

Criminal Justice Coordinating Council  
Meeting Agenda: November 20<sup>th</sup>, 2020 from 10:30-12pm  
Virtual Meeting – Microsoft Teams

1. Welcome (10 minutes)

**a. Roll Call: Members- voting and non-voting**

**Present at the meeting were:** Alex Hall, Amy Sings In The Timber, Ann Miller, Courtney Callahan, Jake Coolidge, Erin Kautz, Judge Leslie Halligan, Alderwoman Heather Harp, Chief Jaeson White, Jan Staton, Jenny Daniel, Jon Cammack, Judge Kathleen Jenks, Commissioner Juanita Vero, Alderwoman Julie Merritt, Kyla Talbert, Keithi Worthington, Kelly McGuire, Kim White, Kim Lahiff, Judge Landee Holloway, Laurel Hesse, Laurie Pope, Levi Anderson, Suzanne Kratina, Carrie Gibadlo, Ryan Aiken, Chris Lounsbury, Anne Hughes, Tom Luscombe, Myshell Lyday, Natalie Michelaides, Quinn Ziegler, Kristen Jordan, Rebecca Goe, Senator Diane Sands, Senator Ellie Boldman, Shantelle Gaynor, Sheryl Ziegler, Jennifer Streano, Representative Danny Tenenbaum, Terry Kendrick, Theresa Williams, Thomas Eberly, Glen Welch, Laurie Francis, Jordan Gross, Caitlin Borgmann, Eva Curnow, Robin Hammond, Jenea Butler, Jim Morton, Maylinn Smith, Jen Molloy

**b. Acknowledgement of Country**

Judge Leslie Halligan: "I would like to acknowledge that this meeting is being held on the traditional homelands of the Salish and Pend d'Oreille and to acknowledge those Tribes' contributions to area both historically and currently."

2. Updates (10 minutes)

**a. Open call for any updates from members and alternates related to CJCC business**

3. Safety and Justice Challenge Grant Renewal (65 minutes)

**a. Overview of SJC Grant**

Thomas Eberly, Program Manager with The Justice Management Institute, gave a brief overview of the MacArthur Foundation's Safety and Justice Challenge (SJC) renewal grant.

- Goal to safely reduce populations in jails across the country and address ethnic and racial disparities in the criminal legal system.
- Missoula county developed a plan to accomplish these goals within a two-year period. Results have been modest. The goal was to reach an average daily population of 149 county inmates. The average population has gone down but this is the result of procedures that were put in place due to COVID.
- Successes from other communities include:
  - Diversion from arrest
  - More emphasis on release on recognizance vs. financial bond
  - Strategies related to case processing
  - Expansion of pretrial services

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**b. Data-Driven Priority Areas for Renewal Grant**

Thomas Eberly, Program Manager with The Justice Management Institute, gave a presentation on two analyses of the Missoula County jail, a tracking analysis and a snapshot analysis, which were conducted to help decision-makers identify potential new strategies for achieving SJC goals.

Contributors to what drives Missoula's Jail Population

- Failures to Appear (FTAs)
- Probation Violators
- Pretrial Revocations
- Increase in average length of stay among felony pretrial defendants

**c. Stakeholder Input and Solutions from Interviews**

Thomas Eberly, Program Manager with The Justice Management Institute, presented results from the SJC Renewal Grant Strategy Development Exercise, which used stakeholder feedback to identify six challenges for the Missoula County criminal justice system in relation to the SJC renewal grant.

**d. Identified Challenges and Strategies for each included**

- Failures to Appear (FTAs): Defendants fail to appear for court and are rearrested on bench warrants. Possibly the most significant driver of the jail population.
- Analysis showed that courts have been accommodating and regularly give people multiple chances to appear before issuing a warrant.
  - Strategies include:
    - Improve court reminders.
    - Create a community-supported release program: where you refer to a community-based organization who makes sure individuals have a plan and what they need to show up to court.
    - Limit the number of hearings defendants must attend, especially in municipal and justice courts.
  - Other Suggested Strategies:
    - Avoid having defendants wait for excessive amounts of time for court hearing.
    - Improve specificity on warrants regarding release conditions after arrest.
    - Establish remote locations for defendants to attend court hearing via video conferencing.

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- Train pretrial services and public defenders to routinely remind defendants of court hearings.
  - Increase mobile phone loaner program for court reminders and contact with public defender.
  - Redesign summonses/citations so that they are easier for individuals to read and understand.
- Feedback and Comments included:
    - Courts have transitioned to virtual hearings due to COVID, which has increased technological options for courts.
    - People are still having a difficult time tracking when their court appearances are. An easy to use system would be helpful.
    - Failures to Appear have increased in Municipal Court. Procedures put in place due to COVID may be a contributing factor.
    - Improvements to reminders is not supported by the state's IT Department. Might be difficult to fix on a county level.
    - Continuances and other changes to court dates may be a contributing factor.
    - Some counties are using Doodle to schedule hearing dates.
- Probation Violations (PVs): Probationers are violated for non-compliance or absconding and return to jail
    - Strategies include:
      - Place a dually licensed SW to assess SA and BH in probation (and ease burden on PD's Office).
      - Improve evaluation process and risk-based approach.
      - Adopt practices to reduce compliance violations in municipal court (similar to state).
    - Other Suggested Strategies:
      - Create a PSA bench book for the judges.
      - Ensure that imposed pretrial conditions correspond to risk level, especially in using electronic monitoring.
      - Impose the least restrictive conditions necessary to ensure court appearance and no new criminal activity during pre-trial stage.

