



MODERNIZATION AND RISK ANALYSIS STUDY COMMITTEE

68th Montana Legislature

SENATE MEMBERS

John Esp
Christopher Pope

HOUSE MEMBERS

Mary Caferro
Jim Hamilton
Llew Jones
Bill Mercer

PUBLIC MEMBERS

Kendall Cotton
Lance Fourstar
Dwayne Iverson
Heather O'Loughlin

COMMITTEE STAFF

Amy Carlson- Legislative Fiscal Analyst
Josh Poulette- Lead Fiscal Analyst
Julie Johnson- Attorney
Jennifer Whitt- Secretary

MINUTES LOG

May 01, 2024

Board of Oil and Gas, Billings MT
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. Llew Jones, Chair (R)
Rep. Mary Caferro (D)
Sen. John Esp (R)
Rep. Bill Mercer (R)
Rep. Jim Hamilton (D)
Sen. Christopher Pope (D)
Lance Fourstar, Public Member
Dwayne Iverson, Public Member
Heather O'Loughlin, Public Member

MEMBERS EXCUSED:

Kendall Cotton, Public Member

MEMBERS ABSENT:

STAFF PRESENT:

Amy Carlson, Legislative Fiscal Analyst
Josh Poulette, Lead Fiscal Analyst
Julie Johnson, Attorney
Jennifer Whitt, Secretary

AGENDA ([Attachment 1](#))

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

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

08:03:00 Chair Llew Jones called the meeting to order at 8:03 AM. The committee secretary took roll. Chair Llew Jones welcomed Rep. Donavon Hawk from Law and Justice Interim Committee (LJIC).

Local, Regional, and National Trends in Criminal Justice

08:04:49 Josh Poulette, LFD, introduced panel members

08:06:21 Scott Twito, Yellowstone County Attorney, Member of Criminal Justice Oversight Council, Board Member of Board of Crime Control, presented criminal justice process map

08:24:12 Rep. Llew Jones asked for questions at this point. Explained the purpose of MARA committee.

08:28:27 Sen. John Esp requested panelists speak on experience of the increase in violent offenders entering correctional systems

08:28:59 Rep Bill Mercer provided background on each panelist

08:33:01 Jennifer Owen, Billings Heights Neighborhood on Billings City Council, attorney worked in child welfare system and juvenile justice system, serve on board of youth services center in Billings, local perspective on trends in criminal justice with focus on juvenile crime

08:45:56 Rep. Jim Hamilton asked about the usefulness of the mobile crisis response teams and causes of service interruptions. Asked about how to solve possible increasing incarcerations if increasing second offense to a felony when it concerns partner/family member assault (PMFA)

08:52:35 Rep. Mary Caferro asked if crisis response center still exists and is it still providing services. Asked if lengthening service time from 23 hours would assist in providing better guidance to next steps for individuals

08:56:48 Sen. Christopher Pope asked how well connected are the local communities to their state government

09:00:27 Rep. Llew Jones commented on inability to share data easily across organizations

09:01:37 Kirsten Pabst, former Missoula County Attorney, spoke on her programs focusing on treatment over incarceration, training

09:21:15 Dwight Iverson requested clarification on where city stops, and county begins and how well the transition between the two occurs

09:22:40 Sen. Christopher Pope quantitative dollar savings with new programs, procedures, and practices will assist legislators to see exactly how the dollars are working

09:26:14 Sen. John Esp commented on correlation between behavioral health programs, incarcerated individuals, and funding

09:27:54 Scott Twito presented on unifying Montana court system

09:36:27 Rep. Bill Mercer requested a review of data on rearrest after conditional release

09:39:39 Rep. Llew Jones requested example of reason why conditional release may be revoked

09:40:55 Rep. Bill Mercer provided clarification on sentencing, conditional release and commitment between judges and Department of Corrections

09:45:44 Rep. Jim Hamilton asked how would lack of unification/stabilization apply on a statewide basis

09:46:14 Heather O’Loughlin asked about length of stay statistics of individuals

09:46:54 Sen. John Esp asked opinion on why Kentucky model worked

09:51:09 Jesse Laslovich, US Attorney for Montana, spoke on resource allocation

10:08:38 Rep. Jim Hamilton asked how the state could be involved in reforming the juvenile justice system, when it could be a federal issue

10:10:45 Rich St. John, Chief of Police Billings Police Department,

10:21:38 Rep. Jim Hamilton asked about impact of utilizing mobile crisis response unit, training for emergency response individuals

10:24:55 Sen. Christopher Pope asked about manpower needed for data entry and vacancies within department

10:33:27 Heather O’Loughlin asked what is providing the limitation of one month in regard to treatment. Asked what are concrete things the state could be doing or resources they could allocate to support and reduce the revocation and re-entry processes.

