

Jail Diversion Master Plan Update  
April 18, 2018

Missoula City and County adopted the Jail Diversion Master Plan (JDMP) brought forth by Sheriff McDermott in November of 2016 and have been evaluating the 40 recommendations for non-assaultive defendants with an eye to timing, potential partners and funding. This first year has been characterized by making operational and low- or no-cost changes while beginning discussions and building partnerships around the forward movement of some of the more complex, expensive recommendations, such as a drop-in center and permanent supportive housing. It is important to keep in mind that those with non-assaultive charges only generate a portion of the inmate population in the Missoula County Detention Facility (MCDF). From July-December 2017, although they accounted for 41.7% of bookings, snapshots of non-assaultive defendants in custody on the first day of each month reveal they made up 30.8% of the population. The average length of stay for this population was 8.5 days compared to 13 days for the overall population. Non-violent misdemeanors (the misdemeanor sub-set of non-assaultive charges) accounted for 30.4% of total bookings during this same period, but were only an average of 2.9% of the population on the first day of each month and had an average stay of 3 days. In the JDMP, recommendations for the non-assaultive population were categorized as behavioral health, pre-sentencing and post-sentencing.

Four recommendations around behavioral health involve Crisis Intervention Teams (CIT), including providing resources, working with hospitals, engaging in statewide efforts, and encompassing cultural humility in CIT training. Both City and County first responders and community stakeholders are active in CIT and continue to address these recommendations. It was also advised that emergency detention units be built. With support from State and County funding, Western Montana Mental Health Center constructed two involuntary emergency detention beds with compassionate supervision by trained behavioral health specialists for people in a mental health crisis. Justice of the Peace Landee Holloway currently oversees a DUI court and has applied for a grant to advance plans to implement an evidence-based model, as suggested by the JDMP. Sheriff McDermott recently issued a request for proposals (RFP) and plans to award the \$1.2 million medical contract for MCDF to Planned Parenthood, which will address three additional behavioral health recommendations by 1) improving access to prescription medications through an alternate formulary and adding four hours a week of a medical provider specially trained in the diagnostics and prescribing of psychiatric medications for complex cases, and 2) providing a healthcare navigator who also 3) performs re-entry assistance through coordinating community resources for inmates upon release.

In March, Missoula County was awarded funding for a Supportive Housing Program for returning citizens through the Montana Board of Crime Control (MBCC). Promoting the use of a Housing First model, the MBCC sought applications that could help provide housing for individuals returning to their community. Missoula County was one of four counties to receive funding and will work with the District XI Human Resource Council to staff a Re-entry Case Manager and a Housing Stability Coordinator, as well as provide a limited amount of rental assistance funds.

The JDMP goes on to recommend additional social workers and programming in MCDF to create better outcomes for inmates. Under Sheriff McDermott's leadership, MCDF has begun bringing in several groups to aid in providing incarcerated individuals services, such as yoga and parenting classes, and has built an in-house behavioral health team. Providing behavioral health treatment in the jail is a daunting task. In 2017, 59 chemical dependency evaluations were completed by the half-time licensed addiction counselor (LAC), out of 98 requests. The LAC is one of 3.5 staff positions on the team at MCDF. Also in 2017, 252 juveniles were seen in group and individual mental health sessions, as were 2,380 adult individuals. Of these, 43% were identified to meet the criteria of severe and disabling mental illness, 38% identified as homeless, and 43% had a co-occurring disorder. This staff responded individually to 3,692 mental health requests from inmates. Further, 133 suicide assessments were completed and 39 individuals were diverted from MCDF to a mental health facility. The caseload is overwhelming, and discussions are ongoing about what additional positions would be the most efficient use of funding to provide the most relief in workflow and community need. The provision of mental health services, including re-entry assistance and case management, helps link exiting inmates to services in the community to reduce recidivism and support the development of productive citizens.

