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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

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

14% forecasted increase
FY2017–FY2023

FY2016: 2,605
FY2023: 2,981

$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

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Montana’s prison population has increased by 84 people since JR enactment.

Since the 2017 legislative session, DOC has increased capacity by 205 secure beds.

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; MDOC Monthly JR Tracking spreadsheet, 6-14-2018

Email communication from Judy Beck dated
The pressure from county jail backlogs has been easing up since July 2017 as people who were being held in jail holds move to secure prison beds.

![Average Daily Population in County Jails under MDOC Jurisdiction](image)

Source: Montana Department of Corrections email communication with Justice Center staff, 6-12-2018
Prison admissions are outpacing releases, contributing to an increased prison population

Prison Admissions and Release Trends*

FY2018 Prison Admissions and Releases by Quarter*

* Estimated based on 10 months of data

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 5-31-2018
The largest increase in prison admissions from FY17 to FY18 was new offender commitments followed by people entering prison due to community supervision technical violations.

19% increase in new offender commitments from FY17 to FY18 (53 additional admissions)

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 5-31-2018
Changes to Board of Pardons and Parole (BOPP) practices have increased discretionary releases to parole.

Prison Releases by Type*

* FY18 estimated based on 10 months of data

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 5-31-2018
Changes to BOPP have increased the share of individuals granted parole at both initial appearances and reappearances.

Releases are increasing as BOPP adopts evidence-based decision-making guidelines to ensure that parole-ready individuals are released in a timely manner.

70% Overall Grant Rate
August 2017 – April 2018

* FY18 estimated based on 10 months of data

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 5-31-2018
New Parole Board processes have increased opportunities for parole-ready people to be paroled before their sentence expires

Parole Hearing Initial Appearance Denial Decisions*

* FY 2018 Estimated based on 10 months of data

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 5-31-2018
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The supervised population has grown 7.4% since enactment in May 2017.

End of Month Adult Supervised Population

From May 2017 – May 2018:

+801 adults on community supervision

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 6-14-2018
Placements to probation are on pace to slightly exceed FY17 rates while releases decreased slightly, contributing to an increasing probation population.

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 5-31-2018
Increased probation placements are being driven by new placements, returning offenders, and people starting after parole completion.

<table>
<thead>
<tr>
<th>New Regular Placements (Deferred or Suspended)</th>
<th>+30.3%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Return Offender - Probation</td>
<td>+58.1%</td>
</tr>
<tr>
<td>Start After Parole Completion</td>
<td>+39.6%</td>
</tr>
</tbody>
</table>

**Other types of probation placements:**

- DOC Commit/Court Ordered Supervision
- Post Prison/Sentence Expiration
- Post Alternative Placement/Sentence Expiration
- Post Alternative Placement/Treatment Completion
- Interstate Compact Placements (from other states)
- Post Conditional Release Completion
- Other

* Estimated based on 10 months of data

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 5-31-2018
Similarly, placements to parole are already exceeding FY17 numbers and also outpacing releases, contributing to an increasing parole supervision population.

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 5-31-2018

**Parole Placements and Releases by Month**

- FY18 estimated total placements: 872
- FY18 estimated total releases: 667
Overall, placements to all types of supervision have increased while releases remained flat.

Placements and Releases – Probation, Parole, and Conditional Release by Month

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 5-31-2018
More people are successfully completing probation, parole, and conditional release

**Discharges from Supervision by Type***

<table>
<thead>
<tr>
<th>Type</th>
<th>FY 2016</th>
<th>FY 2017</th>
<th>FY 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Successful Discharges</td>
<td>2,201</td>
<td>2,152</td>
<td>2,215</td>
</tr>
<tr>
<td>Unsuccessful Discharges</td>
<td>1,699</td>
<td>1,833</td>
<td>1,614</td>
</tr>
<tr>
<td>Transfers to Probation</td>
<td>449</td>
<td>505</td>
<td>568</td>
</tr>
</tbody>
</table>

* FY18 estimated based on 10 months of data

3% increase in successful releases from supervision
12% decline in unsuccessful releases from supervision

*Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 5-31-2018*
Supervision revocation rates have been decreasing, despite the increasing supervision population.

* FY18 estimated based on 10 months of data

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 6-14-18

2.6 percentage point decrease in revocations from supervision from FY13 to FY18*

1,630 increase in people on supervision from FY13 to FY18*
New processes set up by DOC for the conditional discharges from supervision (CDFS) have recently been rolled out to the field.

Historic Monthly Average of CDFS Trends*

<table>
<thead>
<tr>
<th>Year</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2013</td>
<td>11</td>
</tr>
<tr>
<td>FY 2014</td>
<td>12</td>
</tr>
<tr>
<td>FY 2015</td>
<td>15</td>
</tr>
<tr>
<td>FY 2016</td>
<td>16</td>
</tr>
<tr>
<td>FY 2017</td>
<td>15</td>
</tr>
<tr>
<td>FY 2018</td>
<td>23</td>
</tr>
</tbody>
</table>

*FY 2018 data is estimated based on 10 months

FY 2018 CDFS Trends through April 2018

CDFS releases need to hit 29 per month to meet the pre-enactment projected population decline.

Source: Montana Department of Corrections Monthly JR Tracking spreadsheet, 5-31-2018
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Key takeaways from current data

1. Montana’s prison population has not declined as predicted, but DOC has increased secure bed capacity by 205 to reduce the county jail backlog.
2. The largest contributor to increased prison admissions is new court commitments.
3. The Board of Pardons and Parole is releasing more qualified, parole-ready people to parole supervision, particularly at the initial appearance, by using evidence-based decision-making guidelines.
4. Revocation rates are decreasing despite an increasing community supervision population. This means an increasing number of people are completing supervision successfully.
5. Conditional discharge from supervision is not meeting expected projections. This prohibits supervision officers from dedicating their time and resources to the highest risk and highest need people.
Checklist: 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
An interagency data workgroup is working to identify data to address outstanding research questions

• What has been the impact of misdemeanor sentencing changes in HB 133?

• Have changes to the pre-sentence investigation process impacted court case processing times?

• Has the volume of court case filings been changing significantly?

• How is the new conditional discharge from supervision policy impacting entities outside corrections, like OPD and the courts?

• Are there data collection and reporting limitations to report to the Criminal Justice Oversight Council, as required?
While progress has been made toward increased data capacity, there are significant challenges to full-scale outcomes analysis.

**Progress**

- DOC data dashboard is in process using Tableau
- Participating in the project led by DOJ to create an unique identifier to track people across multiple data systems
- Completing large data system upgrades to track JR policies, including PSI and BOPP changes

**Challenges**

- Inconsistent data entry of misdemeanor sentencing dispositions
- Sentencing disposition data generally collected in non-machine readable format
Thank You

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