MONTANA LEGISLATIVE BRANCH

Legislative Fiscal Division

DATE: December 14, 2021

TO: Public Safety Interim Budget Committee

FROM: Cathy Duncan, Nick VanBrown, Rachel Weiss, Milly Allen

RE: Public Safety Data Meetings

October Data Meetings - Purpose

In October, legislative staff held meetings to discuss data in the possession of the public safety agencies. The primary purpose of these meetings was to compile an inventory of public safety data and to hear the agencies' staff on related comments, concepts, and concerns. The public safety agencies that were visited with include:

- Department of Corrections
- Department of Justice
- Judicial Branch
- Office of State Public Defender
- Board of Crime Control
- Board of Pardons and Parole

The meetings occurred with the awareness of a common need for more public safety data in legislative committee activities, that include:

- MARA – the ability to measure costs of public safety activities over a 20-year horizon
- Sec. D IBC – the ability for agencies to answer questions and provide reports, including those within HB 693
- Law & Justice Interim Committee – to address activities required in HJ 31
- Criminal Justice Oversight Council -
  - The ability to measure changes resulting from the Justice Reinvestment Act
  - Montana's overall crime rates and trends – violent crime vs. property crime, geographical trends, demographical trends with data relating to:
    - arrests, probation, parole, prison, and jails – e.g.: admission/releases, average time served, length of stay while awaiting trial/pretrial/probation or parole violation hearing, etc.
    - pretrial diversion and presentence diversion agreements
    - problem-solving courts (e.g., drug courts)
    - recidivism
    - behavioral health and substance use, to answer questions like:
      - What proportion of arrests and convictions involve offenders with behavioral health and substance use disorders?
      - What proportion of people incarcerated, on probation, or on parole have behavioral health issues and/or substance use disorders?
      - How many of those individuals require 3.5 or 3.7 substance use treatment, and how many are currently in 3.5 or 3.7 treatment?

In addition to the legislatures hopes to obtain and compile data, the agencies have hopes of compiling data for their agency purposes, including a more efficient way of tracking public safety characteristics and costs across the spectrum of public safety activities.

What was Learned

Through the meetings, legislative staff learned a great deal about what data is currently in existence within the agencies. What was learned serves only as a high-level starting point for future actions. In addition to setting the stage for the Law and Justice Interim Committee's data panel, related to HB 31 and occurring on October 28, some of the initial findings include:

- The criminal justice process usually starts at the local government level, where there are gaps within reporting given the large number of differences in local governments
- Agencies have lots of data, but much of it is in discrete sets
- There is a substantial amount of duplication in the state's data collection
- Agencies are generally willing to share the data with the legislature and each other, with respect to personal private information, and some have started to provide examples
- There are methods currently being investigated to make the data work across specific agency coding

Next Steps

Again, the October meetings provided a high-level look at the data that is compiled by agencies. There are more steps required to move the data project forward. Some of the staff work areas include:

- Contacting the state information technology division to determine if they are working on this project already and how it might interact with the work of legislative staff
- Continue to obtain and analyze data sets from agencies for legislative purposes
- Begin to develop measurable drivers of public safety activities