



COMMUNITY JUSTICE DEPARTMENT

Criminal Justice System Stakeholder Analysis December 2022

Introduction

This is a compilation of results from 16 interviews of criminal justice system stakeholders in Missoula County. Interviews were conducted by Chelsea Wittmann, Jenny Daniel, and Kelly McGuire of the Missoula County Community Justice Department.

This annual criminal justice system stakeholder analysis is intended to: 1) identify trends observed by stakeholders, 2) highlight areas of consensus between stakeholders, and 3) assess what opportunities exist for improved collaboration and communication.

Agencies Represented

- All Nations Health Center
- Calibrate Program
- City Attorney's Office
- Community Supported Reentry Program
- County Attorney's Office
- County Commissioners
- County Sheriff's Office
- Crisis Intervention Team
- Detention Facility
- District Court
- Justice Court
- Mayor's Office
- Municipal Court
- Police Department
- Probation & Parole
- Public Defender

Methods

We asked each entity to allow us to meet with one representative, usually the leader of the entity. Some leaders brought additional staff into interviews to contribute. Each person was asked four questions:

- What would you like to see the CJCC Executive Board do in the next year?
- What successes have you seen from jail diversion efforts in Missoula County?
- How does your office benefit from jail diversion efforts?
- If we could wave a magic wand to improve Missoula's legal system, what would you fix?

Often, stakeholders had feedback that didn't address these questions, and we asked interviewees follow-up questions based on their feedback or tailored for their agency. We attempted to write down all feedback as stated to the best of our ability. Direct quotations are used as often as possible; some statements have been made more concise. All statements have been made anonymous.

Results

Criminal Justice Coordinating Council (CJCC)

Many stakeholders felt that the CJCC has become too large, and that the information shared is not always new or relevant to them. Most stakeholders were interested in the idea of a smaller CJCC Executive Board meeting made up of system leaders; however, some expressed skepticism that a CJCC Executive Board could accomplish the goal of serving as a decision-making body.

When asked what they would like to see the CJCC accomplish in the next year, stakeholders answered:

- **Improve communication between agencies. (4)**
- **Engage in public outreach and education. (2)**
- **Serve as a decision-making body. (2)**
- **Provide system-wide training to benefit all criminal justice system workers and provide guidance about best practices. (3)**
- **Serve as a unified voice for the criminal justice system when big events happen. (2)**
- Address racial and ethnic disparities that impact Native Americans.
- Push out the jail population by race/ethnicity dashboard to the public.
- Serve as a place to mediate criminal justice system conflict.
- Cultivate expert witnesses in our community.
- Pursue grants collaboratively.
- Share resources with one another.
- Serve as an advisory board for multiple coalitions, such as Just Response, Crisis Intervention Team, and the Safety & Justice Challenge.

Trends observed

- **Increase in violent crime**
 - “The nature of the crime in Missoula has changed. There are more violent crimes, and this has put a large burden on law enforcement and emergency services.”
 - Law Enforcement’s inability to book people into the jail for misdemeanors was becoming a safety issue for officers until recently when the jail resolution was changed.
 - “Meth use is driving an increase in assaults and domestic violence.”
 - “Aggravated assaults doubled in Missoula from 2019 to 2021. We are seeing more severe and complex crimes.”
 - “Lots of people coming out of custody onto pretrial supervision are high risk, and these numbers have increased over the past 4 years.”
- **Changes in how law enforcement make arrests:**
 - The county adopted a policy limiting the arrest of people for non-violent misdemeanors. As a result, Law Enforcement have been left to choose alternative dispositions in their calls for service. Their options are to verbally warn, issue citations, or take an individual into custody on a felony charge.
- **Changes in understanding of the impact of fines on low-income defendants:**
 - “We’ve come a long way in the past 8 years. There used to be no question about whether you should charge someone with a large fine for misdemeanor crimes. There was no discussion about whether that benefited the defendant or their family or the community.”
- **Slower case processing**
 - “Case processing has slowed and that is created in part by staff vacancies in the system. Staff turnover has been very high. When a new attorney has to get up to speed, add six months to the case.”
 - “There have been a lot of policy changes with Medicaid that contributes to slower case processing.”
- **Changes in beliefs about how substance use should be handled:**

- “Missoula judges, with a few exceptions, are less inclined to make drug monitoring part of conditions of release. Judges are having conversations about focusing on the crime that is the outcome of a drug addiction, not the drug addiction itself.”
- **Repeat offenders require the majority of the system’s capacity**
 - Two stakeholders stated that while they don’t have data to support this conclusion, it feels as though 10% of defendants take up 90% of the system’s resources.

