



Criminal Justice Coordinating Council Meeting Agenda

January 26, 2022

Zoom Meeting

<https://us06web.zoom.us/j/87563186124?pwd=cjU4VHdoa3oyTW95OWFPQnZXM2hpQT09>

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 – Suzanne Seburn

Suzanne asked Kellie McBride to read the mission statement.

Members present: Commissioner Andy Hunthausen, Judge Mike Menahan, Judge Anne Peterson, Leah Lindgren, Justice Piskolich, Gina Boesdorfer, Tom Cordingley, Suzanne Seburn, Captain Brad Bragg for Leo Dutton, Chief Brett Petty

Member excused: Leo Gallagher, Probation and Parole, City of East Helena

Members absent: Mayor Wilmot Collins,

Others in attendance: Mike Mahoney, Gloria Soja, Theresa Ortega, Connie Winner, Jolene Jennings, Charles Lane, Moffie Funk

Staff in attendance: Kellie McBride, Jillian Danesi, Jocelyn Olsen

2. Introductions – Led by Suzanne Seburn

Each CJCC member was asked to provide an agency overview and notate any needs, concerns, and achievements

- a. Suzanne Seburn: Suzanne is Managing Attorney at the Public Defender's Office in Helena.
 - 1) The Helena office represents indigent clients in Lewis and Clark, Broadwater, and Jefferson Counties. The State Public Defender's Office has recently undergone a restructure creating state-wide regions with regional deputies supervising managing attorneys. Suzanne's supervisor is based in Bozeman and supervises Great Falls, Helena, Havre, Lewistown, and Bozeman areas. The goal of the restructure is to provide more continuity and standardization across the State.
 - 2) Working on a new case management system.
 - 3) Biggest challenge faced this year is recruitment for new attorneys. They have had one vacant attorney position open since August with potential candidates noting the unavailability of affordable housing in Helena.
 - 4) They currently have 14 attorneys, a case manager, and staff members.
- b. Judge Mark Piskolich: one of the County's two Justices of the Peace. He is working with an attorney out of Kalispel who represents clients in his courtroom through Zoom.
- c. Mike Mahoney - CAC: Mike is retired from the Department of Corrections Montana

State Prison where he worked for 24 years, with the last 16 as Warden. He is interested in programming at the community level to stop the revolving door. He wants to see us work together in Lewis and Clark County to reduce recidivism.

- d. Leah Lindgren: Leah has worked with Juvenile Probation for 20 years and is the new Chief. They see a lot of youth who are 18 and 19 years old. Additionally, they work with parents. Leah has found the CJCC to be a great resource that she shares with others. Their office has six staff, and they hope to hire the position that oversees the community youth justice program in the near future.
- e. Judge Mike Menahan: Judge Menahan is one of four District Court Judges in Lewis and Clark and Broadwater Counties. He has been on the CJCC since the Council began. In 2013, when he was elected to the bench, he became the Chair.
 - 1) Judge Menahan referenced the documents distributed quarterly by the State Office of Court Administrator and pointed to the number of cases filed in First Judicial District as compared to the other 22 Judicial Districts. First Judicial District is the busiest District in the State and in the greatest need for additional judges. He shared that the District needs an additional 2-1/2 judges, with more cases filed per judge than any other District. The need for additional judges places stress on our District. If someone is obtaining a divorce and has an emergency petition to deal with custody issues with the children, it is impossible to get into court without waiting for months. Criminal matters take priority, youth in need of care take priority, and civil cases do not take priority. Civil cases are getting bumped because Judge Menahan is scheduling roughly 10 criminal jury trials every week and that is true of the other three judges as well.
 - 2) Judge Menahan has not had a court reporter since June 2021. His court reporter took a job in the Federal System where she is making twice the salary the State pays. Montana Court reporters are the least paid in the Country and it is expensive to live in Helena.
 - 3) Lewis and Clark County does not have room in the Court House to add another courtroom. To add another Judge, the County would need room for that Judge, including a Court Reporter, law clerk, and support staff.
 - 4) In the coming years something is going to break. Judge Menahan spoke with Beth McLaughlin at the State Supreme Court, Office of Court Administrator. McLaughlin suggested bringing in a Special Master to assist. Judge Menahan noted the County does not have a place or space for a Special Master.
 - 5) The County does not have a District Court level mental health court because there is no room and the four District Court judges do not have the time. For these reasons, Judge McMahon is considering disbanding Family Court.
 - 6) As far as Criminal Justice Coordinating Council, Judge Menahan finds the CJCC a valuable entity. When the CJCC began the Crisis Response Team (CRT) was based out of St Peter's Emergency Room. Through the efforts of the CJCC, the CRT is now mobile plus there is dedicated team of behavioral health staff located in the Detention Center. Ten years ago, the CJCC was looking at jail overcrowding. Today the County has a Pretrial Services Program, a reconfigured jail, and a reduced jail population. Most of issues this Council deals with do not have easy solutions. The meetings have gone from monthly to quarterly and the Council continues to look at long standing inherent problems. At times it may seem like the group is a little rudderless. Although when one looks at the County Criminal Justice Services

webpage, it is remarkable to see what we are doing.