10:38:54 Rep. Llew Jones asked for thoughts from panel on the nonsensical nature of booking small crimes repetitively for same individual but because of capacity issues, being unable to hold them

10:45:42 **Recessed**

10:53:53 **Reconvened**

Discussion on current crime data in Montana

10:54:27 Natalie Bowser, Director, and Janice Fries, Statistical Analysis Center Director, Montana Board of Crime Control (MBCC), National Incident-Based Reporting System (NIBRS) video

11:03:05 Rep. Llew Jones asked if all jurisdictions in Montana are utilizing NIBRS and updating regularly

11:03:37 Janice Fries continued presentation

11:08:51 Rep. Llew Jones requested specific examples of data to show during crime data dashboard presentation

11:09:10 Janice Fries presented walk through of MBCC dashboards

11:18:46 Rep. Bill Mercer asked how crimes are categorized into the four bigger classes

11:20:37 Rep. Bill Mercer led conversation on what data should be captured and what NIBRS needs

11:25:27 Rep. Llew Jones clarified the type of data different organizations would be privy to

11:27:15 Rep. Bill Mercer asked if there were any repercussions to organizations that do not comply with using NIBRS reporting. Asked which organizations, counties or municipalities were NIBRS compliant

11:30:33 Sen. Christopher Pope asked if NIBRS data is as helpful to organizations who use it to view data as the effort of inputting all the data into it is. Asked how the committee could use the data in the future and what is the cost of inputting all the data needed for clear pictures.

11:36:17 Sen. Christopher Pope began conversation on unifying all counties and reporting agencies to same data platform. Discussed funding, ease of data sharing and hurdles of switching data platforms.

11:41:41 Rep. Bill Mercer on limitations of data

Department of Corrections Offender Management Information System (OMIS) replacement discussion

11:44:56 Brian Gootkin, Director of Department of Corrections (DOC), John Daugherty, Central Services Division, Department of Corrections, on SB 11 and Offender Management Information System (OMIS) replacement discussion

11:53:00 Rep. Bill Mercer commented on holes within current OMIS data system, recidivism

12:01:21 John Daugherty discussed training his department is receiving on updating new data information system

12:03:17 Sen. John Esp commented on data collection amongst agencies and ability to share across agencies

12:03:59 Rep. Jim Hamilton asked about funding and vacancy updates

12:06:09 Rep. Mary Caferro asked what the goal is of the Department of Corrections and how do they plan to use the data collected.

12:08:16 Rep. Bill Mercer commented on the need for updating court data and structure of data to include all relevant pieces, i.e. classifying individual drugs in a drug charge

12:10:42 Rep. Mary Caferro asked about the cost to collect/input data, return on investment and how the collection of this data will enhance programs' data collection currently possess

12:15:02 Rep. Llew Jones commented on the disconnect of the different court systems to communicate data wise and thus giving the DOC an unclear or incomplete picture of individuals

Lunch

12:17:39

13:00:11 **Reconvened**

Trends in Montana Offender Populations and Correctional Capacity

13:00:48 Wendy Ware, President JFA Institute, trends in offender population and correctional capacity

13:18:12 John Daugherty continued presentation, provided slides and responses from questions asked during December HB5 committee meeting

13:32:30 Heather O'Loughlin asked what other factors across the country result in an increase or reduction in prison population, specifically like when states invest in significant behavioral health resources.

13:37:57 Sen. John Esp asked how many people are in community corrections currently. Asked if trend lines for community corrections population will increase over the years.

13:40:07 Rep. Bill Mercer asked for statistic on community corrections census. Asked if the year associated with the data provided is for the act of the criminal activity or for the official charge date

13:43:42 Sen. Christopher Pope asked if the state should start focusing on counseling and mental health assistance for children that have been present in domestic violence situations, and if the presence of domestic violence in a child's younger

years has any bearing on a criminal future. Asked if there are any states that are in front of the trends

- 13:46:44 Rep. Mary Caferro asked if the data for Montana can show population percentage of Native Americans in system
- 13:47:30 Rep. Bill Mercer asked if the department had evaluated what accounts for reductions in prison admissions when data suggests more people should have been charged at a higher rate, and if it has been evaluated is the answer capacity issues
- 13:50:00 Sen. John Esp commented that the COVID years affected the data presented
- 13:50:31 Rep. Jim Hamilton asked why the data shows the violent crimes in Montana rapidly rising while around the country, violent crimes seem to be declining. Asked if there was any correlation between crime rate and city growth rate

