

IMPROVING COMMUNITY SUPERVISION

A RECAP OF RECOMMENDATIONS FROM THE CRIMINAL JUSTICE INSTITUTE

CRIMINAL JUSTICE OVERSIGHT COUNCIL
LAURA SHERLEY - MAY 2024

In January 2020, the Criminal Justice Institute (CJI) collaborated with the Department of Corrections (DOC) to analyze what factors prevent successful supervision outcomes in Montana. The study aims to address those factors so DOC can strengthen their practices and expand on recidivism reduction efforts. Conclusions from this 18 month effort are detailed in [Improving Outcomes and Safely Reducing Revocations from Community Supervision in Montana](#)¹. Excerpted below are the study's findings and recommendations.

FINDINGS

- Revocation rates are lowest for individuals on probation and highest for individuals on conditional release;
- Revocation rates are highest for men, Native American individuals, younger individuals, individuals on supervision for a violent offense, and individuals assessed as high-risk across all types of supervision;
- For all types of supervision, the number of conditions that individuals receive has grown over time, and individuals who are revoked received a higher number of conditions than those who successfully complete;
- For all types of supervision, compliance violations are more common than noncompliance violations, but individuals are rarely revoked without at least one noncompliance violation;
 - For all types of supervision, drug use violations are the most common and amphetamines/methamphetamine are the most frequently used substance;
 - For individuals on parole and conditional release, new criminal offenses are the second most frequent violation, while failing to report is the second most common for individuals on probation;
 - For all types of supervision, drug use is the most common compliance violation, and new offenses and absconding are the most frequent noncompliance violations;
- Individuals revoked from supervision are more likely to be identified as experiencing housing instability and to have higher financial obligations than individuals who successfully complete, while substance use is a problem experienced by the majority of the supervised population;
 - Transportation and lack of mental health treatment are additional barriers to success;
- While incentives for compliance on community supervision exist, such as conditional discharge from supervision (CDFS) and early termination, barriers limit their use.

¹ Criminal Justice Institute, July 2022. leg.mt.gov/content/Committees/Interim/2021-2022/Criminal-Justice-Oversight-Council/Meetings/march-2023/cjoc-cji-revocation-mar-6-2023.pdf.

Based on these findings, CJI identified 11 opportunities to safely reduce revocations and improve community supervision outcomes in Montana. These opportunities include focusing resources on the highest-risk population, ensuring evidence-based supervision practices intended to reduce recidivism are implemented with fidelity, addressing barriers to success, and sustainable policy and practice changes to improve outcomes.

CRIMINAL JUSTICE INSTITUTE RECOMMENDATIONS

FOCUS RESOURCES ON THE HIGHEST-RISK POPULATION

Recommendation #1 - Revise practices for setting terms and conditions with the Goals of Individualization and Removal of barriers to success

- Limit standard conditions to ones that most closely relate to public safety, risk of reoffending, and individuals' criminogenic needs.
- Convene a workgroup to determine opportunities for the reduction of existing standard, statutory and special conditions.

Recommendation #2 - Expand the use of and eligibility for conditional discharge from supervision.

- Expand eligibility for CDFS by amending the definition of compliance with conditions to focus on factors linked only to public safety.
- Allow courts and officers to assess individuals' ability to meet financial obligations prior to requiring full payment as a condition for eligibility, and to waive or modify this requirement as appropriate.
- Streamline the process for identifying individuals eligible for CDFS by fully implementing an automatic review process that occurs at regular intervals throughout the year.
- Allow individuals on CDFS to be granted a true discharge after six months of good behavior.

Recommendation #3 - Align supervision lengths with public safety risk.

- Allow special hearings to be requested to consolidate concurrent supervision sentences.
- Amend existing statute to allow sentences to be served concurrently unless ordered by a judge.
- Expand eligibility for early termination to individuals on parole and conditional release.

ENSURE SUPERVISION PRACTICES INTENDED TO REDUCE RECIDIVISM ARE IMPLEMENTED WITH FIDELITY

Recommendation #4 - Provide administrative guidance around the use of revocation due to "exhaustion" of the Montana Incentives and Interventions Grid (MIIG).