f. Tom Cordingley – CAC:

- 1) As the Chair of the Citizens Advisory Committee, Cordingley listens to the citizens of the County and shares their voice to the CJCC.
- 2) Right now, the CAC lacks a focus and wants direction from the CJCC. Members need to get more engaged and the Committee struggles to achieve a quorum at meetings.
- 3) The CAC plans to question the data and ensure the County is following the voter's request for data.
- 4) Tom requested a Detention Center tour from Captain Bragg.
- 5) The CAC is looking for grants for Judge Peterson's DUI Court.

g. Judge Peterson:

- 1) Judge Peterson is the Helena Municipal Court Judge. In 2021, Municipal Court had roughly 1000 less criminal cases filed and 200 less traffic citations filed. Trials remained roughly the same at 3,741 by Judge. There were seven jury trials, up from three in 2020.
- 2) Judge Peterson has spoken with the City Commission regarding the need for another City Court Judge, possibly in 2024/25. The addition of a second Judge will require another courtroom and staff.
- 3) Changes in Municipal Court include the creation and implementation of Post Adjudication Supervision Services (PASS). Thirty-nine individuals have participated in PASS since formation in 2019. Thirteen have received credit for checking for house arrest through daily check-ins in lieu of house arrest. Fourteen have received credit toward their fines for attending behavioral health appointments. The Court is trying to stop revolving door by helping people move through their sentences without warrants issues.
- 4) Another change in Municipal Court is the implementation of Status hearings. Much like a Community Court model, Status Hearings are held Mondays and Fridays, for 45 minutes. Status hearings are a way for an offender to check in with the Court regularly, keep the Judge updated on their progress, and ultimately reduces the need for warrants and driver's license suspensions.
- 5) Judge Peterson continues to investigate implementation of a DUI Court and/or Mental Health Court. The City has approved using ARPA funds for a feasibility study for DUI Court.

h. Brett Petty Interim Police Chief:

- 1) Helena Police Department is short eight officers. One starts February 14th. The process of hiring officers is not small. Three years ago, HPD rewrote their background process and made it way more intense. The process is better and helps ensure quality hires. Of the four applicants who went through the background investigation in September/October 2021, none made the cut. Testing completed in January with four more candidates up for backgrounds. Two are at the Academy right now. One is currently in Field Training and should be on their own six week. Although they are short, shifts are covered, and they are maintaining 4-10/hour shifts.
- 2) Needs are focused on the Dispatch Center. Chief Petty stated this is critical. They absolutely need people. There are six dispatchers and two supervisors. The supervisors are filling in as dispatchers. All are working 12-hour shifts. Identifying mental health needs starts in Dispatch. The community needs to make sure Dispatch

is staffed and can handle the calls so the appropriate response can be sent for each call for service.

- 3) HPD's current Records Management System (RMS) system is antiquated. They have hired a consultant and are 18 to 20 months out for a new \$2 million CAD RMS system. The new system and new technology has the potential of providing the mental health numbers we currently struggle to obtain. Right now is difficult and the new system will assist.
- 4) HPD is teaming up with the County on a Cahoots program. Planning to create a founding group to lay the foundation. Cahoots will be molded to our community.

i. Commissioner Andy Hunthausen:

- 1) The Commissions role on the CJCC is to be the instigator and light the spark to get things going.
- 2) Big picture thinking includes looking at how to reduce the number of individuals in the detention center, make our criminal justice system uses best practices, move with the times, and be innovative. How do we fund those things? How do we start a new Department, provide Mental Health and substance misuse treatment in detention center, and how do we incarcerate those who need to be incarcerated and provide services for others?
- 3) Commissioner Hunthausen shared that he is proud of the work the CJCC is doing. If we have good data, we can make better decisions.

