



## CRIMINAL JUSTICE OVERSIGHT COUNCIL 68th Montana Legislature

### SENATE MEMBERS

Ryan Lynch  
Keith Regier

### HOUSE MEMBERS

Kathy Kelker  
Barry Usher

### COMMITTEE STAFF

Milly Allen - Research Analyst  
Bethany McDowell James -  
Secretary

### PUBLIC MEMBERS

Rhonda Lindquist  
Georgette Boggio  
Ross Canen  
Brian Gootkin  
Rachel Guernsey  
Melissa Kelly  
Judge Kurt Krueger  
Keegan Medrano  
Jimmy Patelis  
Amy Tenney  
Scott Twito  
Cynthia Wolken

# MINUTES LOG

August 30, 2022  
Room 137 / Zoom  
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.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <https://leg.mt.gov>. From the home page, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu for the date of the meeting. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From there, use the calendar to select the date of the meeting you wish to view/listen to. The written Minutes Log, along with links to the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed. Please contact the Legislative Services Division at 406-444-3064 for more information.

### **MEMBERS PRESENT:**

Rep. Barry Usher, Chair (R)  
Georgette Boggio, Public Member  
Ross Canen, Public Member  
Brian Gootkin, Public Member  
Rachel Guernsey, Public Member  
Rep. Kathy Kelker (D)  
Judge Kurt Krueger, Public Member  
Sen. Ryan Lynch (D)  
Keegan Medrano, Public Member  
Jimmy Patelis, Public Member  
Sen. Keith Regier (R)  
Scott Twito, Public Member  
Cynthia Wolken, Public Member

**MEMBERS EXCUSED:**

Melissa Kelly, Public Member  
Amy Tenney, Public Member  
Rhonda Lindquist, Public Member

**MEMBERS ABSENT:**

**STAFF PRESENT:**

Milly Allen, Research Analyst  
Bethany McDowell James, Secretary

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

**VISITORS' LIST** ([Attachment 2](#))

**CALL TO ORDER/ROLL CALL**

08:01:21 Rep. Barry Usher called the meeting to order at 8:01 AM. The committee secretary took roll.

**OPENING REMARKS**

08:04:20 Rep. Usher

**BEST CORRECTIONAL PRACTICES – Chris D’Amato, Research Associate, University of Cincinnati Corrections Institute**

08:05:52 Mr. D’Amato ([Exhibit 1](#))

**Council Questions/Discussion**

08:19:47 Ms. Guernsey asked about the effectivity of therapeutic communities.  
08:21:02 Ms. Guernsey asked Mr. D’Amato about the location where research is conducted.  
08:22:01 Rep. Kelker asked Mr. D’Amato about the general timeline required to cultivate independence for individuals.  
08:23:36 Rep. Kelker asked Mr. D’Amato about cases for individuals who relapse.  
08:26:42 Mr. Twito asked Mr. D’Amato about behavioral therapy.  
08:28:29 Mr. Twito asked Mr. D’Amato about techniques for following appropriate services in behavioral therapy.  
08:30:07 Mr. Twito asked for additional information from Mr. D’Amato.  
08:30:27 Ms. Guernsey asked Mr. D’Amato for his definition of recidivism.  
08:33:34 Sen. Lynch asked Mr. D’Amato about individual assessment processes.  
08:37:00 Sen. Lynch asked Mr. D’Amato about different assessments for different treatment services.  
08:38:40 Sen. Lynch asked about standardized assessments.  
08:40:10 Sen. Lynch asked Mr. D’Amato about a Correctional Programming Checklist (CPC).  
08:42:00 Ms. Guernsey asked Mr. D’Amato about treatment hours related to vocational training.

08:43:21 Rep. Usher asked Mr. D'Amato about risky treatment practices.

**Public Comment on Best Correctional Practices**

08:45:24 None

**BACKGROUND ON MONTANA INCENTIVE AND INTERVENTION GRID (MIIG) – Kim Lahiff, Probation and Parole Bureau Chief, DOC**

08:47:42 Ms. Lahiff ([Exhibit 2](#))

**Committee Questions/Discussion**

09:08:54 Sen. Regier asked Ms. Lahiff for clarification on her presentation.

09:09:33 Ms. Guernsey asked Ms. Lahiff about resources used for less predictable outcomes.

