial Court have been there for a long time and their length of employment was an important factor. Rep. Kelker asked to elaborate on the reasons as to why those employees remained there for a long period of time.
- 08:47:48 Judge Knisely addressed the question.
- 08:48:49 Rep. Kelker asked to elaborate on the technology allowing for connectivity and on costs associated with the ability to share information.

08:49:21 Judge Knisely addressed the question.

08:50:10 Council Member Boggio elaborated further on the reasons of why professionals stay in the field.

08:51:26 Sen. Regier asked Judge Knisely what percent of her time she spends on treatment courts.

08:51:56 Judge Knisely addressed the question.

08:53:16 Chair Usher asked for clarification regarding the time contributed to the treatment courts.

08:53:51 Judge Knisely addressed the question.

08:54:51 Sen. Regier noted that it takes strong commitment and passion from the judge in order to make a treatment court work. Sen. Regier asked Ms. McLaughlin to elaborate.

08:55:14 Ms. McLaughlin responded to the comment.

08:57:06 Deputy Director Wolken asked Judge Knisely about felony DUI treatment courts and about focusing on starting DUI treatment courts at the misdemeanor level specifically. Deputy Director Wolken also asked to elaborate on potentially creating some type of misdemeanor, first time possession charges in order to deter people from the felony system. Deputy Director Wolken noted that both of these approaches might allow people to get to treatment sooner without them going as far into the felony system.

08:58:53 Judge Knisely addressed the questions.

09:01:08 Director Gootkin, DOC, joined the meeting.

09:03:08 Sen. Lynch asked what the court was using for the risk-needs assessment.

09:03:28 Judge Knisely addressed the question.

09:05:44 Sen. Lynch asked about the acceptance rate when screening offenders.

09:06:00 Judge Knisely addressed the question.

09:07:31 Sen. Lynch asked about the long-term goals with respect to the tolerance for relapses in the drug treatment court.

09:08:06 Judge Knisely addressed the question.

09:11:21 Sen. Lynch asked about the data regarding the number of positive drug tests as well as stages of where offenders were in the program when the data were collected.

09:11:42 Judge Knisely addressed the question.

09:12:59 Sen. Lynch requested those stats be provided to the council members.

09:13:10 Judge Knisely confirmed with Sen. Lynch that the information he was requesting was on the relapse rate by phase and the actual number of days of sobriety.

09:13:40 Chair Usher asked Ms. McLaughlin whether she had state-wide stats on the same points.

09:13:49 Ms. McLaughlin addressed the question.

09:14:12 Sen. Lynch asked about the costs associated with each of those assessments.

09:14:24 Ms. McLaughlin addressed the question.

09:14:46 Chair Usher asked about recidivism and why it was limited to 3 years from the date of entry, especially while the person might still be in court.

09:15:55 Ms. McLaughlin addressed the question.

09:17:07 Chair Usher asked Judge Knisely to clarify about clients paying fees in the DUI court.

09:17:29 Judge Knisely addressed the question.  
09:18:03 Chair Usher asked whether the various fees that the clients paid were included in the total numbers that Judge Knisely referred to.  
09:18:25 Judge Knisely addressed the question.  
09:20:37 Chair Usher asked about the percentage of clients that were from out of the jurisdiction and about funding.  
09:21:29 Ms. McLaughlin addressed the question.  
09:22:13 Judge Knisely elaborated further on Chair Usher's question.  
09:24:40 Chair Usher commented on the drug court system under discussion.  
09:25:31 Council Member Twito asked whether any additional funding was available to the prosecutor team members.  
09:27:00 Ms. McLaughlin addressed the question.  
09:29:47 Council Member Twito asked whether some funding should be provided in order for the drug courts to be used more extensively.  
09:30:14 Ms. McLaughlin addressed the question.  
09:31:45 Judge Knisely elaborated further on various types of funding.  
09:32:40 Chair Usher requested Ms. McLaughlin and Judge Knisely to check with their professional national association on details regarding how prosecutors and other specialists who normally are not funded by the federal grants are paid for and provide that information to the council members.  
09:33:11 Chair Usher thanked participants in the discussion.  
09:34:14 Vice Chair Patelis assumed chairmanship.  
09:34:17 Chair Usher left the meeting.

