



2015-2017

MONTANA BOARD OF CRIME CONTROL
JUVENILE JUSTICE TITLE II FORMULA
GRANT

3-YEAR PLAN

a. Project Abstract

The purpose of Montana's Title II program is to ensure Montana's compliance with the four core requirements of the Juvenile Justice and Delinquency Prevention Act and to provide funding for programs for youth who are at risk for entering, or who have already entered, Montana's juvenile justice system. Montana's governor-appointed Youth Justice Advisory Council (YJC) has determined the following priorities for Title II funding: Native American programs; delinquency prevention; alternatives to detention; disproportionate minority contact; diversion; and juvenile justice system improvement. The population to be served includes all Montana youth (under age 18) and their families at risk for coming into contact with the juvenile justice system as well as those who are already involved in the juvenile justice system. Project goals include the support of state and local juvenile justice system improvement efforts; improvement of the juvenile justice system through increased availability and types of prevention and intervention programs; improvement of tribal justice system capacity for delivering and implementing promising and best practices prevention and intervention programs for Native American youth and families; increase availability of community-based juvenile detention alternatives; increase the availability of diversion programs; provide school-based programs for at-risk youth; and monitor and ensure compliance with the DMC core requirement. Progress is measured through an evaluation process for each subgrant which includes quarterly reports, desk audits, and site visits. No portion of the project budget will be used to conduct research.

Program Narrative

A. Statement of the Problem

1. System Description: Structure and Function of the Juvenile Justice System

Executive Branch

The Executive Branch oversees agencies/departments that administer programs related directly and indirectly to juvenile justice, primarily DPHHS, OPI, DOC, and the Department of Justice (DOJ).

Local Agencies

City police and county sheriffs who are paid by the local city/county government provide local law enforcement and administer the city and county jails. Licensing standards now exist for jails but are adopted on a voluntary basis and are not mandated by law. The jails are monitored for compliance with state and federal laws pertaining to the handling of juveniles by MBCC through an independent contractor trained in compliance monitoring. Jails that are out of compliance with MCA and the JJDP Act mandates for the handling of youth risk losing insurance coverage and reimbursement by MBCC for those youth held out of compliance. Continued non-compliance can result in the loss of all funding from the JJDP Formula Grant administered by MBCC and supervised by the Youth Justice Council.

Judicial Branch

Youth Court Probation is administered by the Montana Supreme Court under the auspices of the Judicial Branch of State government. Youth court judges in 22 judicial districts manage juvenile probation services at a local level. Juvenile probation officers work under the direct supervision of the local youth court judges, providing services to delinquent youth and youth in need of intervention. Each judicial district has a Chief Juvenile Probation Officer to provide oversight over general program operations. District court judges approve most of the out-of-home placement decisions.

Legislative Branch

The State Legislature is responsible for appropriating funding for all state agencies. Appropriations for the Montana Board of Crime Control (MBCC), the Office of Public Instruction (OPI), the Department of Corrections (DOC), the Department of Public Health and Human Services (DPHHS), and the courts affect the juvenile justice system. The 2005 Legislature established a statewide public defender system to ensure equal access to justice for the State's indigent population and to provide appellate representation to indigent clients.

Detention Regions

Montana has five regional detention districts. Each regional district has a Regional Board to oversee the budget for detention or alternative detention placement. Each regional district must submit a yearly plan to MBCC to access state general funds. State general funds are provided to reimburse counties for their detention or alternatives to detention

expenses up to the amount budgeted in the state general fund. Counties are responsible for juvenile detention, either operating or contracting for juvenile detention services with regional, county-operated or privately-run facilities. As an incentive to remove juveniles from adult jails, the state provides state general funds to reimburse counties that use regional juvenile detention facilities or alternatives to detention. Typically the budget for reimbursement funds is expended by the end of the first quarter of the fiscal year. Regions must plan around resources available, distance to regional facilities and needs of the youth. Detailed information on facilities within the regions is available in the monitoring plan.

