

MINUTES
Criminal Justice Oversight Council
November 19, 2019

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Access to the audio recording of this meeting can be found at: <http://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20191119/-1/37289>

Attendance:

CJOC: Senator Keith Regier
 Senator Nate McConnell
 Representative Barry Usher
 Representative Ryan Lynch
 Judge Kurt Krueger, Chair
 Marty Lambert, Gallatin County Attorney
 Peter Ohman, Office of Public Defender
 Amy Tenney, Boyd Andrew Community Services
 Andy Huff, Native American Representative
 SK Rossi, Montana ACLU
 Ross Canen, Dawson County Sheriff
 Melissa Kelly, Gallatin County Re-Entry
 Cynthia Wolken, Deputy Director, Department of Corrections
 Annette Carter, Executive Director, Board of Pardons & Parole
 Reginald Michael, Director, Department of Corrections
 Kelsen Young, Montana Coalition Against Domestic & Sexual Violence

Council support: Kathy Ralston, Project Manager, Department of Corrections
 Mark Piskolich, Justice Reinvestment Coordinator

Welcome and Introductions:

9:00:32 Ms. Ralston, Interim Presiding Officer, welcomed the group, called roll, asked that the council make nominations to elect a council chair.

9:04:43 Judge Krueger and Mr. Ohman were nominated. The voting tied 8-8. Voting for Krueger were members Usher, Lynch, Tenney, Kelly, Lambert, Canen, Regier, and Kreuger. For Ohman were members Huff, Rossi, McConnell, Carter, Michael, Young, Wolken and Ohman.

9:12:49 A coin toss was heads, making Judge Krueger chair.

9:14:02 Chair Krueger moved forward with the agenda as proposed.

Presentation

9:15:00 Kim Timm, Financial Services Bureau Chief from the DOC, gave a brief presentation explaining the travel and lodging reimbursement process.

9:18:11 Mr. Michael (on the phone) asked to respectfully recuse himself from the balance of the meeting given his attendance at a correctional conference. He was excused.

Presentation

9:17:35 Mr. Piskolich then presented a power point summary and overview (published to CJOC website) of the Justice Reinvestment Initiative from the Commission on Sentencing in 2015 to this date.

Council Questions

9:32:12 Sen. McConnell pointed out the goal in 2017 was to reduce recidivism by addressing substance abuse and mental health treatment. Asked the council to keep in mind this goal.

9:33:41 Sen. Regier noted public safety should be at the top of any metric designed to measure outcomes.

9:34:02 Mr. Huff asked that a copy of the presentation be provided to council members.

Presentation

9:34:29 Beth McLaughlin, Court Administrator for the Supreme Court, gave an update on SB59 regarding pretrial diversion

Council Questions

9:48:03 Sen. McConnell asked about jails still being overcrowded.

9:53:23 Judge Krueger suggested the Council evaluate jail populations remaining high.

9:56:04 SK Rossi asked to clarify PV admits are not being screened (correct) but probation or parole violators with new charges are being screened (yes).

9:56:24 SK Rossi Follow up regarding 95% who remain law-abiding, how many were required to adhere to higher level monitoring.

Presentation

10:00:07 Annette Carter, Chair of Montana Board of Pardons and Parole (BOPP), presented an overview of the changes at the parole board based on Justice Reinvestment legislation SB64.

Council Questions

- 10:11:09 Sen. McConnell asked about denial for failure to complete programs and whether this was related to wait lists or lack of inmate initiative.
- 10:11:39 SK Rossi asked about a rubric to decide which programming is recommended prior to parole being granted.
- 10:14:07 Chair Judge Krueger advised new notification procedure was useful, but type of crime replaced the county and suggested both crime and county would be useful on parole announcements. Ms. Carter advised she would look into this.

Presentation

- 10:15:04 Melissa Higgins, Treatment Bureau Chief, Addictive and Mental Disorders Division, Department of Public Health and Human Services, next gave a presentation on SB62 Behavioral Peer Support Specialists.

Council Questions

- 10:17:39 Mr. Ohman asked how many specialists there are.

Break (reconvened at 10:35:49)

Presentation

- 10:36:12 Natalia Bowser, DOC Bureau Chief of Montana Board of Crime Control (BOCC), gave presentation about housing grant program in SB65.

Council Questions

- 10:41:45 Rep. Usher asked how much was spent per person based on these numbers.
- 10:43:37 SK Rossi observed providing housing appeared exponentially less expensive than incarcerating them.
- 10:43:40 Mr. Huff asked about affordable housing and whether restrictions on federally subsidized housing was restricted based on types of offense, or felons in general.
- 1044:36 Rep. Lynch addressed Rep. Usher directly, noting the original goal was to avoid hiring FTEs to administer this funding.

Presentation

- 10:45:10 Natalia Bowser advised SB67 deals with offender intervention program (OIP) standards indicating 2017 session allowed for adopting statewide OIP standards to ensure programming was consistent and evidence-informed to reduce risk of future violent behavior.

Council Questions

- 10:49:59 Ms. Wolken offered additional context with what the Sentencing Commission was attempting to address.
- 10:51:08 Mr. Lambert asked about making the standards a rule under the Montana Administrative Procedures Act.

Presentation

- 10:53:56 Kurt Aughney, Director of Quality Assurance for DOC and Erika Wimmer, Program Compliance Specialist for DOC presented an overview of SB59 requirements for evidence-based Incentives and Interventions.
- 11:00:13 Ms. Wimmer then presented information about the CPC assessments and the prediction first scores will be low because the programs don't have the prior benefit of the 25-30 page evaluation document which provides a roadmap to better adhere to research.

