# Criminal Justice Oversight Council

March 21, 2018

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Council of State Governments Justice Center

# Overview


01 Background

02 Prison population trends

03 Supervision population trends

04 Key takeaways and next steps

## Challenges in Montana when state leaders embarked on Justice Reinvestment

Jail and prison overcrowding as well as increased arrests, district court case filing and length of time between arrest and disposition

Increased community supervision revocations accounting for 74 percent of prison admissions

Lack of risk based decision-making at the front end and back end of the system

*The Council of State Governments Justice Center, "Justice Reinvestment in Montana: Report to the Montana Commission on Sentencing," January 2017*

## Goals for Justice Reinvestment to increase public safety

Reserve prison space for the most serious and violent offenders

Reduce recidivism by changing offender behavior

Improve decision-making at the front end and back end of the system

## CSG works with stakeholders in each state to identify key metrics and establish benchmarks for monitoring progress

State monitoring is the process of collecting, monitoring, analyzing and using data about a state's criminal justice system in order to improve outcomes and inform technical assistance.

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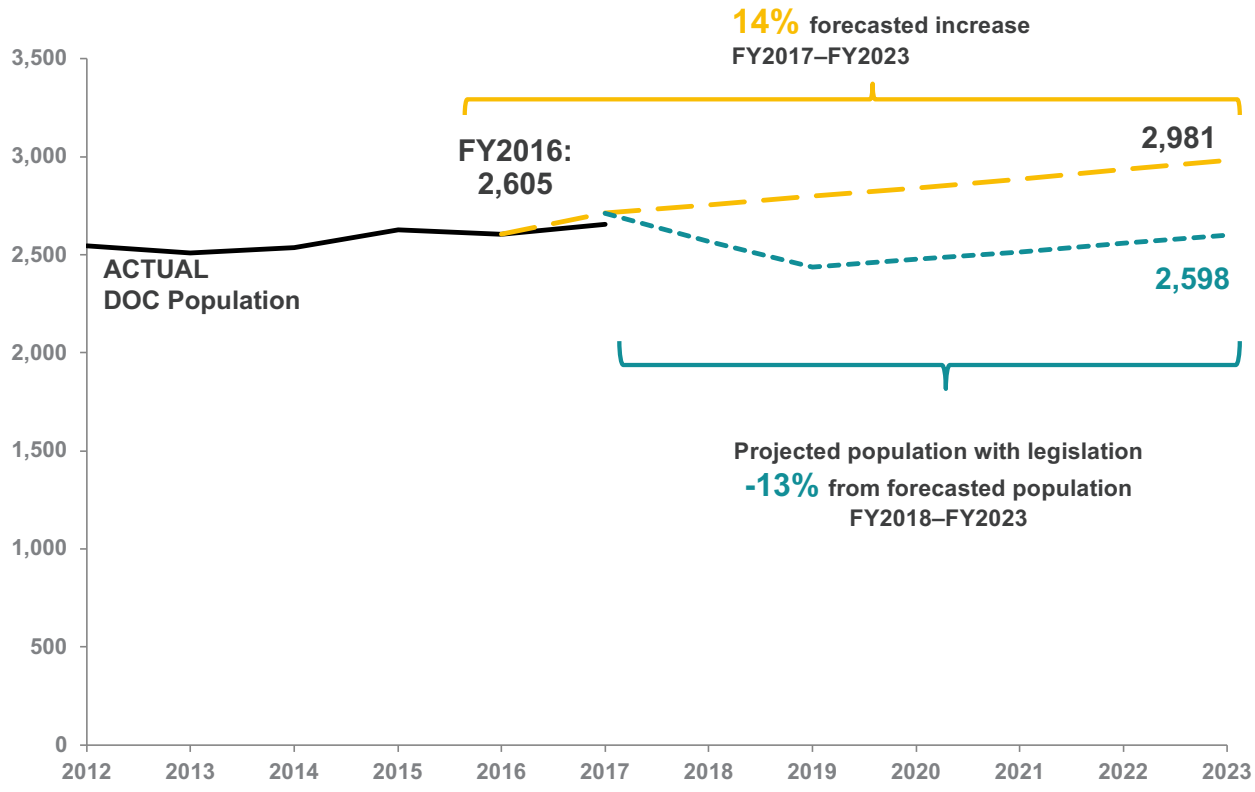
# Montana's package of legislation is projected to avert prison population growth by 13 percent by FY23




**$69 million**

**in averted costs**

**383 fewer people**

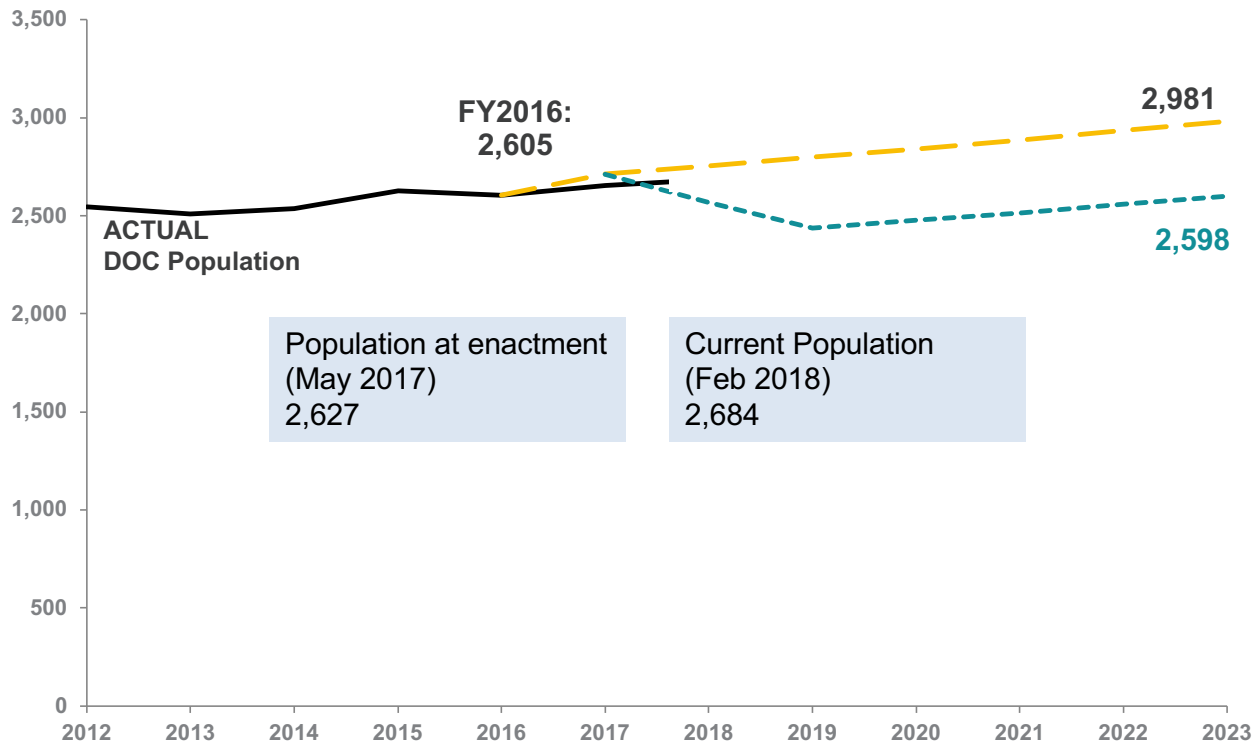
**in prison than forecasted FY2023 population**

**2,639 fewer people**

**on supervision than forecasted FY2023 population**

*Source: Montana Department of Corrections, "Adult Population Summary Actual – FY2008 to 2014; Projected FY2015 to 2025"; CSG Justice Center analysis based on projections from DOC*