Detention of Tribal Youth in Public Juvenile Detention Facilities

Tribal youth may be placed in facilities for the following offenses:

- Detainable offenses off Reservation: Tribal youth may be placed in a juvenile detention facility under the jurisdiction of the local district youth court.
- Detainable misdemeanors on Reservation: Tribal youth may be placed in regional juvenile detention facilities under the jurisdiction of the tribal court.
- Detainable felony offenses on Reservation: Tribal youth may be placed in a juvenile detention facility under the jurisdiction of the federal court/Bureau of Indian Affairs.
- Felony offenses: Tribal youth may be ordered by a federal judge to a U.S. Bureau of Prisons contracted facility.

The Confederated Salish and Kootenai Tribe (CS&KT) is the only Public Law 280 Tribe in the State of Montana. The state district youth court has jurisdiction over tribal youth who commit a detainable offense off the Reservation. The State of Montana and the Tribe share joint jurisdiction over tribal youth who commit misdemeanor offenses on the Reservation. The federal court and the Tribe share joint jurisdiction over tribal youth who commit felony offenses on the Reservation. All three jurisdictions may place a youth in a juvenile detention facility for a detainable offense. State courts have no jurisdiction over youth who commit offenses on any of the remaining six reservations. Tribal courts have jurisdiction over offenses committed by Indians on the Reservation, but the Federal courts have jurisdiction over non-Indians committing any offense on the Reservation and over felonies committed by Indians on the Reservation.

Federal Medicaid

Federal Medicaid provides services to those with sufficiently low incomes and who meet eligibility requirements. For youth who are low-income but do not qualify for Medicaid, state general revenue funds and federal block grant funds provide services through the state's five regional community mental health centers.

Many court-ordered placements necessitate both mental health services and housing needs that can be fulfilled in a residential setting. Funding for services for youth under court order is provided through many agencies, including DOC, multiple divisions within DPHHS, and OPI. Mental health-related services in this context include therapeutic group care and therapeutic foster care.

2. Youth Crime Analysis and Needs and Problem Statements

Montana is the fourth largest state, with a landmass of 145,552 square miles. According to the 2010 census conducted by the Montana Department of Commerce, Census and Economic Information Center (CEIC), the population is estimated at 989,415; approximately 22.5% of Montana's population is under age 18.

There are only three Metropolitan Statistical Areas in Montana: Billings, Great Falls, and Missoula. Much of Montana is considered frontier rather than rural; planning must consider the frontier nature and the size of the state. Services are often many miles from the juveniles' homes or provided on a limited basis. Approximately 81% of cases are handled on an informal basis; 11% are handled formally; and the other 8% are pending, which means a case is awaiting action from the county attorney's office; or further investigation by law enforcement is required; or a ticket has been issued and juvenile probation is waiting to see the youth and his/her parent(s). This speaks to the creativity of rural probation departments and has prevented many youth from becoming further involved in the system. With very few resources, communities have been providing supervision and consequences to youth who commit offenses. However, programming and services continue to be very limited, and there is a need for alternative services in every community, large or small.

a. Analysis of Juvenile Crime Problems

(i) Juvenile Arrests by Offense Type, Gender, Age, and Race

This section provides an overview of crime committed by juveniles that were arrested between 2005 through 2014. The data source for this section was the MTIBRS. It is not wholly reflective of the data released by the Office of the Supreme Court, Youth Court Administrator's Office because of the differences in the reporting systems.

The data in this section is an overview of offenses committed by youth ages 10 to under 18 who were arrested by law enforcement. Juvenile arrestees can be referred to other authorities, such as youth courts/probation, or youth may be handled within the arresting law enforcement agencies authority; for example, the youth may be released with a warning. This section examines only those juveniles that were arrested, because typically when a person was arrested, the data collected is the most comprehensive. Often little was known about offenders (i.e., suspects) until an arrest is made.

Lastly, the MTIBRS does not have the capability to identify individual arrestees. The MTIBRS does not collect identifiable information such as name or date of birth about arrestees. As a result, a juvenile may be duplicated in the counts. This overview was not a reflection of the volume of individual juveniles arrested by non-Tribal local law enforcement; rather, it provides an overview of offenses committed by juvenile arrestees.

