

Fourth Presentation to the Commission on Sentencing

Justice Reinvestment in Montana: Summary of Analyses and Policy Options

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Overview

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Key Challenges

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Goals

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Policy Options

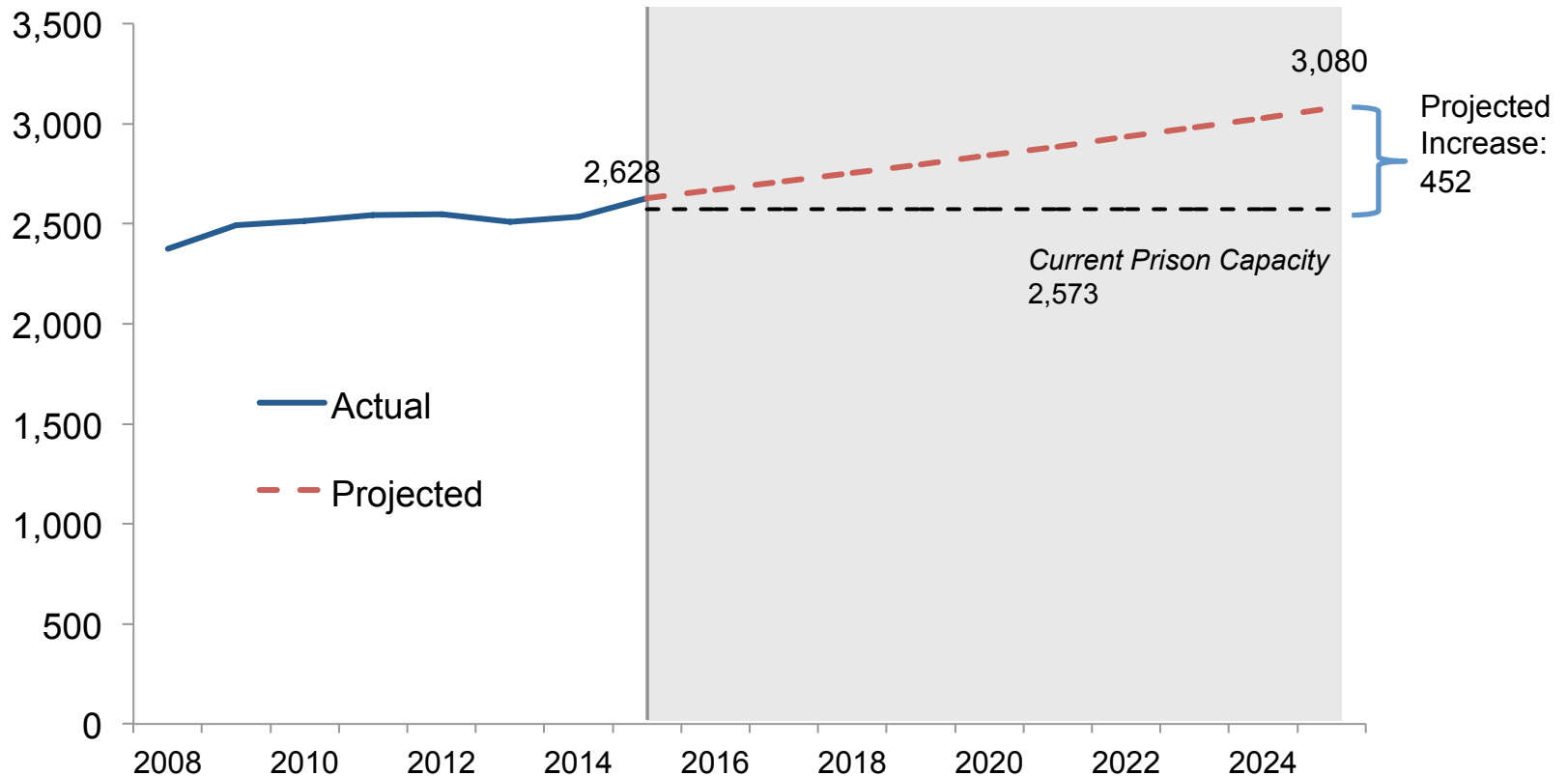
04

Next Steps



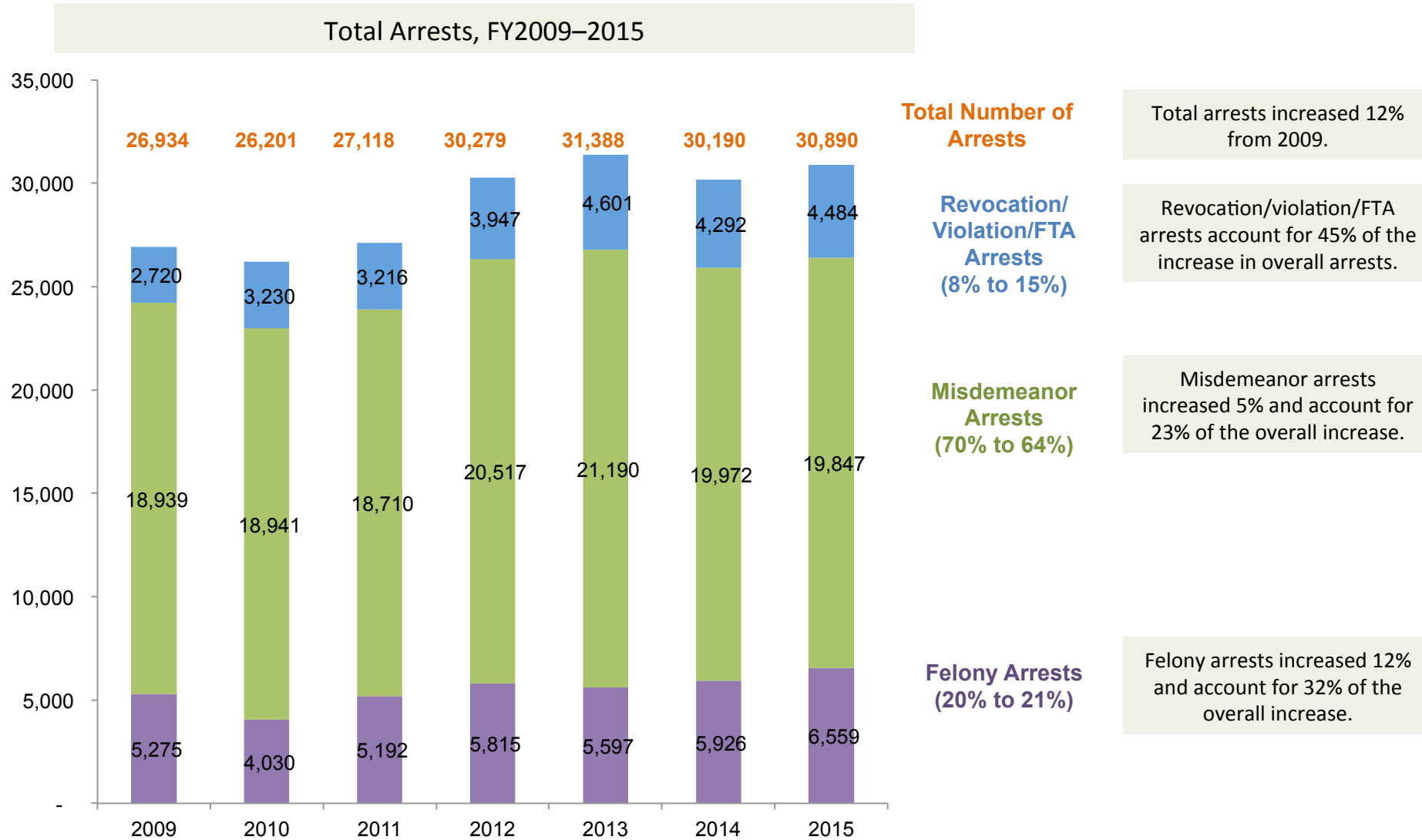
REMINDER: Montana's prison population is at capacity and is projected to continue to increase.

Year End (FY) Actual and Projected Prison Population, 2008–2025



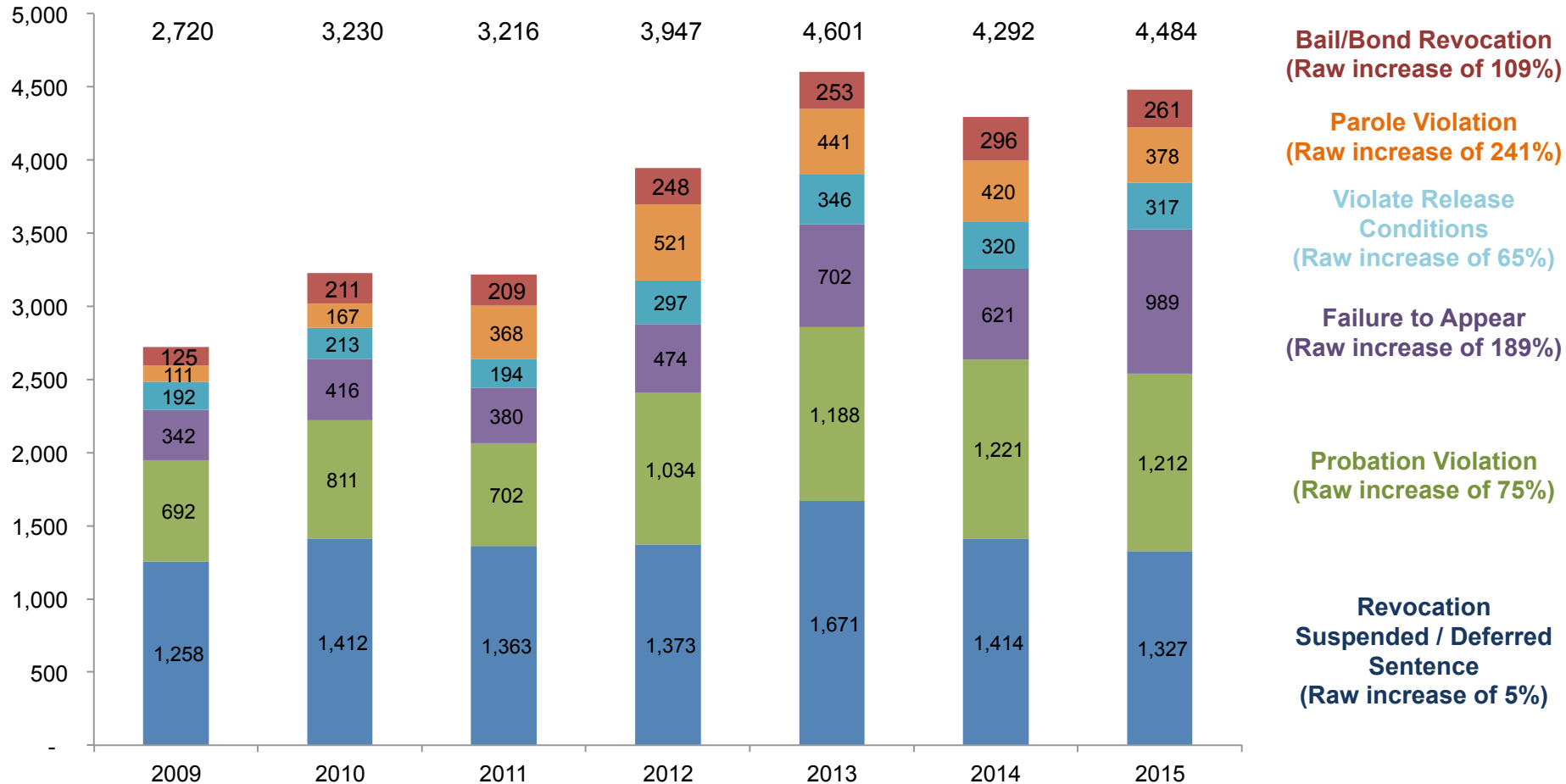
Expanding capacity to address projected growth will cost the state tens to hundreds of millions of dollars over nine years.

