

Law and Justice Interim Committee Montana Board of Crime Control and Youth Justice Council Overview

The Montana Board of Crime Control is the designated state agency charged with administering millions of grant dollars dedicated to preventing and addressing crime statewide. MBCC is headed by an eighteen member board appointed by Governor Schweitzer. Board members represent law enforcement, criminal justice system stakeholders, and citizens, including the first Montanans, our state's Native Americans. Board members provide critical citizen leadership, oversight and accountability of systems charged with promoting justice and public safety.

The Youth Justice Council (YJC) is a Governor appointed advisory Board to the Montana Board of Crime Control. The YJC provides policy and planning leadership on juvenile justice issues through oversight of federal formula grants and other juvenile justice funding in Montana. Current federal and state juvenile justice related funds total slightly over 3 million dollars awarded to 50 sub-grantees.

The Juvenile Justice and Delinquency Prevention Act (JJDP) Act of 2002 (Public Law 107-273, 42 U.S.C. Section 5601 et seq.) requires state achieve and maintain compliance with four core requirements:

Deinstitutionalization of status offenders	Juveniles who commit an act that would not be a crime if committed by an adult (status offense) and non-offenders such as dependent or neglected children, cannot be held in secure detention or correctional facilities
Separation of juvenile from adult offenders	Juveniles cannot be detained or confined in a manner in which they have sight or sound contact with adult offenders
Adult jail and lockup removal	Juveniles within the jurisdiction of the juvenile court cannot be detained or confined in adult jails or lockups
Disproportionate minority contact	States are required to address prevention and system improvement efforts in order to reduce the disproportionate representation minority youth having contact with the JJ system

National Juvenile Justice Trends

1. The use of evidence based and data driven best practice models
 - Did the approach decrease/ increase the likelihood of recidivism?
2. Use of validated Risk Assessment and Re-assessment Instruments
 - Target offenders with higher probability of recidivism
 - Provide most intensive treatment/resources to higher risk offenders
 - Intensive treatment for lower risk offender can increase recidivism
 - Questionable return on investment with certain high risk offenders
3. Use of validated intensive need assessment instruments
 - Use of Full GAIN Assessments
4. Recidivism reduction programs that target criminogenic needs
5. Cost benefit and cost effectiveness analysis
6. A move away from residential placement to intensive in home/community services
7. Use of secured detention only when:
 - Offender is assessed by a valid instrument
 - Presents a threat to public safety and/or
 - Presents a flight risk on a detainable charge.
 - \$20 Million: estimated lifetime cost of a detention bed (Annie E Casey Foundation)
8. A focus on accountability and graduated sanctions. Sanctioning youth:
 - Has a limited effect as a deterrent with youth
 - Loses effectiveness in holding youth accountable if excessive
 - Can increase the likelihood of recidivism
 - Can diminish youth's resiliency and protective factors

Montana Juvenile Justice Issues

Montana's Youth Justice Council has identified the following areas for possible study.

1. Detention of Juveniles

- Examine the detention decision point. Currently, Montana law enforcement makes the decision to detain at arrest.
- Is the detain decision based upon a valid risk assessment? Does the youth present a flight risk or a threat to public safety?
- Examine release authority.

- Examine the use of detention on technical violations
- Examine use of consistent, graduated sanctions.

2. Policy Making

- Examine performance measures, evaluation and cost effectiveness of existing juvenile justice mechanisms.
- Is decision-making informed, evidence based and data driven?
- Does a data driven continuous improvement/evaluation process exist?

3. Mental Health Issues

- Examine the number of mentally ill youth involved in the juvenile justice system.

4. Brain Development of Adolescents

- Research indicates that brain development is still in progress during adolescence, making youth vulnerable to risky behavior. What role does this play in Montana's approach to managing delinquency?

5. Juvenile Court

- Examine Bench expertise and attitude towards juvenile justice. Should judges be dedicated to a juvenile rotation?
- Examine the progress of the Public Defenders Office in its pledge to deliver a vigorous defense of juveniles. Is this resulting in pre-trial detention?
- Examine the Youth Court Act. Should youth be able to waive their right to an attorney?
- Examine the sufficiency finding process in the Youth Court. Who makes this finding? Is it consistent across Montana?
- Examine the effectiveness of separate Dependency and Delinquency systems. Should cases be worked collaboratively and/or jointly?
- Examine case management of youth under the supervision of the youth court. Are sufficiency findings, risk assessment, sanctioning, and use of detention consistent across Montana? Should a standalone youth system be considered?

The Montana Board of Crime Control and Youth Justice Council can offer various support to the Law and Justice Interim Committee in its examination of the state's juvenile justice system. We invite you to contact MBCC staff members for assistance at 406.444.3604.

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