

MODERNIZATION & RISK ANALYSIS COMMITTEE
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Written Comments of Jennifer Owen, Billings City Council

Mr. Chairman, Members of the Committee, thank you for the opportunity to provide you this testimony today regarding local trends in the criminal justice system. My name is Jennifer Owen and I represent the Billings Heights neighborhood on the Billings City Council. I am also an attorney who has worked in the child welfare and juvenile justice systems, and I serve on the board of the Youth Services Center here in Billings. In my role as a Council Member, I am currently participating in a multi-jurisdictional subcommittee of our local Criminal Justice Coordinating Committee that is focused on expanding the Yellowstone County Detention Facility and improving the overall operations of our local criminal justice system.

For the City of Billings, there is no greater priority than the safety of our residents. Our community has been rocked by a number of tragically violent crimes over the last year, which has galvanized community attention to the criminal justice system as a whole. I want to share with you today some of the trends that I observe and then offer some recommendations for this Committee's consideration.

CHALLENGING TRENDS

Juvenile Crime. From my perspective, one of the saddest and most concerning trends is the spike in juvenile crime in our community. The trends show not only an increase in the total number of crimes being committed by young people, but a marked increase in the severity and violence of the offenses. In October 2023, Billings experienced 5 homicides in a two-week timespan. Four of those were committed by juveniles. Working with children in the foster care system over the last two-and-a-half years, I had children as young as 10 with probation officers, and often for very serious crimes. We also continue to hear, as elected officials, alarming statistics surrounding the growth of youth gang activity here in Billings and across the state.

While my testimony focuses on the Billings area, I do not believe we are alone or unique in the challenges our community faces. We may have a larger volume due to population, but the trends that I observe locally are truly playing out across the state. Throughout Montana, children are being chronically exposed to violence and criminal behavior at unacceptably high levels, and we are seeing the fruits of that harvest today. We need a prioritized effort to keep children safe from real dangers, shared at local, state, and federal levels. Fortunately, that work is beginning, both in Billings and across the state. I will highlight some of those efforts below.

However, I believe this Committee should understand that our juvenile justice system – locally and across the state -- is not equipped to address this need: not statutorily, not from a workforce perspective, and certainly not facilities. I have met incredible people working in juvenile justice to rehabilitate young people, holding them accountable while still giving them hope for a better future. But, there are not enough of those people, they do not have enough mental health professionals to support their work, and there are significant facilities gaps that limit the ability to protect the community and improve outcomes for juvenile offenders. Here in Billings, the Youth Service Center is too small for

the volume of cases we face, and we lack an organized step-down facility that would support improved reintegration for young offenders. I suspect that other large communities across the state are confronting similar challenges.

Continued plague of family violence. One of the factors contributing to the increase in juvenile crime is the pervasive occurrence of violence in the home. Montana continues to struggle with high rates of family violence and when children experience or witness that violence, they are more likely to be crime victims or victimizers in the future.

In 2023, the City of Billings tallied more than 1600 incidents of family violence, including 135 arrests for strangulation. Partner or Family Member Assaults represented 32% of all aggravated assaults and 52% of all non-aggravated assaults. Billings Police also charged 62 kidnappings, most of which occurred during Partner or Family Member Assaults. Finally, 2023 statistics show 642 additional domestic violations in Billings that include violating protective orders and similar offenses.

Perhaps most shocking in these tragic numbers is the realization that reported offenses generally represent less than a quarter all domestic violence incidents. In Billings and throughout Montana, individuals – usually women and children – are simply not safe in their homes. In addition to the unacceptable levels of violence occurring throughout the state, family violence reduces the ability of victims to participate in the workforce and causes lifelong adverse impacts for children who witness their caregivers being harmed. There is evidence to suggest that children who witness violence in the home have the same developmental impacts as children who are themselves abused. The Montana Domestic Violence Fatality Review Commission asserted in its most recent report that “Childhood trauma and generational abuse (both physical and sexual) continue to be significant factors of intimate partner violence.” We are caught, as a state, in a cycle that must be broken.

We must, as a city and as a state, take an unwavering stance that family violence is a crime that will not be tolerated in Montana, that we will no longer look away simply because this crime happens behind closed doors. In recent years, the Legislature has taken important steps in that direction, including making strangulation a felony. I commend that work. But there is more that can be done and more that is currently being done, which I highlight below.