Council Questions

- 11:05:52 Ms. Wolken offered additional context that DOC is in phase 2 of the grant from CSG and working under assistance of UCCI and offered to arrange for the UCCI to come and address this council to give a deeper dive into their programming and training if desired.
- 11:06:24 SK Rossi asked to see the programming inventory.
- 11:08:15 Rep. Lynch asked if the DOC could list which programs are utilizing an approved curriculum when one is approved.
- 11:09:23 Rep. Lynch followed up about an appeal process for programs that disagree with assessment.
- 11:12:38 Rep. Lynch followed up with number of trained evaluators (16 down to 12); are these all DOC employees.
Rep. Lynch asked how many are clinicians.
- 11:13:21 Ms. Tenney asked Ms. Wimmer if the expectation should be a first time program would be lower in part because of the proprietary tool, and not knowing what they don't know, and improve over time.
- 11:14:52
- 11:16:57 Ms. Tenney asked Mr. Aughney about the ability for a program to respond to the audit (yes) and asked if those responses would be published online (no).
- 11:18:24 Rep. Lynch asked if the programs response was published with the final version.
- 11:19:02 Mr. Lynch asked if there was a disagreement, was the DOC the final arbiter.
- 11:19:53 Rep. Usher asked Mr. Aughney if he could determine when the reports could be published online.
- 11:21:14 Ms. Wolken advised the DOC proposes to have a deeper dive on the next agenda and provide all of that information.
- 11:22:22 Ms. Tenney asked that the programs' responses be made part of the record.

Presentation

- 11:23:37 Katie Donath presented on Montana Incentives and Interventions Grid (MIIG).

Council Questions

- 11:30:06 Chair Judge Krueger asked about the timeline of implementation.
Chair Judge Krueger asked about the training of P&P officers and what they've done in terms of understanding of the MIIG.
- 11:32:40 Rep. Lynch asked about data related to the use which is stored in OMIS (Offender Management Information System) and whether that data would be accessible to be reviewed by this council.

11:33:20 Ms. Kelly asked about the impact of the MIIG on substance abuse offenders in the community.

Presentation

11:34:27 Ms. Lahiff presented presentence reports and the changes implemented through SB 60.

Council Questions

11:40:35 Chair Judge Krueger asked if there were statistics available to show compliance with pre-screening offenders to facilities.

Chair Judge Krueger advised he would like to know how often P&P is in compliance with prescreening and will also be asking how many CD evals are being done. Advised there appears to be an issue with relation to CD evals as well and when those are coming. When Courts don't have CD evals or prescreening that impacts sentencings. Would like these numbers provided at a subsequent meeting.

11:42:00 Rep. Lynch asked if there was a risk assessment completed on everyone that's been sentenced in the system, at least on the community side of the house.

11:42:31 Rep. Lynch asked what would cause a waiver.

11:42:48 Rep. Lynch followed up to ask if there was a risk assessment done on the whole population.

11:43:07 Ms. Tenney asked if council could be educated on different MORRA and WRNA instruments and how they are scored differently.

11:44:15 Ms. Kelly asked if the DOC had considered a standardized screening tool for substance use providers so providers around the state have the same rules in assessment.

11:45:21 Chair Judge Krueger noted when the assessments were added to the PSI, other items were removed; specifically, social, educational and family history. Stated it should be included.

Presentation

11:49:30 Mr. Olson presented information on Conditional Discharge From Supervision (CDFS) per SB 63.

Council Questions

11:53:40 Chair Judge Krueger asked clarification that offenders who've applied for CDFS but were denied by the Court are returned to supervision at the rate of one annual visit.

11:54:52 Sen. McConnell clarified those who are reporting annually have been in the system for a while.

11:56:48 Chair Judge Krueger asked if there was a policy putting it on the Courts to determine whether fines and restitution have been paid.

12:00:24 Mr. Lambert made a comment that the DOC does not contact victims unless they have asked for VINE (Victim Information & Notification Every Day) notification.

12:01:00 Rep. Usher asked for elaboration about the offenders who did not want to be in the CDFS process.

- 12:02:17 Sen McConnell wanted to clarify the numbers of people who were actually coming before county attorneys under the circumstances described by Mr. Lambert.
- 12:03:38 Chair Judge Krueger asked Mr. Olson to provide updated numbers at the next meeting as well.
- 12:04:50 Chair Judge Krueger asked if the grid requires a new felony for incarceration, can this be overridden by a supervisory PSI.
- 12:05:33 Chair Judge Krueger asked the numbers be provided for how many people are being held for new felonies and how many held are being revoked;broken by region.

Discussion

- 12:06:52 Discussed next meeting dates.
- 12:07:32 Chair Judge Krueger asked to confer with his overall calendar and will pick the dates for the rest of the year at the January 29 meeting.
- 12:10:53 Chair Judge Krueger asked that requests for the agenda be submitted in writing before December 20 to give the CJOC an opportunity to think about the agenda and we would put requests into the flow.
Potential agenda items were discussed.

Public Comment

- 12:22:56 Nanette Gilbertson representing Montana County Attorney's Association and Montana Sheriff's and Peace Officers. Requested public copies of documents and handouts.
- 12:25:17 Sen. Jen Gross offered her thanks for the experience and insights to tackle these issues.
- 12:25:57 Laurie Little Dog spoke as a citizen from Bozeman. Asked about conditions of release in conflict with tribal issues.

Meeting Adjourned: 12:28:25