

Criminal Justice Coordinating Council – Meeting Agenda: August 13th, 10-12pm

Missoula County Administration Building B-14

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

Present at the meeting were:

Judge Leslie Halligan (CJCC Chair), Mayor John Engen, Commissioner Josh Slotnick, Chief Marty Ludemann, Chief Mike Brady, Undersheriff Rich Maricelli, Judge Alex Beal, Judge Landee Holloway, Judge Kathleen Jenks, Judge Ethan Lerman, Jennifer Streano, Keithi Worthington, Kirsten Pabst, Jordan Kilby, Anna Conley, Eran Pehan, Theresa Williams, Ivan MacDonald, D'Shane Barnett, Ann Miller, Kim Lahiff, Sheryl Ziegler, Chris Lounsbury, Michelle Cares, Julie Merritt, Shantelle Gaynor, Jenny Daniel, Sue Wilkins, Steve Deibert, Jenny Clark, Assistant Chief Scott Hoffman, Erin Kautz, Quinn Ziegler, Kristen Jordan, Jana Staton, Frank Knaack,

Acknowledgement of Country

- **Business**
 - a. CJCC Foundational Documents*
 - i. Draft By-Laws: Comments and Approval*

Round table discussion of by-laws, including:

- Voting and non-voting members discussion.
 - All proposed non-voting members were made voting members:
 - Native American Liaison
 - ACLU Montana
 - Missoula Correctional Services
 - Clerk of District Court
 - Members who might gain financially from votes at a CJCC meeting will recuse themselves.
 - There will be no non-voting members.
- Additional Memberships proposed, including:
 - University of Montana Chief of Police
 - US Attorney
 - MT Highway Patrol
 - MT Innocence Project
- Members agreed that since the CJCC is a policy advisory board, collaboration amongst various criminal justice stakeholders was important, including those not traditionally considered part of the criminal justice system.

MOTION:

Made by Kirsten Pabst to add the UM Chief of Police, Missoula Correctional Services, MT Highway Patrol, ACLU MT, the Native American Liaison, Clerk of District Court, and the MT Innocence Project as voting members to the CJCC. Seconded by Sue Wilkins. Passed by members present.

- At large members:
 - Will be at least three and no more than five.
 - Will include someone with lived experience
 - Will be voting members
 - Will receive an orientation to the CJCC and its processes

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- Will serve terms of two years with one consecutive
- Position Terms:
 - Elected officials will be the CJCC representative and will serve on the CJCC their entire term.
 - Agencies will decide who to send and that same person will commit to one year.
- Quorum:
 - Unfilled positions will not count toward a quorum.

MOTION:

Made by Michelle Cares that a quorum is a majority of voting, identified members. Seconded by SK Rossi. Passed by members present.

- Meeting lengths
 - Agreed by members that meeting lengths will be finalized based on final agenda.
 - A draft agenda will be sent to members, two weeks prior to a meeting.
 - A final time will be confirmed by a final agenda, no later than one week before a meeting.
 - Meeting length the first few months of the CJCC might run long due to CJCC development requirements.
 - Week, day, and start time to be confirmed and entered into By-Laws.

MOTION:

Made by Judge Leslie Halligan to pass the By-Laws with changes discussed. Seconded by Ivan MacDonald. Approved by members present.

ACTION ITEMS:

- Kristen Jordan will see if the MacArthur Foundation can provide compensation for at large members who do not have work time support to attend.
- Kirsten Pabst will contact the US Attorney and MHP members.
- CJCC Members will email at-large membership recommendations to Kristen Jordan for discussion at next CJCC meeting.
- CJCC Members will email Kristen Jordan to register interest, if any, in participating in the Expert Working Groups.
- CJCC Members will complete the poll to register their availability for future meetings. Check your email for the link to the survey!

ii. Draft Strategic Plan: Comments and Review

The Draft CJCC Strategic Plan was tabled for review, discussion and approval at next CJCC Meeting.

ACTION ITEMS:

- CJCC Members are to send feedback and new ideas to Kristen Jordan before the next meeting.

b. Final Sequential Intercept Mapping (SIM) Results- for informational purposes

i. Final SIM Report

Erin Kautz, Grants Administrator for the County provided background, context, and orientation of the Final Sequential Intercept Mapping Report.