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- Pretrial Revocations (PRs): Individuals on pretrial release are not complying with release conditions and are revoked
  - Strategies include:
    - Fix the Public Safety Assessment (PSA) assessment process so that people have trust in the tool.
    - Re-assess drug testing practices and establish new policy.
    - Assess the impact of fines and fees.
  - Other Suggested Strategies:
    - Purge old traffic and misdemeanor warrants, with exceptions
    - Conduct warrant clinics (i.e., warrant amnesty) to cure outstanding warrants: specifically, for municipal and traffic cases.
    - Address frequent system utilizers.
    - Adopt procedural justice practices exists to make the system seem fairer to the defendant and make sure they understand what is happening with their case, including all forms and paperwork.
    - Increase the number of sober living houses.
    - Improve court notification of release conditions to jail staff.
- Pretrial Length of Stay (LOS): Time to disposition is increasing for incarcerated defendants primarily because of the impact of COVID on daily court operations
  - Strategies include:
    - Inventory cases through a case review process to identify which backlogged pending cases to be put on a fast-track for disposition: this has been very successful in other jurisdictions.
    - Adopt scheduling orders.
    - Improve calendaring process and communication regarding court dates.
  - Other Suggested Strategies:
    - Schedule trial at arraignment.
    - Review statutes and executive orders to identify which cases must be held in person and implement use of video for all other matters.
    - Improve scheduling when defendant has multiple cases.
    - Create court teams for plea dockets or engage retired/visiting judges for special assignment of cases in backlog.

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- Implement case management plan to assign cases to processing tracks based on complexity to allow for non-complex cases to be streamlined and to establish case processing time standards.
- Justice Operations (JO): Justice system resources are stretched thin and create hardship on agencies and their staff and agencies.
  - Strategies include:
    - Develop a release support specialist position: this position would be at the jail, supporting people and the verge of being released. Would make sure they have what they need to successfully re-enter the community.
    - Create a jail population manager position: responsible for going through the jail roster, identifying people who could be released, make sure there is a pathway for people to receive treatment
    - Expand the use of diversion: especially pre-arrest diversion to prevent people from entering the system in the first place.
  - Other Suggested Strategies:
    - Purge old traffic and misdemeanor warrants, with exceptions.
    - Conduct warrant clinics (i.e., warrant amnesty) to cure outstanding warrants.
    - Address frequent system utilizers.
    - Adopt procedural justice practices.
    - Increase the number of sober living houses.
    - Improve court notification of release conditions to jail staff.
  - Feedback and Comments included:
    - Municipal Court has been purging warrants for about a year.
    - UM Law School could possibly assist in the future.
- Racial and Ethnic Equity (REE): Persons of color have disparate outcomes in the criminal justice system, especially the Native population.
  - Strategies include:
    - Create a Native peer support specialist/advocate: would make sure that people understand how to court process works and have the resources they need to fulfill court requirements.

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- Produce data dashboards specifically on race and ethnicity: this would help track trends in disparities, which is something that became especially apparent during COVID.
- Ensure that all new SJC strategies are equitable to all individuals regardless of race and ethnicity.
- Other Suggested Strategies:
  - Follow recommendations of BIPOC subcommittee
- Feedback and Comments included:
  - There are unique challenges for refugees in our community that are involved in the criminal legal system, including language barriers.

**e. Selection of Strategies to Explore/Pursue**

Thomas Eberly led the group in a discussion on how to identify and proceed with identifying 5-7 specific strategies for the renewal application.

- Comments, Questions, and Feedback included:
  - Fines and Fees: create a presumption that is the person qualified for a public offender, that they are unable to pay for fees.
  - Peer Support: how could we implement more peer support specialists? One specialist for everyone in jail might defeat the purpose if that position would not have the bandwidth to develop individualized, meaningful relationships.
    - A smaller group could look at the budget and determine how many positions could be hired.
  - Funding for required treatment programs: money is a barrier and it would be helpful to prioritize funding for treatment.
    - Municipal Courts face specific financial requirements.
  - Assistance from the state: the legislature can be an advocate for funding at the state level.
    - Medicaid Expansion has helped defendants access treatment.
  - Statewide Notification System: NACO might be able to lobby on this at the Capitol.
    - The Judicial Branch is unable to focus on this issue at this time due to capacity and finances.
  - Sober Living: the new Governor elect is interested in this issue and could be an ally.

**f. Approval of previous meeting minutes from September 25<sup>th</sup>, 2020**

**g. Next Steps**

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- Tom suggested the formation of a working group that would whittle down the list of ideas to put in the grant.
- A second survey could be sent out to assist with narrowing the choices.

**ACTION ITEM:** Kristen Jordan will send out a survey to interested participants.

**ACTION ITEM:** Send ideas via the survey or by email to Kirsten by the end of November.

**ACTION ITEM:** Kristen Jordan will follow-up with individuals who expressed an interest in discussing data that indicated longer lengths of stay for Native Americans in the county jail.

#### 4. Public Comment (5 minutes)

Comments from the public included:

- Clear warrant calendars: could be scheduled regularly in District Court.
- Daily Court Calendars: copies could be put on city busses.

#### 5. Closing

Next meeting: January 22<sup>nd</sup>, 2021 from 10:30-12