Deeply rooted substance abuse. Next, there continues to be, I believe, a misunderstanding of the depth of methamphetamine use in Montana and what that use actually looks like across the state. It is easy and safe to tell ourselves that meth users are visible – living on the street, looking strung out and disheveled, and likely involved with police regularly. But we must be honest with ourselves that those individuals usually lack the financial resources to purchase the volumes of drugs that we are seeing moved throughout the state. Certainly, there is theft to fund addiction, sex trade to fund addiction, and similar survival strategies. However, I believe we need to consider the probability that the drug trade in communities like Billings is far more pervasive and widespread than we would like to acknowledge, including among higher income levels.

As guardian ad litem, I worked on cases where children were removed due to shocking levels of drug use in the home – sometimes after raids on the home – but the parent or parents were employed full time in public-facing positions – managing restaurants, hotels, working with the public. Drug use in Montana is not just happening in the shadows; in all likelihood, everyone of us in this room is encountering and interacting with meth and opioid users on a regular basis without knowing it. Combined with what we

know to be a historical problem of alcohol abuse in Montana and the new spike in marijuana-related challenges, we are facing a trend that local communities alone cannot tackle. Absent clear public policy leadership and action now, substance use will continue to be normalized at unsustainable levels throughout the state, harming children and hardwiring criminal behavior into our communities for decades to come.

The number of children that I have worked with who have eye-popping levels of methamphetamine in hair follicle tests would turn your stomach. We cannot then be surprised when young children who have been exposed to chronically high levels of environmental methamphetamine struggle to learn and to manage their behaviors in our public schools. We can either get much more serious about not just enforcement but expanded and accessible treatment options for individuals with substance use issues, or we can continue to see local property tax burdens skyrocket as schools attempt to be the downstream solution for community problems. Tackling the deepest roots of substance use in our communities will depend on sustained collaboration at local, state and federal levels.

Facilities and Technology. Finally, I want to address some trends that may fit more squarely in this Committee's jurisdiction: facilities and technology. I know this Committee will be exploring some of those topics throughout the date. Clearly, there is clearly a need for additional data gathering to drive decision-making and resource allocation in local criminal justice systems. However, I would like to call this Committee's attention very specifically to technology needs and the inability of existing tech systems to work across jurisdictions.

In many cases, what we see here locally is that the data we need for system improvement exists, but it is not accessible or usable in an efficient manner. This is very low-hanging fruit that, with cooperation from the State, could be addressed rapidly and improve local criminal justice outcomes. For example, here in Yellowstone County, our District, Justice, and Municipal Courts are exploring the possibility of a shared, voluntary Arraignment Court that would focus on harmonizing conditions of release to reduce the jail population where safe and appropriate to do so. One of the larger barriers for us to overcome is the fact that Judges cannot easily access information on matters pending in other courts. This is data that already exists, but the existing technology does not allow efficient and easy access to use that data in practice to move the criminal justice process along more quickly.

Similarly, we lack in Yellowstone County adequate technology to characterize and analyze jail populations – much of that work must be done manually. We could absolutely improve the questions asked and data gathered to provide better population analysis. However, as an immediate need, our community and others around the state simply need to be able to access the data that we already have in place to support decision-making and resource allocation.

Finally, I would note the growing need for adequate facilities around the state to address criminal justice needs. From local jail expansions to capacity challenges in correctional, mental health, and substance abuse programs around the state, we are in need of significant capital improvements at all levels – for both adult and juvenile population.

POSITIVE TRENDS

While we face some serious headwinds as local leaders, there is also meaningful progress on several fronts that I am happy to share with the Committee.

Increased Collaboration Across Jurisdictions. First, I would like to highlight the trend towards much deeper cross-jurisdiction collaboration. In law enforcement, there is a strong history of coordination and communication, including joint task forces, multi-disciplinary teams, and the like. What I observe locally is that those efforts are expanding to include more stakeholders in the criminal justice system and a trend towards genuine collaborative efforts, rather than just coordination among players. I mentioned earlier the local effort to create a cross-cutting Arraignment Court that would allow resolution of matters pending in multiple courts at one time.

In addition, the City of Billings and Yellowstone County are finalizing the terms of a jointly funded pre-arraignment holding facility. Under this agreement, the City of Billings will transfer \$2 million to the County, to be used for the construction of a \$6 million short-term holding facility that will be owned and operated by the County. This facility will allow the immediate arrest and short-term detention of offenders who, due to overcrowding at YCDF, would not likely be incarcerated, despite posing a threat to the community. By bringing back the tool of arrest, we will get offenders in front of judges sooner, decrease failures to appear, increase the opportunity for pre-trial diversion programs, and resolve cases faster. As a part of this collaboration between the City and the County, we have also pledged to work in unison to support a substantial request to the voters for a jail expansion in Yellowstone County.