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- The SIM exercise provided opportunity for stakeholders to come together and identify where in the legal system people with mental health issues interact with law enforcement.
- Two SIM exercises have been done within the Missoula Community:
 - 2015 and 2019
- Facilitated by a MacArthur Foundation consultancy.
- Recommendations are Strategy Five, of the Final MacArthur Strategies that the CJCC will work on.
- Some recommendations will be funded by the MacArthur Foundation and others will need local funding support.

ii. Final SIM Map

To be noted by members present.

c. Stress Test Results – for informational purposes (10 minutes)

i. Final MacArthur Strategies

Erin Kautz, Grants Administrator for the County provided background, context, and orientation of the Final MacArthur Strategies.

- MacArthur Facilitated- Feb 2019
 - 30-40 criminal cases were chosen at random, which was done by an independent consultant, with help from the Missoula County Detention Facility
 - Details of how these cases were processed through the existing Missoula criminal justice system were discussed in the context of how they could have been processed better.
 - Recommendations from this exercise now make up the Final MacArthur Strategies, upon which, the county received a \$700,000 grant to implement.
 - There will be another Stress Test when Missoula County is up for review under the MacArthur Grant it received.
- Presentations with time for questions:
 - a. Kirsten Pabst- Calibrate Program: Update*
- Calibrate was developed with the assistance of the Center for Court Innovation and the Association of Prosecuting Attorneys (APA). It was customized by Kirsten Pabst and Lucy Clouse, relevant to Missoula.
- A grant from APA and Bureau of Justice Assistance (BJI) provided technical assistance to create a model/workflow.
- Eligibility: Cases involving misdemeanors and first-time felonies will be considered for diversion under Calibrate, except:
 - DUI cases
 - Cases involving large-scale drug trafficking
 - Cases where the defendant is on active supervision
 - Cases involving violence
 - Sex offenses (either as the instant charge or appearing on the criminal record)
- A Program Coordinator has been hired, funded by the MacArthur Grant received by the County. It is a two-year position, at present.

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- Ms. Pabst would like to get feedback regarding Calibrate, including unintended consequences.
- Guidelines for choosing participants will include risk/needs assessments- first time, non-violent offenders
 - Will reduce jail populations
 - Help folks early on
 - There are many different assessments that can be used, yet to be chosen
- Questions and comments from CJCC Members included:
 - What are the criteria?
 - Meth addicts are too high risk for now, but will be looked at later
 - Exclude violent, family and sexual crimes at first
 - Does it wrap in social service?
 - There will be a full-spectrum approach
 - City Attorney is interested in the program too
 - How many people?
 - 20 folks in the first year
 - Wants the program to have over 100 folks when it's up and running
 - Is there a policy guide?
 - Restorative justice?
 - Ms. Pabst will forward the statute to members to show details
 - It's similar to a traditional mediation process

ACTION ITEMS:

- CJCC Members are to provide feedback on intended and unintended consequences of the Calibrate Program to Kristen Jordan before the next CJCC meeting.
- Kirsten Pabst will forward the statute to CJCC members to provide more detail.

b. Ivan MacDonald- Native American Liaison at the Jail

- Ivan MacDonald has a background in mental health and criminal justice. His current work at the jail is focused on culturally relevant services, specifically:
 - Group work from the White Bison Organization
 - Mending Broken Hearts
 - Understanding historical trauma as it relates to Native American people.
 - Groups are for Native Americans and non-Natives
 - One-on-one counseling within the jail is with Indigenous People and is grounded in Indigenous People identity
- Mr. MacDonald has 8-11am every Monday morning and is hoping for more hours. He is adapting his hours to evenings and weekends which is when there is more time open at the jail.
- Comments and questions from CJCC Members:
 - The Jail doesn't have a lot of space/program rooms and what they do have are used by the lawyers. Unfortunately, time is limited for everyone due to all of all the programming already at the jail.
 - Is there a way forward?
 - A new building? Housing units cannot be blended and there are only three classrooms. It becomes a matter of volunteers vs folks who are there to their job, like lawyers. Volunteers do operate in the evenings as well.