Jail diversion successes observed

- **More options exist for people charged with crimes:**
 - “It used to be that the only options for people taken into law enforcement custody were placement in the jail or St. Pat’s. There are more options now.”
 - “Mobile Support Team has become more effective and is now able to take calls on their own without law enforcement accompaniment.”
 - Establishment of the Calibrate diversion program removes many defendants from the system after charging.
 - Crisis Intervention Team is more effective now that it is housed at MPD.
 - “Having Diane Jordan available to provide chemical dependency evaluations has sped up the process of defendants receiving CD Evaluations by at least 2-3 days.”
- **The CJCC has improved, from the perspective of some long-time members:**
 - “The CJCC used to feel very disconnected and it doesn’t feel that way now. The meetings are run very well, the agenda is very specific, and I like the mini-in-services.”
 - “Since Chelsea has started, we’ve made huge strides. The CJCC used to be very divisive and is not anymore.”
 - “The CJCC is in a much better place than it was. In strategic planning, early on, the tension in the room was terrible.”
- **Access to national expertise:** We have had opportunities through the SJC to access national training, compare our jurisdiction with other jurisdictions, and hear ideas for how things could be improved.

If you had a magic wand, how would you fix the criminal justice system?

- **Provide more substance use treatment options. (3)**
- **More services for defendants:**
 - Fewer barriers/less criteria for people to enter programs that would keep them out of jail prior to law enforcement contact.
 - “I would like to see more clients served by the Community Supported Reentry Program.”
 - “We could look to Pennington County for examples of how to do this: Cares Campus, transitional housing, triage center, crisis stabilization. Raze the Sleepy Inn and build it there or use the admin building when County moves to the federal building.”
 - “We could have a prescriber in the field, like LA County. The prescriber oversees social workers and does psych assessments in the field, prescribes, and delivers medications to people in the community.”
- **Reduce required conditions of release:** “The system has to stop thinking that we’re going to turn people into different people. People are going to use again. If we can define success differently and say – they were in jail two times fewer than they were last year, they held a job longer than they ever have, they were sober longer than they were last year. Conditions of

release for convicted felons are designed as though people have to be perfect. We need to require fewer conditions for release.”

- **Reduce drug possessions from felonies to misdemeanors:** “Ultimately if you want to move the needle, you have to change laws. As long as you have a law on the books that says any amount of meth is a felony, you will easily get criminal possession charges. Most people on parole, that is where they start – possessions or strangulations. You have a muscle relaxer your mom gave you – you got a felony for taking it and she got a felony for giving it to you. But you can beat the crap out of your spouse twice and not get a felony until the third one. You can drive drunk three times and not get a felony.”
- “Provide funding for drug/alcohol testing and GPS units but dial back their use.”
- “We should consolidate our courts into one judiciary body and prosecution offices into one prosecution agency so that they are all on the same page.”
- For all system stakeholder agencies to adopt CIT policies and procedures.
- Zoom out and fix the broader system – state prison, state hospital, state funding for local programs. Fund early childhood and prevention programs so we aren’t dealing with folks in jail 20 years later.

Needs identified

- **Mental health needs**
 - **Our agency needs increased training and resources for effectively handling mental health crises. (3)**
 - “People aren’t getting their prescriptions in jail. They’re kept in isolation without medication, waiting for treatment - that can take up to nine months. It becomes dangerous for jail staff to care for people who are decompensating.”
- **Addressing racial and ethnic disparities for Native Americans:**
 - **Cultural items are needed for Native Americans in the jail:** Many Native Americans in the jail write letters to All Nations asking for basic cultural items such as books, sweet grass, smudge, and traditional ways of knowing.
 - **Improved documentation of racial demographic data:** People who are Native American are not always being documented as such while in the justice system.
 - **Probation & Parole faces jurisdictional issues with supervising Native American parolees who live on reservations:** “P&P has no jurisdictional authority on sovereign nations. CSKT is different as they have dual jurisdiction. The law enforcement academy doesn’t provide enough training to probation officers on how to effectively serve Native Americans. A revocation study showed that absconding is very high for Native Americans, but that is likely due to people living on the reservation.”
- **Chemical dependency**
 - **“Defendants should not have to pay for drug testing.” (2)**
 - “When people are ordered not to use drugs on pretrial, this isn’t an effective way to stop an addiction. Testing them as a condition of release will only result in them testing positive and being put in jail – because they have an addiction. We all know they have an addiction.”
- **Lack of capacity in prosecutors and defense attorneys**