Youth Population

Montana's total population¹ under the age of 18 in 2013 was 223,918. Of the total population, 51% were male and 49% were female. White youth comprised 83% of the youth population; Native American youth accounted for 10% of the youth population. Individuals identifying as belonging to two or more races made up 5% of the youth population. Black or African American, Asian, and Native Hawaiian and Other Pacific Islander youth comprise approximately 2% of the youth population. Because Hispanic origin is considered ethnicity, not a race, Hispanics may be of any race and are included as such.

See Attached Tables, Charts, and Graphs

Table 1. Index and All Offenses

In 2005, juvenile arrestees committed 11,932 offenses; by 2014, the number of offenses dropped to 7,259. The total number of offenses committed by juveniles has decreased seven out of the last ten years. The average number of juvenile offenses over the ten-year period was 10,087 offenses per year.

The juvenile crime index consists of homicide, rape, robbery, aggravated assault, burglary, larceny/theft, and motor vehicle theft. From 2005 to 2014, the total number of index offenses has been trending downward, dropping 46% overall. The number of overall offenses has also trended downward, falling nearly 40% between 2005 and 2014. The proportion of index offenses versus all offenses has also declined; currently, the ratio of all offenses to index offenses is approximately 3:1.

Table 2. Index Offenses Committed by Juvenile Arrestees

Most index offense categories have tended to trend downward or have remained consistent over the six-year time period with a few exceptions. Burglary remained steady from 2005 through 2008, decreased significantly in 2009 then experienced an increase in 2010. Forcible sex offenses and aggravated assault has tended to trend downward over the six-year period.

Table 3. Larceny/Theft Committed by Juvenile Arrestees, 2005-2014

Larceny/Theft is the most common offense committed by juveniles in Montana. Over the past decade the number of Larceny/Theft offenses has trended downward. Larceny/theft peaked in 2005, followed by a decline, then another peak in 2008, followed by two years of decline to its current level.

Table 4. Unduplicated Juvenile Arrests by Gender, 2009-2013

Juvenile males are arrested more than juvenile females. Over the past decade juvenile males have accounted for an average of 63% of juvenile arrests; juvenile females have accounted for an average of 37% of juvenile arrests.

¹ Retrieved electronically from Montana Department of Commerce, Census & Economic Information Center, at <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

Table 5. All Offenses by Age, 2014

Not surprising, the number of offenses increase with age between the ages of 10 and 17. Between the ages of 10 and 11, the number of offenses increased 41%. The number of offenses jumped 131% between ages 11 and 12; the number increased by 79.25% between 12 and 13; and it increased 61% between 13 and 14.

Table 6. All Offenses by Race and Ethnicity

White youth comprised nearly 80% of the juvenile arrestees in 2012-13. Native American youth accounted for just over 16% of the juvenile arrests, a disproportionately high number of arrests when compared with the youth population. Black or African American youth accounted for 2.1% of the juvenile arrests, and the Asian and Pacific Islander youth accounted for less than half of 1% of all juvenile arrests.

Table 7. Manner of Handling Youth in Montana's Juvenile Justice System, 2007-2013

In Montana between 70 and 82% of the juvenile cases are handled informally. Formal handling of youth happens in less than 20% of the cases. In 2013 just over 10% of the juvenile cases were dismissed.

Table 8. Youth Involved in the Juvenile Justice System by Gender, 2007-2013

As noted in Table 4, Juvenile Arrests by Gender, juvenile males are involved in the juvenile justice system in greater number than juvenile females. Females represent approximately 1/3 of the youth in the juvenile justice system, and males represent approximately 2/3 of the youth. That ratio has remained constant between 2007 and 2013.

Table 9. Youth Involved in the Juvenile Justice System by Race/Ethnicity, 2007-2013

Eighty percent or more of the youth involved in Montana's juvenile justice system are white. Native American youth follow, representing approximately 15% of the youth who are involved in the juvenile justice system. Hispanic youth are the third group most involved in the juvenile justice system; although the numbers are small, Hispanic youth are also increasing their presence in the juvenile justice system.

