



IMPLEMENTATION STATUS OF CRIMINAL JUSTICE SYSTEM CHANGES

BACKGROUND

During the 2015-2016 interim, a 15-member [Commission on Sentencing \(COS\)](#) conducted a broad review of Montana’s criminal justice system using a data-driven justice reinvestment process. The 2017 Legislature enacted nine of the commission’s 12 recommended bills. Several of the bills incorporated multiple system changes or created more than one requirement for criminal justice agencies and the Judicial Branch. The purpose of this checklist is to assist the Law and Justice Interim Committee (LJIC) monitor the implementation of certain new criminal justice programs and requirements created in those bills. Although the Legislature revised numerous criminal justice statutes during the 2017 session, the checklist encompasses only those contained in the commission’s legislation. It does not contain revisions from House Bill 133, which revised sentencing statutes. For more detailed summaries of implementation progress, please visit the LJIC’s webpage on [Committee Topics](#) for the 2017-2018 interim.

CHECKLIST OF REQUIREMENTS AND IMPLEMENTATION STATUS

Bill Number	Requirement	Effective Date	Implementation Status			Notes
			Complete	In Progress	Other	
SB 59	OCA to develop and administer pretrial program [Sections 1 and 7]	July 1, 2017		✓		
SB 59	MBCC to develop and administer a prosecution diversion program within the limits of available funds [Section 2]	July 1, 2017			✓	The MBCC continues to explore funding avenues as no legislative appropriation was provided. January 2018 staff update

September 2018

Implementation Status of Criminal Justice System Changes
 Law and Justice Interim Committee
 Rachel Weiss

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SB 59	Establishes a Criminal Justice Oversight Council to monitor implementation of COS bills, receive and analyze data, assess outcomes, and make recommendations [Section 3]	May 19, 2017		✓		The most recent CJOC meeting was June 26. The law creating the CJOC terminates June 30, 2019.
SB 59	DOC to report annually to oversight council and by Jan. 1 of each year to the Legislature on prison population and fiscal impacts of COS bills and implementation status [Section 4]	May 19, 2017		✓		DOC provided an initial report to the oversight council in Aug. 2017 and has reported in-person to the LJIC and the LFC at 2017-2018 interim meetings.
SB 59	DOC to revise, maintain, and fully implement a supervision incentives and interventions grid (also called the MIIG) [Section 5]	May 19, 2017	✓			Statewide release of the grid in late May 2018 after piloting use in 2 probation and parole districts.
SB 59	DOC to offer information and training on MIIG to various criminal justice system stakeholders [Section 5]	May 19, 2017		✓		Ongoing requirement
SB 59	DOC to collect data related to placement decisions based on the MIIG and review the grid every 5 years to ensure it adheres to evidence-based practices	May 19, 2017		✓		Statewide use of the MIIG started in late May 2018 as did data collection. Ongoing requirement

September 2018

Implementation Status of Criminal Justice System Changes
 Law and Justice Interim Committee
 Rachel Weiss

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SB 59	DOC to report to the LJIC each biennium using aggregated data about the MIIG [Section 5]	May 19, 2017		✓		DOC reported on the MIIG development and launch at the July 2018 meeting. Ongoing requirement
SB 59	DOC's Quality Assurance Unit to: a) adopt evidence-based program evaluation tool to measure how correctional programs meet principles of effective intervention; b) conduct regular evaluations of programs funded by state, either state-operated or under contract; c) enforce standards; d) work with DPHHS on standards for behavioral health programs; and e) develop and maintain a list of evidence-based curriculums. [Section 6]	May 19, 2017		✓		DOC formed a programming oversight committee to review programs to ensure each program is evidence-based and focuses on recidivism reduction. LJIC received an update on this committee during its July 2018 meeting. Ongoing requirement
SB 59	DOC to report to LJIC each interim on all initial and ongoing program evaluations [Section 6]	May 19, 2017		✓		The LJIC received an update at its July 2018 meeting about the programming oversight committee. Ongoing requirement
SB 59	DOC to ensure that contracts signed or renewed after bill's effective date contain minimum standards that adhere to the evaluation tool, offender eligibility criteria for program entry,	May 19, 2017		✓		DOC has developed standard contract language about evidence-based or research driven practices, ongoing quality assurance reviews and reporting, and program delivery standards. LJIC staff reviewed numerous initial or amended contracts for prerelease, treatment, or community corrections services and

