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

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.
Overview

01 Background

02 Prison population trends

03 Supervision population trends

04 Key takeaways and next steps
Montana’s package of legislation is projected to avert prison population growth by 13 percent by FY23.

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.

- **$69 million** in averted costs
- **383 fewer people** in prison than forecasted FY2023 population
- **2,639 fewer people** on supervision than forecasted FY2023 population

**ACTUAL DOC Population**

**14% forecasted increase FY2017–FY2023**

FY2016: 2,605

Projected population with legislation

- **-13% from forecasted population FY2018–FY2023**

2,981

2,598

Source: Council of State Governments Justice Center
Montana’s prison population has increased by 57 people since JR enactment.

- Population at enactment (May 2017): 2,627
- FY2016: 2,605
- FY2018: 2,598
- 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; MDOC Monthly JR Tracking spreadsheet, 3-13-2018
The pressure from county jail backlogs has been easing up since July 2017.

Average Daily Population in County Jails under MDOC Jurisdiction

<table>
<thead>
<tr>
<th>Month</th>
<th>Average Daily Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul ’17</td>
<td>432</td>
</tr>
<tr>
<td>Aug ’17</td>
<td>377</td>
</tr>
<tr>
<td>Sep ’17</td>
<td>358</td>
</tr>
<tr>
<td>Oct ’17</td>
<td>334</td>
</tr>
<tr>
<td>Nov ’17</td>
<td>301</td>
</tr>
<tr>
<td>Dec ’17</td>
<td>209</td>
</tr>
<tr>
<td>Jan ’18</td>
<td>204</td>
</tr>
</tbody>
</table>

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

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

FY2018 Prison Admissions and Releases*

* Q3 Estimated based on 2 months of data
Population in alternative facilities has increased

Montana Alternative Facilities Population

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2012</td>
<td>1,819</td>
</tr>
<tr>
<td>FY 2013</td>
<td>1,972</td>
</tr>
<tr>
<td>FY 2014</td>
<td>2,009</td>
</tr>
<tr>
<td>FY 2015</td>
<td>1,963</td>
</tr>
<tr>
<td>FY 2016</td>
<td>2,085</td>
</tr>
<tr>
<td>FY 2017</td>
<td>2,106</td>
</tr>
</tbody>
</table>

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**

<table>
<thead>
<tr>
<th>Staffing</th>
<th>Decision-Making</th>
<th>Practices</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board members were 7 volunteers</td>
<td>Not trained in decision making</td>
<td>Set offs could be for up to 6 years in all cases</td>
</tr>
<tr>
<td>11 FTEs including parole analysts, clerical, media staff</td>
<td>Parole analysts were essentially making decisions related to release, revocation, clemency</td>
<td>Parole interviews focused on underlying crime</td>
</tr>
<tr>
<td></td>
<td>Data show increasingly delayed parole releases</td>
<td>Parole reports contained extraneous information</td>
</tr>
<tr>
<td></td>
<td>Process was not transparent</td>
<td></td>
</tr>
</tbody>
</table>
SB 64 created sweeping changes for the board, with aggressive implementation timelines

<table>
<thead>
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<th>Staffing</th>
<th>Decision-Making</th>
<th>Practices</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board members were 7 volunteers</td>
<td>Not trained in decision making</td>
<td>Set offs limited to 1 year except for sex/violent cases</td>
</tr>
<tr>
<td>parole analysts were essentially making decisions related to release, revocation, clemency</td>
<td>Parole interviews focused on underlying crime</td>
<td>Large, paper-based system</td>
</tr>
<tr>
<td>11 FTEs including parole analysts, clerical, media staff</td>
<td>Parole reports contained extraneous information</td>
<td>Set offs could be for up to 6 years in all cases</td>
</tr>
<tr>
<td>5 full-time, professional board members and 3 full-time support staff</td>
<td>Data show increasingly delayed parole decisions</td>
<td>Parole boards were not transparent</td>
</tr>
<tr>
<td>Trained in best practices and using guidelines</td>
<td>Process was not transparent</td>
<td></td>
</tr>
</tbody>
</table>

Council of State Governments Justice Center | 14
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?

Parole Board Pilot Decisions that Agreed or Disagreed with Guidelines

- Denied parole: 31
- Granted parole: 85
- Denied parole: 13
- Granted parole: 4

Source: CSG Justice Center analysis of guidelines pilot data
What are the primary reasons cited for denying parole?

Reasons for Parole Denial (N=44)

- Failed to successfully complete programming: 20
- Currently enrolled in programming: 16
- Misconducts: 8
- Other factors: 5

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

Source: CSG Justice Center analysis of guidelines pilot data
Overview

01 Background

02 Prison population trends

03 Supervision population trends

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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.

**Probation Placements and Releases**

- 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.

**Parole Placements and Releases**

- 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.

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.

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
Overview

01  Background

02  Prison population trends

03  Supervision population trends

04  Key takeaways and next steps
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.
### Justice Reinvestment Appropriations

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

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