# Montana's prison population has increased by 57 people since JR enactment

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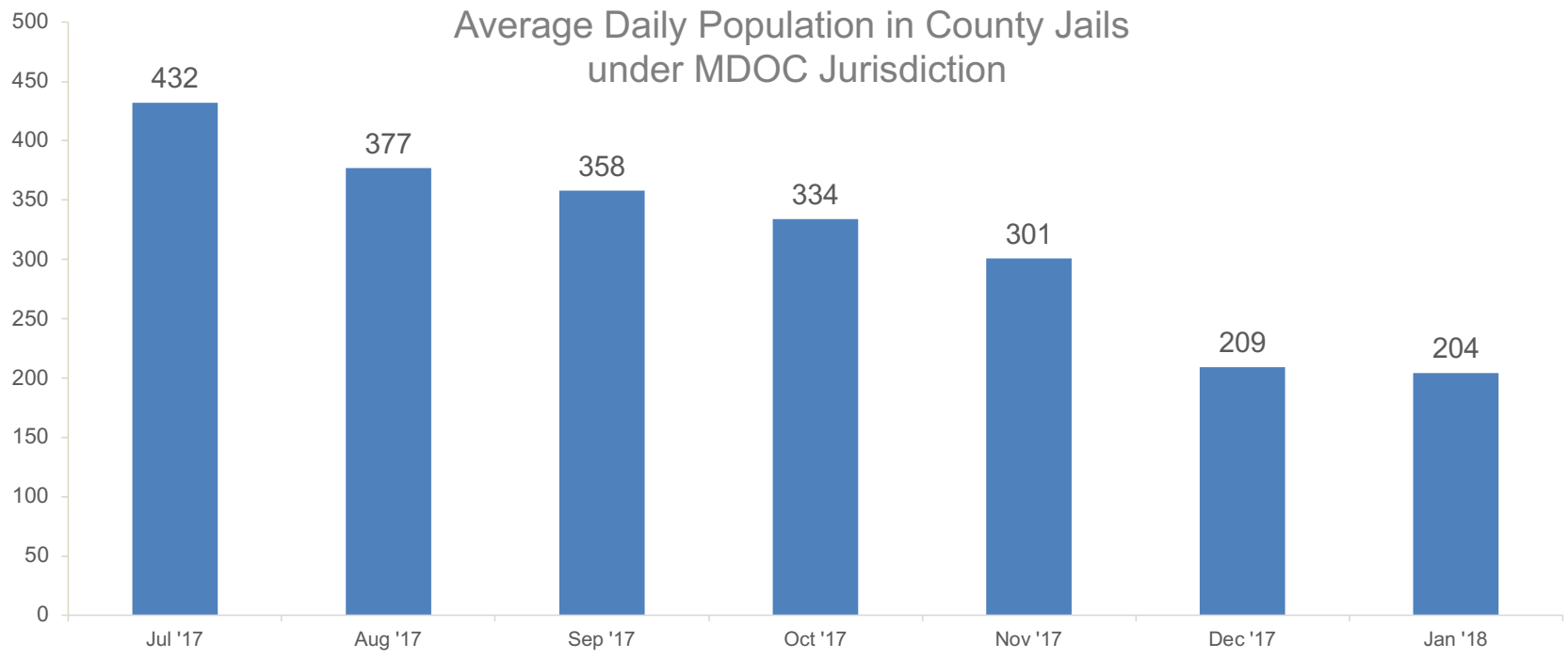
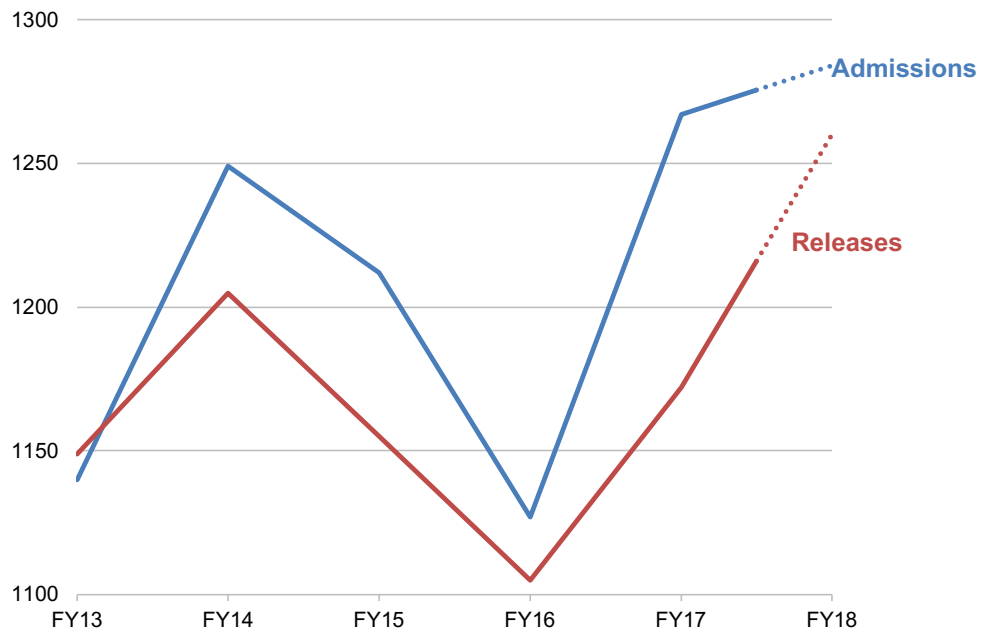
# The pressure from county jail backlogs has been easing up since July 2017




*Source: Montana Department of Corrections email communication with Justice Center staff, 3-20-2018*

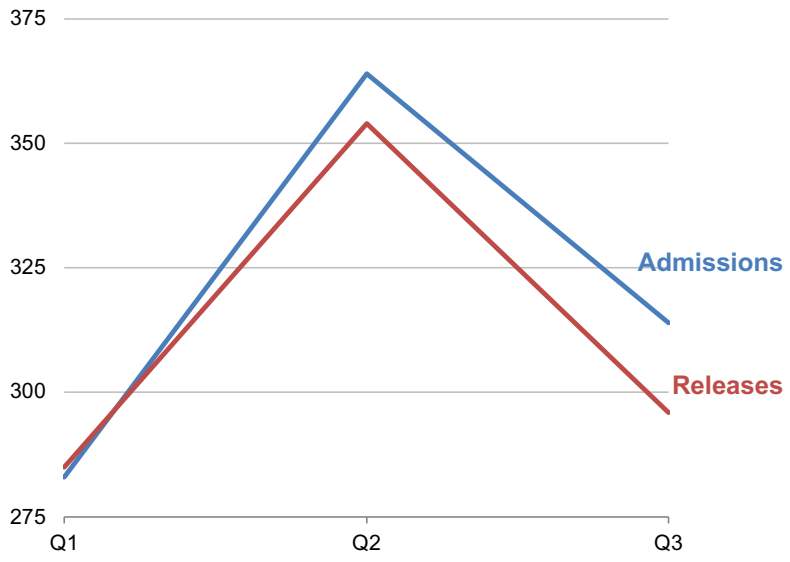
# Prison admissions are outpacing releases, contributing to an increased prison population