I am also proud to tout our work here in Yellowstone County to establish a Family Justice Center, a single point of entry for family violence enforcement, prosecution, and victim services. Family Justice Centers are evidence-based models that bring together all of the stakeholders in addressing family violence under one roof – including city, county, and state law enforcement, medical and legal services, housing, social services, and victim support. Our work is just beginning, but we hope to be the first Family Justice Center in Montana.

Finally, we are also in the early stages of establishing a criminal justice and public safety career pathway in collaboration with Billings Public Schools. We have had interest from justice stakeholders at all levels in providing career exploration and work experience, plus an enthusiastic response from the school district in providing content instruction. These types of collaborations are more than just sharing what various jurisdictions are doing; they are about combining resources, personnel, and experience to a shared set of goals and outcomes.

Prevention focus. Over the last few years, Billings City Council has increased its attention on prevention efforts. At some level, increased officer presence serves as a powerful crime deterrent and therefore is a prevention strategy. To that end, we have added additional police officers in the last two years and will likely add additional officers in the FY25 budget cycle. The City of Billings has also deployed mobile Crisis Response Units to more effectively respond to behavioral health needs, improve police dispatch efficiency, and prevent entry into the criminal justice system when possible.

However, beyond increased law enforcement presence throughout the community, the City of Billings is investing in proven prevention strategies to reduce violent crime. The Family Justice Center previously mentioned is one such initiative. The City has also partnered with Riverstone Health to expand home visiting in Billings, based on our local data that shows a more than 60% reduction in domestic violence for participants, along with increased enrollment in substance abuse/mental health treatment and reduced incidents of juvenile crime over time. Billings has also increased attention to nuisance properties and graffiti as a means of preventing criminal elements from overrunning neighborhoods. Finally, City Council and City staff participate in the efforts of local coalitions working on homelessness

and substance abuse in addressing root causes of crime in Yellowstone County. This type of community-wide effort, beyond simply the local governments, is essential to reducing the formation of criminal intent and reducing crime risk factors overtime. Government cannot do it all and I applaud the effort of private sector partners to collaborate on shared safety priorities.

Prevention is challenging – connecting tax dollars invested with actual reduction in crime is very difficult to do. State-led efforts to identify best practices in prevention services or funding opportunities to expand what is working in local communities would be a meaningful contribution to improving public safety. In addition, I hope that our local prevention efforts will increasingly be able to invite state and federal stakeholders to the table, expanding our opportunities for innovation at local levels.

Understanding the nexus between Public Safety and Public Health. Along with increased prevention efforts, we are increasingly, as a Council, understanding the inherent nexus between public safety challenges and public health trends. As we improve our understanding of complex trauma, substance abuse, and mental health issues, we can target root causes of crime in new ways as well as consider how to improve outcomes for people involved in the justice system to reduce recidivism in the future.

As we discuss how public health trends are driving crime in the community, we are increasingly able to focus on systems-level reforms, looking holistically at how our criminal justice systems operate. These efforts take time and resources, but they are worthy of those investments. We have to be more rational in how we invest scarce tax dollars. The further along the system we go, the higher the costs. The best thing we can do is prevent our neighbors from being victimized by crime in the first place.

RECOMMENDATIONS

I am tremendously proud of the commitment in Billings to comprehensive criminal justice reform – a commitment shared by local elected officials, city staff and first responders, and the private sector. Despite the progress, there are still many things local governments can do, including the City of Billings. We have just completed a third-party evaluation of the Billings Municipal Court, which as you know is the largest municipal court in the state. That report has provided significant recommendations for improvement, including, perhaps most importantly, a concerted effort to resolve cases earlier. While I support an expansion of adult and juvenile detention facilities, substance abuse treatment centers, and mental health facilities, I also recognize that the need for facilities is decreased when we both prevent people from entering the criminal justice system and move them through the system more quickly.

Faster case resolution is an area where legislative resources, both policy and funding, can make a huge difference. The Office of Public Defender continues to need additional attorneys – smaller case loads allow for quicker case resolution. Our local efficiency efforts would benefit from statutory language clearly allowing for voluntary multi-jurisdictional arraignment courts. Timely competency evaluations and rapid evidence processing through enhanced capacity at the State Crime Lab are also key factors in the ability to resolve cases faster and clear up bottlenecks in the system.

