



Criminal Justice Coordinating Council Meeting Minutes
June 23, 2021
Zoom Meeting
12:00 p.m.

Mission: Lewis and Clark County's Department of Criminal Justice Services exists to improve the safety of the citizens of Lewis and Clark County and ensure the equitable and efficient treatment of defendants, offenders, and victims.

1. Call to Order & Reading of the Mission

Judge Menahan called the meeting to order and read the mission statement.

Members present: Commissioner Tom Rolfe, Mayor James Schell, Judge Mike Menahan, Leo Gallagher, Marissa O'Sullivan for Suzanne Seburn, Judge Anne Peterson

Member excused: Sheriff Leo Dutton, Chief of Police Steve Hagen

Members absent: Mayor Wilmot Collins, Gina Boesdorfer, Leah Lindgren, Justice Mark Piskolich.

Others in attendance: Gloria Soja, Pam Bunke, Mike Ferriter, Andy Shirtliff, Jolene Jennings, Stephanie Ballenger-Brooks, Tom Cordingley

Staff in attendance: Kellie McBride.

2. Introductions

Judge Menahan led introductions

3. Approval of Meeting Minutes

In absence of a quorum, approval of May meeting minutes was moved to July.

4. ~~Action Item:~~ Select Quarterly Meeting Schedule

Quarterly meetings approved in May monthly meeting. Quarterly meeting schedule set for October, January, April, and July. Additional meetings may be called by the Chair.

5. Pretrial Services – State Perspective – Mike Ferriter and Pam Bunke

Ferriter shared that, at the invitation of the Chief Justice, he and Pam have been working on the Pretrial Pilot project since 2017, when the Montana Legislature first created the Statewide program. Statute MCA-3-1-708 authorizes the Pretrial Pilot project and includes a variety of requirements:

- a. Specifies funding and funding allocation.
- b. Directs the State to contract with Counties.
- c. Requires use of a validated instrument. The State selected the Public Safety Assessment (PSA). The PSA is state of the art and used by over 300 jurisdictions around the country.
- d. Need to evaluate the effectiveness of the program.
- e. Mandate for an Advisory Committee appointed by the Chief Justice. One of the

members of the Advisory Committee is Lewis and Clark County's Sheriff Dutton.

Recently, Montana was selected as one of 10 Legacy sites resulting in mentoring from Indiana's Judge Spitzer, a national expert and champion of Pretrial programs. Spitzer is working with the State on perceived lack of confidence and comfort in the results of the PSA, and overall judicial confidence in utilizing the PSA and the prescribed monitoring levels. Ferriter noted that in spite the data and research supporting the PSA, there are several Judges who consistently override the PSA recommendations and add their own conditions.

Judge Spitzer met with State Pretrial Advisory Committee in June. He is scheduled to meet with Montana Judges in July. Spitzer compares the PSA to an insurance actuary table. The PSA identifies risk for arrest on a new charge and risk for failure to appear for court. Defendants are not on probation. Ex-probation officers can be the worst pretrial officers by adding a list of conditions. Probation and pretrial are not the same thing. The defendant is always innocent until proven guilty.

Spitzer also stresses the inappropriate overuse of electronic monitoring and drug testing. Research shows these conditions cause more trouble for defendants than the value they might include. Spitzer suggests the court ask "Why am I subjecting a person I know has a long history of addiction to testing?"

Ferriter reminded the CJCC that in the Interagency agreement section covering duties and responsibilities, Lewis and Clark County agrees to use the PSA, ensure the Automon system is used and maintained, and provide case management services.

Ferriter noted that Lewis and Clark County has an outstanding Pretrial program that is considered state of the art.

Pam Bunke shared there are five pilot counties plus Flathead and Cascade. In 2020, COVID gave a different view of the criminal justice system and threw the numbers. Since starting, Lewis and Clark County has performed around 3,000 assessments of which 2,100 cases have closed. Data shows improving numbers, each year, for defendants appearing for their court dates. New charges are up and down.

Pam noted that Yellowstone County Attorney and State Advisory Group Member Scott Twito has extolled the impact of text reminders. Twito wants to involve defendants in treatment process while pretrial.

Moving forward, the State is looking at a certification process. A formula will be designed to ensure counties will receive more funding if they meet certain criteria. Kellie agreed to email copy of interlocal agreement.

Kellie to email list of the Advisory committee.

The presentation concluded with a request for questions.

Commissioner Rolfe asked if the State recommends Peer Support Specialists work with defendants. Ferriter shared that each Pilot County is required to have a minimum of one Case Manager. Staffing is up to each County. Bunke noted that the most inclusive program is the one in Lewis and Clark as we look at mental health, substance use, homelessness, etc. Lewis and Clark County's program is encompassing of all issues and concerns and has a forward-looking staff.

Commissioner Rolfe suggested everyone watch the PBS Documentary: Definition of Insanity.

Judge Menahan asked about Lewis and Clark County's Pretrial Officers. Kellie McBride shared that the county's four Pretrial Officers are POST Certified by the Montana Law Enforcement Academy and Certified Pretrial Service Professionals through National Association of Pretrial Service Agency (NAPSA).

6. Action Item – OpEd for Independent Record explaining Pretrial Services

Kellie to draft an OpEd on behalf of the CJCC to let the community know what Pretrial Services is, what we are doing in Lewis and Clark County.

7. School Resource Officer (SRO) Working Group Report

Recommendations from the SRO Working group are being formulated into a formal report. Once the report is complete, Chief Hagen will update the CJCC

8. Citizens Advisory Committee – CAC Member, Tom Cordingley

CAC working on list of membership names to present to CJCC.

9. Public Comment

No Public Comment

10. Next Meeting: July 28, 2021

Agenda items and suggestions may be sent to Kellie McBride, Suzanne Seburn, or Judge Menahan.

11. Adjourn

Minutes approved on July 28, 2021