Prison Admissions and Release Trends*




* Estimated based on 8 months of data

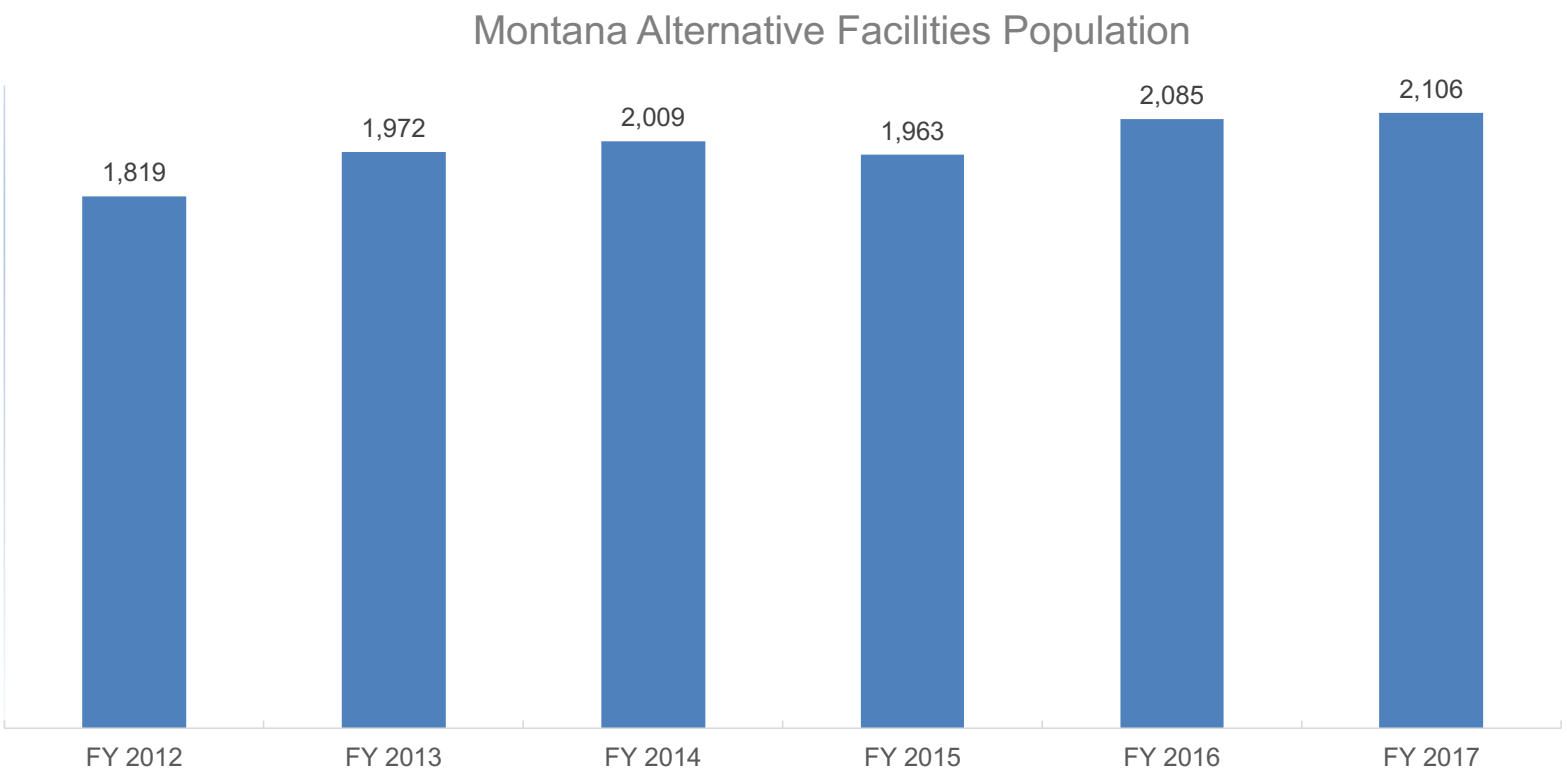
FY2018 Prison Admissions and Releases*




* Q3 Estimated based on 2 months of data

*Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 3-13-2018*

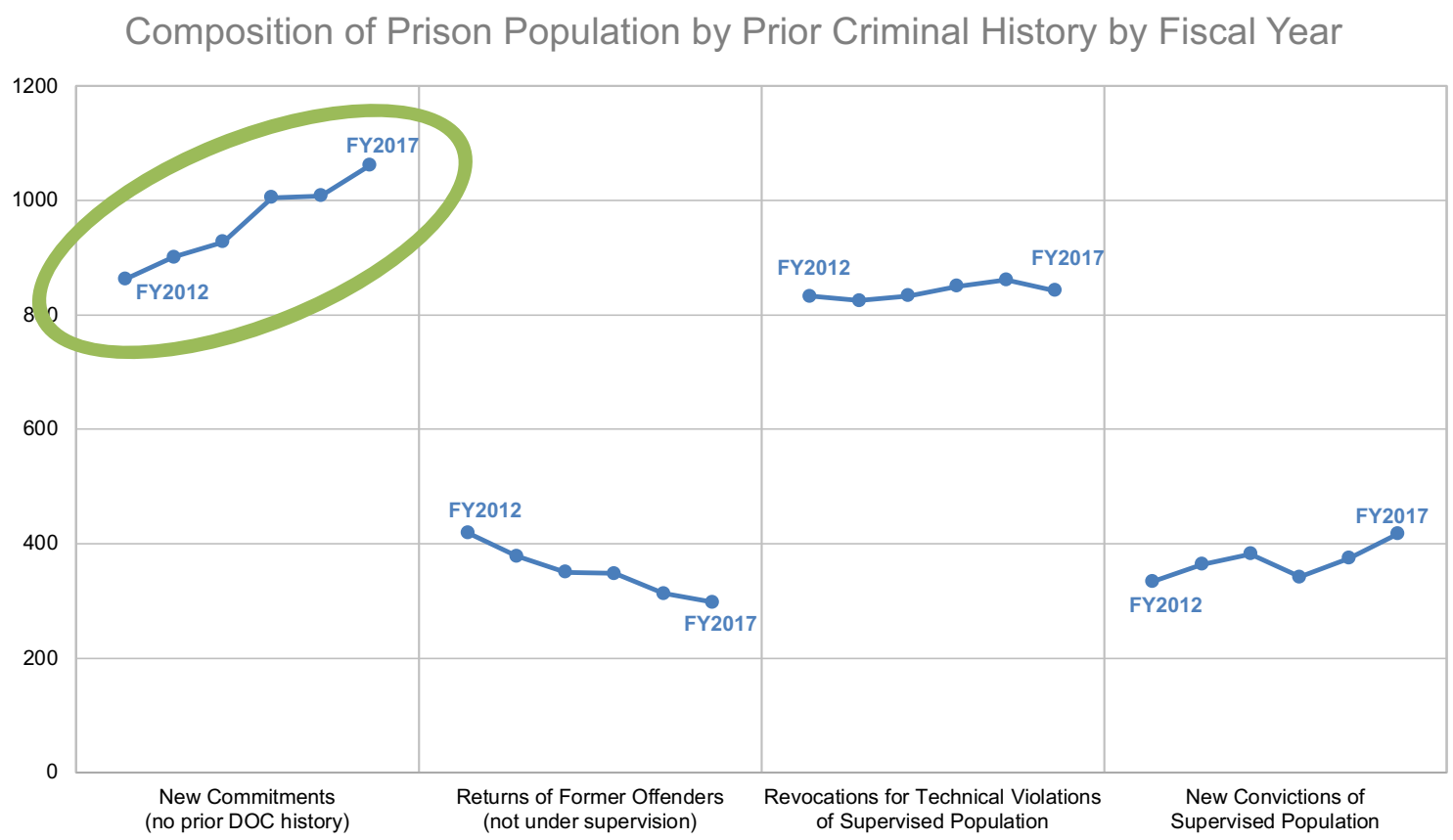
# Population in alternative facilities has increased




Increase in alternative facility population has put pressure on county jail beds

*Source: Montana Department of Corrections "ADP History thru FY2014.xlsx" and communications with MTDOC staff*

## An increasing number of people in the stock prison population had no prior involvement with DOC




*Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 3-13-2018*

## Prior to 2017, there were a number of challenges related to board staffing and decisional practices

### Staffing

Board members were 7 volunteers

11 FTEs including parole analysts, clerical, media staff

### Decision-Making

Not trained in decision making

Parole analysts were essentially making decisions related to release, revocation, clemency

Data show increasingly delayed parole releases

Process was not transparent

### Practices

Set offs could be for up to 6 years in all cases

Parole interviews focused on underlying crime

Parole reports contained extraneous information

# SB 64 created sweeping changes for the board, with aggressive implementation timelines

## Staffing

Board vere
7 volu

pa
clerica taff

**5 full-time, professional board members and 3 full-time support staff**

## Decision-Making

Not tra sion
making

Parole re
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decisio
release
clemen