Table 10. Juvenile Arrests by Index Crime Offense Type, 2009-2013

All juvenile index arrestees have been trending downward since 2009. Homicide arrests are rare, with only two occurring over the 5-year period. In 2013, Larceny/Theft Juvenile Arrests accounted for 81.7% of the total index juvenile arrestees.

Table 11. Index Crime Arrests by Race as Percentage, 2014

Index crime arrests by race indicates that white youth constituted 79% of all index arrests, 80% of property index arrests, and 66% of violent index arrests. Native American youth are arrested in 17% of all index arrests, 16% of property index arrests, and 27% of violent index arrests.

Table 12. Index Crime by Gender, 2005-2014

Between 2005 and 2014 juvenile index crimes have trended downward. More juvenile males commit index crimes than juvenile females. Although both genders are trending downward, females are trending downward less sharply.

Table 13. Non-Index Offenses, 2005-2014

With the exception of an increase in liquor law violations between 2005 and 2007, all non-index juvenile offenses have trended downward between 2005 and 2014. Status offenses also climbed slightly between 2006 and 2007 but continue to trend downward.

Table 14. Age at Time of Offense 2013

Juveniles begin bumping into the juvenile justice system around the age of 10 or 11. The peak ages of offense are ages 15, 16, and 17. This information is important when considering the type of prevention and intervention programs to put into place in Montana communities.

Table 15. Unduplicated Juveniles Referred to Montana Youth Court

Since 2010 the number of unduplicated juveniles referred to Montana Youth Court has dropped from 5716 to 4380. Between 70 and 80% of juvenile cases are handled informally.

Table 16. Juvenile Detentions Unduplicated by Gender

More males are detained than females. The number of detained male youth has remained relatively constant; however, in 2013 the number dropped sharply from 710 to 436. The female unduplicated detentions have varied from a high of 324 in 2011 to a low of 168 in 2013.

Table 17. Juvenile Detentions Unduplicated by Race

The majority of the youth in detention are white; this makes sense because 83% of Montana youth are white. The second largest racial group in juvenile detention is Native American youth; this group is also the second largest racial group in the total number of youth in Montana. The number of white and Native American youth in detention has been relatively consistent, trending downward slightly. The number of Hispanic, Black, and Asian youth do not necessarily show the same trend; because the numbers of Hispanic, Black, and Asian youth are relatively low, the graph can be greatly impacted by just a few youth.

b. State Priority Juvenile Justice Needs/Problem Statements

Problem Statement 1: Prevention

In order to reduce the number of youth entering the Montana Juvenile Justice system, and later the Montana Adult Justice System, Montana needs to provide evidence-based, culturally sensitive prevention and early intervention programs based on normed, validated, and age and gender appropriate screening and assessment (i.e., mental health, substance abuse, education) to Montana youth and families.

- Coordinated planning between agencies that incorporates a child and family-driven, high-fidelity wraparound approach.
- Consistent with the child- and family-driven, high-fidelity wraparound approach, there should be normed, validated, and age and gender appropriate mental health

screening and assessments that are accessible to all Montana's youth and families, and that guide them to services targeted for early identification of at-risk youth and services needed.

- There should be normed, validated, and age and gender appropriate mental health screening and assessments of youth strengths and needs in other areas, such as education, to prevent youth from entering the juvenile justice system.
- Provide evidence-based prevention and early intervention programs focused on strengthening families in order to prevent and/or delay youth's entry into the juvenile justice system.
- Identify and secure funding streams that promote interagency/program collaboration within communities, counties, and the state.
- Collaboration with other agencies in early identification and referral to services of at-risk youth and families through home healthcare visits for at-risk pregnant mothers and others who need assistance.
- Collaboration with other agencies in early identification and referral to services for at-risk preschool and elementary school-age youth and their families through normed, validated, and age and gender appropriate screening and assessments.
- Collaborate with other agencies to provide evidence-based, co-occurring treatment for youth. In Montana this is in the beginning stages and requires training initially in identification and development of these approaches.