In 2017, Missoula County was awarded a 15-month grant to address the disproportionate number of Native Americans incarcerated at MCDF by conducting culturally-sensitive interviews of inmates who identify as Native American to gather their perception and experience with services, their engagement with cultural identity, and how incarceration may affect their life plans; introducing cultural programming within MCDF; and providing cultural safety training to all MCDF staff. This aligns with the JDMP recommendation to increase culturally appropriate programming at MCDF and can help provide guidance for future work to reduce recidivism.

Evaluations of several of the pre-sentencing recommendations have shown that conditions do not currently support pursuit. For example, instead of adding a booking clerk at MCDF as recommended, Missoula County supported the hiring of four additional detention officers to maintain full staffing in this high turnover position to ease time constraints that restrict collection of accurate booking data. Increased court hours would be difficult; court staff and judges, public and private attorneys, public defenders, and transport staff would have to work alternate hours and incur increased personnel costs. Since there is not consensus that implementation would yield better outcomes, this recommendation will not be enacted without further research. A work release program will not be feasible until MCDF is consistently less than 80-90% full, and work program flexibility may take the form of scheduling adaptability or alternate sanctions versus program removal rather than the recommended flexibility with arrival time. Law enforcement will continue to execute nonviolent warrants primarily during court hours to keep those costs low and reduce unadjudicated jail time, and judges will continue to prioritize court dates for jailed defendants in most circumstances as recommended. Defendants will continue to receive notifications of non-payment and consequences from the court in lieu of monthly billing statements.

The JDMP recommended crediting individuals \$15 an hour for community service. This was implemented in both Justice Courts and Municipal Court on April 1; judges simply adjusted the hours required based on the hourly credit to eliminate the individual's debt owed. Increased accountability for private supervision programs like pre-trial supervision, as well as for post-sentencing programs such as misdemeanor

probation and community service were recommended, as were increased electronic monitoring and use of an evidence-based risk assessment. Missoula County is releasing an RFP this quarter that will address these recommendations.

Beginning in April, Missoula will attend to several recommendations by piloting a pre-trial diversion program by the Montana Supreme Court. The 2017 legislature mandated the use of an evidence-based risk assessment and made recommendations for managing defendants who are released awaiting trial. The Arnold Foundation was contracted to develop this project to maximize public safety, court appearance, and the appropriate use of bail, release and detention. Judges will have the Public Safety Assessment, a risk assessment tool that analyzes each defendant's current and prior criminal conduct and previous failure to appear in court, available as a part of their decision-making process. Research-based factors, including a focus on violent offenses, provides a judge with information about whether a defendant can be successful in the community while awaiting trial. Therefore, this addresses more than just the sub-population targeted by the JDMP and will be performed on all people with new criminal charges booked into MCDF. After refining, the tool will be utilized statewide. Missoula County will receive state funding to assist defendants awaiting trial to remain law-abiding, at work and participating in necessary support services. This effort will also satisfy another recommendation by including texting court reminders to defendants. Implementing an evidence-based risk assessment is a significant step towards reaching national best practices in justice systems as well as accomplishing recommendations of the JDMP.

Although this update does not address every recommendation, it provides an overview of what has been done in the past year regarding non-assaultive defendants. There has been success on several fronts. Moving forward, we will push into the more expensive and complex strategies that will have positive impacts on other sub-populations as well. The City, County and multiple community-based private and non-profit groups have partnered on the issue of attainable housing. State funding for mental health services was severely cut last session, and the community is grappling with how to move forward with integrated community care. As we know too well, lack of housing, mental health care, and substance abuse treatment are drivers of crime and recidivism. We appreciate the support from the community while building these initial efforts, and look forward to the continued positivity and collaborative spirit of Missoula as we work towards long-term goals and outcomes.

Respectfully submitted,

Nicole "Cola" Rowley PhD, Missoula County Commission  
Michelle Cares, Missoula City Council