REMINDER: The number and proportion of arrests involving revocations/violations/FTAs have increased significantly.

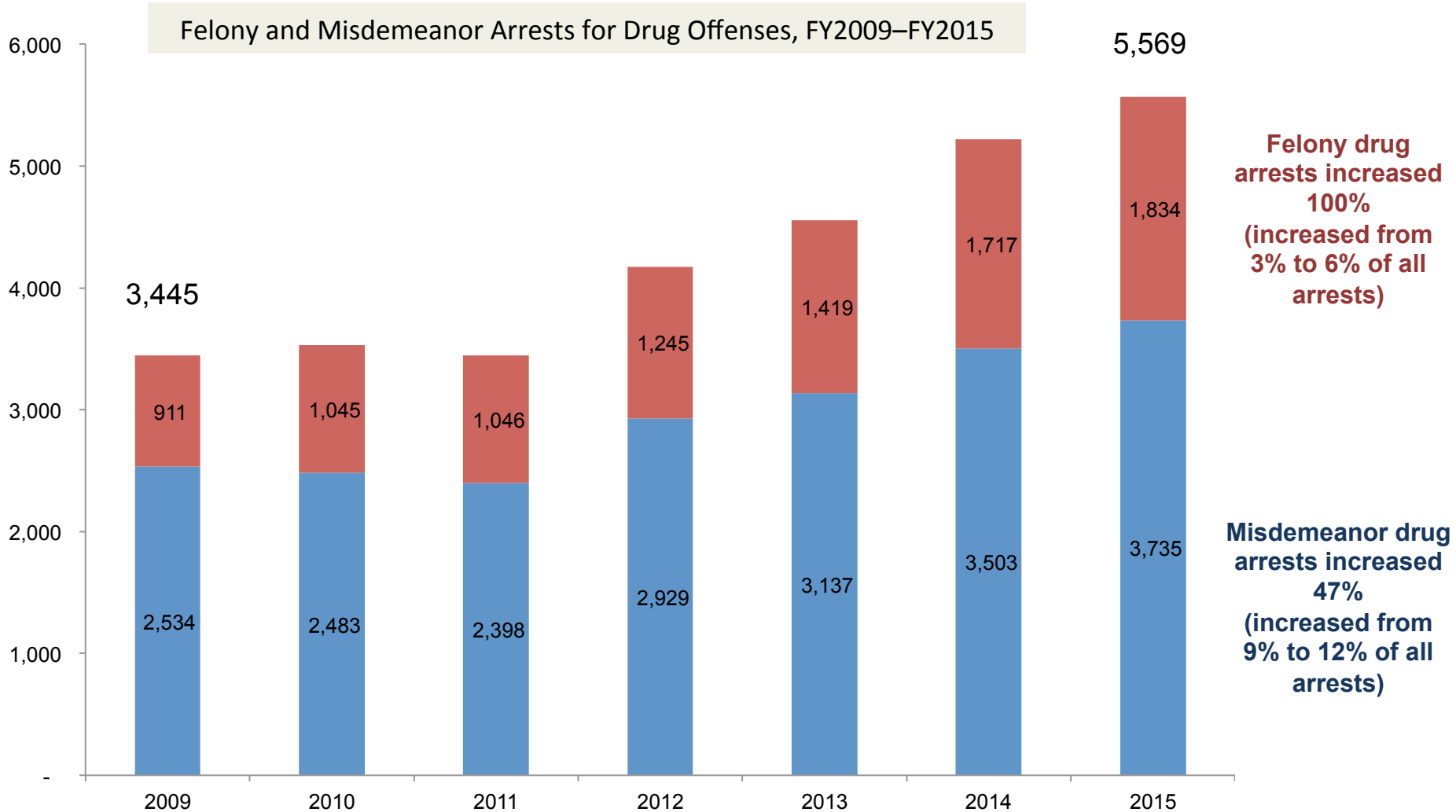


REMINDER: The increase in arrests is driven by recent steep increases in parole violations, probation violations, and especially failures to appear.