Problem Statement 2: Intervention

In order to provide Montana's youth with effective juvenile justice intervention programs, the Montana juvenile justice system needs to develop a continuum of care that includes mental health treatment and drug and alcohol treatment based on normed, validated, and age and gender appropriate assessments; evidence-based, culturally sensitive treatment and intermediate sanctions; and needs to provide appropriate training to reflect these elements as well as system accountability to ensure youth are provided and are engaged in treatment.

The SAG has identified prevention programming as the second priority for addressing the needs of at-risk youth in the state of Montana. At the September 2014 SAG strategic plan meeting the SAG listed the following priorities:

- Training for judges and the juvenile justice system in adolescent brain development, evidence-based approaches, the impact of youth trauma and other areas important to understanding youth (i.e., public defenders, county attorneys, probation officers, law enforcement, mental health professionals, and others in the juvenile justice continuum).
- Training for public defenders, county attorneys, and probation officers in representation of youth and the Youth Court Act.
- Improved screening and assessments available at the front end and throughout the system and at detention centers that are validated, normed, and age and gender appropriate. This may include regional assessment centers open to all youth regardless of income, gender, age, or other status.

- Improved access to evidence-based practices and services, such as skill building education (increased knowledge of the harmful effects of substance abuse will not change adolescent behavior), mental health and/or chemical dependency treatment while on probation and/or in detention.

Problem Statement 3: Alternatives to Detention

In order to allow for implementation of the Juvenile Detention Alternative Initiative, more evidence-based, culturally sensitive alternatives to detention need to be developed in local communities.

At the 3-Year Strategic Plan meeting held in September 2014, the SAG identified the following intervention needs:

- There is a need to increase and sustain evidence-based, community-based programs available as alternatives to detention that incorporate graduated sanctions and ensure youth and family engagement in appropriate services based upon assessment.

Problem Statement 4: Disproportionate Minority Contact

Minority youth are overrepresented in the Montana juvenile justice system. Efforts in the state continue to address this disparity. Effective and additional measures should continue to be pursued in order to address barriers to resolving Disproportionate Minority Contact within the juvenile justice system.

- Identify any barriers to implementing the DMC Reduction Model and recommend a plan to address them if they arise, as they arise.
- Use OJJDP's RRI form to determine whether DMC exists in the juvenile justice system among minority groups that represent at least 1% of Montana's general youth population between the ages of 10 and 17 statewide and in at least 3 local sites.
- Assess the causes of DMC for the identified system contact points and minority groups wherever DMC is identified within the juvenile justice system.
- Fund prevention and intervention best or promising practices programming, if available, to address DMC based on assessment findings and recommendations; and advocate for systemic change in the appropriate geographic, demographic, and system decision points.
- Require all implemented DMC prevention/intervention programming to report to the Statewide Planning Agency and the federal DCTAT database using the performance measures developed by OJJDP for the DMC purpose area in order to provide for evaluation of the programs.
- Accurately collect and report RRI data annually; monitor the RRI trends to determine if the interventions are having the desired long-term impact on DMC.

Problem Statement 5: Juvenile Justice Systems Improvement

The Montana Board of Crime Control recognizes that the overuse of detention for misdemeanants and probation violators is an ongoing problem and successful evidence-based, culturally sensitive programming requires effective evaluation. Consequently, the Board proposes to continue supporting the Annie E. Casey Foundation's Juvenile Detention Alternative Initiative and to provide effective training to grantees for program evaluation and continue to ensure that all RFPs or processes and all grantees include evaluation components in successful applications.

- All RFPs include an evaluation component.
- Provide annual evaluation training to ensure grantees can effectively evaluate the impact and success of their programs.
- Improve state level data systems to ensure adequate evaluation and greater information sharing among agencies.

