



LAW AND JUSTICE INTERIM COMMITTEE

67th Montana Legislature

SENATE MEMBERS

John Esp
Jen Gross
Ryan Lynch
Tom McGillvray
Keith Regier
Susan Webber

HOUSE MEMBERS

Laurie Bishop
Frank Fleming
Donavon Hawk
Emma Kerr-Carpenter
Amy Regier
Barry Usher

COMMITTEE STAFF

Rachel Weiss - Research Analyst
Julianne Burkhardt - Attorney
Daniel Collins - Secretary

MINUTES LOG

October 28, 2021
Capitol Room 317 and 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.

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MEMBERS PRESENT:

Sen. John Esp, Acting Presiding Officer (R)
Rep. Laurie Bishop (D)
Rep. Frank Fleming (R)
Rep. Donavon Hawk (D)
Rep. Emma Kerr-Carpenter (D)
Sen. Ryan Lynch (D)
Sen. Tom McGillvray (R)
Sen. Keith Regier (R)
Rep. Amy Regier (R)
Rep. Barry Usher (R)
Sen. Susan Webber (D)

MEMBERS EXCUSED:

Sen. Jen Gross (D)

STAFF PRESENT:

Rachel Weiss, Research Analyst
Julianne Burkhardt, Attorney
Daniel Collins, Secretary

AGENDA (Attachment 1)

VISITORS' LIST (Attachment 2)

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

08:06:27 Sen. John Esp called the meeting to order at 8:06 a.m. The committee secretary took roll.

HJ 31 STUDY OF CRIMINAL JUSTICE DATA: ROUNDTABLE DISCUSSION WITH NATIONAL EXPERTS

Introductions and Opening Remarks

08:08:44 Rachel Weiss provided an overview of the panel.
08:09:54 Sen. Esp recognized the first speaker of the panel.
08:10:27 Marshall Clement, Deputy Director of Policy and Strategic Planning and Sarah Lee, Policy Analyst of Council of State Governments Justice Center (CSG).
([Exhibit 1](#))
08:24:35 Sema Taheri, Director of Research and Strategic Initiatives, Measures for Justice.
([Exhibit 2](#))
08:38:50 Jeremiah Mosteller, Senior Policy Analyst, Criminal Justice Reform, Americans for Prosperity.
08:49:05 Bennet Wright, Executive Director, Alabama Sentencing Commission.
08:56:56 Sen. Lynch left the meeting.
08:57:06 Kristine Goodwin and Amanda Essex, National Conference of State Legislatures (NCSL).

Questions/Comments from the Committee

08:58:54 Rep. Usher asked how the determination is made for sentencing in Montana.
09:00:46 Rep. Usher asked if the Florida situation was a funded or unfunded mandate.
09:02:13 Rep. Usher asked about statistics on saving money on criminal justice investments.
09:03:54 Sen. Regier asked about more details for Nebraska data.
09:04:55 Sen. Lynch rejoined the meeting.
09:07:40 Sen. Regier asked how data collection in Alabama has affected funding.
09:09:36 Sen. Regier asked how the data changed the programs provided.
09:11:53 Rep. Fleming asked how meetings are different across the states.
09:16:31 Rep. Fleming asked about any other challenges panelists would like to be shared.
09:20:48 Rep. Fleming asked if any states involved in consolidating data received funds for the consolidation efforts.
09:23:59 Rep. Bishop asked about oversight by a part-time legislature.
09:26:40 Rep. Bishop asked the other panelists their view on the same question.
09:29:37 Rep. Bishop asked about the key on page four of a handout. (See Exhibit 2)
09:30:43 Rep. Bishop asked if panelists could provide any reflections on data issues.
09:35:04 Rep. Kerr-Carpenter asked about costs of hand coding documents.
09:38:13 Rep. Mercer asked how the CSG team acquires their data on prison population.
09:41:45 Rep. Mercer asked about Alabama data.
09:43:51 Rep. Mercer asked about no data being available in Montana in 2018.

09:46:05 Rep. Mercer asked what branch of government the Office of Policy Management resides under in Connecticut, and how the state of Connecticut determines who a recidivist is.