I would also urge funding for pre-trial diversion programs, including those able to be recommended by officers in the field or local prosecutors. If we are able to divert individuals with SUD/MH at the earliest stages, I believe we will see overall system improvements.

In addition to a shared, cross-jurisdictional commitment to resolving cases faster, I would offer a few additional recommendations. Some of these are squarely in the jurisdiction of this Committee, while

others may belong to different Committees. Nonetheless, I share them all today in the spirit of taking a comprehensive approach to public safety improvements, without regard to jurisdictional barriers.

1. **Prioritize a reduction in family violence.** Changing the trajectory of violence in our communities depends on getting to root causes of crimes. So long as we raise children in violence, we will see substance use and criminal activity skyrocket for years to come. I would encourage the upcoming legislative session to take a serious look at the statutes related to family violence, and I commend the work that has been done to date. Specifically, I would recommend consideration of an option of felony status for a second consecutive PMFA. I would also urge the Legislature to consider the presence of minors during the commission of a PMFA to be an aggravating factor to felony status, rather than having the presence of children considered only at the time of sentencing, as is current law. With respect to Family Justice Centers, many states have enshrined the establishment of Family Justice Centers in statute, making them a policy priority in the state. I would ask you to consider that for Montana as well. As the Legislature considers the complicated issues surrounding Medicaid reimbursement, I would ask that you keep victim service coordination in mind. Whether we call it targeted case management or something else, helping victims navigate physical and mental health systems, housing and employment, and legal services is complicated, but necessary to reducing future risk of victimization. Ensuring that Medicaid-eligible services for survivors and children are able to include some form of case management or system navigation should be a priority.
2. **Youth Court Act amendments.** It is time to review and modernize the Montana Youth Court Act. We must maintain a focus on rehabilitation of youth, but we also have to acknowledge the reality of current circumstances.
3. **Invest equitably in facilities.** Billings faces a unique challenge in the state, as the largest community. We are both the largest source of criminal justice needs as well as the largest provider of services. Yellowstone County residents will be asked to fund a jail expansion in the near future, and we would welcome state partnership in building and funding those facilities. Whether we come together with a shared venture related to regional jails, regional mental health facilities, or regional detox/treatment centers for justice-involved individuals, we have an opportunity to consider how we collaborate better for the overall good of the state.

At the same time, local systems are impacted by state systems – we need adequate correctional capacity and adequate mental health and substance abuse facilities. The state must invest in these priorities. While Billings has a need for access to increased mental health services, we also cannot ask our residents to bear more of the consequences of facilities located in our community – whether public or private. I would ask that the State look seriously at facilities that need to be built to improve public health and public safety outcomes, but that you construct those facilities equitably around the state, so that no one geographic area or population center is disproportionately asked to deal with adverse consequences.

4. **Address technology barriers.** Please help us resolve technology barriers that prevent courts from working together locally. Statewide technology systems, like Full Court Enterprise, need to

be easily accessible by judges across jurisdictions so that local innovations and reforms can expedite case resolution and reduce demand for detention facilities.

5. **Prioritize collaboration at scale.** I recommend that the Legislature look for ways to encourage and support local efforts to implement significant criminal justice reforms in their communities. While we all enjoy a good pilot project, the urgency of public safety demands solutions at scale. Whether it is encouraging state agency participation in local efforts to expand capacity, providing grants to support local Criminal Justice Coordinating Committees, or establishing policies that favor interdisciplinary training for criminal justice stakeholders, the Legislature should send strong signals that it supports local, responsive problem solving at scale necessary to meaningfully address criminal justice needs.
6. **Support crime prevention and recidivism reduction.** Finally, I would recommend that the Legislature look seriously at efforts to prevent crime on the front end and then reduce recidivism on the back end. The “middle” of the law and justice spectrum – 911, police, legal, courts, jails and corrections – are typically what we focus on as elected officials, because that is squarely the role of government. But those are often the most expensive dollars, and they get spent because a crime has been committed and someone has been victimized. We can and must do more to prevent crime before it happens and then reduce the likelihood that crimes will continue to be committed after leaving the correctional system. This will require broad efforts and difficult conversations, but it is necessary to sustain lasting public safety outcomes.

Mr. Chairman, Members of the Committee – thank you for the opportunity to share these thoughts with you today. I hope this is the first of many conversations we might have together to make our State safer. I am happy to answer any questions the Committee might have.

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