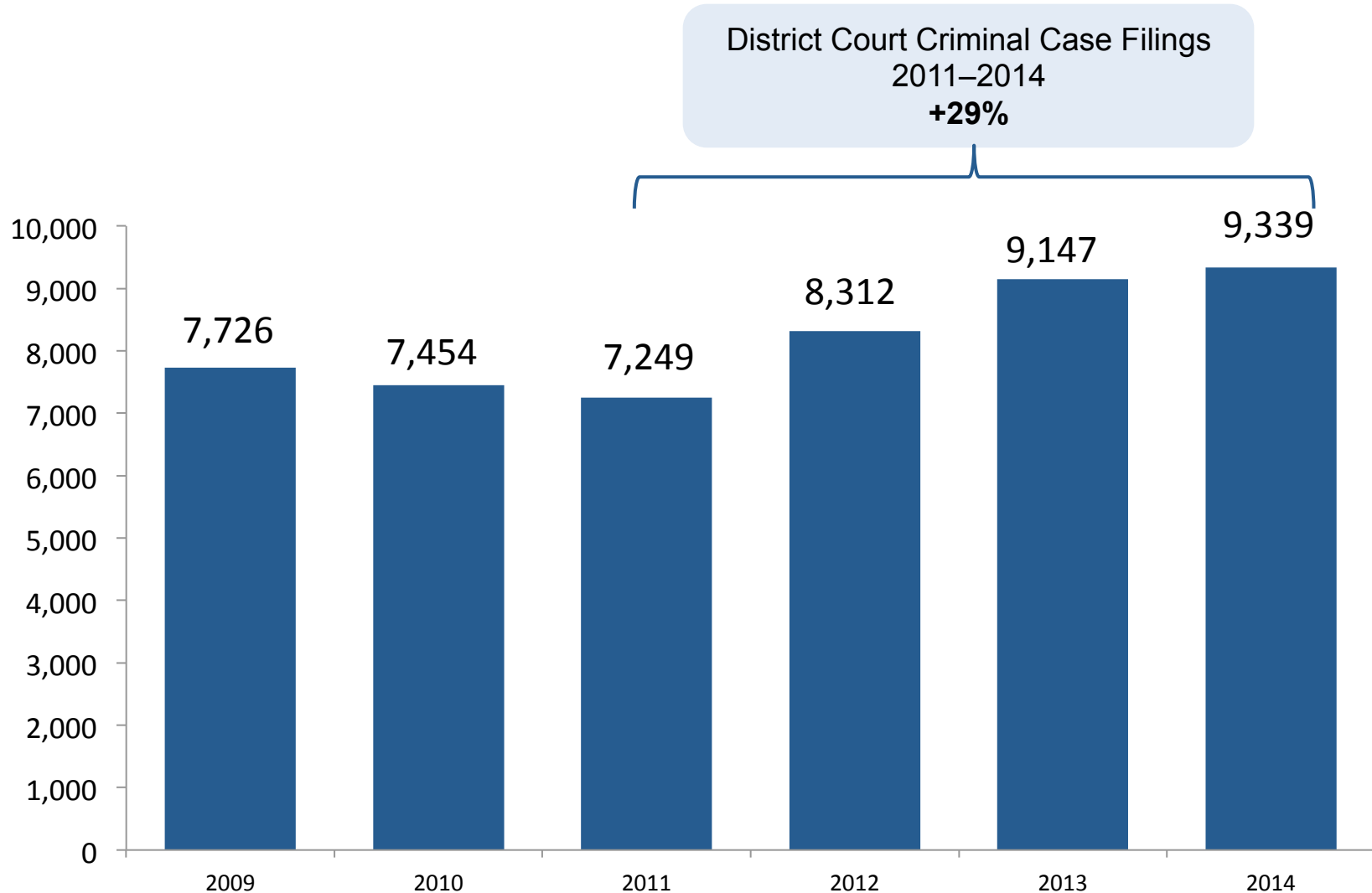
Arrests for Probation and Parole Violations, Revocations, and Failure to Appear, FY2009–FY2015.



REMINDER: Drug-related arrests have increased 62% and now account for 18% of all arrests.