Problem Statement 6: Substance Abuse

Recent data in Montana indicates there may be a trend upwards of increased referrals and charges related to marijuana use and the abuse of prescription medications by juveniles. This trend needs to be explored and the potential impact needs to be assessed. In this way Montana will be prepared if the trend materializes.

- Review of data.
- Learn about evidence-based substance abuse programs that address these areas represented in the data trends.
- If necessary, implement effective programs that address these trends.

Problem Statement 7: Gender-Specific Programming

Recent data in Montana indicates there may be a trend upwards of increased referrals and misdemeanor charges to girls in the juvenile justice system. This trend needs to be explored and the potential impact needs to be assessed. In this way Montana will be prepared if this trend materializes.

- Review of data.
- Learn about evidence-based gender and LGBT programs that reflect populations represented in the data trends.
- If necessary, implement effective programs that address these trends.

Problem Statement 8: Accountability

Successful coordination and implementation of evidence-based, culturally sensitive juvenile accountability programs in Montana requires overcoming the barriers of a large, geographically separate state. These geographic challenges extend to technology barriers created by distance and remoteness of sites; limits to resources for safety and services for youth due to limited provision of services and access to security in some

areas of the state; as well as vastly different cultures and ability to communicate between areas of the state.

- Support for accountability and graduated sanctions, and evaluation training for courts, probation, judges, law enforcement, and the legal community that utilizes new technologies to bridge the large geographic challenges presented by Montana's geography.
- Effective application and equitable availability of evidence-based prevention and intervention programs to avoid escalation within the juvenile system and to prevent a youth from entering the adult system.
- Collaborate with Youth Court, the Cost Containment Committee, and other key juvenile justice partners to sustain and maintain effective or evidence-based diversion programming in communities, identifying new approaches with potential effectiveness, and to ensure underserved kids have access to programs.
- Collaborate with other agencies to provide evidence-based, co-occurring treatment for youth. In Montana this is in the beginning stages and requires training initially in identification and development of these approaches.
- Judges should be provided more discretion and maximum flexibility to keep youth appropriately out of detention; this may entail legislative or policy changes or increase training opportunities for judges.
- Develop better technological tools, including effectively communicating data systems (i.e., between and among lower courts and youth courts to track MIPs) in order to be able to hold youth more accountable more effectively, given Montana's geography and distance.
- Develop tools and facilities for keeping youth in-state who may have issues of violence or may be perceived as a threat without resorting to holding in a detention facility and ensuring that they receive appropriate treatment services. Current law prohibits holding mental health youth in Corrections facilities; this is not seeking to put youth in those facilities, but rather is seeking appropriate and safe strategies or facilities with which to safely treat these youth.

B. Coordination of State Efforts

The mission of the Montana Board of Crime Control (MBCC) is to proactively contribute to public safety, crime prevention, and victim assistance through planning, policy development, and coordination of the justice system in partnership with citizens, government, and communities. To that end, the MBCC juvenile justice staff members represent juvenile justice interests and the MBCC on several key state-level task forces and work groups.

The juvenile justice specialist represents MBCC on the Interagency Coordinating Council for Prevention Programs (ICC). The ICC was created in 1993 by Legislative statute to create and sustain a coordinated, comprehensive system of prevention services in Montana. The ICC is comprised of 10 Montana state agency directors, the Children's Trust Fund, the Lieutenant Governor, an ex-officio member, and two governor-appointed persons who have experiences

related to private or nonprofit prevention programs and services. The ICC has 5 youth risk behavior prevention-related goals and benchmarks, all of which relate to juvenile justice goals: Reduce child abuse and neglect by promoting child safety and healthy family functioning; reduce youth use of tobacco, alcohol, and other drugs by promoting alternate activities and healthy lifestyles; reduce youth violence and crime by promoting the safety of all citizens; reduce school dropout by increasing the percentage of high school students who successfully transition from school to work, postsecondary education, training, and/or military; reduce teen pregnancy and sexually transmitted diseases by promoting the concept that sexual activity, pregnancy, and child rearing are serious responsibilities. The ICC work group members meet quarterly or more often, if needed. The work group members engage their agencies in initiatives that are consistent with the five goals.