09:48:45 Rep. Mercer asked about trigger points.

09:55:28 Rep. Mercer talked about recidivism and sentencing guidelines and policies.

10:02:28 Rep. Mercer requested from the panel what would be needed for accurate comparisons of data from the courts on a state level.

BREAK

10:15:35 Sen. Esp asked if the panel would like to address Rep. Mercer's last statement.

10:16:19 Sema Taheri responded.

10:16:55 Sen. Webber asked about difficulty in collecting demographic data.

10:19:27 Sen. Webber asked about statistics kept in states with large native populations.

10:20:36 Sen. Webber asked if individuals self-identify demographic data.

10:22:07 Rep. Nave asked about implementation of the Florida law.

10:25:12 Rep. Nave asked if their system was developed by the state or a third-party agency.

10:25:39 Sen. Esp asked about timelines.

10:28:01 Sen. McGillvray asked how to properly utilize funds.

10:31:45 Sen. McGillvray asked for specific examples.

10:33:51 Sen. Esp asked about funds used to develop policy.

10:35:51 Rep. Kerr-Carpenter asked about challenges on diversions.

10:40:43 Sen. Esp asked about funding at the county level.

10:43:29 Sen. Esp asked how to work with local law enforcement on data collecting.

10:46:07 Rep. Mercer asked about the utility of tracking counsel of record.

10:47:53 Rep. Mercer asked which entities of the state of Montana had robust dashboards that were public facing.

10:51:20 Rep. Mercer asked if certain information was missing in the data.

10:53:18 Rep. Mercer asked if there was other data that was seen that could be used by Montana.

10:54:52 Rep. Usher asked for data about savings on the back end.

10:57:39 Rep. Usher asked if NCSL has data on pre-trial diversions saving money.

10:58:59 Rep. Usher asked for suggestions or recommendations on model policies.

11:00:06 Rep. Bishop asked if other states use the data as a tool to make requests for policy making decisions.

11:05:51 Rep. Mercer requested HB 693 be provided to the panel.

Closing Remarks

11:06:59 Sen. Esp moved to final statements from panelists.

11:07:06 Sarah Lee provided her final statements.

11:07:43 Sema Taheri provided her final statements.

11:08:57 Jeremiah Mosteller provided his final statements.

11:11:08 Bennet Wright provided his final statements.

11:12:26 Amanda Essex provided her closing statements.

11:13:18 Sen. Esp asked for trends on homicides and arrests.

11:13:40 Rep. Nave asked that staff provide data to Section D as well.

AGENCY UPDATE

Board of Pardons and Parole

11:15:20 Steven Hurd, Chairman of Board of Pardons and Parole, introduced himself, Jimmy Patelis, and Joseph McElroy. Chairman Hurd gave his presentation. ([Exhibit 3](#))

11:19:24 Jimmy Patelis.

11:22:13 Chairman Hurd continued presentation.

Questions/Comments from the Committee

11:30:23 Sen. Webber asked for an example of "parole other". (see Exhibit 3)

11:31:35 Sen. Regier asked Chairman Hurd about three board members.

11:32:50 Sen. Regier asked about re-accreditation.

11:37:02 Sen. Regier asked about administrative rules.

11:38:17 Sen. Regier asked about more paroles and denials.

11:41:47 Sen. Regier asked about a change resulting in fewer calls regarding parolees' denial of parole.

11:45:57 Rep. Regier asked about COVID 19.

11:49:27 Sen. Webber asked for a graph for women's prison parolees.

11:50:51 Rep. Usher asked to have recidivism included.

11:53:11 Sen. Esp asked about the change in fiscal 2018 of denial increases a result of a requirement to hold more hearings.

Public Comment on the Agenda Item

11:55:49 May Simmons, Polson.

LUNCH

HJ 31 STUDY OF CRIMINAL JUSTICE DATA: ROUNDTABLE DISCUSSION WITH MONTANA STAKEHOLDERS

Introductions and Opening Remarks

13:06:48 Sen. Esp opened introductions.

13:07:08 Brett Schandelson, Development and Operations Bureau Chief of the Office of the State Public Defender.

13:08:43 Sen. Gross arrived at the meeting.