### **SUPREME COURT PRE-TRIAL DIVERSION PILOT PROJECT**

09:34:40 Vice Chair Patelis introduced discussion of the agenda item.  
09:34:54 Ms. McLaughlin provided a report on the pilot project. **(Exhibit 3)**  
09:42:38 Chair Usher returned to the meeting and resumed chairmanship.  
09:55:05 Ms. McLaughlin continued her presentation with the document entitled "Pretrial Release Conditions Matrix." **(Exhibit 4)**

### **Council Discussion**

10:04:03 Chair Usher invited questions from the council members.  
10:04:26 Rep. Kelker asked whether it was considered how many people were released from prison and were on parole that go to the Yellowstone County because there were a lot of services available and whether that could be taken into consideration in how the pre-trial data would turn out.  
10:05:56 Ms. McLaughlin addressed the question.  
10:07:57 Rep. Kelker emphasized that all the areas of data that Ms. McLaughlin elaborated on were very important.  
10:08:13 Vice Chair Patelis asked about reasons as to why misdemeanors were included in the pre-trial services.  
10:08:40 Ms. McLaughlin addressed the question.  
10:10:15 Vice Chair Patelis asked Ms. McLaughlin whether it would be better to make everybody follow the same procedural policy, etc. Furthermore, Vice Chair

Patelis asked whether an ideal pre-trial diversion program could be put in place in the state of Montana if the Judicial Branch was readily funded.

10:12:50 Ms. McLaughlin addressed the question.

10:17:01 Council Member Lindquist talked about the new case management system that the OPD implemented that supported the concept that has been discussed.

10:17:44 Council Member Guernsey asked Ms. McLaughlin to elaborate on the following: if there were no programs mirroring each other, how it would be possible to compare the data.

10:18:18 Ms. McLaughlin addressed the question.

10:19:09 Rep. Kelker asked whether there was some basic data, such as age or sex of the people assessed, that could be compiled to be able to see the basic demographics of people who end up in the pre-release.

10:20:01 Ms. McLaughlin addressed the question.

10:21:19 Chair Usher referred to the text system that Ms. McLaughlin mentioned and asked whether it was only for the pilot counties or for all counties in the state.

10:21:40 Ms. McLaughlin addressed the question.

10:22:06 Chair Usher requested the following information be provided to the council members at a later date: (a) what it would cost to add all counties to the text system that was currently used in the pilot counties, (b) what the cost would be to open the entire pilot program to all counties, and (c) what it would cost to collect the data on how it was affecting the jail night stays.

10:23:43 Chair Usher stated that although he agreed that to interview everybody would be costly, it would enable to collect the data that would be very helpful for making future decisions.

#### **BRIEF RECESS**

10:24:35 Chair Usher announced a brief recess.

#### **PANEL: 2017 CRIMINAL JUSTICE BILL PACKAGE**

10:34:56 Chair Usher introduced the agenda item and presenters. Chair Usher asked the panel members to address the question of the legislative intent of the 2017 criminal justice bills.

#### **SB 59: Genrally Revise Criminal Justice Laws**

10:36:19 Deputy Director Wolken provided opening remarks on the 2017 Criminal Justice Bill Package and discussed the legislative intent of SB 59. **(Exhibit 5)**

10:38:00 Sen. Regier joined the meeting.

10:43:35 Vice Chair Patelis elaborated further.

10:47:03 Sen. Lynch provided his comments.

#### **Council Discussion**

10:53:56 Chair Usher stated that during current council meeting, the panel members would present the bills in order that they were listed in Exhibit 5. Each bill presentation would be followed by questions from the council members. Furthermore, the bills that would not fit in the current meeting's schedule, would be discussed at the next council meeting. Chair Usher opened the section with questions form the council members.

10:54:46 Council Member Tenney asked to elaborate on quality assurance audit and a potential request for funding.

10:56:23 Deputy Director Wolken addressed the question.

10:58:31 Sen. Lynch elaborated further on the same question.

11:01:25 Council Member Twito asked about the incentives and intervention grid and how its success was measured.

11:02:19 Deputy Director Wolken addressed the question.

11:08:53 Vice Chair Patelis elaborated further.

11:12:49 Council Member Twito asked whether there were adequate resources in the DOC – on the community supervision and probation side – to properly administer the incentives and intervention grid; as well as on the parole side, whether it was properly administered with respect to decisions that had to be made by members of parole board.