September 2018

Implementation Status of Criminal Justice System Changes
 Law and Justice Interim Committee
 Rachel Weiss

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	and program dosage requirements that conform to evidence-based practices [Section 6]					determined that most of those included that standard language or something similar. The review was limited to contracts that were available on the department's website as of Aug. 27, 2018. Ongoing requirement
SB 60	DOC to make presentence investigation report (PSI) available to the sentencing court within 30 days of a plea or verdict or finding of guilty unless certain exceptions apply [Section 1]	Oct. 1, 2017	✓			More information available in the January 2018 staff update
SB 60	DOC to include information from a risk and needs assessment in the PSI [Section 2]	Oct. 1, 2017	✓			
SB 60	DOC to include risk and needs assessment and evidence-based practices in: a) initial training for new probation and parole officers; and b) regular training for all probation and parole officers [Section 3]	Oct. 1, 2017	✓			Training specific to risk and needs assessments has been incorporated into the basic curriculum required for new officers for at least 4 years. Refresher training was completed for all officers in Sept. 2017.
SB 60	DOC to incorporate requirements for training on risk assessment and other evidence-based	Oct. 1, 2017		✓		Updating performance reviews for officers is subject to the collective bargaining process, which will be completed in late fall 2018.

September 2018

Implementation Status of Criminal Justice System Changes
 Law and Justice Interim Committee
 Rachel Weiss

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	practices into performance reviews for probation and parole officers [Section 3]					
SB 60	DOC to integrate assessment results into supervision contact standards and case management [Section 4]	Oct. 1, 2017	✓			
SB 60	DOC to regularly validate its risk assessment tool [Section 4]	Oct. 1, 2017	✓			The DOC uses the MORRA and the WRNA, which are assessment tools validated by the University of Cincinnati. The DOC is currently seeking funding to norm both tools to the Montana population.
SB 62	Board of Behavioral Health to adopt rules to govern certification of behavioral health peer support specialists	Oct. 1, 2017	✓			Final rules adopted Feb. 23, 2018
SB 63	DOC and district courts to revise processes and timelines used to supervise probationers and defendants serving a deferred or suspended sentence [Sections 1 through 4]	May 19, 2017	✓			Specific revisions include: incorporate and document use of incentives and interventions grid, revise sanctions for compliance violations, timelines for sanctions and when conditional discharge to be recommended, probation and parole officer to use of effective communication strategies and other evidence-based practices to advise and consult with probationer
SB 64	BOPP to become five-member, fulltime board [Sections 1, 2, and 4]	July 1, 2017	✓			Governor appointed 5 th member on Oct. 1, 2017 More information available in the September 2017 staff update

September 2018

Implementation Status of Criminal Justice System Changes
 Law and Justice Interim Committee
 Rachel Weiss

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SB 64	BOPP hearing panels to consider parole guidelines and the parole plan before imposing conditions of parole	July 1, 2017		✓		The board has not yet adopted parole guidelines in administrative rules as required by SB 64; however, the board is using and working to validate preliminary guidelines developed with the assistance of the CSG Justice Center.
SB 64	BOPP to adopt administrative rules to establish parole guidelines, allow a prisoner to request an earlier review, and criteria for consideration of conditional discharges [Section 10]	July 1, 2017		✓		The board has not yet adopted parole guidelines in administrative rules as required by SB 64; however, the board is using and working to validate preliminary guidelines developed with the assistance of the CSG Justice Center.
SB 64	BOPP and DOC to compile data to validate parole guidelines and validate them every 5 years [Section 10]	July 1, 2017		✓		The board has been the gathering data necessary to validate the parole guidelines since September 2017.
SB 64	BOPP to assess training needs annually, prioritize needs, and arrange for training [Section 10]	July 1, 2017		✓		Initial training with CSG Justice Center staff Ongoing
SB 64	BOPP and DOC to revise supervision processes and timelines used for parolees on community supervision [Sections 13 through 16]	July 1, 2017	✓			Specific revisions include: incorporate and document use of incentives and interventions grid, revise sanctions for compliance violations, timelines for sanctions and when conditional discharge to be recommended, probation and parole officer to use of effective communication strategies and other evidence-based practices to advise and consult with parolee, and allows a probation and

