

DOC COMMITMENT SENTENCE OUTCOME

1 WHEREAS, in September 2018, the Criminal Justice Oversight Council approved a
2 Resolution to address the issue of the Department of Corrections following
3 judicial sentences and recommendations of the District Court; and

4 WHEREAS, the Resolution resolved that the “Department of Corrections shall honor and
5 follow placement recommendations made in court orders and sentences for any
6 offenders convicted of a felony offense; or in the alternative the Criminal Justice
7 Oversight Council shall make recommendations for statutory changes to remove
8 DOC discretion in placement decisions;” and

9 WHEREAS, on September 15, 2020, the Criminal Justice Oversight Council discussed
10 recommended legislation to address the issue of Department of Corrections
11 commitment sentences and an offender’s placement outcome; and

12 WHEREAS, in MCA 46-18-Part 2, a District Court may sentence a felony offender to a
13 variety of sentences to include a commitment to the Department of Corrections
14 for a period not to exceed 5 years; and

15 WHEREAS, recent statistics provided by the DOC have shown that a higher number of these
16 commitments are being sent directly to prison or released to the community and
17 not reflecting the Judge’s intention and/or recommendation for needed services
18 while incarcerated; and

19 WHEREAS, the concept of the DOC commitment has been altered over the past several years
20 and now based on a risk/needs assessment that is not evidence-based; and

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

25 WHEREAS, treatment and pre-release beds have been largely unused and underutilized in the
26 past 2 years as determined by the Department of Corrections where offenders do
27 not have access to treatment and other services; and

28 WHEREAS, underutilized beds within the Criminal Justice System create a burden to the
29 taxpayers of Montana by paying for services not used by the Department of
30 Corrections; and

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

33 THEREFORE, BE IT RESOLVED BY THE CRIMINAL JUSTICE OVERSIGHT
34 COUNCIL:

35 SECTION 1: Support legislation that requires the Department of Corrections to honor
36 and follow placement recommendations made in District Court orders and
37 sentences for any offenders convicted of a felony offense.

38 **AND,**

If the Department of Corrections does not follow recommendations of the
District Court, they shall provide a written notice within 40 days of
placement outlining why the Court's recommendation was not followed.

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

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

47 APPROVED and ADOPTED on this _____ day of September 2020.

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JUDGE KURT KRUEGER
Chairman
Criminal Justice Oversight