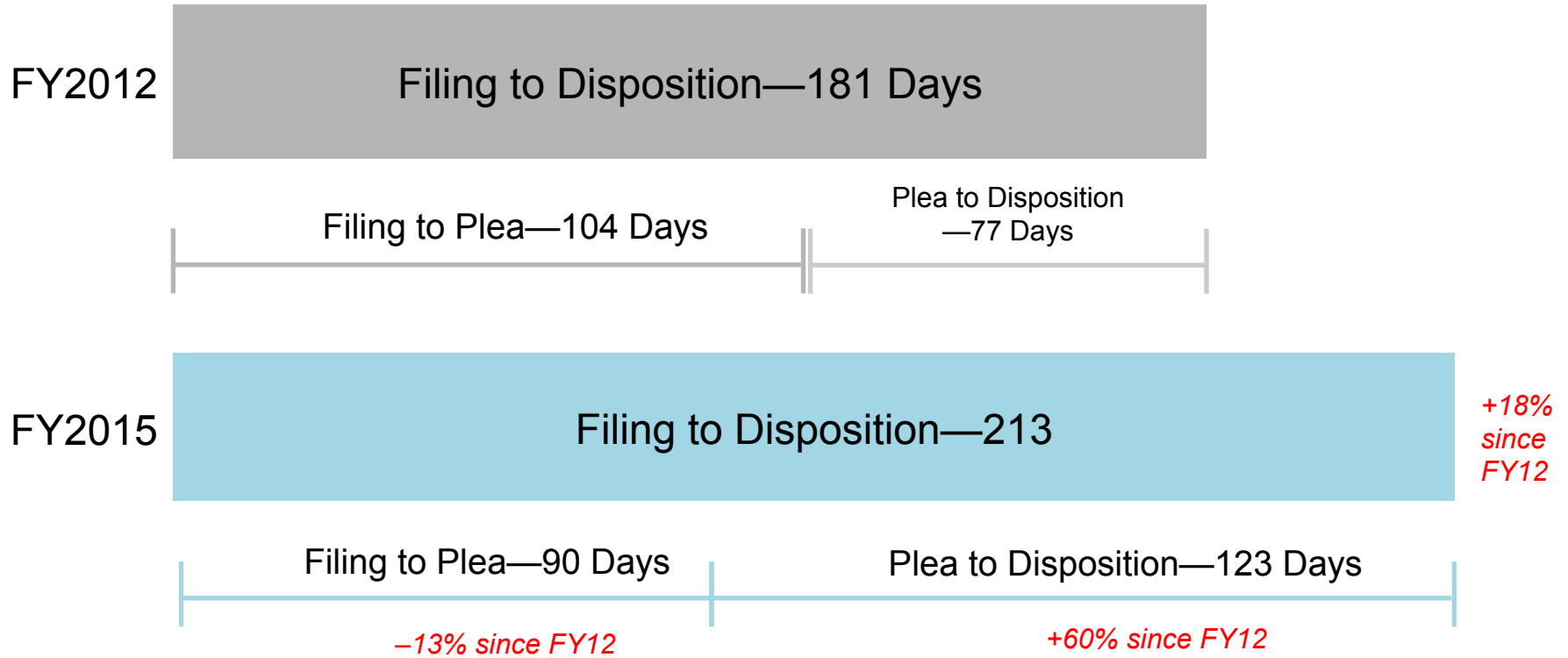


REMINDER: District court case filings have gone up sharply in the last four years. Almost half of the increase appears to be driven by a rise in felony drug possession filings.



REMINDER: The time it takes for a case in district court to reach disposition from various stages has increased.

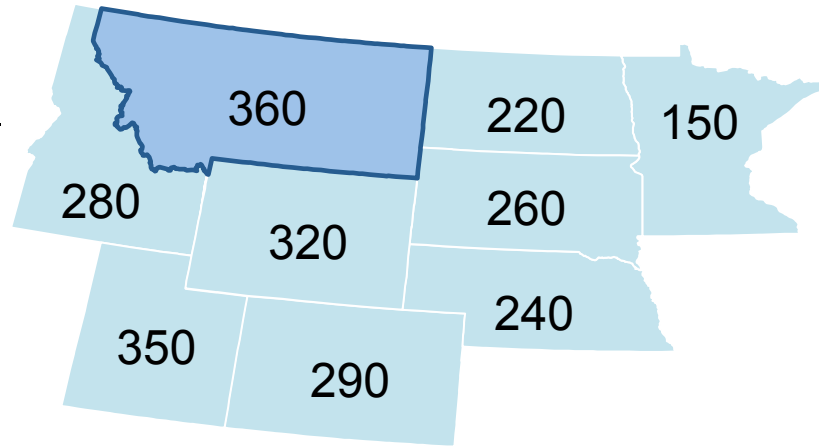
Case Processing Measures, FY2012 and FY2015



Source: Montana District Court Case Filings and Dispositions, 2005-2014
*Time calculations are based on the "oldest" filing for each unique filing. To attempt to control for absconded cases, those with a time to disposition over 500 days were excluded. Revocation proceedings also were excluded for this analysis.

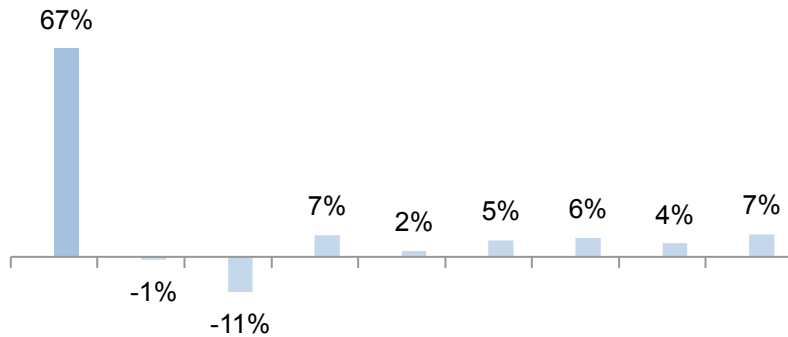
REMINDER: Montana's jail incarceration population increased significantly in recent years, and is the highest of its neighbors. Jail length of stay is above average.

2013 Jail Incarceration Rate
Per 100,000 residents



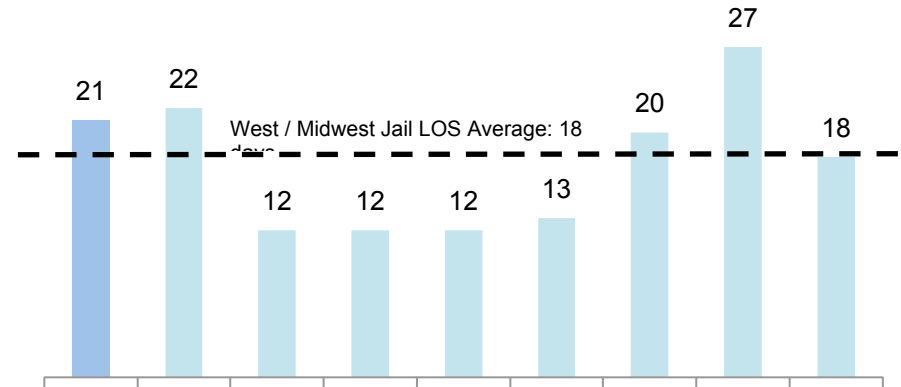
Percent Change in Jail Population, 2011-2013

