

Criminal Justice Oversight Council

****DRAFT**** Work Plan

2021-2022 Interim Session

Table of Contents

Introduction	2
Committee Procedures and Public Participation	2
Council Members and Staff.....	3
How the CJOC Plans Its Work.....	4
Assigned Study	4
Statutory Responsibilities	4
Council Issues.....	5
Time Allocation	5

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Introduction

The Montana State Legislature established the Criminal Justice Oversight Council (CJOC) in 2017 to oversee implementation of criminal justice legislation in the state.

The CJOC is one of several interim committees established by law and required to meet in the months between regular legislative sessions. Interim committees provide oversight for the various state agencies, perform assigned interim studies, hear testimony from Montanans, and propose legislation for consideration at the next legislative session.

Committee Procedures and Public Participation

The CJOC adheres to the [Operating Rules And Procedures](#) adopted at its September 29, 2021 meeting.

As required by law, 10 day advance public notice will be given for all meetings. CJOC meetings are open to the public in person at the Capitol and via Zoom; the public will be given an opportunity to comment on any matter that is within the jurisdiction of the committee. The presiding officer may establish time limits to ensure equal and fair opportunity for public comment, and to manage the committee's agenda. Public comment may also be submitted in writing. Please see the [council's meeting information page](#) for more information.

Interested persons may sign up to receive electronic meeting notifications and other CJOC communications by visiting the CJOC website. Agendas, memos, links, operating procedures, and other information can also be found on the [council website](#).

Council Members and Staff

The CJOC is comprised of 16 members: four legislators, the Director and Deputy Director of the Department of Corrections, and individuals appointed to the Montana Supreme Court, the Attorney General, and the Governor. Council members represent a cross section of stakeholders and experts in Montana’s criminal justice system. Statutory membership requirements and appointment responsibilities are outlined in 53-1-216, MCA.

The Legislative Services Division (LSD) provides staff support to the council, per House Bill 73 (2021). The LSD is an independent, nonpartisan, impartial agency, serving the Legislature and the public since its creation in 1957. Visit the [LSD website](#) to read more.

Council Member	Phone	Email	Statutory membership
Rep. Barry Usher (Chair)	(406) 252-2888	barry.usher@mtleg.gov	Member of the Montana House of Representatives
Jimmy Patelis (Vice Chair)	(406) 671-9972	jimmy.patelis@mt.gov	Member of the Board of Pardons and Paroles
Georgette Boggio	(406) 860-5219	gboggio@elkriverlaw.com	Member of an Indian tribe in Montana who has expertise in criminal justice
Ross Canen	(406) 377-1625	recanen@hotmail.com	County sheriff
Brian Gootkin	(406) 444-3930	brian.gootkin@mt.gov	Director of the Department of Corrections
Rachel Guernsey	(406) 590-4946	RachelGuernseyLMFT@gmail.com	Representative of crime victims
Rep. Kathy Kelker	(406) 698-5610	kathy.kelker@mtleg.gov	Member of the Montana House of Representatives
Melissa Kelly	(406) 570-2366	mkelly@cccscorp.com	Representative of community corrections providers
Judge Kurt Krueger	(406) 497-6410	kkrueger@mt.gov	District court judge
Rhonda Lindquist	(406) 444-9049	RLindquist@mt.gov	Representative of the Office of the State Public Defender
Sen. Ryan Lynch	(406) 498-6625	ryan.lynch@mtleg.gov	Member of the Montana Senate
Keegan Medrano	(406) 204-0288	medranok@aclumontana.org	Representative of civil rights advocates
Sen. Keith Regier	(406) 756-6141	keith.regier@mtleg.gov	Member of the Montana Senate
Amy Tenney	(406) 447-3281	atenney@boydandrew.com	Representative of community corrections providers
Scott Twito	(406) 256-2870	countyattorney@yellowstonecountymt.gov	County attorney
Cynthia Wolken	(406) 444-3930	cynthia.wolken@mt.gov	Deputy Director of the Department of Corrections

Staff		Phone	Email
Milly Allen	Research Analyst	(406) 444-9082	milly.allen@mt.gov
Rotating	Secretary	N/A	N/A

How the CJOC Plans Its Work

The LJIC establishes its work by reviewing, revising, and finalizing the work plan. The work plan guides the Council and provides direction to its staff, through the interim end date of September 15, 2022. The work plan is a living document that the CJOC may modify to address issues that emerge during the course of the interim session.

The primary constraint limiting any interim committee's work is the number of issues that can be effectively addressed with the available time and resources of the committee members and its staff. This 2021-2022 work plan sets priorities and outlines how and where the CJOC will allocate its time and resources.

Work plan topics include study resolutions enacted by the 2021 Legislature and assigned to the CJOC by the Legislative Council. It also includes statutorily assigned responsibilities and criminal justice concerns identified by council members.

ASSIGNED STUDY

The CJOC was assigned one study by the Legislative Council for the 2021-2022 interim session: House Joint Resolution No. 34 (HJ 34), a study of pretrial diversion programs and presentence diversion agreements. The study will:

1. Identify Montana jurisdictions that currently operate a pretrial diversion program or a presentence diversion agreement and examine the structure, scope, funding, eligibility criteria, and procedures for those programs;
2. Review national best practices for pretrial diversion programs and presentence diversion agreements;
3. Examine pretrial diversion programs and presentence diversion agreements in other states, including their structure, scope, funding, eligibility criteria, and procedures;
4. Review existing Montana statutes that create or support opportunities for individuals to be diverted from the criminal justice system; and
5. Review the available funding sources for pretrial diversion programs or presentence diversion agreements and the cost shift and savings realized through a pretrial diversion program or a presentence diversion agreement that diverts people from the criminal justice system and into treatment and addiction services.

STATUTORY RESPONSIBILITIES

The CJOC draws its statutory responsibility from two sources:

5-5-215, MCA. General duties of all interim committees.

53-1-216, MCA. Montana Criminal Justice Oversight Council -- duties -- membership.

1. Conduct interim studies as assigned. The committee may recommend to the Legislative Council that a study be assigned to another committee or not be conducted.
2. Examine the feasibility of creating and maintaining a public portal through which a broad scope of criminal justice data can be accessed.
3. Submit biennial reports to the governor and the legislature, and provide updates to the Law and Justice Interim Committee and the Legislative Finance Committee as requested.

4. Complete additional statutory duties including reviewing and assessing the commission on sentencing’s recommendations and corresponding criminal justice reforms, evaluating data used by criminal justice agencies, and suggesting improvements to behavioral health and other screening instruments.
5. At the discretion of the CJOC: Prepare and request legislation (through the Law and Justice Interim Committee) that enacts changes to the state's criminal justice system.

COUNCIL ISSUES

The CJOC’s interim work is includes criminal justice-related issues identified by council members. These interests may be addressed via memo, presentations and discussion panels, a working group, or staff research. Current interests include:

- Sober living homes, also known as recovery residences
- 3.5 chemical dependency treatment

TIME ALLOCATION

The supplementary Work Plan Decision Matrix document allows the committee to select an appropriate level of review, analysis, and discussion for studies, member topics, statutory duties, and anything else. This matrix will also determine how the approximately 0.75 FTE staff time will be distributed.

FTE	Hours	Days
0.75	1,500	188
0.5	750	94
0.25	375	47
0.1	150	19
0.05	75	10
0.02	30	4
0.01	15	2
0.005	8	1