



Sheriffs & Peace Officers Association

November 18, 2015

To: Sentencing Commission
Fr: Jim Smith

Re: Local Detention Facility Data

Between Nov. 10 and Nov. 17 MSPOA asked the Sheriffs and Administrators in the seven large detention facilities to do a quick survey, a snapshot, of their inmate populations. The results from six of the seven facilities are attached.

The Oct. 31 article in the Billings Gazette (attached) is illustrative of the situation in these facilities.

Yellowstone County's ongoing jail crisis

Oct 31, 2015

PAT BELLINGHAUSEN/Gazette Staff

The Yellowstone County jail population exceeded 500 over Columbus Day weekend. That 500-mark reminds citizens the jail crowding problem has worsened since voters turned down a proposed levy in June.

The sprawling detention center on King Avenue East was built to accommodate 186 inmates in 1988, and a dozen years later, 100 medium security beds were added. Yellowstone County has grown since then, the jail has not. For the past several years, most inmates have been double bunked.

"Billings is growing, but we're not expanding public safety at the same rate,"

Sheriff Mike Linder said.

Last week, Linder was preparing a letter to ask the Yellowstone County

Commission to take another look at the overcrowded women's unit. At one point last week, the unit had 83 women, including three held on homicide charges. Because the only jail unit for women was designed for 32 inmates, some women don't have cells. Instead, they are assigned to cots behind low fabric partitions in the unit's day area.

"Where does it end?" Linder asked. "When somebody gets sued or killed down there?"

In February, the jail reported that 209 inmates were being held pending trial on felony charges.

"Those awaiting trial for felonies are always on the rise," jail commander Capt. Sam Bofto said last week.

One day last week when the jail held 487 inmates, the count included 60 being housed for the Montana Department of Corrections, which has its own problems with every state prison being full or nearly so. Additionally, the county jail held 27 people on probation or parole violations. Some of those violators wind up spending months in the county jail.

The jail staff cannot reduce the inmate population or increase the facility's capacity. Changes must be made in local and state systems. There are hopeful efforts deserving of strong public support:

- For starters, let's speed up evidence analysis in drug cases, which account for a large chunk of felonies and misdemeanors filed in Yellowstone County courts. The satellite state crime lab approved by Gov. Steve Bullock and the 2015 Legislature is expected to open in Billings early next year.
- Add judges. An independent study of Montana District Courts last year found that Yellowstone County's six judges were doing double duty. By

standard, objective measures, Yellowstone County needs six more judges to handle the county's caseload. A Judicial Redistricting Commission, created by the 2015 Legislature and led by District Judge Gregory Todd, will make recommendations to the 2017 Legislature. Altogether, Montana needs 17 more district judges to handle existing caseloads.

- Sustain treatment courts. Treatment courts led by District Judges Todd, Ingrid Gustafson and Mary Jane Knisely and Municipal Judge Sheila Kolar have succeeded in getting some repeat offenders into effective addiction treatment and employment. Treatment court graduates usually don't go back to jail.
- Sustain street outreach. For the past several months, a team of two Billings police officers and a Rimrock licensed addiction counselor have been persuading habitual inebriates to try treatment as an alternative to jail for repeated offenses related to alcohol and other drug abuse. Early results are promising: complaints have decreased and most individuals have chosen treatment over jail.
- Have more nonviolent offenders work off their sentences. With cooperation from local judges, Sheriff Mike Linder initiated the Sheriff's Work Detail that allows courts to sentence nonviolent misdemeanor offenders to work off their mandatory jail sentences in supervised eight-hour community service shifts.
- Release and monitor. The 24/7 Sobriety testing program, another collaboration of Linder and local judges, keeps several dozen people out of jail and away from alcohol.
- Screen inmates more carefully. Led by Justice of the Peace David Carter, the county recently started a pilot project to determine if more careful screening of inmates would allow judges to release some with monitors rather than requiring high bonds that keep them in jail.

These efforts have helped keep people out of jail while keeping the community safe. But growth in Yellowstone County's population, and traffic related to the Bakken oil boom, have spurred even faster growth in drug trafficking and other

crimes.

Another legislative interim study could have an even greater effect on the jail.

The 2015 Legislature created the Commission on Sentencing to evaluate policies on parole, probation and prison time. Monday's Gazette opinion will focus on how Montana compares with other states and what they are doing to reduce repeat offenses.

Who's in jail?

One day last week, the Yellowstone County jail census included these inmates:

- 256 arrested by Billings Police Department
- 60 held for Montana Department of Corrections
- 48 arrested by Yellowstone County Sheriff's Office
- 36 arrested by Montana Highway Patrol
- 27 on parole or probation violations
- 24 federal
- 12 arrested by Laurel Police Department
- 9 Stillwater County
- 5 fugitives
- 5 Carbon County
- 2 city ordinance violators
- 1 other counties

Source: Yellowstone County Sheriff's Department