MT CO ID ND SD MN WY UT NE



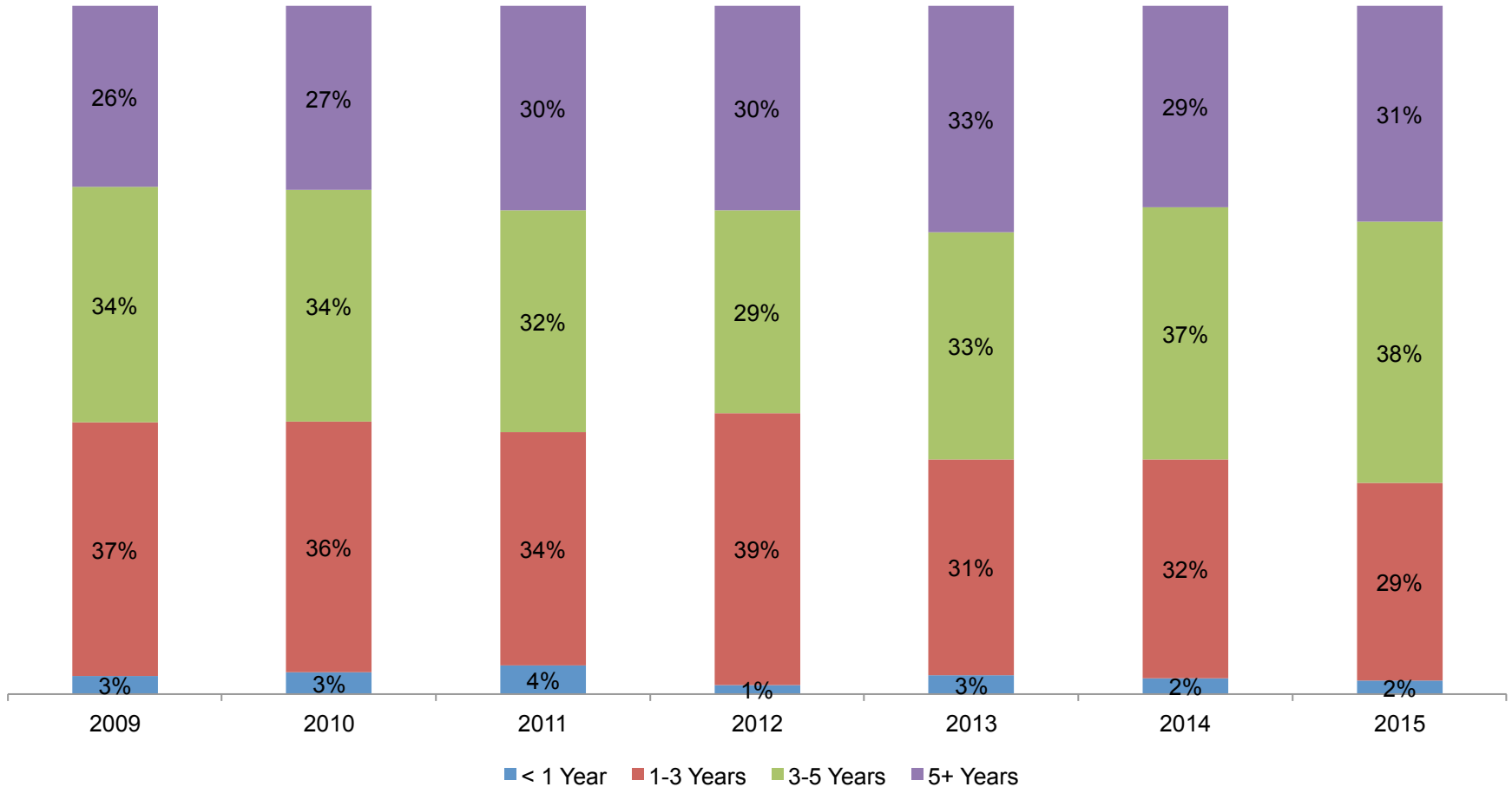
Jail Average Length of Stay, 2013

MT CO ID ND SD MN WY UT NE



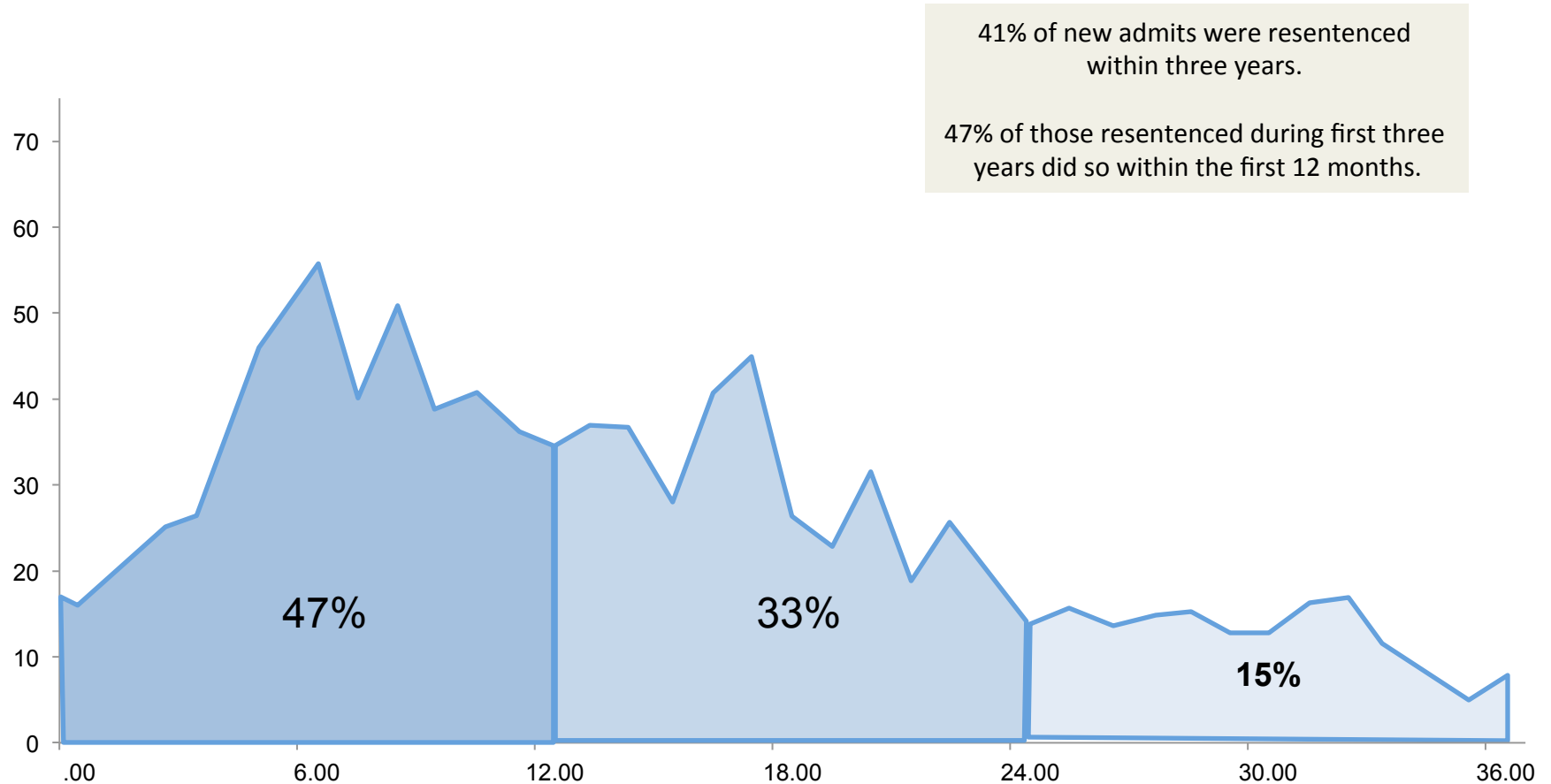
REMINDER: More than 60% of people who successfully complete probation do so after serving more than three years on supervision. 30% serve more than five years.

FY2015 Probation Release Length of Stay for Successful “Completers”