Data sh ngly
de s

Process
transparen

**Trained in best practices and using guidelines**

## Practices

Set for up
to 6 cases

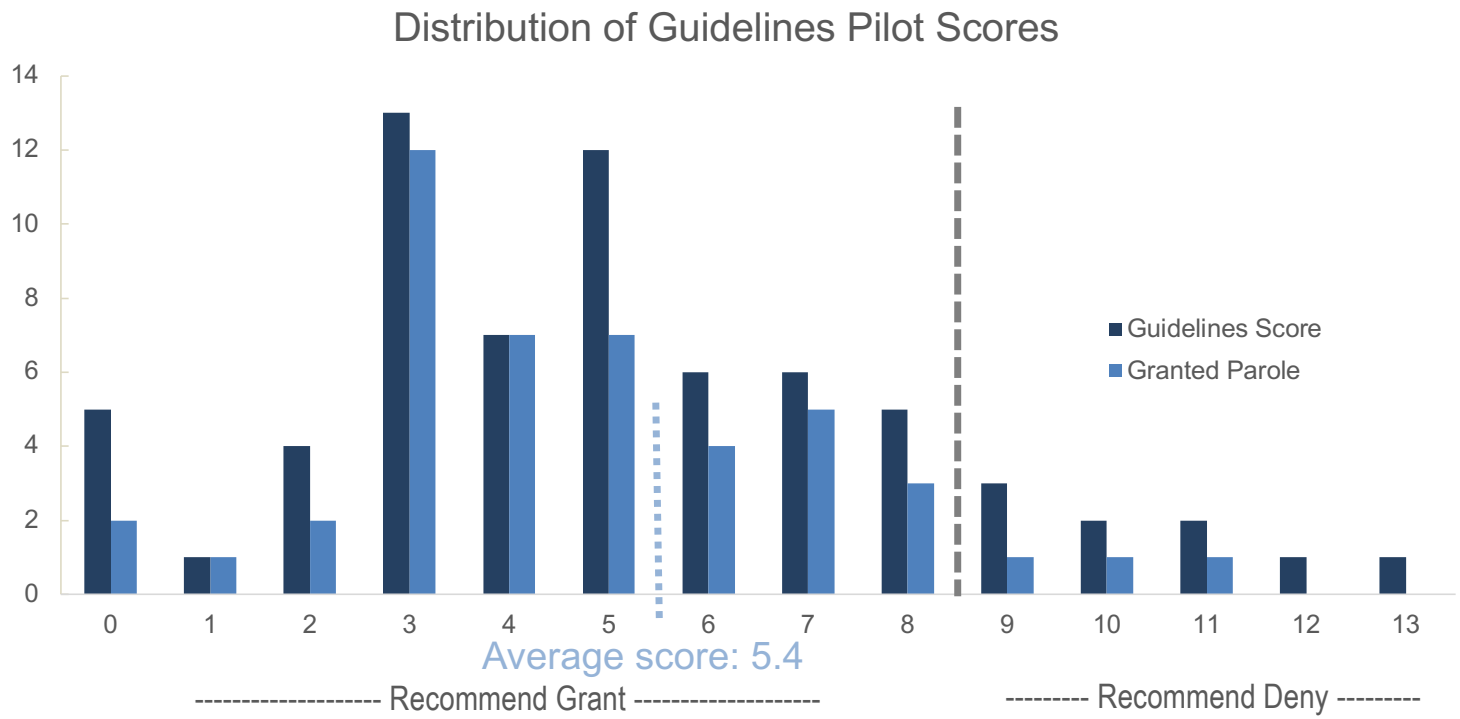
Par s
focu erlying
crim

Par
con neous

Larg -based
system

**Set offs limited to 1 year except for sex/violent cases**

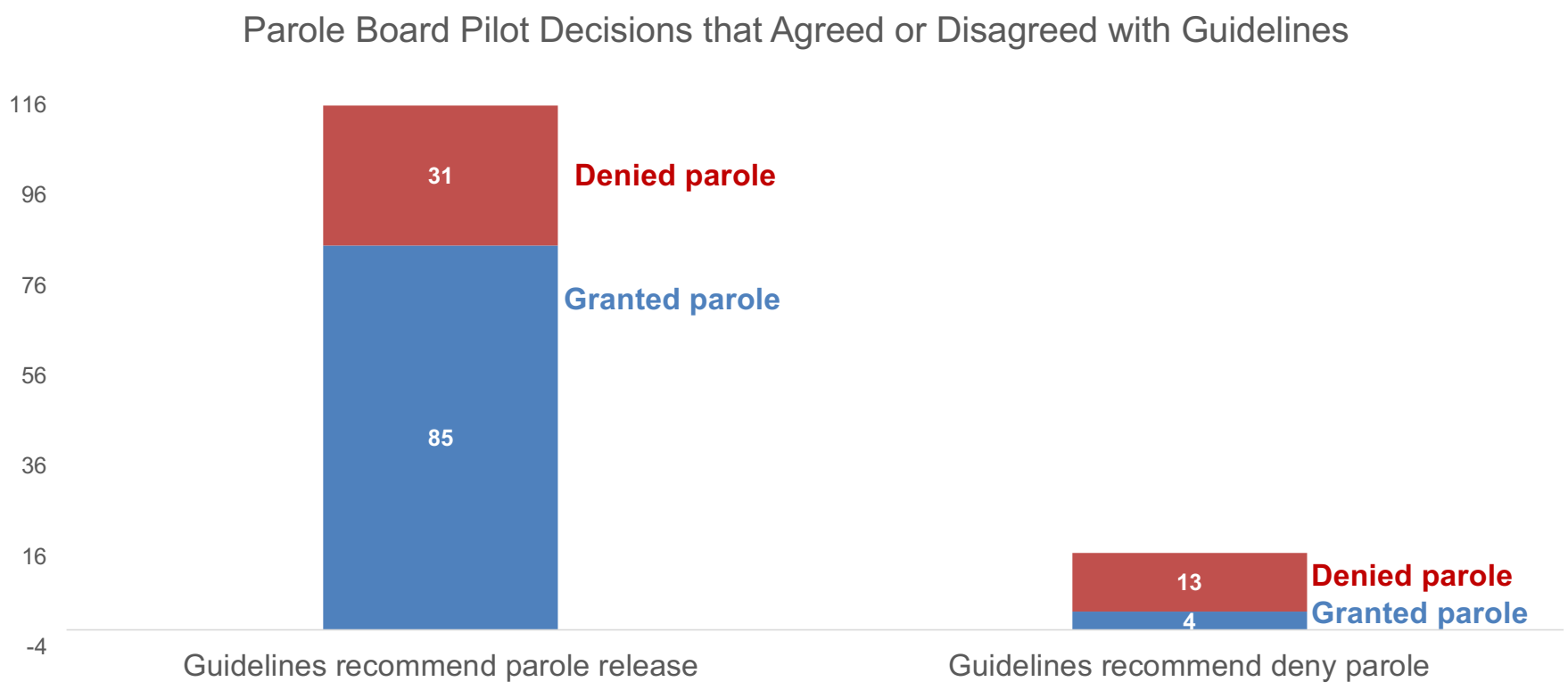
## Pilot sample of 136 cases shows many people are scored as “likely to parole” but the Board uses it’s discretion in addition to the guidelines tool




The Board of Parole decisions aligned with guidelines recommendations **74%** of the time