13:12:23 Brian Gootkin, Director of Montana Department of Corrections.

13:15:00 John Daugherty, Central Services Administrator for Department of Corrections.

13:26:01 Mike Harris, IT Services Division Administrator, Department of Justice.

13:30:41 Chairman Hurd, Executive Director, Board of Pardons and Parole.

13:32:24 Natalia Bowser, Board of Crime Control. ([Exhibit 4](#))

13:37:51 Scott Twito, Yellowstone County Attorney. ([Exhibit 5](#)) ([Exhibit 6](#))

13:45:13 Amy Tenney, Montana Community Corrections Association.

Questions/Comments from the Committee

13:51:30 Sen. Esp asked if the panel has looked to other states for examples.

13:54:46 Sen. McGillvray asked about a timeline on charge to sentencing.

13:55:47 Sen. McGillvray asked about some data tracking taking longer than other data.

13:59:04 Rep. Fleming asked about the costs of integrating new databases.

14:04:22 Rep. Bishop asked for clarification on common identifiers.

14:06:12 Rep. Mercer asked about reporting data to FBI.

14:08:04 Rep. Mercer asked about NCHIP grants.

14:12:21 Rep. Usher asked about the national average of corrections population.

14:13:46 Rep. Usher asked if Scott Twito's form is automated. (see Exhibit 6)
 14:14:26 Rep. Usher asked about remaining agencies' funding.
 14:16:17 Rep. Usher asked for clarification of a statement made regarding Montana Supreme Court.
 14:17:01 Sen. Lynch asked if Scott Twito's form is replicable to other counties.
 14:17:53 Sen. Lynch asked if mental health is tracked.
 14:18:52 Sen. Lynch asked if there is a tracker for mental health associated with crimes committed.
 14:20:04 Sen. Lynch asked if other intoxicating substances are tracked.
 14:20:50 Rep. Kerr-Carpenter asked about regularity of data tracked for submission to federal government.
 14:22:12 Rep. Kerr-Carpenter asked how often data is collected internally.
 14:23:50 Rep. Kerr-Carpenter asked about barriers for implementing a unified ID number.
 14:37:59 Rep. Mercer asked about a consensus document.
 14:38:52 Rep. Mercer asked what the standardized report is.
 14:40:55 Rep. Mercer asked about data tracking recidivism.
 14:42:25 Rep. Mercer asked for clarification understanding what the Montana Community Corrections Association uses for determining recidivism.
 14:43:45 Sen. Esp asked where information would be stored.
 14:48:42 Sen. Esp asked if any agencies have asked for money.
 14:52:16 Rep. Mercer asked where to begin focusing on the problem.
 14:58:09 Rep. Kerr-Carpenter asked how a unified ID would help and why databases would be housed in the Department of Administration.

BREAK

15:21:58 Rep. Nave stated that the process should begin with the programs utilizing the most costs.
 15:23:57 Rep. Usher asked how many people it would take for a centralized data system.
 15:28:18 Rep. Usher asked about centralizing databases.
 15:34:34 Rep. Usher asked the panel about other states.
 15:39:15 Sen. Lynch spoke on centralized data.
 15:44:18 Rep. Mercer commented about the importance of hearing from the courts.
 15:49:33 Rep. Bishop asked about the lift required in the initial funding.
 15:52:14 Sen. Esp noted that the panel from the morning seems to be on the same page as the afternoon panel.

Closing Remarks

15:53:17 Brett Schandelson.
 15:58:42 Brian Gootkin.
 15:59:30 John Daugherty.
 16:01:35 Natalia Bowser.
 16:03:20 Scott Twito.
 16:04:27 Amy Tenney.

Public Comment on the Agenda Item

16:09:04 May Simmons, Polson.
 16:11:36 Matt Kuntz, Executive Director of NAMI Montana.

PUBLIC COMMENT ON ANY TOPIC WITHIN LJIC'S JURISDICTION BUT NOT ON THIS AGENDA

16:16:25 May Simmons, Polson

RECESS

16:19:25 Sen. Esp recessed the meeting at 4:19 p.m., to reconvene at 8:00 a.m. on October 29, 2021.