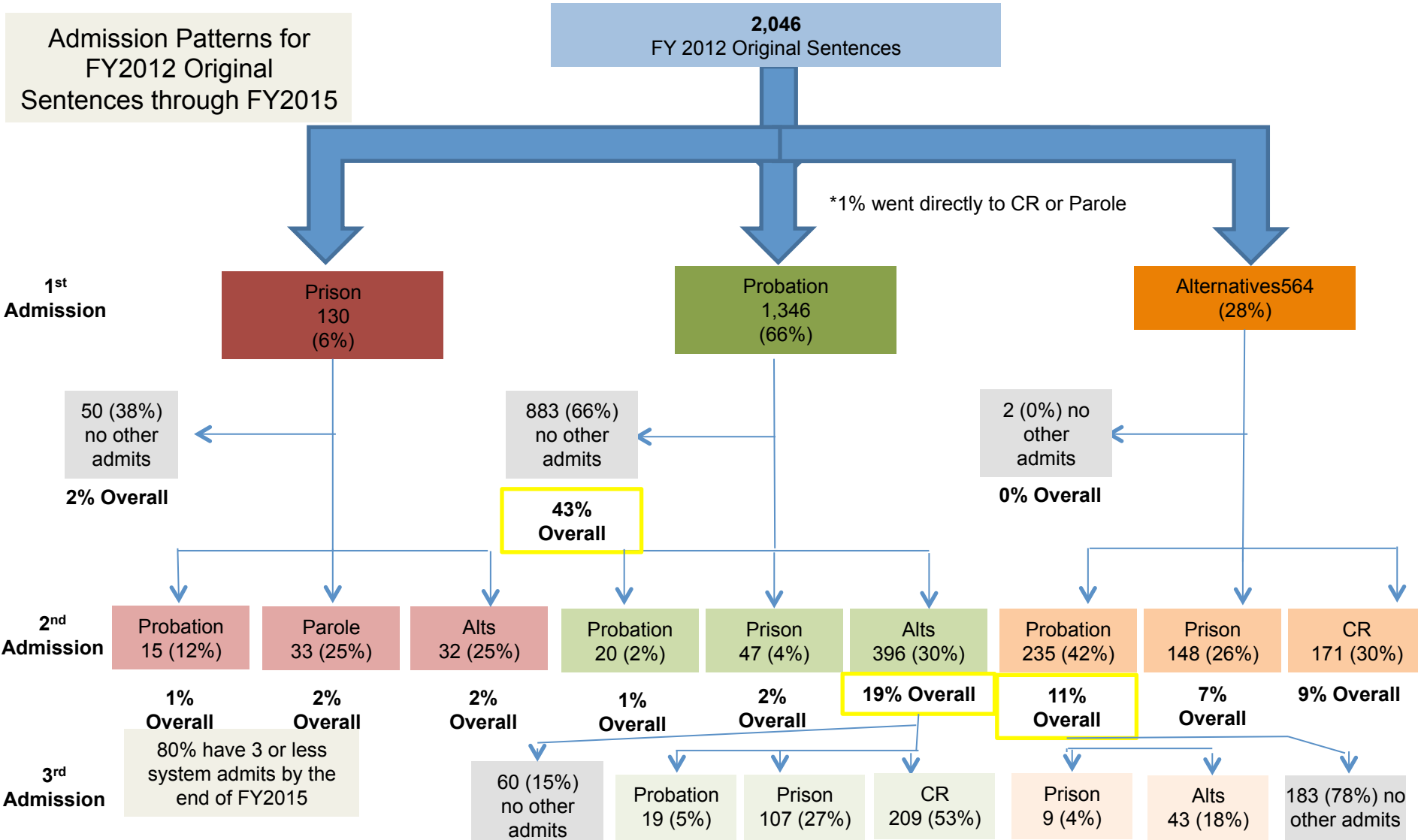


REMINDER: Resentencing analysis demonstrates diminished recidivism with passage of time.

Months to Resentencing Among Those Resentenced Within Three Years, FY2012 Probation Admission Cohort



REMINDER: Most “entrances” to Montana’s criminal justice system have an average of just over 2 system admits in the time period, though 199 have 5 or more.



Source: Montana Department of Corrections Sentencing Data

Key Challenges

Growing Impact of Substance Use. Drug use presents a growing challenge for Montana's criminal justice system. Between 2009 and 2015, there was a 62-percent increase in arrests for drug offenses. Stakeholders report drug use and insufficient treatment as being leading causes of violations and revocations.

High Rates of Recidivism. The primary driver of costs and growth in Montana's criminal justice system, including the growth in arrests, alternative facility admissions, and prison admissions, is people who are cycling back for technical violations or new crimes.

Rising Cost of Prisons and Jails. Prisons and jails in Montana are at capacity. The statewide jail population has risen 67 percent between 2011 and 2013. Unless the state acts, the prison population is projected to continue to increase 17 percent by 2025, requiring tens, if not hundreds, of millions of dollars in new spending.



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Goals of Justice Reinvestment in Montana

- Avert spending associated with growth in prison and jail populations
- Make the pretrial decision-making process more informed and effective in order to increase public safety
- Improve access to and the quality of programs funded by taxpayers to reduce recidivism
- Reinvest in strategies to hold offenders accountable and increase public safety
- Improve services and resources for victims of crime
- Modernize the parole process
- Ensure the sustainability of data-driven policies and evidence-based practices

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- 1. Establish the use of pretrial risk assessment tools and supervision.**
2. Revamp the presentence investigation report so that it is less time intensive and more structured and objective and encourages the use of evidence-based practices in sentencing.
3. Eliminate mandatory minimum jail sentences for second offense driving with a suspended license and third offense petty theft.
4. Reclassify traffic offenses, other than driving under the influence, as civil or citation-only offenses.

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- 5. Support the creation and expansion of deferred prosecution programs.**
6. Expand eligibility criteria for problem-solving courts.
7. Focus prison and community corrections space on those who are most likely to reoffend.
8. Require prerelease centers to deliver more intensive evidence-based programs and treatment within a shorter time period to reduce recidivism and serve more people.