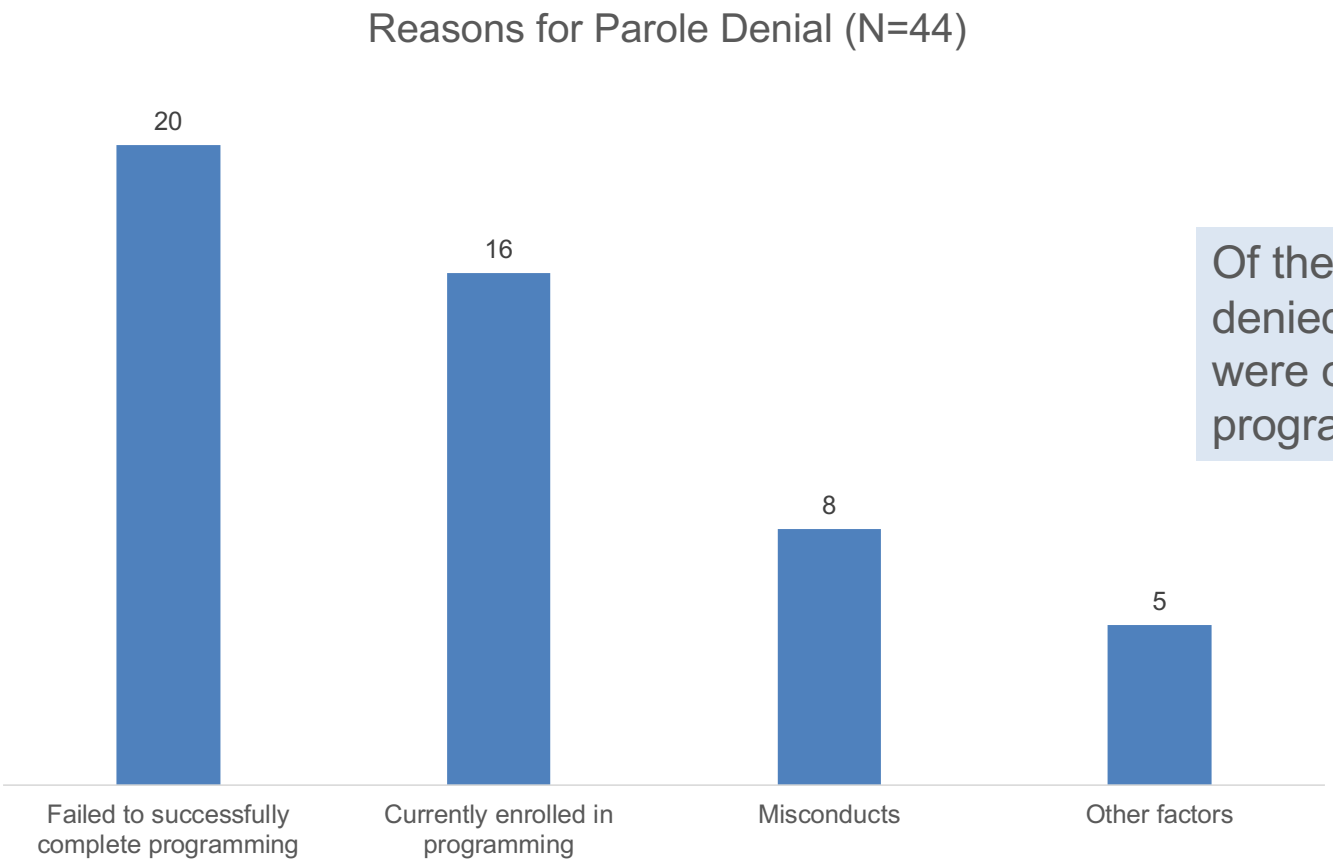
*Source: CSG Justice Center analysis of guidelines pilot data*

# Where does the Parole Board deviate from guidelines recommendations?




*Source: CSG Justice Center analysis of guidelines pilot data*

# What are the primary reasons cited for denying parole?




Of the 44 people denied, **16 (36%)** were on waitlists for programming

*Source: CSG Justice Center analysis of guidelines pilot data*

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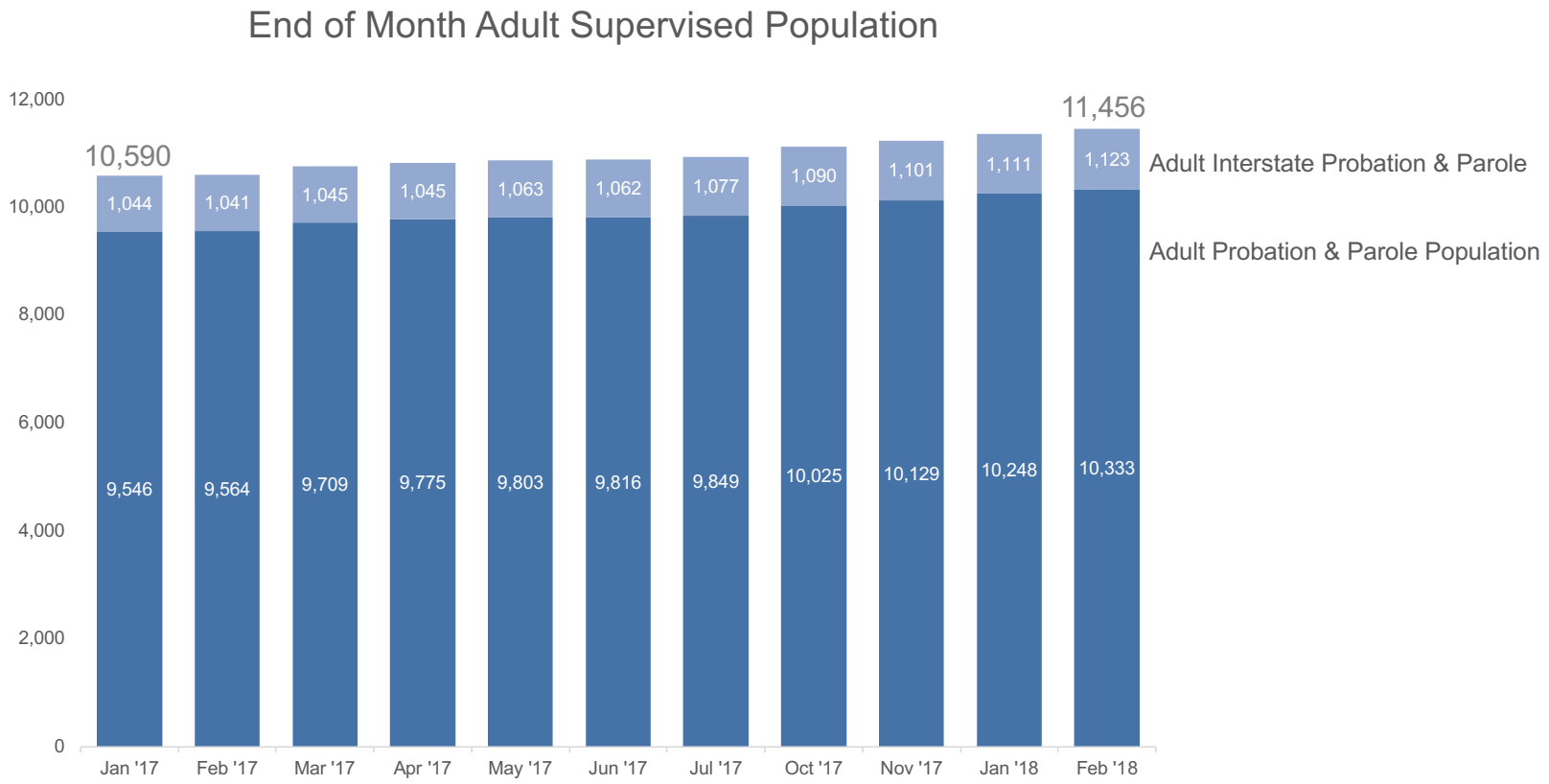
# The supervised population has grown 8% since January 2017