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- Flathead Reentry program (CSKT Defenders) is coming into the jail and they will work to collaborate with Mr. MacDonald.
- Mr. MacDonald was asked what he needs from the CJCC?
 - Mr. MacDonald mentioned that he needs the following to be effective in the jail:
 - Materials costs- funds available within the MacArthur Foundation Grant, materials just need to be identified.
 - Liaising/relationship building with other service providers.
 - He's also working on his LAC, hopes to be done by the end of this calendar year, which will allow him to have more and different access to inmates awaiting CDEs.
- c. Judge Halligan mentioned that implementing shorter CDEs to move folks through the jail and the legal system more quickly would be useful and something for the group to consider.

c. Judge Landee Holloway- Public Safety Assessment tool

- Pilot program set by 2017 legislature, with five participating counties. Missoula County received about \$210,000. The PSA Pilot Project is overseen by the Office of Court Administrator.
- The CJCC Department is taking the position from Justice Court and has just hired a new PSA Coordinator who will be starting September 3rd.
- The specific PSA tool was developed by the Arnold Foundation:
 - 9 questions from criminal history and booking sheet
 - Non-interview based
 - The PSA score is derived from the above and then forwarded to judge to make a decision regarding pretrial supervision.
- Judges will use the score to assign pretrial monitoring conditions, but still have ultimate decision-making capacity to set bail and pretrial conditions.
- MacArthur foundation is providing technical assistance which is good since the state rollout was a bit under-supported. Team meetings are occurring regularly in Missoula on how to roll it out and use it. Training still needs to be done with District Court Judges to smooth the process out.
- Last legislative session took out DV assessment requirement, Missoula may implement that again.
- Questions and comments from CJCC Members
 - DV limitations- do offenders still get a PSA score?
 - Yes there are limitations in the Decision-Making Framework- DV gets bumped up automatically to a Level 2 active
 - PSA tools are biased against people of color-
 - CSKT has a PSA tool that regulates for bias
 - Still working to validate it
 - But there isn't currently a tool that has been validated for people of color
- a. PSA needs data-
 - The Supreme Court needs the data on successes to decide if they want to roll it out statewide
 - It was suggested that Missoula County have a PSA that works for us. This is an opportunity to look at various tools that work with our specific populations.

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- CSKT Tribal Defenders are going to do some dual screening, including using Native and White based tools and look at the outcomes
 - b. To law enforcement:
 - What is the status of looking at screening tools in the field?
 - These tools assist judges in making decisions based on questions raised in the field
 - c. Automon Software sends out text reminders for court dates
 - Judge Halligan would like this reminder system used in district court
 - d. PSA Scores are not affecting bail hearing lengths
- d. Robin Wosje- MacArthur Foundation- Strategy One*
- The Safety and Justice Challenge is working to safely reduce jail populations
 - Four Strategies (Plus a fifth addressing outcomes of the SIM) have been identified within Missoula’s Criminal Justice System, for which the MacArthur Grant was awarded to address.
 - Strategy one will look at the following:
 - Differentiated Case Management Plan- Looking at caseloads, separating them by a track
 - Jail Review Team will include the MCAO, Public Defender, Jail, City Attorney, and perhaps a few others as determined
 - Will meet every week or two to look at who’s in the jail, specifically inmates with:
 - Low charges – misdemeanors, not able to get out on bail perhaps
 - Looking at PSA scores
 - Level 1, who is still in jail?
 - Perhaps someone waiting for a CDE?
 - Still waiting to go to prison but still in jail.
 - This Team will look at case processing from both sides
 - Recommendations will be made to the sitting judge for final decision of whether to release inmate or not.
 - Questions and Comments from Members:
 - We’re above our baseline (for number of inmates), what could we do to move down?
 - Calibrate will help
 - Jail review team will help
 - We could do another stress test- the MacArthur Foundation will pay for a stress test at the end of our current grant.

- **Public Comment (5 minutes)**

None

- **Closing (5 minutes)**

- a. Next steps
 - i. CJCC Strategic Plan- new and existing projects for discussion at next meeting
 - i. Send ideas/prioritization to Kristen Jordan
 - ii. Expert Working Group- discussion

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- i. Breaking folks out into these where they have passion/interest
 - ii. Discussion at next meeting to provide more formalization
- iii. At-Large Membership- discussion
 - i. Send recommendations to Kristen Jordan and CJCC Members will finalize next meeting
- iv. Next meeting – TBD from survey results
 - i. CJCC Strat plan

ACTION ITEMS TABLE:

Owner	Details	Meeting Assigned	Meeting Completed
Kristen Jordan	<ul style="list-style-type: none"> • Kristen Jordan will see if the MacArthur Foundation can provide compensation for at large members who do not have work time support to attend. 	August 13, 2019	
Kirsten Pabst	<ul style="list-style-type: none"> • Kirsten Pabst will contact the US Attorney and MHP members. 	August 13, 2019	
CJCC Members	<ul style="list-style-type: none"> • CJCC Members will email at-large membership recommendations to Kristen Jordan for discussion at next CJCC meeting. 	August 13, 2019	
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