09:13:03 Mr. Twito asked Ms. Lahiff about tracking revocation information.

09:15:33 Mr. Twito asked Ms. Lahiff about Reports of Violation (ROV) statistics.

09:16:30 Mr. Twito asked Ms. Lahiff about the difference in numbers between reports of violations for non-compliance and compliance. He followed by asking Ms. Lahiff about factors influencing those numbers.

09:19:21 Rep. Usher asked Ms. Lahiff for clarification.

09:20:42 Mr. Twito asked Ms. Lahiff about Mr. D'Amato's presentation.

09:23:13 Rep. Kelker asked Ms. Lahiff about time management for individuals in need of treatment.

09:27:56 Rep. Kelker asked Ms. Lahiff about providing extra guidance for individuals who might need it.

09:30:07 Dir. Gootkin asked Ms. Lahiff about officer training and morale.

09:34:19 Mr. Patellis asked Ms. Lahiff about the timeline for MIG completions.

09:37:52 Mr. Patellis asked Ms. Lahiff about case plans for individuals. He followed by asking about case plan timelines.

09:40:56 Mr. Patellis asked Ms. Lahiff about case-planning tools.

09:42:33 Mr. Patellis commented on potential improvements in quality of supervision and time management.

09:46:09 Rep. Usher asked Ms. Lahiff about individuals who are not receiving thorough services from their parole officers due to time restraints.

09:51:07 Rep. Usher commented on Ms. Lahiff's response.

09:51:25 Dir. Gootkin commented on Ms. Lahiff's response.

09:52:36 Mr. Twito commented on Ms. Lahiff's response.

**Public Comment on the agenda item**

09:56:41 Clemente Arciga, Self

**RECESS**

10:02:03 Reconvened at 10:15:27.

**CRIM SURVIVORS PANEL – Kristi Bice, Craig Crawford, Al Jenkins, Barb Jenkins, Sharon Wilson**

10:15:31 The panelists gave introductions.

10:17:38 Ms. Bice

10:24:58 Mr. Crawford  
10:30:02 Mr. Jenkins  
10:35:51 Ms. Jenkins  
10:41:10 Ms. Wilson ([Exhibit 3](#))

#### **Committee Questions/Discussion**

10:45:33 Rep. Usher asked Ms. Jenkins about the Jane Doe Program. ([Exhibit 4](#))  
10:47:17 Rep. Usher asked the panelists what the council can do to help them.  
10:59:31 Mr. Twito asked the panelists for their thoughts on a victim liaison.  
11:06:02 Ms. Guernsey asked the panelists about successful practices for reaching out to other victims.  
11:14:39 Ms. Guernsey asked the panelists about their participation in victim-offender mediations.  
11:21:48 Ms. Guernsey asked about current victim advocacy statutes.  
11:22:19 Mr. Twito responded to Ms. Guernsey's question.  
11:25:40 Ms. Wolken described DOC victim service programs.  
11:27:21 Mr. Patellis further described victim impact programs.  
11:29:46 Rep. Kelker asked the panelists about appropriate topics for the council related to victim services.

#### **Public Comment on the agenda item**

11:34:50 Nanette Gilbertson, Montana County Attorneys Association and Montana Sheriffs and Peace Officers Association  
11:38:19 Clemente Arciga, Self  
11:42:17 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

#### **RECESS FOR LUNCH**

11:49:39 Reconvened at 13:16:31 (1:16pm).

#### **REVIEW OF COUNCIL LEGISLATION - Milly Allen, LSD Research Analyst**

##### **Council Discussion on CJOC 1.2 Draft Legislation**

13:16:31 Ms. Allen reviewed CJOC 1.2. ([Exhibit 5](#))  
  
13:18:02 Sen. Lynch asked Ms. Allen about language in the draft bill. (See exhibit 5)  
13:18:40 Sen. Regier asked Ms. Allen about felony dollar amounts in the draft bill. (See exhibit 5)  
13:20:09 Sen. Regier asked the council about consistencies within the draft bill.  
13:20:32 Mr. Twito responded to Sen. Regier's question.  
13:22:56 Rep. Usher responded to Mr. Twito's statement.  
13:23:11 Sen. Regier asked Mr. Twito about consistencies in the bill.  
13:23:49 Sen. Lynch asked the council about a potential increase in caseloads.  
13:24:02 Rep. Usher responded to Sen. Lynch's question.  
13:24:34 Mr. Twito responded to Sen. Lynch's question.