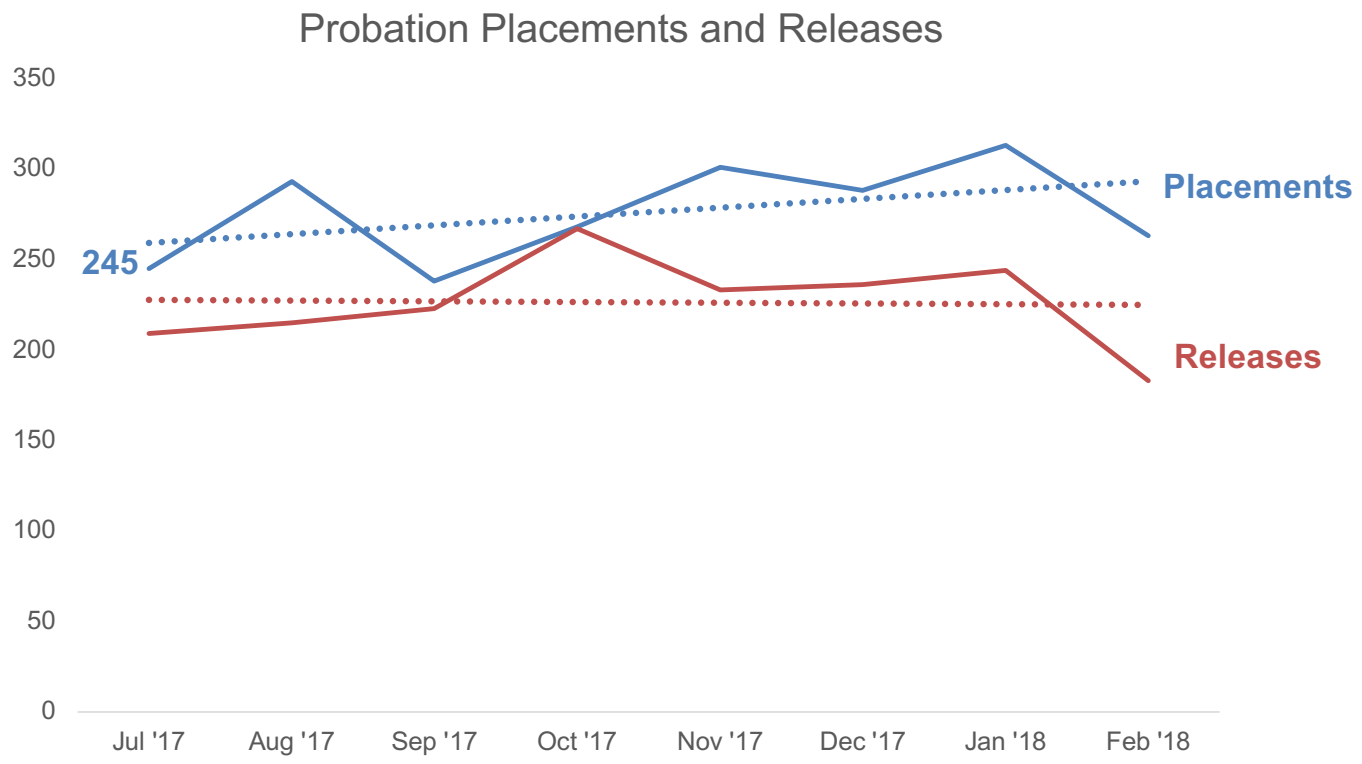
From Jan 2017 – Feb 2018:

**+866** adults on probation and parole




*Source: Montana Department of Corrections, Spreadsheet emailed 3/20/2018. Data unavailable for August, September, and December 2017*

## Placements to probation have increased slightly over FY18 while releases have remained steady, contributing to an increasing probation population

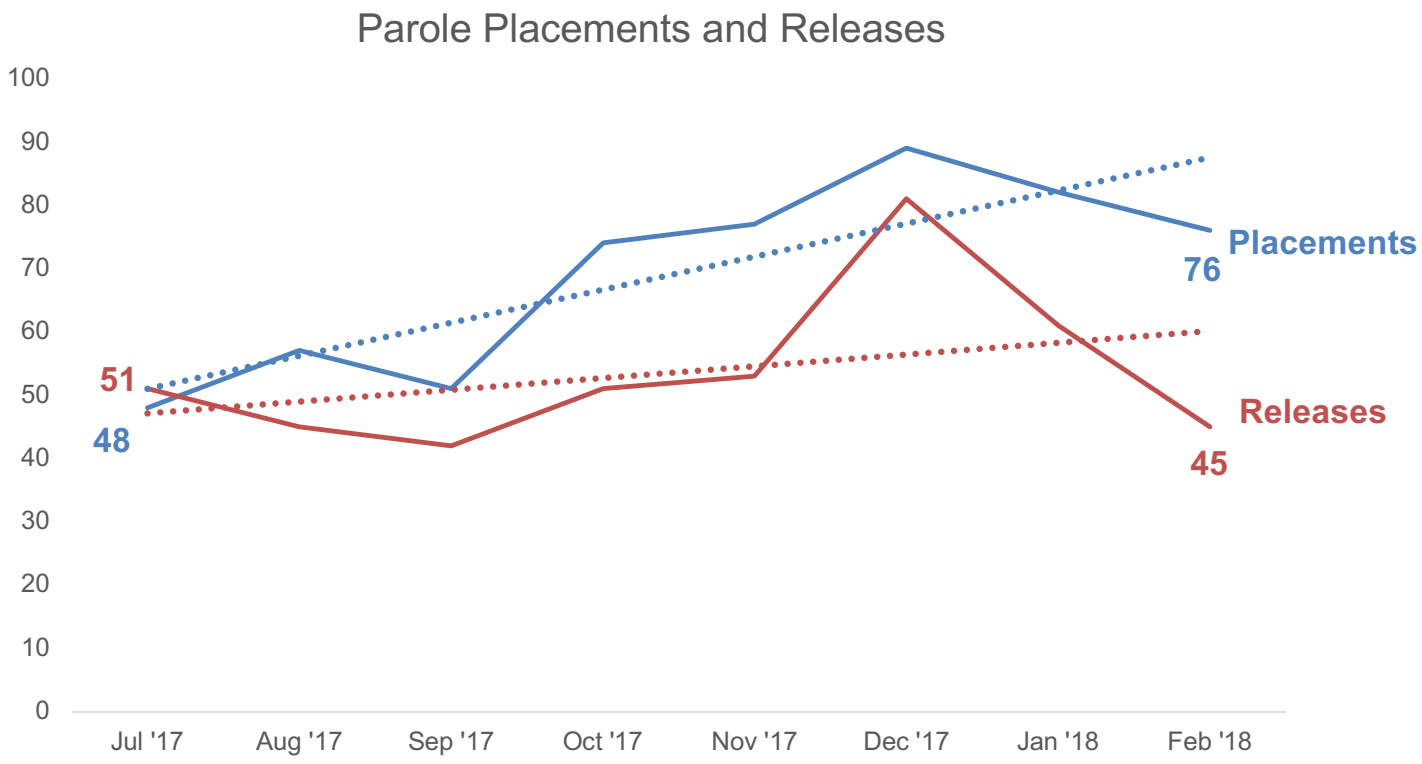



FY18 projected total placements: 3,312

FY18 projected total releases: 2,715

*Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 3-13-2018*

## Similarly, placements to parole are also outpacing releases from parole in FY18, contributing to an increasing parole supervision population

