



Criminal Justice Coordinating Council Meeting Minutes
May 26, 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, Christin Thennis, Mayor James Schell, Judge Mike Menahan, Leo Gallagher, Leah Lindgren, Suzanne Seburn, Chief of Police Steve Hagen, Judge Anne Peterson, Justice Mark Piskolich.

Member excused: Sheriff Leo Dutton.

Members absent: Mayor Wilmot Collins and Gina Boesdorfer.

Others in attendance: Theresa Ortega and Gloria Soja.

Staff in attendance: Kellie McBride.

2. Introductions

Introductions were skipped.

3. Approval of Meeting Minutes

Chief Hagen moved to approve the minutes from the March 24, 2021 meeting. Motion passed.

4. Action Item: Amendments to Bylaws – Judge Mike Menahan

Judge Menahan reviewed suggested changes to the bylaws and directed members to review the marked-up bylaws received with today's meeting information. Mayor Schell moved to approve the changes to the bylaws and motion passed.

- a. Update the Mission Statement.
- b. Update membership to include the County's two Justices of the Peace (JP) and to include the selection process for which JP will be named to the CJCC.
- c. Change CJCC meetings from monthly to quarterly. Judge Menahan reminded members the suggestion had been made by Chief Hagen at the March 24, 2021 meeting. In the event an issue arises requiring CJCC involvement an ad hoc meeting can be called and posted to meet public notice requirements.
- d. Other changes included in marked-up bylaws and not highlighted at meeting:
 - 1) Change department name from Restorative Justice and Court Services to Criminal Justice Services.
 - 2) Change Citizens Advisory Council to Citizens Advisory Committee.

5. Membership Update – Judge Mike Menahan

Judge Menahan advised that Gina Boesdorfer will replace Jenny Eck as the CJCC's representative of victims of crime.

6. DUI Court – Judge Anne Peterson

Judge Peterson provide an update on DUI Court and PASS:

- a. She and her staff attended the National Foundational training in March. The training leads toward the creation of a DUI Court. The goal is to submit the Federal grant application Spring 2022 and implement the DUI Court in August 2022. Staff are working on contracts and setting up the Court. Concerns include:
 - 1) Not having a Public Defender during the creation of the Court. Staff are hopeful that OPD can assign someone to work with them. Suzanne Seburn will be in touch with Judge Peterson to discuss further.
 - 2) Federal grants are difficult to write. Staff are working with Bozeman to learn how Bozeman hired the grant writer who wrote their grant proposal. Judge Peterson is exploring options to hire a part time grant writer. Goal is Federal grant application submitted in Spring and official start August 2022.
- If anyone would like to attend a Billings DUI Court via Zoom, Judge Knisley would welcome their attendance.
- Judge Menahan asked who is eligible for DUI Court. Judge Peterson explained that, ideally, they will focus on second and third DUIs and preventing a fourth DUI which would be a felony. She shared that Judge McMahan and several defense attorneys have requested the DUI Court take felonies and she is not opposed to this. They will take misdemeanors from both Justice Courts if Judges Piskolich and/or Swingley refer people. The court can take the place of WATCH for fourth offense DUIs.
- Judge Menahan pointed out that if there are defendants seeking DUI Treatment Court for felony DUIs who have already been to WATCH, they may be trying to avoid going back to WATCH by attending DUI Treatment Court. Judge Menahan stated there is concern among District Court Judges that if they send felony DUI offenders to DUI Court in lieu of the WATCH program, the WATCH program will no longer have enough clients to be operable. Judge Peterson had not heard that concern. She shared Judge McMahan's concern for offenders who had already been to WATCH: is there a way to keep those offenders in the community but more successful and less of a risk to the public. Christin Thennis is concerned with offenders avoiding inpatient treatment when a Licensed Addictions Counselor has determined a need. However, she believes this is specific to the client.
- b. PASS – The Post Adjudication Supervision Services (PASS) Program is for individuals with diagnosed mental health disorders who are found guilty of their misdemeanor charge(s). There are currently no active PASS participants. The program averages four people at any given time. She is seeing success with sentence completions and people appearing in court. From her standpoint she is seeing success. She has had people ask to be assigned to the program. Kellie McBride shared that the recidivism rate for the PASS participants is lower. Judge Peterson welcomes recommendations for the PASS program from Defense

attorneys and Pretrial Officers.

7. Memo: Updated Judicial Branch COVID19 Protocols – Suzanne Seburn

Seburn brought attention to the COVID19 Protocols memo issued by Chief Justice McGrath and included in the packet of materials for today's meeting. Judge Menahan said the Civic Center will continue to be used to select juries for at least the next month. District Court Judges will ask jurors to what degree they are comfortable with social distancing and masks. He will accommodate those who are wearing masks and social distancing and will defer to the sense of the jurors.

8. Citizens Advisory Committee – CAC Member, Theresa Ortega

No Report.

9. Public Comment

- a. Judge Menahan addressed the current issue of School Resource Officers (SROs) being highlighted in the news. He noted the misinformation proponents of removing SROs put forth. He highlighted the mental health work currently happening across the county including providing all law enforcement with crisis intervention training, the implementation of dedicated therapists in the Detention Center, and the Mobile Crisis Response Team. He asked Chief Hagen if it would be helpful for the CJCC to share this information with City Commissioners.

Chief Hagen shared that there is currently no discussion to remove the SROs. A dedicated working group is creating an MOU and the Mobile CRT is responding to calls from the schools.

Chief Hagen shared that he would like to see the CJCC involved with the design and implementation of diversion programming. He cited the Cahoots Program out of Eugene, Oregon.

- b. Judge Menahan shared an overview of the Racial Equity series in which he and Judge Piskolich are participating. The series is provided by the National Network of Criminal Justice Coordinating Councils (NNCJCC). Lewis and Clark County is one of only 30 CJCCs from across the country named to the NNCJCC. Judge Menahan highlighted Lewis and Clark County's ability to work collaboratively as one of the reasons we were selected to a body of high performing CJCCs. He pointed to our prosecution, defense, and law enforcement approaching change with an open mind. The NNCJCC has a conference every year and this year held the conference via Zoom and focused on racial equity. Judge Menahan noted the one-year anniversary of George Floyd's death, and that racial equity is the driving force behind many CJCCs around the country. The conference is facilitated by a professor from the University of North Carolina who teaches classes on African American History and Racial Equity. One focus is on how to bring different players to the table and find common ground to address community problems.

10. Next Meeting: June 23, 2021

If you have agenda items tell Kellie McBride, Suzanne Seburn, or Judge Menahan.

11. Adjourn

The meeting was adjourned at 12:33 p.m.

Minutes approved on July 28, 2021.