September 2018

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 Law and Justice Interim Committee
 Rachel Weiss

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						parole office to hold an intervention hearing, if needed, for a parolee arrested for a violation of release.
SB 64	BOPP to review administrative rules adopted prior to May 17, 2018, and report to LJIC [Section 17]	May 19, 2017		✓		The BOPP updated the LJIC in Sept. 2017, Jan. 2018, May 2018, and July 2018, though the BOPP has not yet made recommendations or issued notices of rulemaking.
SB 64	BOPP members to be confirmed by Senate [Section 19]	July 1, 2017		✓		The Montana Legislature will convene in regular session Jan. 7, 2019.
SB 65	Establishes a policy of the state of Montana that every individual released from prison or community corrections programs be afforded every reasonable opportunity to obtain permanent housing [Section 1]	Oct. 1, 2017	✓			
SB 65	MBCC to develop and administer a supportive housing grant program within the limits of available funds [Section 2]	Oct. 1, 2017		✓		The MBCC has developed the program, issued an RFP, and selected grantees who will receive grant funds. The MBCC will track program results until the end of the grant period.
SB 65	Optional: DOC may adopt rules and offer rental vouchers for up to 3 months to offenders whose parole plans are not approved because the	Oct. 1, 2017			✓	DOC was not appropriated funding for the rental vouchers.

September 2018

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 Law and Justice Interim Committee
 Rachel Weiss

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	offender cannot arrange suitable housing [Sections 3 and 4]					
SB 65	DOC to encourage efforts within the department and at local level that would develop housing options and resource materials related to housing for released individuals [Section 5]	Oct. 1, 2017		✓		The DOC's reentry task force continues to discuss and offer options related to housing for offenders returning to communities. The task force's 2018 report to the LJIC contained recommendations related to housing needs for offenders.
SB 65	DOC to maintain data on the number of individuals discharged from adult corrections services into a homeless shelter or homeless situation [Section 5]	Oct. 1, 2017	✓			DOC can collect this data in the Offender Management Information System (OMIS).
SB 67	MBCC to adopt statewide offender intervention program standards that are evidence-informed [Section 1]	Oct. 1, 2017		✓		As of late June 2018, the MBCC staff has developed draft standards with assistance from CSG. At that time, the draft standards were being reviewed by stakeholders and staff.
SB 67	Preliminary assessment and counseling for an offender convicted of partner or family members assault must meet the standards adopted by the MBCC [Sections 2 and 3]	Oct. 1, 2017			✓	The standards have not yet been adopted.

September 2018

Implementation Status of Criminal Justice System Changes
 Law and Justice Interim Committee
 Rachel Weiss

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SJ 3	Requests an interim committee explore increasing access to tribal resources for tribal members in the state’s criminal justice system	May 10, 2017		✓		The State-Tribal Relations Committee conducted this study. LJIC will receive an update in September. More information can be found at the STRC’s website .

ACRONYMS

- BOPP = Board of Pardons and Parole
- MBCC = Board of Crime Control
- COS = Commission on Sentencing
- CSG Justice Center = Council of State Governments Justice Center
- DOC = Department of Corrections
- DPHHS = Department of Public Health and Human Services
- LJIC = Law and Justice Interim Committee
- LFC = Legislative Finance Committee
- LSD = Legislative Services Division
- MIIG = Montana Incentives and Interventions Grid
- OCA = Office of Court Administrator