11:13:27 Deputy Director Wolken addressed the question.

11:14:34 Vice Chair Patelis also addressed Council Member Twito’s question.

11:17:43 Chair Usher noted that with respect to parole and probations, the Yellowstone County had 7 new positions open and only 2 have been hired for and expressed hope that once the remaining positions got filled, the case load would go down.

11:18:18 Rep. Kelker referred to the relationship between the State of Montana and the University of Cincinnati and asked whether there was relationship with any universities in Montana.

11:19:32 Deputy Director Wolken addressed the question.

11:21:30 Rep. Kelker referred to the possible partnership with the Montana Technological University in developing criminal justice curriculum that Deputy Director Wolken discussed and stated that she was in full support of that opportunity.

11:21:40 Council Member Tenney stated that sometime in the past she was interested in seeing the data about the incentives and intervention grid and was glad to see the council was revisiting the question about the data. Council Member Tenney requested the data driving the revisions be provided to the council members.

11:22:21 Deputy Director Wolken addressed the information request.

11:24:21 Council Member Tenney elaborated further on the information request and said that she specifically was interested to see the number of felonies under the new supervision.

11:24:54 Council Member Lindquist referred to Council Member Twito’s comments and elaborated on the criminal justice bills that have passed but where some pieces didn’t turn out as anticipated on a local level. Council Member Lindquist talked about investing in the criminal safety in Billings and the impact that has had on the front end and the back end of the criminal justice system. Lastly, Council Member Lindquist pointed out that it was very important to remember all the stakeholders and the pressure they had and take into consideration cause and effect on the entire system.

11:27:18 Chair Usher announced that the 2017 criminal justice bills would be discussed later during the meeting if the time would allow.

**Public Comment**

11:27:25 Chair Usher opened public comment.

11:28:07 Laurie LittleDog, self, spoke on behalf of the incarcerated persons in Montana. In her testimony, Ms. LittleDog expressed concerns about incentives vs. interventions.

- 11:30:34 Chair Usher referred to SB 59 and requested the Quality Assurance Section, DOJ, provided an update to the council members either at a future meeting or during the work session of the current meeting. Chair Usher also requested copies of the Montana Incentive and Interventions Grid (MIIG) be provided to the council members.
- 11:31:32 May Simmons, self, provided comments regarding SB 59. Ms. Simmons also elaborated on topics related to the evidence-based practices and parole.
- 11:35:34 Chair Usher announced lunch recess and stated that further public comment would be allowed during the current meeting.

**LUNCH RECESS**

11:35:55 The committee recessed for lunch.

**PRESENTATION: DEPARTMENT OF CORRECTIONS 3.5 UPDATE**

- 13:00:45 Chair Usher called the meeting back to order.
- 13:01:09 Deputy Director Wolken introduced presenters and stated that they would be participating via Zoom.
- 13:01:30 Chair Usher made introductory remarks about the DOC 3.5 update.
- 13:02:06 Connie Winner, Administrator, Clinical Services Division, DOC, provided her presentation. **(Exhibit 6)**
- 13:10:41 Chair Usher stated that a document entitled “Vacancies at the Department of Corrections” that Ms. Winner referred to was presently passed around among the council members. **(Exhibit 7: can be viewed at 13:10:41)**
- 13:11:00 Steffani Turner, Bureau Chief of Mental Health, DOC, reported on the treatment programs provided at the Montana State Prison.

**Council Discussion**

- 13:15:15 Chair Usher opened the council discussion.
- 13:15:33 Sen. Regier asked about the required qualifications for a licensed addiction counselor.
- 13:15:54 Ms. Winner deferred to Ms. Turner.
- 13:16:08 Ms. Turner addressed the question.
- 13:17:11 Sen. Regier asked to confirm whether psychologists, nursing, and endorsement specialists each required different professional licensing.
- 13:17:31 Ms. Turner addressed the question.
- 13:18:02 Sen. Regier referred to Exhibit 7 that indicated that more counselors were needed and asked to elaborate on the reasons for the shortage.
- 13:18:21 Ms. Turner addressed the question.
- 13:18:49 Rep. Kelker asked about the manner in which information was provided to the group participants: whether the participants were required to read the materials or whether the information was delivered in a different manner.
- 13:19:38 Ms. Turner addressed the question.
- 13:20:08 Rep. Kelker asked whether there were people in the groups who had low reading ability.
- 13:20:25 Ms. Turner addressed the question.
- 13:20:43 Council Member Tenney noted that the Pine Hills facility was designed for younger offenders with low risk and asked whether the curriculum in that facility

was different from curriculum in facilities housing offenders with moderate to severe risks.