- Create statewide standards that clarify what exhaustion of interventions looks like for individuals and the circumstances under which revocation is appropriate or should not be requested (e.g., a required intervention is not available).
- Improve staff training, skill development, and quality assurance around consistent use of the MIIG.

- Provide initial and continuing training to stakeholders such as judges and Parole Board members on the use and exhaustion of the MIIG.
- Establish standards for the use of a notice to appear for non-compliance violations.

Recommendation #5 - Enhance effective implementation of risk and needs assessments.

- Institute periodic refresher training on the MORRA and WRNA for DOC employees.
- Promote on-the-job skill development for DOC employees to ensure interviews and scoring of tools are completed as designed.
- Introduce a quality assurance process to ensure that the tools are being used as designed.

Recommendation #6 - Provide formal training on case management and fully implement quality assurance processes.

- Develop refresher trainings on case planning and case management, including guidance on how case planning should be a collaborative process between the supervisee, the officer, and other criminal justice and community agencies.
- Reevaluate DOC's existing audit structure for case management, and developing a more effective mechanism for quality control; reviews of case planning should be included in internal job descriptions and expectations for promotions.
- Train staff on Core Correctional Practices to support effective case management practices.

ADDRESS BARRIERS TO SUPERVISION SUCCESS

Recommendation #7 - Expand community-based services and resources and address financial barriers that are impacting success on supervision.

- Increase supervisees' access to employment specialists and mental health services; if possible, the state should also partner with affordable housing organizations to establish a program that connects those who need housing with a 30-day voucher or affordable option to live in the partner companies' housing units.
- Identify and offer interventions to individuals with mental health needs as early as possible.
- Ensure that there are enough amphetamine and methamphetamine treatment resources available to meet current needs.
- Expand the use of mental health specialty courts across the state.
- Consider making pandemic-era reporting requirements permanent, reserving in-person reporting for high-risk individuals.
- Implement an ability-to-pay assessment that can be made available to the court before the person is ordered to pay any financial obligation to identify an appropriate amount for the defendant to pay that will not create an insuperable barrier to their success.

Recommendation #8 - Identify and address barriers specific to Native American supervisees.

- Work with members of tribal justice systems to see if there are opportunities to cooperate in the supervision of tribal members who are on DOC supervision.

- Adjust supervision practices as necessary to accommodate the needs of geographically isolated people on supervision.

Recommendation #9 - Conduct a deeper analysis around certain findings to further examine drivers and develop solutions.

- Engage in dialogue with Native stakeholders to explore and address the challenges facing the Native American population.
- Conduct a deeper analysis of the factors driving absconding behavior.

ENSURE SUSTAINABILITY OF POLICY AND PRACTICE CHANGES INTENDED TO IMPROVE OUTCOMES

Recommendation #10 - Align staff with DOC's commitment to using evidence-based practices.

- Establish a protocol to meet periodically as a department in addition to bureau or team meetings to strengthen the communication and collaboration between regional and local offices and the central office.
- Hold discussion groups between officers and DOC leaders to examine the MIIG and evaluate what works well and what does not to enhance the use of effective responses to behavior, including both sanctions and incentives.
- Tailor performance evaluations to include the use of evidence-based supervision practices and developing a process for gathering feedback from staff on proposed policy and practice changes.
- Implement education for all stakeholders about the role of probation and parole supervision, framed around the use of evidence-based supervision practices intended to reduce recidivism.
- Ensure that officer job descriptions align with DOC's mission.

Recommendation #11 - Enhance the usability of data in OMIS.

- Develop a plan for accurate and timely entry of all assessments and materials into the case management system; this plan should include a mechanism for quality control of data entry as well as periodic review.
- Provide training to staff so they understand the importance of accurate data, and examining current data entry processes to identify any existing barriers that are preventing or discouraging staff from prioritizing data quality.

RESOURCE

The complete report for these findings and recommendations can be found on the [2021-2022 Criminal Justice Oversight Council's meeting materials webpage](#)².

² 2021-2022 CJOC Meeting Materials <https://leg.mt.gov/committees/interim/past-interim-committees/2021-2022/2021cjoc/meeting-info/>