The juvenile justice specialist also represents MBCC on several other task forces and work groups, including the Montana Afterschool Alliance, a newly-formed nonprofit focused on developing support for afterschool programs across the state; the Mental Health Services Bureau's Transitions Project, which aims to improve diversion policies and programs for justice-involved youth with behavioral disorders; and the Montana Co-occurring Capacity Building Project, a SAMHSA grant received by Montana's Department of Public Health and Human Services.

The juvenile justice planner represents the Montana State Advisory Group (SAG) on the Children's System of Care (SOC) Planning Committee, established by statutes in 1993 to develop an integrated service system for children under age 18 who are seriously emotionally disturbed (SED), at risk for placement in an out-of-home setting, and needing the assistance of more than one state agency. The committee develops policies aimed at eliminating or reducing barriers to the implementation of a system of care; promotes development of a quality array of core services in-state so that SED youth can avoid out-of-state placements; and encourages development of the infrastructure of the system of care by encouraging development of local interagency teams.

In addition to participating on statewide task forces and work groups, the juvenile justice team members invite juvenile justice-related agencies to attend the quarterly SAG meetings and provide reports to the SAG members on the activities of their particular agencies. Four agencies in particular provide regular input to the SAG members: the Office of Court Administration (OCA), which oversees the juvenile probation officers; the Youth Services Division of the Montana Department of Corrections, which oversees state juvenile correctional facilities and juvenile parole; the Prevention Resource Center of the Montana Department of Public Health and Human Services; and the Children's Mental Health Bureau, whose bureau chief chairs the SOC Planning Committee.

MBCC juvenile justice staff works well with other juvenile justice agencies as well as non-juvenile justice-related agencies. Currently there are no identified challenges or plans to improve coordination and joint decision making.

According to the Montana Youth Court Act, Montana Codes Annotated (MCA) 41-5-214, (1) Reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings, verdicts, and orders and decrees on file with the clerk of court are public records and are open to public inspection until the records are sealed under MCA 41-5-216. Also included in this section is a description of the county Child Information Team and their access to social, medical, and psychological records, youth assessment materials, pre-dispositional studies, and supervision records of probationers.

Senate Bill 426 was introduced in the 2005 legislative session. This bill restricted the sharing of electronic information between Courts, Corrections, and Public Child Welfare agencies. Legal staff from the Attorney General's office provided a memo with an interpretation of the bill in June 2005. In 2007, Senate Bill 119 was passed that removed the barriers to electronic sharing of information with juvenile detention facilities.

In the same section of the Youth Court Act, reference is made to MCA 45-5-624 (7). This requires "A conviction or youth court adjudication under this section must be reported by the court to the department of public health and human services if treatment is ordered." An assessment can be ordered for a chemical dependency for conviction of possession of an intoxicating substance.

Juvenile Courts Assessment and Tracking System (JCATS: formerly Assessments.com) is the electronic tracking and record keeping system the Court has gone to after many years of using CAPS, the DPHHS electronic information records system. It is noted that all information previously available in CAPS will also be available in the updated JCATS system.

The Montana Department of Public Health and Human Services (DPHHS), Child & Family Services Division, has an online policy manual: <http://www.dphhs.mt.gov/cfsd/cfsdmanual/index.shtml>.

Section 400, Substitute Care for Children, contains the state policy for Foster Care Case Plan (Section 402-2). The policy manual states that the Division is awarded placement care, and supervision through a court order, and a current case plan is required for every child for whom the Division has placement, care and supervision. The foster care case plan used by the Division is the DocGen 427, Part A. This case plan includes the federally mandated requirements that must be reviewed by the Foster Care Review Committee.

A Child Assessment is completed prior to the development of the Foster Care Case Plan; this includes, but is not limited to, current court information and court

history, special needs, family information, and health information. The case plan must be completed within 30 days for a child placed under a voluntary placement agreement and within 60 days for a child placed under a court order.