13:21:16 Ms. Turner responded to the question.

13:23:04 Vice Chair Patelis noted that there were over 700 people on a waiting list and that between the time they would get evaluated and the time they appear before the court, two to three years may have pass keeping those people with 3.5 evaluation in prison. Vice Chair Patelis stated that there was a need in an updated evaluation for proper assessments. Vice Chair Patelis asked why there was no updated evaluation yet as well as asked what could be done to make it possible.

13:27:35 Ms. Winner addressed Vice Chair Patelis' questions and comments.

13:30:50 Vice Chair Patelis asked about the timeline that Ms. Winner mentioned as well as requested that the council members be notified when the DOC team would meet to make the adjustments.

13:31:35 Ms. Winner addressed the question.

13:33:46 Chair Usher asked how many people were currently on the 3.5 list.

13:34:16 Ms. Turner addressed the question.

13:34:25 Chair Usher asked Ms. Turner to confirm that approximately 100 people a year could go through the program.

13:34:50 Ms. Turner addressed the question.

13:35:01 Chair Usher asked how many beds were currently occupied in Montana State Prison in Deer Lodge, Connections Corrections Program, Passages, Elkhorn Treatment Center, and NEXUS Treatment Center.

13:35:47 Ms. Turner addressed the question.

13:35:58 Chair Usher asked whether any council member of DOC staff had the answer.

13:36:08 Director Gootkin stated that he would obtain that information.

13:36:18 Chair Usher reiterated that because about 100 people could go through the program with the current number of beds, it would take about 7 years to move the current 700 people who were on the waiting list through.

13:36:51 Vice Chair Patelis asked whether currently only ASAM was used as a screening tool or whether it was a component of the full evaluation.

13:37:32 Ms. Turner addressed the question.

13:38:15 Vice Chair Patelis asked about the programming in Shelby in relation to helping with the waiting list.

13:39:43 Council Member Guernsey referred to a problem with Licensed Addiction Counselors as they tend to leave as soon as they become licensed and asked whether supervision was included as part of the employment process and whether there was any required time commitment upon receiving the licensure.

13:40:32 Ms. Turner addressed the question.

13:41:00 Council Member Guernsey asked whether the supervision and time commitment could be taken into consideration as it could be beneficial to both parties.

13:41:40 Ms. Turner addressed the question.

13:41:48 Rep. Kelker referred to people with low risk who needed intervention education type of treatment and asked whether it would make more sense to move those people from the prison to a place where there already was a pool of professionals.

13:43:52 Ms. Winner responded to Rep. Kelker's comment.



- 13:45:41 Director Gootkin stated that the DOC was currently in the process of hiring a rehabilitation chief. Director Gootkin also addressed Rep. Kelker's suggestion.
- 13:46:49 Chair Usher reiterated the idea that the information regarding the number of occupied beds in the facilities should be readily available every day.
- 13:48:08 Director Gootkin stated that those numbers were available on the DOC website.
- 13:48:29 Deputy Director Wolken also addressed Chair Usher's concern.
- 13:51:29 Chair Usher asked Ms. Winner and Ms. Turner if they had questions for the council members and encouraged them to let the council members know if the council could be of assistance with respect to treatment programs.
- 13:51:58 Ms. Winner thanked the council members for the opportunity to provide the overview.
- 13:53:10 Chair Usher thanked the presenters and closed the discussion.

**BRIEF RECESS**

- 13:53:58 Chair Usher announced a brief recess.

