

Unofficial Draft Copy

As of: August 26, 2010 (4:24pm)

LC1j13

1 **** Joint Resolution No. ****

2 Introduced By *****

3 By Request of the Law and Justice Interim Committee

4

5 A Joint Resolution of the Senate and the House of Representatives
6 of the State of Montana requesting an interim study to examine
7 the occurrence, causes, investigation, reporting, and prevention
8 of suicides in county and city jails.

9

10 WHEREAS, the suicide of persons in county and city jails is
11 a traumatic experience both for the victim's families and for the
12 detention staff of the jails in which suicides occur; and

13 WHEREAS, political subdivisions of the state that operate
14 detention facilities have a constitutional duty arising under the
15 Eighth Amendment to the U.S. Constitution to operate an effective
16 suicide prevention program to help prevent suicide of inmates in
17 those facilities; and

18 WHEREAS, reduction of the risk of suicides in county and
19 city jails has been a concern to the Legislatures for some time
20 because of that constitutional duty and because if that
21 constitutional duty is unfulfilled, not only do suicides occur
22 but survivors of persons who commit suicides in those jails
23 sometimes bring law suits, which some detention facility staff
24 have estimated to occur in as many as 70 to 80 percent of the
25 suicides in a county jail, resulting in money judgments or
26 settlements against the local governments that operate those
27 facilities; and

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1 WHEREAS, during the 2007-2008 interim, the Law and Justice
2 Interim Committee studied ways to prevent or reduce the number of
3 those suicides and that study resulted in the introduction of
4 House Bill 60 in the 61st Legislative Session, creating a jail
5 suicide reduction pilot program patterned after a successful
6 program in Kentucky that won national attention and awards; and

7 WHEREAS, House Bill 60 was supported by many interest
8 groups, including the Montana Sheriff and Peace Officers'
9 Association, but the bill was killed by the House Appropriations
10 Committee in the 61st Legislature because of funding issues; and

11 WHEREAS, since the introduction of House Bill 60 until
12 January 1, 2010, at least five persons committed suicide in
13 county jails, out of a jail population of approximately 2,000
14 inmates, the resulting rate of suicide being considerably above
15 the rate for suicides in county and city jails nationally, using
16 the most recently available figures in a 2010 study done for the
17 National Institute of Corrections of the U.S. Department of
18 Justice; and

19 WHEREAS, the Legislature would prefer to treat the issue of
20 suicides in county and city jails as part of a more comprehensive
21 solution to the problem of providing mental health treatment and
22 the creation of secure beds both at the state and community
23 level, but funding is not available for the creation of that
24 system and those beds and the Legislature therefore needs to
25 address the problem of suicides in county and city jails more
26 quickly in smaller, more incremental, and less expensive steps,
27 because suicides more suicides will undoubtedly occur if the

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1 legislature waits until it can fund a more comprehensive mental
2 health treatment system with secure beds than if the Legislature
3 takes more immediate smaller steps; and

4 WHEREAS, Montana has an unreliable method of determining how
5 many suicides occur in local jails every year, that method being
6 the electronic searching of death certificates by the Department
7 of Public Health and Human Services, for which even that
8 Department has cautioned that "no such search technique can be
9 comprehensive" and that the lists of jail suicides produced by
10 the Department by that searching method therefore "may be
11 incomplete"; and

12 WHEREAS, the Montana Sheriffs' and Peace Officers'
13 Association is now developing and fielding a system of peer
14 review of county jails for compliance with its voluntary
15 jail/detention standards and that it may be possible for the
16 Legislature to find some way to support or augment that review
17 program in a coordinated manner; and

18 WHEREAS, the Legislature may find a way through the study of
19 the prevention of suicides in county and city jails to help
20 reduce the risk of suicides in those jails and thereby prevent
21 some of those suicides in a manner that is not as expensive as
22 House Bill 60 or the creation of community mental health services
23 and secure treatment beds at the state or local level.

24 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
25 OF REPRESENTATIVES OF THE STATE OF MONTANA:

26 That the Legislative Council be requested to designate an
27 appropriate interim committee, pursuant to 5-5-217, MCA, or

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1 direct sufficient staff resources to:

2 (1) study the issue of suicides in county and city jails
3 and steps that may be taken to reduce the risk of those suicides
4 and that the study must:

5 (a) examine the ways in which suicides occur, are
6 investigated, and are reported;

7 (b) examine national programs and resources and the programs
8 of other jurisdictions that may provide ideas or models for ways
9 to reduce the risk of suicides;

10 (c) examine the challenges that detention staff face in
11 trying to prevent suicides;

12 (d) determine if there are ways to make use of existing
13 state resources, such as those at the Montana State Hospital and
14 the office of the state Suicide Prevention Coordinator in the
15 Department of Public Health and Human Services, as well as
16 resources at the local level, that may suggest ways to reduce the
17 risk of suicides; and

18 (e) examine the use of the voluntary detention/jail
19 standards and the peer review program of the Montana Sheriffs'
20 and Peace Officers' Association to determine whether and how the
21 state might support or augment those standards and that program.

22 (2) recommend any new or changes to existing practices,
23 policies, or statutes that will serve to reduce the risk of
24 suicide by inmates in county and city jails.

25 BE IT FURTHER RESOLVED, that the study shall be coordinated
26 with and make use of the experience and expertise of sheriffs and
27 chiefs of police and their detention officers and staff, the

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1 Montana Sheriffs' and Peace Officers Association, county
2 attorneys and county coroners, tribal governments, mental health
3 professionals and organizations, the staff of the Montana
4 Department of Justice and any other state or local law
5 enforcement agencies and personnel, as well as victim's rights
6 organizations and other stakeholders identified by the committee,

7 BE IT FURTHER RESOLVED, that if the study is assigned to
8 staff, any findings or conclusions be presented to and reviewed
9 by an appropriate committee designated by the Legislative
10 Council.

11 BE IT FURTHER RESOLVED, that all aspects of the study,
12 including presentation and review requirements, be concluded
13 prior to September 15, 2012.

14 BE IT FURTHER RESOLVED, that the final results of the study,
15 including any findings, conclusions, comments, or recommendations
16 of the appropriate committee, be reported to the 63rd
17 Legislature.

18 - END -

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