



Law and Justice Interim Committee

60th Montana Legislature

SENATE MEMBERS

LARRY JENT
CAROL JUNEAU
JESSE LASLOVICH
DANIEL MCGEE
GARY PERRY
JIM SHOCKLEY

HOUSE MEMBERS

SHANNON AUGARE
BOB EBINGER
KRAYTON KERNS
DEBORAH KOTTEL
TOM MCGILLVRAY
RON STOKER

COMMITTEE STAFF

SHERI HEFFELFINGER, Lead Staff
VALENCIA LANE, Staff Attorney
DAWN FIELD, Secretary

MINUTES

Juvenile Justice Working Group

January 11, 2008

Room 102, Capitol Building
Helena, Montana

Please note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.**

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

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COMMITTEE MEMBERS PRESENT

SEN. GARY PERRY, Chair
SEN. CAROL JUNEAU
SEN. JIM SHOCKLEY
REP. SHANNON AUGARE
REP. BOB EBINGER

COMMITTEE MEMBERS EXCUSED

REP. KRAYTON KERNS

STAFF PRESENT

SHERI HEFFELFINGER, Lead Staff
VALENCIA LANE, Staff Attorney
FONG HOM, Secretary

Visitors and Agenda

Visitors' list, Attachment 1
Agenda, Attachment 2

COMMITTEE ACTION

- The working group chose areas on which to focus their study: Crisis and Intervention Services, Detention and Secure Placement, and Probation and Re-entry.

CALL TO ORDER AND ROLL CALL

00:00:07 Sen. Perry called the meeting to order at 8:15 a.m. The committee secretary took roll visually. Rep. Kerns was excused.

AGENDA

The Annie E. Casey Foundation - Bart Lubow, Director of Programs for High Risk Youth.

00:03:34 Mr. Lubow talked about The Annie E. Casey Foundation. They are a large national philanthropy located in Baltimore, and their work is to improve the life chances of the most vulnerable kids and families in this country. He spoke on the Juvenile Detention Alternative Initiative (JDAI) and the work that will be done in Montana in February. He said that JDAI is now the most widely replicated and extensively documented juvenile justice reform initiative in the past 4 decades and the one that has produced the best results for counties and for state government.

Detention Trends in Montana - Cil Robinson, Montana Board of Crime Control

00:16:00 **Cil Robinson, Montana Board of Crime Control**, talked about Detention Trends in Montana from 2001 to 2006 (**EXHIBIT 1**).

Questions

00:22:01 Mr. Lubow asked Ms. Robinson a question about the data on the use of the detention facilities by Tribal Courts. Ms. Robinson said there are reservation-based facilities but that data is not reflected on her charts because they are sovereign entities.

00:23:32 Sen. Juneau asked if youth confined at Pine Hills or Riverside are reflected in the data. Ms. Robinson said that Pine Hills and Riverside are correctional facilities not detention centers. **Bob Peake, Court Administration**, talked about consent adjustments, which require that the youth and the parents sign off and agree to the conditions of probations. He also talked about consent decrees, which require a petition to be filed in the Youth Court. A violation of the conditions can result in a youth being placed in jail for up to 10 days.

Juvenile Detention Performance Audit by the Legislative Audit Division

00:26:23 Sheri Heffelfinger talked about the Performance Audit of juvenile detention that was performed by the Legislative Audit Division (**EXHIBIT 2**), and noted their recommendations.

Questions

00:29:36 Sen. Perry asked Mr. Lubow if he would explain more about JDAI. Mr. Lubow said that JDAI is a collaborative process involving the stakeholders and the local juvenile justice system coming together to analyze how detention is currently being used in their jurisdiction and to determine if there are ways in which the jurisdiction can strengthen the system through a variety of detention reform strategies. There are 8 course strategies. Key stakeholders in the Juvenile Justice System, law enforcement, detention administration, probation, the court,

defense attorneys, prosecutors, schools, as well as community representatives get together to look at basic questions like, who are we detaining and why; and are there ways of making better decisions in more timely ways to accomplish the purposes of secured detention in a more efficient and effective manner.

- 00:39:06 Sen. Juneau asked if there has been any attempt to work with tribes in gathering data, and is any of that data broken down by division between males and females? Mr. Lubow said that there are data segregated by sex and in most jurisdictions, the girls are about one-fifth of the detention population. On a national basis, girls comprise close to 20% of the detained population.
- 00:50:56 Bob Peake asked Mr. Lubow why not have a statute that prohibits the detention of youth for anything other than felony offenses or crimes against persons. Mr. Lubow said that there are some jurisdictions that have moved in that direction but they tend to be highly political and require some degree of discussion and analysis before that kind of significant change is made.
- 00:53:33 Cil Robinson asked Mr. Lubow if law enforcement and juvenile probation typically have the ability to detain youths without a probable cause hearing and whether a hearing should be held prior to confinement. Mr. Lubow said that it is not uncommon in some JDAI sites that law enforcement actually contact the court before bringing a child to a detention center and the kid's detention risk is scored over the phone.

