

Montana Judicial Branch Administrative Policies

Subject: Pretrial Services	Policy No.: 885
Chapter:	Number of Pages: 3
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Effective Date:	

1.01 PURPOSE

The purpose of this policy is to provide for the allocation and expenditure of funds appropriated by the 2023 Legislature for the operation of a pretrial program and risk assessment in the pilot counties.

1.02 2.0 COUNTIES TO RECEIVE ALLOCATION

The FY2024 and 2025 general fund appropriation for pretrial programming will be allocated to the following counties through a Memorandum of Understanding:

- 2.1 Butte-Silver Bow County
- 2.3 Lake County
- 2.4 Lewis and Clark County
- 2.5 Missoula County
- 2.6 Yellowstone County

3.0 ALLOCATION OF FUNDS FOR FY2024 and 2025

The general fund appropriation for pretrial services will be allocated as follows:

- 2.1 An amount will be allocated to and retained by the state for reasonable operating expenses for staff necessary to manage the program and conduct the Public Safety Assessment (PSA) for the pilot counties, the purchase of a management information system, and other operating expenses as needed.
- 2.2 After deducting the amount provided for in subsection 3.1, each county will receive a minimum of \$50,000 each year with the remainder of the funding being prorated based on each pilot county's arrest data from the Montana Board of Crime Control's annual report.

2.3 Counties must agree to use the PSA and agree to participate in collecting and reporting data. Each county will enter a MOU with the Office of Court Administrator (OCA) detailing the requirements.

2.4 **ALLOWABLE AND PROHIBITED EXPENSES**

2.5 A pilot county may spend its allocation on any of the following:

- 3.1.1 A Method to ensure defendants are notified of all court appearances (mandatory);
- 3.1.2 Case management services to aid released defendants in the goal to remain crime free during the period of pretrial release (mandatory);
- 3.1.3 Drug and alcohol testing;
- 3.1.4 Defendant supervision;
- 3.1.5 Electronic monitoring;
- 3.1.6 Day reporting;
- 3.1.7 Drug and alcohol assessments and counseling (appropriate private or public health insurance should be billed first);
- 3.1.8 Mental health assessments and counseling (appropriate private or public health insurance should be billed first);
- 3.1.9 Training for local law enforcement officers and detention staff; and,
- 3.1.10 Other services as preapproved by the OCA.

4.2A pilot county may not spend its allocation on any of the following:

- 4.2.1 Participant incentives;
- 4.2.2 Vehicles;
- 4.2.3 Construction;
- 4.2.4 Out-of-state travel or training;
- 4.2.5 Political or lobbying activities; and
- 4.2.6 Pretrial services or programming in existence prior to the formal implementation of the pilot pretrial programs.

- 4.3 If there is any question about whether an expenditure is allowable, the county is strongly encouraged to contact the Office of Court Administrator (OCA) before making the expenditure.
- 4.4 Allowable expenditures must be made in accordance with Judicial Branch policies, State of Montana administrative policies, and state law.

5.0 STATEWIDE DATABASE

The OCA will provide each pilot county with access to the AutoMon pretrial case management software. Each pilot county will agree to enter information into the system as determined by the OCA.

6.0 REALLOCATION OF FUNDING

- 6.1 The OCA shall monitor general fund expenditures and caseloads for those counties receiving allocations.
- 6.2 If budget projections and caseload trends indicate that a county will be unable to expend its allocation, the OCA may reallocate all or part of the allocation to a county listed in section 2.0 that has demonstrated a need for additional funding.

7.0 CLOSING

Questions about this policy should be directed to the OCA at the following address:

Montana Supreme Court
Office of Court Administrator
Room 315, Justice Building
215 North Sanders
P.O. Box 203002
Helena, Montana 59620-3002
Phone: (406) 444-2621