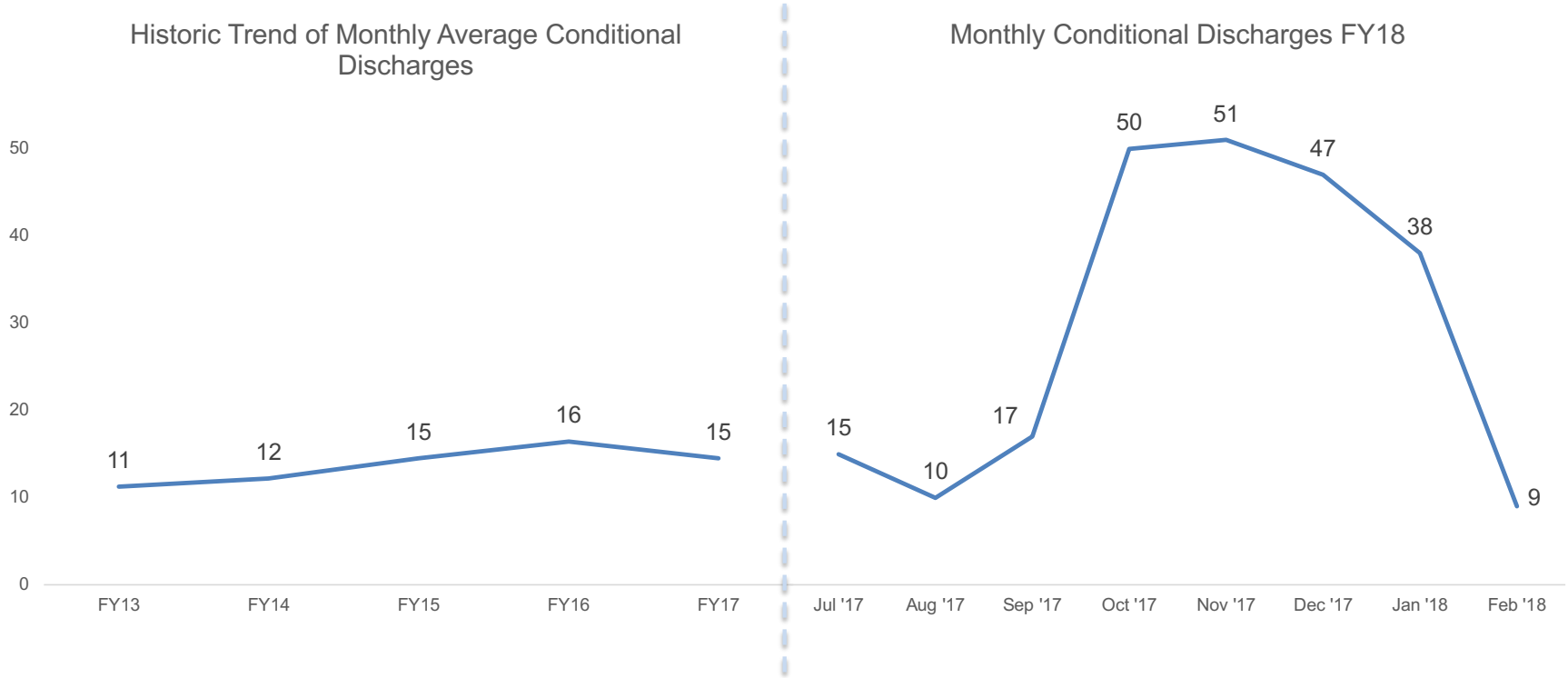



FY18 projected total placements: 831

FY18 projected total releases: 644

*Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 3-13-2018*

## Conditional discharges from supervision (CDFS) were increasing as a result of JR policy in SB 63, but then declined significantly



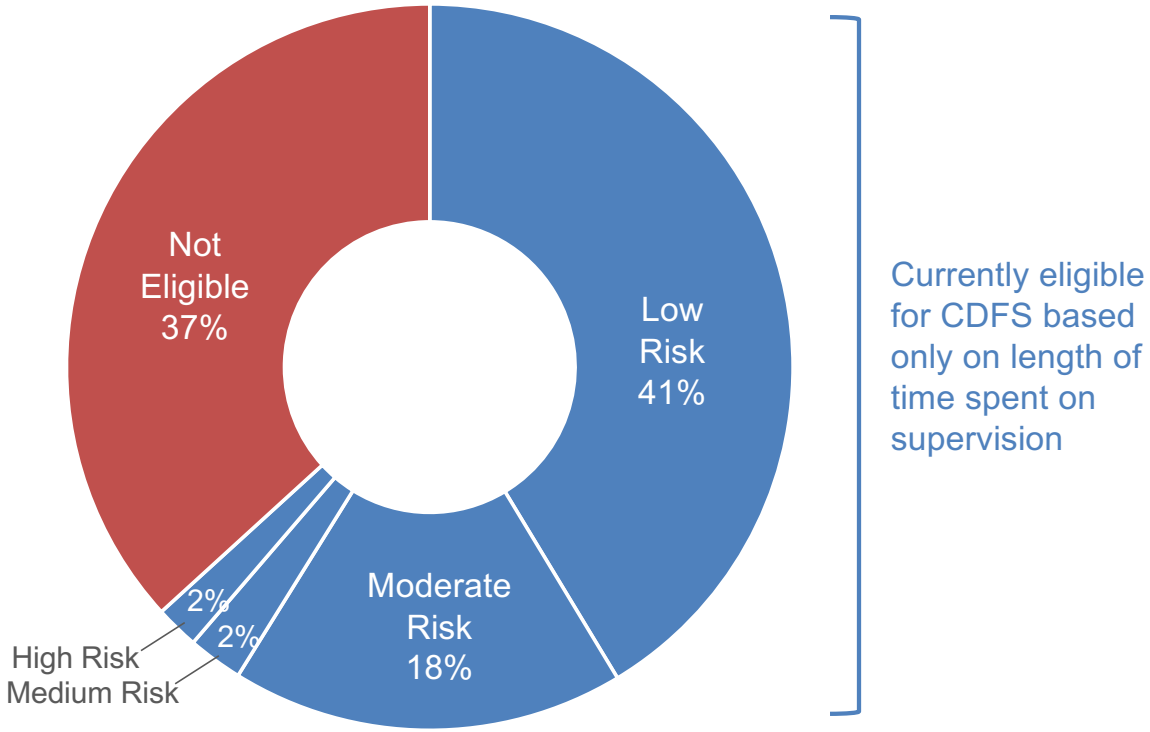

*Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 3-13-2018*

## Currently, 4,890 probationers are potentially eligible for conditional discharge based on their length of time on supervision

The majority of individuals eligible for conditional discharge based on the length of time they have already been supervised are low or moderate risk.

However, a portion of these people may not be eligible due to their behavior on supervision.

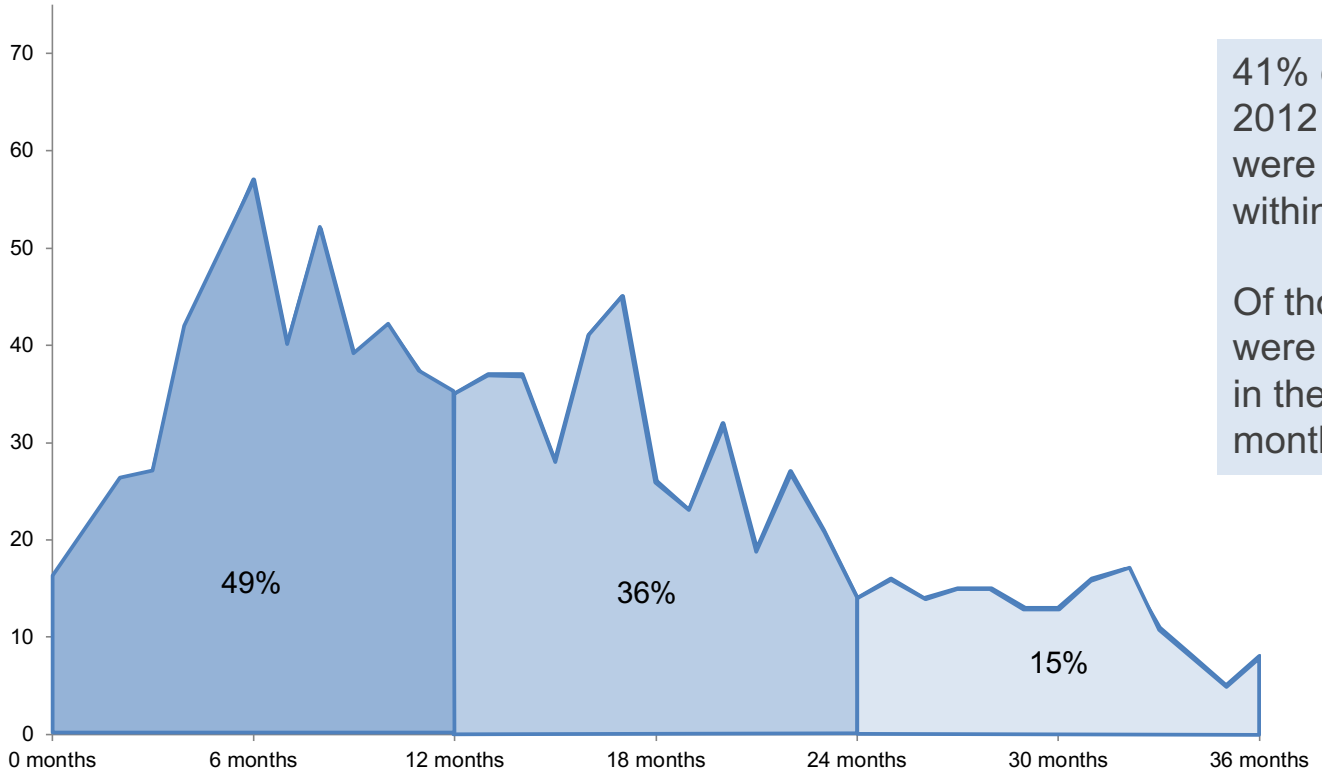
Probationers Eligible for Conditional Discharge Based on Length of Time, by Risk Level