13:26:01 Sen. Lynch commented on caseloads. He followed by asking Mr. Twito about felony theft cases.  
13:27:48 Sen. Regier commented on the number of felony theft cases.  
13:28:27 Rep. Kelker asked the council about distinctions in levels of felony offenses.  
13:29:38 Mr. Twito responded to Rep. Kelker's question.  
13:30:51 Rep. Kelker asked Mr. Twito about common schemes.  
13:32:22 Sheriff Canen commented on the potential impact of increased felony cases.  
13:32:54 Mr. Twito read the current definition of "common scheme."  
13:34:04 Ms. Guernsey asked Mr. Twito about timeframes for common schemes.  
13:35:39 Sen. Regier asked the council about amending the bill draft during session. (See exhibit 5)  
13:36:18 Rep. Usher commented on the work of the council and potential future meetings.  
13:36:58 Sen. Regier asked about the Law and Justice Interim Committee's role in drafting CJOC bills.  
13:38:00 Sen. Lynch asked Ms. Allen to request information from the courts to determine the issue behind the bill draft. (See exhibit 5)  
13:38:29 Rep. Usher left CJOC 1.2 for further consideration.

#### **Council Discussion on CJOC 2.2 Draft Legislation**

13:39:00 Ms. Allen reviewed CJOC 2.2. ([Exhibit 6](#))  
13:40:59 Rep. Kelker asked Ms. Allen about including amendments to the definition of "certified recovery residences."  
13:44:04 Rep. Kelker asked Ms. Allen for further clarification on the language in the bill draft.  
13:45:57 Mr. Patellis responded to Rep. Kelker's question.  
13:46:51 Rep. Usher responded to Rep. Kelker's question.  
13:47:32 Rep. Kelker stated her concerns for uncertified residences providing treatment.  
13:48:35 Rep. Usher responded to Rep. Kelker's statement.  
13:50:05 Dir. Gootkin stated the DOC's intentions for the draft bill.  
13:50:54 Mr. Patellis responded to Rep. Kelker's statement.

#### **MOTION**

13:51:52 Sen. Lynch moved to adopt CJOC 2.2 as a committee bill. (See exhibit 6)  
13:52:19 Sen. Lynch temporarily withdrew the motion to allow for public comment.

#### **Public Comment on CJOC 2.2 Draft Legislation**

13:53:02 Collin Wilson, Step Inc.

#### **MOTION**

13:54:45 Sen. Lynch moved to adopt CJOC 2.2 as a committee bill. (See exhibit 6)

#### **VOTE**

13:55:04 Motion carried unanimously by voice vote. Ms. Tenney voted by proxy. Ms. Kelly voted by proxy.

13:55:45 Rep. Kelker was assigned to carry CJOC 2.2. (See exhibit 6)

**Council Discussion on CJOC 3.2 Draft Legislation**

13:56:14 Ms. Allen reviewed CJOC 3.2. ([Exhibit 7](#))

13:58:37 Mr. Twito commented on CJOC 3.2. (See exhibit 7)

**MOTION**

14:00:29 Mr. Patellis moved to adopt CJOC 3.2 as a committee bill. Mr. Patellis temporarily withdrew his motion to allow for public comment.

**Public Comment on CJOC 3.2 Draft Legislation**

14:01:32 Nanette Gilbertson, Montana County Attorneys Association and Montana Sheriffs and Peace Officers Association

**MOTION**

14:02:25 Mr. Patellis moved to adopt CJOC 3.2 as a committee bill. (See exhibit 7)

**Discussion on the Motion**

14:02:38 Sen. Lynch asked about the necessity of CJOC 3.2. (See exhibit 7)

14:03:51 Mr. Twito responded to Sen. Lynch's question.

**VOTE**

14:07:50 Carried 10 - 2 by roll call vote with Sen. Lynch and Ms. Wolken voting no. Judge Krueger, Ms. Boggio, Ms. Lindquist, and Mr. Medrano abstained from voting. Ms. Tenney and Ms. Kelley voted by proxy.