j. Connie Winner: Winner is the Department of Correction's Clinical Services Administrator and oversees all mental health, medical, and dental in the prisons. One of the biggest improvements has been the implementation of Electronic Health Records. DOC has been working on getting medications working correctly and tweaking the system so it works for DOC leadership. When someone goes to a County Detention Center, DOC can email the Electronic Health Records. DOC is currently experiencing a staff shortage although they have a lot of dedicated, long-term staff.

k. Captain Brad Bragg: Captain Bragg was promoted to the Detention Center position in December. He has been with the Sheriff's Office for 10 years as a Deputy. The Detention Center is dealing with staff shortages. On the sworn side, the Sheriff's Office is doing well with staffing. They have a lot of applicants from out of state. Captain is getting his feet wet and stabilizing the Detention Center so they can expand the different programs.

l. Charles Lane: Lane is an attorney with the County Attorney's Office, working and providing guidance on the Civil side. On the criminal side, the Office is down two prosecutors. The Office has been going through some growing pains on the implementation of a comprehensive case management system. The system, once fully implemented and used, provides the opportunity to integrate with the CJS data dashboard in the future and provide more information and context on demographics and the way charges are changed or dismissed.

m. Theresa Ortega – CAC: Ortega is a member of the CAC and Director of Good Samaritan Ministries. Good Sam's works with a lot of mental health needs in the community. Currently working on creation of an Intercept Zero program with CJS and HPD. The non-profit employs staff that love what they do, including being out late at night working with HPD.

3. Action Item: Approval of Meeting Minutes – Suzanne Seburn

- a. October 27, 2021 moved to April meeting for approval.

4. Criminal Justice Services Update – Kellie McBride

- a. Data Initiative Webpage: <https://www.lccountymt.gov/cjs.html>

Kellie led a tour of the Department's new webpage. The webpage is now a "Storyboard" with some imbedded data. The webpage represents a phased approach toward the end goal of complete criminal justice data. Kellie asked for continued feedback and committed to improving the webpages on an ongoing basis.

- b. Strategic Plan – Not discussed
- c. OCA - Pretrial bench book update/attachment – Not discussed

5. CAC update: Tom Cordingley

No update provided.

6. Public Comment – Parting comments from Judge Menahan

When a person with a mental illness is in crisis, Montana law gives law enforcement the legal authority to detain that person, called emergency detention, and have them evaluated by a mental health professional. In the past, HPD or SO Deputies would detain somebody and take them to the emergency room at St Peter's Hospital where they would often sit for a very long time before the emergency room doctor would conduct the evaluation. HPD and Deputies would spend hours at the hospital. That is where the community was 25 years ago. There were not a lot of resources. Back then a group would meet monthly to try to deal with these problems – County Attorney, Law Enforcement, hospital, and Golden Triangle. Now we have the CJCC, whose scope is far broader, to discuss this at a larger level. Helpful to have this mechanism, vehicle, in which we can all communicate with each other.

The Montana Legislature has an interim legislative committee called the Law and Justice Interim Committee. This Committee takes up problems that need to be taken up over the long term and that the 90-day legislature is not able to address. They have a number of issues they are tasked with during the interim. Some of the issues have to do with mental illness, some of the things have to do with Pretrial Services.... Kellie and Judge Menahan spoke on Pretrial Services before the 2020 Interim Committee. Last week Judge Menahan spoke along with prosecutors, public defenders, and mental health practitioners about Montana's mental disease statutes. The CJCC is not alone. These issues are systemic across the State. People in this committee should be aware of what the State is doing.

7. Next Meeting: April 27, 2022

If folks have things they want on the agenda, talk to Kellie or Judge Menahan. We will put you on the agenda. Happy to have this group facilitate communication between partners. If you are interested in a tour of the Detention Center, contact Capt. Bragg.

8. Adjourn

Meeting adjourned by Judge Menahan.

Chat Messages

-  **Seburn, Suzanne**11:15

I have to step away a minute. I will return shortly.

-  **Mark Piskolich**57:13

I have to bail...thank you everyone.

-  **Anne Peterson**01:09:59

Thank you all for your work. Reach out via email if you have any questions or concerns for Municipal Court

-  **Gina Boesdorfer**01:14:46

I also have to jump off for a 1 meeting. I am happy to do an intro and give an update at the next meeting.

-  **Gloria Soja**01:22:54

I apologize I do not have camera or mic access today. Reverend Gloria Soja, Montana Association of Christians. I am a social justice advocate, first responder chaplain, and concerned citizen.

-  **AHUNTHAU**01:29:25

Thanks to all for your good work.