RESOLUTION


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

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

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

WHEREAS, the working group identified additional issues related to the 2017 legislative and Department of Corrections changes in criminal justice reform to include commitment sentences given by the court, inmate placement, and supervised offenders in the community committing new offenses; and
WHEREAS, the Judges, prosecutors, defense attorneys, treatment and rehabilitation professionals, law enforcement and corrections personnel, researchers and educators, national and community leaders and others dedicated to rehabilitation and reentry have had a profound impact through hard work and commitment to their communities; and

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

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

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

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

WHEREAS, it appears to be in the best interests of the citizens of the State of Montana to issue a resolution for offenders to receive the services needed prior to release.
WHEREAS, the Criminal Justice Oversight Council was established to monitor and evaluate legislative changes and criminal justice reform efforts.

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

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

or in the alternative,

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

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

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

SECTION 4: The Criminal Justice Oversight Council should be renewed, not sunsetted and continued through the next biennium, and be reestablished to include a District Court Judge representative, County Attorney representative, and a Public Defender Representative, together with the current members.
APPROVED and ADOPTED on this ___ day of September, 2018.

JUDGE KURT KRUEGER
Chairman
Criminal Justice Oversight Working Group