14:10:58 Rep. Kelker was assigned to carry CJOC 3.2. (See exhibit 7)

**Council Discussion on CJOC 4 Draft Legislation**

14:11:53 Ms. Allen reviewed CJOC 4. ([Exhibit 8](#))

14:12:19 Rep. Kelker commented on CJOC 4. (See exhibit 8)

14:13:21 Ms. Wolken asked Ms. Allen for clarification on CJOC 4. (See exhibit 8)

**Public Comment on CJOC 4 Draft Legislation**

14:14:05 None

**MOTION**

14:14:12 Rep. Kelker moved to adopt CJOC 4 as a committee bill. (See exhibit 8)

**Discussion on the Motion**

14:14:46 Ms. Wolken commented on her stance on CJOC 4. (See exhibit 8)

14:15:56 Sen. Regier commented on Ms. Wolken's statements.

14:17:45 Dir. Gootkin commented on the resource issue that CJOC 4 aims to address. (see exhibit 8)

## **VOTE**

- 14:18:04 Carried 9 - 3 by roll call vote with Sen. Lynch, Ms. Wolken, and Mr. Canen voting no. Judge Krueger, Ms. Boggio, Ms. Lindquist, and Mr. Medrano abstained from voting. Ms. Tenney and Ms. Kelly voted by proxy.
- 14:19:51 Sen. Regier was assigned to carry CJOC 4. (See exhibit 8)

## **Council Discussion on CJOC 5.2 Draft Legislation**

- 14:20:24 Ms. Allen reviewed CJOC 5.2. ([Exhibit 9](#))
- 14:21:45 Sen. Lynch commented on cars valued at \$1,500.
- 14:22:16 Mr. Twito commented on the impact of the theft of a vehicle.
- 14:23:25 Sen. Regier asked Mr. Twito about the definition of a motor vehicle.
- 14:24:32 Mr. Twito commented on potential changes to the definition of "motor vehicle" in CJOC 5.2. (See exhibit 9)
- 14:25:16 Sen. Lynch commented on cars as a means for an individual's livelihood.
- 14:27:22 Rep. Usher responded to Sen. Lynch's comments.
- 14:27:37 Ms. Guernsey commented on the act of theft.
- 14:28:03 Ms. Wolken asked the council about the potential impacts of the draft bill. (See exhibit 9)
- 14:29:21 Mr. Twito responded to Ms. Wolken's question.
- 14:31:53 Rep. Kelker commented on the definition of the type of vehicle that the draft bill aims to include. (See exhibit 9)
- 14:32:53 Dir. Gootkin asked about deferring CJOC 5.2 so the council can work on a clear definition of the type of motor vehicle addressed in the draft bill. (See exhibit 9)

## **Public Comment on CJOC 5.2 Draft Legislation**

- 14:34:24 Nanette Gilbertson, Montana County Attorneys Association and Montana Sheriffs and Peace Officers Association
- 14:36:37 Josh Butterfly, Prayer Warriors Tribal Council
- 14:39:13 Clemente Arciga, Self

## **Council Discussion on CJOC 5.2 continued**

- 14:42:23 Mr. Twito asked to work further with Ms. Allen on CJOC 5.2 and bring changes to CJOC's next meeting. (See exhibit 9)

## **Council Discussion on CJOC 6 Draft Legislation**

- 14:42:58 Ms. Allen reviewed CJOC 6. ([Exhibit 10](#))
- 14:44:54 Mr. Twito commented on the idea behind CJOC 6. (See exhibit 10)
- 14:46:09 Ms. Allen clarified language within CJOC 6. (See exhibit 10)
- 14:49:48 Dir. Gootkin commented on changing the agency responsible for executing the bill. (See exhibit 10)
- 14:50:30 Sen. Regier asked the council about previous legislation similar to CJOC 6. (See exhibit 10)
- 14:50:48 Sen. Lynch responded to Sen. Regier's question.