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9. Maximize recidivism reduction by restructuring treatment facilities and focusing on higher-risk people.

10. Fund access to behavioral health treatment and programs to reduce recidivism for people on community supervision.
11. Focus supervision resources on people who are most likely to reoffend.
12. Explore increasing access to tribal resources for tribal members who are in the state criminal justice system.

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13. Modernize the parole board and the parole decision-making process to ensure that the board's decisions are informed, consistent, and sustainable.

14. Limit the term of incarceration for technical violations of conditions of probation and parole.

15. Improve access to housing for people reentering the community.

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13. Modernize the parole board and the parole decision-making process to ensure that the board's decisions are informed, consistent, and sustainable.
14. Limit the term of incarceration for technical violations of conditions of probation and parole to 90 days.
- 15. Improve access to housing for people reentering the community.**

16. Expand eligibility for crime victim compensation benefits.

17. Improve the quality of and access to batterer's intervention programs.

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Policy Options on Oversight, Quality Improvement, and Improving Standards

18. Create a centralized, interagency oversight body to guide and track the implementation of justice reinvestment legislation.
19. Require the Department of Corrections to report annual data on the impact of implementing justice reinvestment legislation.
20. Require the Department of Corrections to regularly validate its risk assessment tool.
21. Require the Department of Corrections to receive ongoing training in risk assessment and evidence-based practices.
22. Establish program standards and authorize the quality assurance unit within the Department of Corrections to evaluate state-funded programs and enforce program standards.
23. Require the Department of Corrections' probation and parole interventions and incentives grid to follow evidence-based practices.

For the Commission's Consideration for Further Analysis

24. Enable the Department of Corrections to effectively manage and collect legal financial obligations, even beyond a supervision term.
25. Remove barriers to securing employment for people on supervision.

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Next Steps

- Continue collecting input from stakeholders
- Develop cost estimates and population projection for package of policy options the commission is interested in pursuing
- Review impacts with commission and address any outstanding issues or topics of interest
- Set timetable for developing implementation plans and administrative policy changes

Thank You

Karen Chung, Policy Analyst

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