*Source: Montana Department of Corrections CDFS by Time Only spreadsheet, received 3/19/18*

# Nearly half of probationers who reoffend do so within the first 12 months of supervision

Number of FY 2012 New Probationers Resentenced over 36 months, and Proportion of Those Resentenced Who Were Resentenced Each Year




41% of new FY 2012 probationers were resentenced within three years.

Of those, 49% were resentenced in the first 12 months.

*Source: Montana Department of Corrections Admissions & Offense History Data*

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## Key takeaways from current data

1. Montana's prison population is still slightly increasing, while at the same time some system pressures are easing as the number of people in MDOC jurisdiction who remain in county jails decreases.
2. The Board of Parole successfully piloted decision-making guidelines but programming remains a challenge.
3. The number of people on community supervision is increasing.
4. This increasing probation and parole population is placing additional strain on corrections resources. Recent challenges to the CDFS policy are delaying impacts for low risk offenders.
5. More data is needed to do a full scale analysis of the impact of justice reinvestment policies.

# Next step: track the impact of reinvestment spending

Justice Reinvestment Appropriations

| Bill | Recipient | Purpose | FY 2018 | FY 2019 |
|---|---|---|---|---|
| SB 59 | Judiciary | Develop and administer a pretrial program for felony defendants | $780,000 | $780,000 |
| SB 59 | Department of Corrections (Directors Office) | CJOC implementation accountability* | $100,000 | $100,000 |
| SB 60 | Department of Corrections (Probation and Parole) | Creation of presentence investigation unit | $360,000 | $360,000 |
| SB 64 | Board of Pardons and Parole | Transition to full-time, professional Board of Pardons and Parole | $29,878 | $59,755 |
| SB 65 | Board of Crime Control | Supportive housing grant program | $200,000 | $200,000 |
| **Total Funding** | | | **$1,469,878** | **$1,499,755** |

*SB 59 CJOC appropriations are a part of MDOC's budget mitigation plan

## Next step: shore up data resources

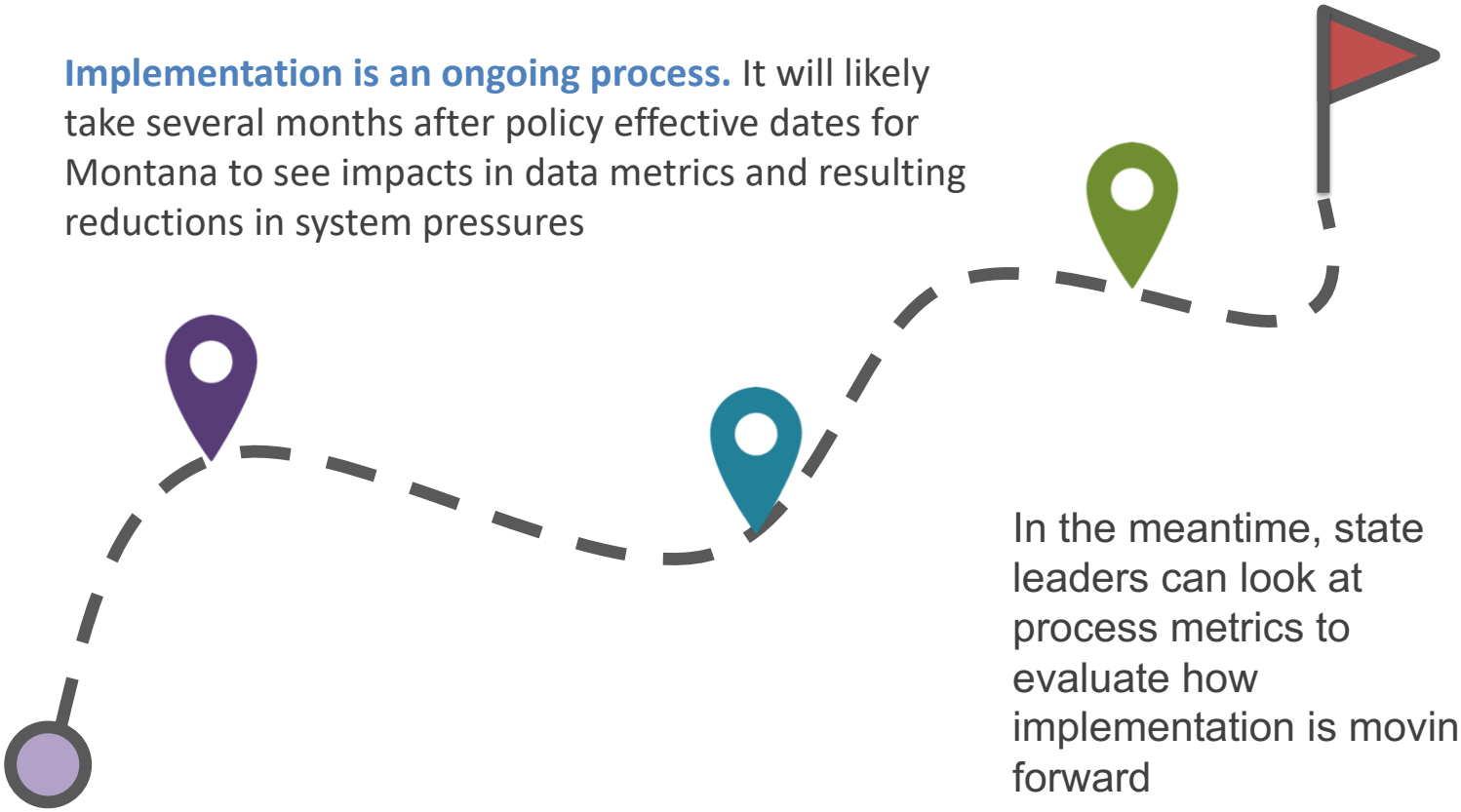
Convene researchers from multiple agencies to discuss impact tracking

Evaluate options for using current court disposition data

Use federal justice reinvestment implementation funding to improve MDOC's data systems

# The impacts of justice reinvestment policies will take years to be fully realized

**Implementation is an ongoing process.** It will likely take several months after policy effective dates for Montana to see impacts in data metrics and resulting reductions in system pressures



In the meantime, state leaders can look at process metrics to evaluate how implementation is moving forward

# Thank You

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