Criminal Justice Data Efforts in the States

- 13:54:34 Darci Cherry, Director of Center of Results Driven Governing, and Amanda Essex, Program Principle with Criminal and Civil Justice Program, National Conference of State Legislators (NCSL)
- 14:16:18 Vibha Venkatesha, Senior Policy Analyst, Justice Counts,
- 14:29:31 Sen. Christopher Pope asked if a set of standard reports would assist the legislature more when it comes to data
- 14:34:59 Heather O'Loughlin asked about Colorado's recent legislation regarding recidivism rates and data
- 14:36:15 Rep. Llew Jones commented on his preference to have data available that he is able to manipulate, broaden or drill down into specifics over a report handed to him and the need to have a system that will allow for more long term focus; also, how the same set of data needs to be able to be utilized for many different departments
- 14:44:46 Rep. Bill Mercer asked if the data efforts by Justice Counts are too ambitious

Criminal Justice Data Initiatives in Montana

- 14:59:45 Sen Usher introduced SB 11
- 15:06:33 Rachel Weiss, Legislative Services Division,
- 15:10:23 Natalie Bowser and Janice Fries, Montana Board of Crime Control
- 15:20:48 Rep. Bill Mercer requested clarification on visibility of data to different entities and the amount of data being requested by different agencies
- 15:24:24 Adam Carpenter, Chief Data Officer, Department of Administration
- 15:28:19 Brett Schandelson, Director of Office of State Public Defender
- 15:50:25 Rep. Jim Hamilton asked about the process of incorporating nongovernmental agencies into the criminal justice process to decrease the amount of individuals sitting in jails and prisons and increase the amount of individuals receiving aid to be members of society
- 5:54:37 Sen. John Esp asked what current funding statistics are
- 15:57:33 Rep. Bill Mercer requested clarification on current standing of program, which entities data is coming from, which jurisdictions, hurdles being placed
- 16:08:26 Rep. Llew Jones commented on the need for organizations to cooperate with providing data paid for by taxpayer, with all correct securities and privacies in place

- 16:10:45 Rep. Bill Mercer commented on the fact that Montana is a right to know state and public has right to know other than something that would exceed the public's right to know, no legitimate basis to withhold data
- 16:11:11 Brett Schandelson spoke on the limitations mobile data is presenting. The data is available in physical format but the digital formats are incomplete and data services unavailable currently.
- 16:13:16 Rep. Llew Jones asked if changing the wording of the statutes to include electronic data would be helpful
- 16:16:16 Sen. John Esp commented on the funds with Department of Administration for use to contract with counties that are available until July 1

Montana Public Safety Information Library

- 16:18:55 Rachel Weiss, LSD, introduced Laura Sherley, research analyst with LSD
- 16:19:25 Laura Sherley (LSD), Walker Hopkins (LFD) and Kate Flavin (LFD) presented Criminal Justice Library online
- 16:25:02 Rep. Jim Hamilton asked for pathway to reach Criminal Justice Library online
- 16:25:38 Amy Carlson, Director of LFD, stated she would send out link for the centralized library that all three legislative divisions are contributing to

Update on Montana's Changing Tax Base

- 16:26:52 Nick VanBrown, LFD, presented for Sam Schaefer
- 16:45:11 Rep. Jim Hamilton asked if the data was an average over the year or point in time numbers
- 16:46:51 Heather O'Loughlin asked about taxable value growth of Madison County and if there were numbers of how many residential homes there are within that county, total tax liability of Madison County (significant growth but how much money is that)
- 16:49:23 Dwaine Iverson commented that baby boomers are retiring and selling businesses, but if federal mandates change then capital gains would be deferred to avoid high tax rate

Committee Business

- 16:50:25 Josh Poulette, LFD, covered agenda for tour the next day
- 16:52:03 Amy Carlson, Director of LFD, proposed a Zoom call meeting for committee at the end of May to discuss the developing data programs and dashboards
- 16:55:02 Rep. Bill Mercer proposed a follow-up conversation on what was discussed throughout the meeting and actions or questions the committee could act on or ask
- 16:55:56 Rep. Llew Jones discussed the challenges the new data project is facing, possible verbiage changes within statutes to ease the flow of properly protected data, and incentivizing the cooperation between agencies

Public Comment

- 16:59:38 None

Adjourn

- 17:00:04 Rep. Llew Jones adjourned the meeting.