

RESOLUTION

A RESOLUTION REQUESTING THE DEPARTMENT OF CORRECTIONS (DOC) AND THE CRIMINAL JUSTICE OVERSIGHT COUNCIL ADDRESS THE ISSUE OF DOC FOLLOWING JUDICIAL SENTENCES AND RECOMMENDATIONS, THE PLACEMENT OF OFFENDERS IN TREATMENT AND COMMUNITY FACILITIES, AND RENEW THE CRIMINAL JUSTICE OVERSIGHT COUNCIL FOR THE NEXT BIENNIUM.

1 WHEREAS, On June 27, 2018, the Criminal Justice Oversight Council voted to form a  
2 working group to assist in addressing issues of interest to the Council; and

3 WHEREAS, a working group was nominated by the Office of the Supreme Court  
4 Administrator, the Montana County Attorney Association, the Montana Office of  
5 the State Public Defender, Montana Sheriffs and Peace Officers Association, and  
6 the Montana Association of Chiefs of Police, and DOC Director Michael appointed  
7 those nominees; and

8 WHEREAS, the working group met on August 31, 2018 and September 19, 2018 to address  
9 legislative recommendations related to Conditional Discharge From Supervision  
10 (CDFS) and Early Termination From Supervision; and

11 WHEREAS, the working group identified additional issues related to the 2017 legislative and  
12 Department of Corrections changes in criminal justice reform to include  
13 commitment sentences given by the court, inmate placement, and supervised  
14 offenders in the community committing new offenses; and

15 WHEREAS, the Judges, prosecutors, defense attorneys, treatment and rehabilitation  
16 professionals, law enforcement and corrections personnel, researchers and  
17 educators, national and community leaders and others dedicated to rehabilitation  
18 and reentry have had a profound impact through hard work and commitment to  
19 their communities; and

20 WHEREAS, these professionals have experienced increased prison placement and release,  
21 and a decrease in chemical dependency treatment placements and community  
22 step-down facilities; and

23 WHEREAS, judicial placement recommendations and sentences are not being considered or  
24 honored by the Department of Corrections when an offender is given a sentence  
25 that includes incarceration as done since 1993 when legislative changes were  
26 made giving DOC placement authority; and

27 WHEREAS, the Montana Justice Reinvestment project goals include reserving prison space  
28 for the most serious and violent offenders, reducing recidivism by changing  
29 offender behavior, and improving decision-making at the front end and back end  
30 of the system; and

31 WHEREAS, in June 2018, the Council of State Governments Justice Center reported a  
32 significant increase in prison beds and new offender commitments to prison, and  
33 an increased number of offenders released to the community, and an increased  
34 number of supervised offenders committing new criminal offenses; and

35 WHEREAS, it appears to be in the best interests of the citizens of the State of Montana to  
36 issue a resolution for offenders to receive the services needed prior to release.

37 WHEREAS, the Criminal Justice Oversight Council was established to monitor and evaluate  
38 legislative changes and criminal justice reform efforts.

39 NOW, THEREFORE, BE IT RESOLVED BY THE CRIMINAL JUSTICE OVERSIGHT  
40 COUNCIL WORKING GROUP:

41 SECTION 1: The Department of Corrections shall honor and follow placement  
42 recommendations made in court orders and sentences for any offenders  
43 convicted of a felony offense.

44 **or in the alternative,**

45 The Criminal Justice Oversight Council shall make recommendations for  
46 statutory changes to remove DOC discretion in placement decisions.

47 SECTION 2: The Department of Corrections shall collect and analyze data with respect  
48 to court ordered placement recommendations and implementation for  
49 offenders given a DOC commitment prior to the Montana Justice  
50 Reinvestment project and through at least the next biennium.

51 SECTION 3: The Department of Corrections shall collect and analyze data related to  
52 new criminal offenses committed by offenders under their supervision prior  
53 to the Montana Justice Reinvestment project and through at least the next  
54 biennium.

55 SECTION 4: The Criminal Justice Oversight Council should be renewed, not sunsetted  
56 and continued through the next biennium, and be reestablished to include a  
57 District Court Judge representative, County Attorney representative, and a  
58 Public Defender Representative, together with the current members.

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APPROVED and ADOPTED on this 10<sup>th</sup> day of September, 2018.

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JUDGE KURT KRUEGER  
Chairman  
Criminal Justice Oversight  
Working Group