**PANEL: 2017 CRIMINAL JUSTICE BILL PACKAGE - continued**

Panel & Discussion: Legislative Intent of 2017 Criminal Justice Bills:

**SB 60: Generally Revise Criminal Justice Laws – continued**

- 14:02:59 Chair Usher called the council back to order and opened discussion on the 2017 criminal justice bills.
- 14:03:27 Deputy Director Wolken
- 14:07:22 Vice Chair Patelis
- 14:08:06 Sen. Lynch

**Council Discussion**

- 14:11:20 Chair Usher asked about different courts and the assessment tools.
- 14:11:50 Sen. Lynch addressed the question.
- 14:12:36 Chair Usher confirmed with Sen. Lynch that in the pilot counties, the courts were standardized and were using one assessment tool in the pre-trial hearings but not in drug courts.
- 14:14:43 Vice Chair Patelis elaborated on Chair Usher's question.

**SB 61: Requiring Certain Facilities Providing Behavioral Health Srvcs to Be Lic by DPHHS**

- 14:17:30 Deputy Director Wolken

**SB 62: Certification for Behavioral Health Peer Support Specialists**

- 14:19:18 Deputy Director Wolken
- 14:23:17 Sen. Lynch

**SB 60: Generally Revise Criminal Justice Laws - continued**

- 14:23:58 Council Member Twito commented on pre-trial investigative reports. Council Member Twito also asked how the risk-needs assessment affected the person's supervision.
- 14:25:52 Deputy Director Wolken addressed the question.
- 14:28:53 Vice Chair Patelis also addressed Council Member Twito's comment.

- 14:29:24 Council Member Twito expressed his concern about the assessment dictating how long people would be on the active supervision and asked whether the active supervision was mandatory.
- 14:30:28 Deputy Director Wolken addressed the question.
- 14:30:50 Sen. Lynch further elaborated on the question.
- 14:32:43 Council Member Twito asked how the MORRA was administered and whether it was administered on a consistent basis. Council Member Twito also asked what domains the DOC was looking for in the assessment.
- 14:33:11 Sen. Lynch addressed the question.
- 14:33:56 Deputy Director Wolken elaborated further on the question.
- 14:34:37 Council Member Twito stated that he believed that the assessments were not administered consistently.

**SB 62: Certification for Behavioral Health Peer Support Specialists**

- 14:37:27 Rep. Kelker noted that at the local level, the peer support groups were not being used because peer support specialists didn't want to have responsibilities associated with that occupation as they didn't want to be sued.

**SB 63: Revise Laws Related to Supervision of Offenders/Defendants.**

- 14:38:50 Deputy Director Wolken

**Council Discussion**

- 14:40:38 Council Member Guernsey asked about victim input.
- 14:41:00 Deputy Director Wolken addressed the question.
- 14:41:33 Council Member Guernsey asked whether there was any processing with the victims afterwards to see whether or not they felt that they've been taken into consideration.
- 14:42:00 Deputy Director Wolken addressed the question.
- 14:43:03 Council Member Twito elaborated further on Council Member Guernsey's question.

**SB 64: Generally Revise Laws Related to the Board of Pardons and Parole**

- 14:43:47 Deputy Director Wolken
- 14:46:03 Sen. Lynch
- 14:48:04 Vice Chair Patelis
- 14:51:50 Chair Usher announced that the rest of the bills from the 2017 Criminal Justice Bill Package would be discussed at the next council meeting.

**PUBLIC COMMENT ON ANY MATTER UNDER THE JURISDICTION OF THE CRIMINAL JUSTICE OVERSIGHT COUNCIL THAT IS NOT MENTIONED ON THIS AGENDA**

- 14:52:12 Chair Usher opened public comment.
- 14:52:36 Ms. Simmons, self, provided comment on a variety of topics, including parole plans vs. parole for success; pressure on the infrastructure; and unconditional release.
- 14:57:52 Ms. LittleDog, self, provided testimony regarding people on parole trying to petition for an early release from parole; regarding SB 64 and a necessity of the board members to be drawn from the local communities in addition to

professional board members; and on a necessity of a legislative audit to see how money intended for the COVID-19 assistance has been spent.

### **BRIEF RECESS**

15:01:29 Chair Usher announced a brief recess.

### **WORK SESSION**

#### **Work Plan**

15:11:26 Chair Usher opened the discussion on the work plan.

15:11:43 Ms. Allen provided an overview of the work plan. **(Exhibit 8)**

15:12:49 Vice Chair Patelis noted that because it is a council and not an interim committee, it should follow a different set of rules.

15:13:03 Chair Usher emphasized that this council was created based on a different statute than interim committees.

15:13:22 Ms. Allen addressed the question and continued her report.