14:51:20 Mr. Twito responded to Dir. Gootkin's statement.  
14:53:36 Rep. Kelker asked Mr. Twito about the Department of Justice (DOJ) at the local level.  
14:55:33 Rep. Kelker asked about clarifying agency responsibility in CJOC 6. (See exhibit 10)  
14:56:06 Rep. Usher commented on including the agency or department that will potentially be established with the passing of HJ 31 draft legislation.  
14:57:56 Rep. Kelker asked the council about language within CJOC 6. (See exhibit 10)  
14:59:09 Mr. Twito responded to Rep. Kelker's question.  
15:00:14 Ms. Allen responded to Rep. Kelker's question.  
15:01:03 Rep. Kelker commented on the assessment tool that will potentially be used with the establishment of CJOC 6. (See exhibit 10)  
15:01:47 Ms. Wolken commented on a potential funding source for the draft bill. (See exhibit 10)  
15:02:14 Mr. Twito responded to Ms. Wolken's comment.  
15:02:47 Rep. Usher commented on the Montana Board of Crime Control (MBCC) being the responsible agency for the bill draft. (See exhibit 10)  
15:03:20 Sen. Lynch responded to Rep. Usher's comment.  
15:03:47 Rep. Usher asked about additional work for CJOC 6. (See exhibit 10)  
15:04:23 Ms. Guernsey asked about a timeframe for the pilot program in the bill draft. (See exhibit 10)  
15:04:55 Sen. Lynch responded to Ms. Guernsey's question.

#### **Public Comment on CJOC 6 Draft Legislation**

15:05:49 Nanette Gilbertson, Montana County Attorneys Association and Montana Sheriffs and Peace Officers Association  
15:08:01 Josh Butterfly, Prayer Warriors Tribal Council

#### **Council Discussion on CJOC 6 continued**

15:10:29 Rep. Usher commented on future work for CJOC 6. (See exhibit 10)

#### **Public Comment on any topic within CJOC's jurisdiction but not on the agenda**

15:11:14 Erin McGowan, Montana Community Corrections Association  
15:13:17 Josh Butterfly, Prayer Warriors Tribal Council  
15:17:04 Angelica Henson ([Exhibit 11](#))  
15:20:53 Clemente Arciga, Self

#### **RECESS**

15:23:14 Reconvened at 15:40:52

#### **INTRODUCTION TO LEGISLATIVE SERVICES DIVISION EXECUTIVE DIRECTOR, JERRY HOWE**

15:41:06 Mr. Howe

#### **Council Questions/Discussion**

15:43:45 Sen. Regier asked Mr. Howe about his travels.  
15:44:08 Rep. Usher commented on CJOC's work.



15:47:12 Sen. Lynch welcomed Mr. Howe.

### **WORK SESSION**

15:48:05 Ms. Allen presented an overview of topics for future CJOC meetings.  
15:49:14 Rep. Usher commented on Mr. Patellis's requests for future meeting topics.  
15:50:24 Sen. Regier commented on the victim panel presenting with the MBCC.  
15:50:50 Rep. Usher responded to Sen. Regier's comment.  
15:51:25 Dir. Gootkin commented on funds for the DOC's victim witness program.  
15:51:48 Mr. Twito asked for a speaker from MBCC to present with a victim panel.  
15:52:39 Rep. Usher asked about a future victim panel.  
15:53:12 Ms. Guernsey responded to Rep. Usher's question.  
15:54:29 Dir. Gootkin commented on funds for victim advocacy programs.  
15:55:08 Rep. Usher asked for the contents of a study from the Public Safety Interim Budget Committee to be presented to CJOC.  
15:55:40 Mr. Twito asked about including a presentation from the Crime Victim Compensation Office at a future meeting.  
15:55:56 Sen. Lynch commented on having a presentation on the Executive budget.  
15:57:19 Rep. Usher asked about a proposed date for the next meeting.  
15:58:11 Rep. Usher asked about a potential meeting date during session.  
16:00:36 Rep. Kelker suggested a proposed meeting date.  
16:01:07 Ms. Allen responded to Rep. Kelker's suggested meeting date.  
16:01:45 Mr. Twito asked about identified drafting errors in bills that were passed in the 67th legislative session.  
16:03:25 Rep. Usher responded to Mr. Twito.  
16:04:09 Sen. Regier responded to Mr. Twito.

### **MOTION**

16:04:39 Sen. Lynch moved to adjourn the meeting.

### **VOTE**

16:05:01 Motion carried unanimously by voice vote.

### **ADJOURNMENT**

16:05:14 Rep. Usher adjourned the meeting at 16:05:14 (4:05pm).