



Commission on Sentencing

64th Montana Legislature

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LEGISLATORS

SEN. CYNTHIA WOLKEN - CHAIR
SEN. KRISTIN HANSEN - VICE CHAIR
REP. MATTHEW MONFORTON
REP. MARGARET MacDONALD

PUBLIC MEMBERS

HON. INGRID GUSTAFSON
MIKE BATISTA
DEREK GIBBS
DAN GUZYNSKI
JENNIE HANSEN
ROXANNE KLINGENSMITH

PUBLIC MEMBERS

LEANN MONTES
PETER OHMAN
MARY ANN RIES
MAJEL RUSSELL
DONNA WHITT

COMMITTEE STAFF

RACHEL WEISS, RESEARCH ANALYST
JULIANNE BURKHARDT, ATTORNEY
KATYA GROVER, SECRETARY

MINUTES

March 2, 2016
Room 172, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

SEN. CYNTHIA WOLKEN - CHAIR
SEN. KRISTIN HANSEN - VICE CHAIR
REP. MATTHEW MONFORTON
REP. MARGARET "MARGIE" MacDONALD
HON. INGRID GUSTAFSON
MIKE BATISTA
DEREK GIBBS
JENNIE HANSEN
ROXANNE KLINGENSMITH
LEANN MONTES
PETER OHMAN
MARY ANN RIES
MAJEL RUSSELL
DONNA WHITT

COMMITTEE MEMBERS EXCUSED

DAN GUZYNSKI

STAFF PRESENT

RACHEL WEISS, Research Analyst
JULIANNE BURKHARDT, Attorney
KATYA GROVER, Committee Secretary

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

CALL TO ORDER and ROLL CALL

- 00:00:04 Sen. Wolken called the commission to order at 8:05 a.m. The commission secretary called roll. **(Attachment 3)**
- 00:01:34 Rachel Weiss, Research Analyst, distributed materials that will be used in CSG's presentation, a newsletter presented on March 1, 2016, by the Montana Board of Crime Control, and written public testimony from Al and Sue Smith. **(Exhibit 1) (Exhibit 2) (Exhibit 3)**

CSG JUSTICE CENTER PRESENTATIONS

Initial Data Analysis; Observations From Site Visits/Discussions; Comparisons With Other States

00:03:09 Chris Fisher, CSG

Commission Questions

- 00:11:15 Sen. Wolken asked Mr. Fisher to clarify the terms "alternatives" vs. "community supervision" used on slide 31 of Exhibit 1.
- 00:16:54 Commissioner Ohman asked Mr. Fisher to clarify on the numbers of days on probation reflected on slide 32 of Exhibit 1.

Commission Discussion on the Distinction Between Probation vs. Conditional Release vs. DOC Commitment

- 00:19:15 Sen. Hansen
00:21:15 Commissioner Hansen
00:22:06 Kevin Olson, Administrator, Probation and Parole Division, Montana Department of Corrections
00:23:16 Sen. Hansen
00:24:38 Sen. Wolken
00:24:49 Sen. Hansen
00:25:13 Mr. Olsen
00:26:10 Sen. Hansen
00:26:51 Commissioner Ries
- 00:27:12 Mr. Fisher continued his presentation.
- 00:34:14 Commissioner Klingensmith
00:34:42 Director Batista
00:36:01 Commissioner Russell

00:37:01 Commissioner Gustafson
00:38:01 Commissioner Gibbs
00:45:14 Director Batista
00:48:03 Mr. Fisher
00:49:16 Commissioner Russell
00:50:35 Sen. Wolken

Commission Questions of Mr. Fisher

00:52:15 Commissioner Klingensmith requested data from Mr. Fisher addressing treating drug abuse in the same manner as alcohol abuse.

00:54:04 Mr. Fisher continued his presentation.

Commission Questions of Mr. Fisher

01:00:40 Sen. Wolken asked about the part of the graph labeled as "missing" from slide 37 of Exhibit 1.

01:01:51 Sen. Hansen asked to elaborate more on slide 37.

01:05:29 Commissioner Gustafson provided a comment regarding high-risk people going into DOC, as well as about information reflected on slide 36 regarding people successfully completing probation in a lesser period of time.

01:09:09 In addition to Mr. Fisher's answer, Commissioner Hansen addressed commissioners' questions about slide 37.

01:10:55 Commissioner Russell asked whether data exists on what was required from those individuals who were placed on probation.

01:12:49 Mr. Fisher continued his presentation.

Commission Questions of Mr. Fisher

01:14:06 Commissioner Hansen asked about crime rates as they relate to the passage of time reflected on slide 38.

01:14:57 Mr. Fisher continued his presentation.

Commission Questions of Mr. Fisher

01:17:34 Commissioner Ohman asked Mr. Fisher to clarify about re-sentencing reflected on slide 38.

01:18:30 Mr. Fisher continued his presentation.

BREAK (reconvened at 9:40 a.m.)

01:48:14 Sen. Wolken spoke on the remaining agenda items.

01:48:55 Karen Chung, Policy Analyst, CSG, continued the presentation.

Commission Questions

01:55:38 Commissioner Ohman asked about risk assessment and asked Ms. Chung to clarify the meaning of "high risk" discussed on slide 43.