MCA Statutes Presentation - Sheri Heffelfinger, Research Analyst, LSD

- 00:56:09 Ms. Heffelfinger discussed the MCA statutes on the placement of youth in detention. She said that she would like the discussion to focus on the options that the Legislature has and asked presenters to discuss possible legislation options in the context of JDAI.
- 01:06:24 **Karen Duncan, Youth Community Corrections**, said that she would caution the working group when looking at detention centers and detention rates, to look at where the authority lies rather than blaming the detention center for detaining a youth. She added that other detention centers in the areas that have chosen to be part of this process have some real concerns and she hopes that there is a way for them to be heard as well.
- 01:08:04 Rep. Ebinger asked if there was a need for working group members to meet with Mr. Lubow, since he is going to be in Montana the first week of February. Sen. Perry asked Sheri if she could coordinate the group's next meeting with the arrival of Mr. Lubow in Montana. **Sheryl Burrigh, Juvenile Justice Specialist, Board of Crime Control**, said that he will be here February 4 through the 7th.
- 01:26:12 **Round table members introduced themselves:**
Cindy McKensie, Department of Corrections, Superintendent of Riverside Youth Correctional Facility, state long-term secure care facility for adolescent girls
Jim Hunter, Superintendent of Pine Hills Youth Correctional Facility for boys, DOC
Karen Duncan, Youth Community Corrections, DOC

Bob Peake, Court Administration, Judicial Branch
Cil Robinson, Montana Board of Crime Control, Juvenile Planner
Sheryl Burrig, Montana Board of Crime Control, Juvenile Justice Specialist,
Youth Justice Council

Discussion on Decision Tool: Juvenile Justice and Mental Health System

01:28:40 Sheri Heffelfinger, Research Analyst, LSD, discussed the Study Phase II: Focus and Prioritize outline which she had prepared for the committee (**EXHIBIT 3**).

There was a discussion on what is happening with Native American youths in the Juvenile Justice System, what is the Disproportionate Minority Contact Committee, and is there Native American representation in the Youth Justice Council.

Sen. Perry asked Ms. Heffelfinger to invite tribal leaders to help with the planning of The Annie Casey Foundation, JDAI meetings in Missoula, Havre, and Great Falls in February.

Cil Robinson explained that the tribes had been invited and tribal representatives would be involved.

01:57:07 Sen. Shockley asked Ms. Robinson if any of the tribes use state or county detention facilities for juveniles? Ms. Robinson said that Browning was looking at becoming a user of the county regional detention facility at Great Falls. Fort Belknap is also researching that possibility. Rocky Boy has already made the commitment to use that facility. Salish-Kootenai uses the regional detention facility at Reintegrating Youthful Offenders Facility at Galen.

Karen Billings, Children's Mental Health Bureau, Department of Public Health and Human Services, said that the Children's Mental Health Bureau would like to continue to continue being involved in the working group's meetings. Ms. Billings said that there are community organized groups called Kids Management Authorities, which partners up a great deal with probation officers and tribes all over the state. The Children's Mental Health Bureau is trying to offer an alternative to families and children with mental illness, to keep them in the communities, at home, or at the very least, to keep them out of institutions.

A Decision Tool: Work Group #2, Juvenile Justice and Mental Health System

I. Sequential outline

The working group discussed what topics were of interest to them in the section "Sequential". They each chose three topics that were of importance to them from the following list:

- A. Crisis and Intervention Services
- B. Initial Intake and Juvenile Probation Services
- C. Detention
- D. Judicial Processing

- E. Disposition Alternatives
- F. Secure Placement
- G. Probation and Re-entry

Rep. Ebinger chose Crisis and Intervention Services, Judicial Processing, and Initial Intake and Juvenile Probation Services; Sen. Juneau chose Detention, Crisis and Intervention Services, and Probation and Re-entry; Rep. Augare chose Detention, Secure Placement, and Probation and Re-entry; Sen. Shockley chose Crisis and Intervention Services, Detention, and Secure Placement; and Sen. Perry chose Crisis and Intervention Services, Disposition Alternatives, and Probation and Re-entry.

The working group decided that the topics for discussion are: Crisis and Intervention Services, Detention with Secure Placement, and Probation and Re-entry.

II. Examine Statutes

- A. Consider general revisions to the Youth Court Act
- B. Examine providing civil involuntary mental health commitment statutes applicable to you.
- C. Examine statutes related to the placement of a youth with a mental disorder in a youth correctional facility.

02:44:54 The working group decided not to pursue Item A, considering general revisions to the Youth Court Act, pending further information from Great Falls County Attorney, Matt Robertson, who had previously offered to develop some suggested revisions. Sen. Perry suggested that the committee combine Item B, examination of providing civil involuntary mental health commitment statutes applicable to youth with Item C, examine statutes related to the placement of a youth with a mental disorder in a youth correctional facility, and make that one of their primary tasks.

III. Other SJR 6 topics not already listed above

02:58:37 Sen. Shockley suggested not considering topics under paragraph III because he felt that the committee had enough to do.

Sen. Perry asked the working group if they were in agreement with Sen. Shockley's suggestion to eliminate Section III. The group agreed.

Public Comment

03:10:51 **Kathy Day, Public Policy Director, American Civil Liberty's Union of Montana**, said that it will be interesting to work with the committee and follow what they will be doing. She said that as the working group begins looking at the issues that they have identified as priorities and how they intersect with statute and the Youth Court Act, they should keep in mind that youths have civil liberties. She also encouraged the working group to work closely with the schools, that there is a disproportionate amount of minority youths who float into the school prison pipeline.

03:13:20 **Anita Roessman, Montana Advocacy Program**, said that she has visited many juvenile detentions in Montana and they are not a pleasant place for children. She said that the question that she is hearing the working group ask is, where do these kids belong and what do we need to do to make them succeed, and what role does juvenile justice and corrections play in insuring that they succeed.

03:21:19 **Debbie Harrington** told the working group about her adopted daughter who has been in the system.

03:31:42 **Jim Hunter, Pine Hills**, said that he wanted to comment on Pine Hills, particularly assessments and mental health. They work closely with Dr. Peak and they have a complete assessment program. They refer youths who need further assessments to Dr. Peak and contracted psychologists.

Other Committee Discussion

03:37:04 Ms. Heffelfinger discussed the impact on the staff with regards to the topics on which the committee decided on.

Adjournment

03:42:25 Sen. Perry adjourned the meeting at 11:57 a.m.

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