- “There is lack of time and constant pressure on attorneys to evaluate, manage, and resolve cases. We should alleviate their burdens so they might better manage their caseloads. Their stress drives dysfunction and delays. Cases are heavily reviewed at charging, then often not substantially reviewed until just before trial. Witnesses and questions are not prepped until just before trial, which has recently resulted in a discovery blowup between the CAO and OPD. Attorneys aren’t investigators, they take facts and apply the law, so if information is missing, they may not notice the hole in the case.”
- **Case processing & scheduling**
 - “We are over-supervising, creating too many conditions for release, and creating massive delays in the system.”
 - “Scheduling the five district court judges is a struggle. We have made improvements, but is there a better schedule?”
 - “Continuances and called-and-excused juries are a waste of effort and time.”
 - “We need to look into juvenile cases and get them moved through jail quicker.”
 - “The requirement from the court for a chemical dependency evaluation is creating pretrial and post-trial logjams.”
 - “When you file a petition to revoke release on someone who has an addiction, they are put in jail while the case is pending, and they will sit in jail until they get a chemical dependency evaluation and get treatment. By initiating the petition to revoke release, you are guaranteeing that person will sit in custody for 3-4 months minimum.”
- **Community resources**
 - Extended Mobile Support Team resources.
 - A community-run, community-funded pretrial release program that provides resources for anyone regardless of justice system involvement.
 - “We should build a day reporting center that has a library of services, social work, independent living skills, yoga, nutrition classes, legal services, a computer lab, sobriety support, AA meetings.”
- **Miscellaneous**
 - “We need to talk about this perception that crime rates are out of control. The data doesn’t support that.”
 - “Our court system is inequitable” – some programs you can only access if you are arrested in a certain jurisdiction.

Conclusions & Next Steps

1. **Stakeholders have differing perspectives on the ability of the CJCC to function as a decision-making body, and many have questions about the goals and purpose of a CJCC.** Several stakeholders want to see the CJCC become a smaller group of decision-makers who vote on decisions. However, one stakeholder pointed out that if just one system partner doesn’t buy into an idea, it doesn’t matter what the CJCC votes on – elected officials can’t always force another elected official to comply with a decision and attempting to often results in other problems arising in the system.

ACTION: CJD staff will facilitate meetings that help leaders come into agreement on the goals and purpose of Missoula County's CJCC Executive Board, as well as identify how the group will make decisions together.

2. **Open meeting laws in Montana may impact the CJCC's ability to be a place for open, honest conversations to address the need for improved communication between system**

stakeholders: Many stakeholders identified communication as a primary need to be addressed by the CJCC. But the larger the group of people, the more challenging it can become to challenge viewpoints or provide constructive feedback to one another. Montana has unique open meeting laws, and it makes it challenging to have open, honest conversations when it is a public meeting.

ACTION: CJD staff will have one-on-one or smaller meetings with system stakeholders wherever possible, allowing for challenging conversations to be held privately outside of larger meetings. CJCC members can flag a discussion item to be tabled when they would prefer to have smaller conversations outside of the larger meetings.

3. **Stakeholders have different perspectives on when defendants should be ordered into**

treatment: One stakeholder identified that many people are ordered into treatment who are not ready for change and identified the need to be able to assess a person's readiness, such as through the Stages of Change model. Inevitably, they fail out of treatment. They asked - can we decrease the number of people we put into treatment who aren't ready for change? Other stakeholders feel that defendants should be ordered into treatment if they need it, as we cannot predict who will succeed or fail in treatment.

ACTION: CJD staff will continue to provide opportunities through the CJCC to discuss stakeholder perspectives on chemical dependency treatment so that all agencies may better define a shared approach to when defendants should be ordered to attend treatment.

4. **Jail diversion impacts are not seen by all stakeholders:** Some stakeholders don't see the impact of jail diversion services – they don't see the people who were successful and are no longer interacting with the legal system, only the people who continue to commit crimes. This can make it challenging to identify successes in jail diversion efforts or continue to support these efforts.

ACTION: CJD staff will attempt to highlight jail diversion "success stories" and ensure these are shared with all stakeholders so that we can celebrate wins and be inspired to continue doing this hard work.

5. **Stakeholders have differing views on whether crime has increased, based on their experiences.**

ACTION: CJD staff will continue to provide data analysis of crime trends to all stakeholders and remind stakeholders that Data Analyst Quinn Ziegler's services are available to anyone in the system.

6. **Stakeholders have differing views on when a person charged with a misdemeanor should be booked into the jail.**

ACTION: CJD staff will facilitate conversation about appropriate use of jail bed space for misdemeanor offenses. If a change in local practice is warranted, the CJCC will recommend that change to the County Commissioners.

7. Some stakeholders feel that others in the system make decisions without getting input from impacted agencies, which leads to problems with program implementation.

ACTION: The CJCC will serve as a forum for executive stakeholders to bring ideas and reform strategies to a peer group and discuss possible impacts and implications of system decisions. If decisions directly impact an agency not currently represented on the CJCC, CJD staff will solicit input from, and coordinate the participation of, impacted agencies in meetings on the relevant topic.

8. Stakeholders share a conviction that addiction shouldn't be criminalized but have different approaches to addressing the issue.

ACTION: The CJCC will host subject matter experts, as needed, to assist in decision making on topics which interface with behavioral health issues.