01:56:27 Sen. Wolken requested information about actuarial tools used in other states to be provided to commission members for the upcoming meeting.
01:56:59 Commissioner Hansen addressed Commissioner Ohman's question.
01:57:49 Commissioner Russell asked how different high-risk types are weighed out.
01:58:28 Commissioner Hansen addressed Commissioner Russell's question.
01:59:23 Sen. Wolken requested the committee staff provide the commission members with a copy of the MORRA and WRNA.
01:59:46 Mr. Fisher addressed Sen. Wolken's request.
02:00:37 Commissioner Gibbs spoke about the demographics of the Native American population in Montana.

02:01:19 Ms. Chung continued her presentation.

Commission Questions of Ms. Chung

02:02:23 Sen. Hansen asked whether there is an upper limit with respect to risk assessment.

02:06:32 Ms. Chung continued her presentation.

Commission Questions of Ms. Chung

02:11:17 Commissioner Ohman asked what behavioral services entail.

02:11:28 Ms. Chung continued her presentation.

Commission Questions of Mr. Fisher and Ms. Chung

02:16:27 Sen. Hansen asked whether there are any statistics showing that the programs run by the providers work.
02:17:56 Sen. Hansen noted that the state grants a 16-20 year contract to a provider while that provider is unable to prove whether the programs that it implements are successful.
02:18:30 Commissioner Gibbs asked about private providers of behavioral health services.

02:19:36 Ms. Chung concluded her presentation.

Public Comment on Any Agenda Item and/or Any Item Within the Jurisdiction of the Commission But Not on This Agenda

02:21:02 Mary Ann Wellbank, self, commented on offenders and non-offenders being stakeholders.
02:27:46 Loraine Wodnik, Deputy Director, DOC, provided additional information on the restitution unit discussed earlier today.
02:30:38 Gary Mihelish, Chairman, Montana Mental Health Trust, spoke about the relationship between the law enforcement, criminal justice and mental illness treatment system.
02:36:55 David Armstrong, Alternatives Inc, Billings, provided his feedback regarding today's discussion and commission's work in general terms.
02:51:04 Robin Turner, Public Policy and Legal Director, Montana Coalition Against Domestic and Sexual Violence, spoke about what the organization that she

- represents does.
- 02:54:09 Mark Murphy, Montana Chiefs of Police Association, Montana County Attorneys Association, responded to some of the issues discussed during today's meeting.
- 03:05:29 Erin McGowan, Montana Community Corrections Association, provided comments regarding the community-based programs that CSG staff discussed during this meeting.
- 03:09:11 Ryan Lynch, Director of Development and Administration, Community Counseling and Correctional Services, Inc., spoke in support of the early intervention programs.

Commission Questions of Those Providing Public Comment

- 03:18:27 Sen. Hansen confirmed with Ms. Wellbank on the points that Ms. Wellbank covered during her testimony.

WORK SESSION

- 03:22:24 Sen. Wolken asked commission members provide their thoughts on what topics should be studied by Commission on Sentencing. Commission members provided a list of topics to the commission staff that they would like to study further. Ms. Weiss distributed materials explaining how a bill progresses through the legislative process. **(Exhibit 4)**
- 03:26:09 Rep. Monforton
- 03:26:55 Director Batista
- 03:27:49 Rep. MacDonald
- 03:28:35 Sen. Wolken
- 03:29:24 Commissioner Whitt
- 03:31:55 Rep. Monforton
- 03:33:40 Sen. Wolken
- 03:34:01 Commissioner Russell
- 03:34:55 Sen. Wolken
- 03:35:05 Commissioner Ohman
- 03:35:54 Commissioner Ries
- 03:36:27 Rep. Monforton
- 03:36:52 Commissioner Ries
- 03:37:25 Commissioner Hansen
- 03:41:20 Sen. Hansen
- 03:43:41 Commissioner Hansen
- 03:44:43 Director Batista
- 03:45:02 Commissioner Gustafson
- 03:50:22 Sen. Hansen
- 03:52:15 Commissioner Gustafson
- 03:55:47 Commissioner Montes
- 03:58:45 Sen. Hansen
- 04:00:51 Sen. Wolken
- 04:06:02 Director Batista
- 04:15:54 Commissioner Russell
- 04:22:19 Commissioner Ohman
- 04:24:58 Commissioner Ries

04:27:23 Rep. MacDonald
04:29:30 Commissioner Klingensmith
04:33:24 Commissioner Gibbs
04:39:12 Sen. Wolken
04:39:35 Commissioner Russell
04:41:43 Rep. MacDonald

Commission Discussion of Faith-Based Communities

Commissioners discussed involvement of faith-based communities during the probation period.

04:43:08 Sen. Hansen
04:47:33 Commissioner Klingensmith
04:50:48 Director Batista
04:51:58 Commissioner Gibbs
04:54:09 Commissioner Russell

Commission Discussion of the Next Meeting Dates

04:55:50 Sen. Wolken
04:56:34 Ms. Weiss
04:57:34 Sen. Hansen
04:58:07 Ms. Weiss
04:58:47 Rep. MacDonald

ADJOURNMENT

04:59:20 With no further business before the commission, Sen. Wolken announced adjournment at 1:20 p.m.

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