15:15:17 Chair Usher noted that this council potentially may have meetings past September 15, 2022.

15:16:16 Ms. Allen continued her report and elaborated on the decision matrix. **(Exhibit 9)**

15:21:25 Rep. Kelker referred to Exhibit 9 and asked whether this council could make recommendations for bills to go into the legislative session, without necessarily coming out of this council.

15:21:53 Chair Usher addressed the question.

15:22:41 Rep. Kelker noted that the council wouldn't need to spend a lot of time on the sober living homes as it was a fairly straight-forward topic, while some other topics would need a more in-depth involvement by the council.

15:23:01 Chair Usher expressed his agreement and elaborated further on the sober living part of the work plan. Chair Usher went over the items listed in Exhibit 9.

15:26:52 Council Member Twito provided his recommendations in that the council should look into diversion and specifically into diverting people from criminal conviction. Council Member Twito noted that the council didn't necessarily need to wait for data in order to work on this topic.

15:28:13 Chair Usher elaborated further on the study of the diversion, or pre-arrest, programs.

15:29:02 Sen. Lynch expressed his agreement, as well as requested a conversation with the DPHHS about waivers.

15:29:39 Rep. Kelker expressed her agreement with the latter point.

15:30:04 Chair Usher asked Ms. Allen whether putting those discussion points would overwhelm the agenda in the upcoming meetings.

15:30:17 Ms. Allen addressed the question.

15:30:49 Chair Usher noted that he would like to keep the agenda to a minimum for the time being, as well as reiterated that the discussion on sober living should be kept to a minimum as well.

15:31:39 Council Member Twito offered his expertise and assistance in putting together a legislation on behalf of the council and collaborating with Ms. Allen on it.

15:32:33 Chair Usher asked what the council's pleasure would be regarding the 3.5 treatment.

15:32:52 Rep. Kelker asked whether there was a consensus regarding easing the backlog with the 3.5 treatment program.

15:33:15 Vice Chair Patelis expressed his agreement.

15:33:22 Rep. Kelker suggested to have an update provided to the council before September 2022.

15:33:40 Chair Usher requested the update regarding the 3.5 treatment program be provided to the council in June 2022.

15:34:35 Deputy Director Wolken stated that the update would be ready in June.

15:34:56 Rep. Kelker noted that the council's job was to get to an agreement of what would work and pointed out that the problem was that there wasn't enough useful data.

15:36:05 Council Member Lindquist stated that at the last Justice Committee there was a panel with stakeholders.

15:36:43 Sen. Lynch suggested to invite the new State Chief Information Officer and other stakeholders to the council meeting.

15:37:35 Chair Usher went over the remaining topics in Exhibit 9 and solicited opinion on them from the council members.

15:41:21 Rep. Kelker emphasized that it would be beneficial to hear about the legislative intent of the 2017 criminal justice bills in order to see what worked and what didn't.

15:41:48 Chair Usher addressed Rep. Kelker's comment.

15:42:24 Council Member Twito also elaborated further.

15:43:15 Vice Chair Patelis invited Council Member Twito to elaborate on a possible bill proposed by the Montana County Attorneys' Association.

15:43:52 Council Member Twito presented a bill proposal; he provided the background information as well as the intent.

15:49:45 Chair Usher expressed his agreement and suggested to have it as a committee bill.

15:51:16 Vice Chair Patelis further elaborated on the bill.

15:51:41 Chair Usher concurred with what has been said about the potential committee bill.

15:52:33 Council Member Tenney spoke about unintended consequences of too much supervisions and requested the data related to different levels of supervision be discussed at a future meeting of the council.

15:53:28 Chair Usher requested Deputy Director Wolken prepare and present statistics on the aforementioned point at the council meeting that would take place after March 2022.

15:54:18 Council Member Lindquist expressed her agreement with the point raised by Council Member Tenney.

15:54:48 Chair Usher made a remark about the CSG Justice Center as well as elaborated further on the backlog in Yellowstone County specifically. Chair Usher referred to an issue with accumulated criminal charges and asked Council Member Twito what the council could do to ease the logjam in the court system.

15:56:52 Council Member Twito addressed Chair Usher's comment and question.

15:59:24 Chair Usher concluded the meeting.

## **ADJOURNMENT**

Adjournment: 15:59:53