The Foster Care Review Committee reviews the case plan every 6 months. DocGen 427, Part B is used to record the Committee's findings. The Committee provides its report to the Court.

C-D. Program Goals, Objectives, and Implementation (Activities and Services)

A1. Program Area Code and Title: ALTERNATIVES TO DETENTION

STATE PROGRAM DESIGNATOR: 03

STANDARD PROGRAM AREA: 03

B1. Program Goals

Services provided with Title II funding will increase the availability of community-based alternatives to detention, reduce the number of youth detained, and provide detention centers with Risk Assessment Instrument to be evaluated on six Annie E Casey JDAI pilot sites all supporting the goal of lowering DMC.

C1. Program Objectives

Objectives to accomplish detention alternatives programming include:

- To reduce the number and percent of program youth who offend or re-offend while in an alternative placement (any youth serving program) or who fail to appear.
- To reduce the average Length of Stay in days that juveniles reside in a secure juvenile detention facility.
- To increase the number and percent of program youth who complete program requirements successfully.
- To increase the percent of utilization of detention alternatives.
- To increase the number of youth placed subject to RAI criteria in pilot sites.
- To increase the number of detention alternative program options available.

D1. Activities and services:

The Annie E Casey Foundation made Montana an official JDAI site in February of 2008. They provided training at three pilot sites: Hill County (Havre); Missoula County (Missoula); and Cascade County (Great Falls). These sites were identified through data collected as sites having highest DMC numbers. Four additional sites were added to the Annie E Casey sites: Yellowstone County (Billings) and Fort Peck Indian Reservation (Poplar) with a grant awarded by Annie E Casey to MBCC. Rocky Boys Reservation (Box Elder) and Fort Belknap Reservation (Lodge Pole) each received one time grants directly from Annie E Casey to participate as

recognized JDAI sites. Annie E Casey money is used for traveling and training costs and Title II money is used or will be allocated to new sites to pay JDAI coordinator costs and fringe benefits for each site.

Agencies implementing the program (where and when):

- Cascade County (Great Falls) through Alliance for Youth, Inc. (2007 – 2012)
- Hill County (Havre) through HELP Committee Boys & Girls Club (2007-2012)
- Missoula County (Missoula) through the 4th Judicial District (2007-2012)
- Yellowstone County (Billings) through Yellowstone County (2010-2011)
- Rocky Boys Indian Reservation (Box Elder) Montana (2009, 2011-12)
- Fort Belknap Indian Reservation (Lodge Pole) Montana (2009)

Five of the seven pilot sites is participating with the Annie E. Casey Foundation and is currently working to collect data to analyze the detention trends in their communities. They will continue to hold monthly meetings in their own communities, attend state meetings quarterly, and training to implement their JDAI first year plans in their communities. The state has dedicated a staff member from the Montana Board of Crime Control to serve in the capacity of JDAI state coordinator to assist the pilot sites in their implementation process.

E1. Performance Measures:

Output Measures

- Number of program youth served
- Number of youth receiving RAI
- Number of planning activities conducted

Outcome Measures

- Number and percentage of youth who offend and reoffend (short- and long-term)
- Number and percentage of youth completing program requirements
- Number of hours of program staff training provided
- Percent change in the ADP in secure detention

F1. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2015	0		0
2016	0		0
2017	0		0

A2. Program Area Code and Title: COMPLIANCE MONITORING
STATE PROGRAM DESIGNATOR: 19
STANDARD PROGRAM AREA: 19

B2. Program Goals: To monitor and ensure compliance with Section 223(a)(14) of the JJDP Act of 2002.

C2. Program Objectives:

- To maintain monitoring of compliance with Core requirements
- To maintain schedule of onsite visits to jails to ensure compliance
- To provide technical assistance when difficulties in interpretation or understanding arise at local facilities
- To identify training as needed

D2. Activities and services planned:

- Montana will contract with an onsite compliance monitor to physically monitor facilities throughout the state.
- The contractor will provide reports to the SPA Compliance Monitor

E2. Performance Measures:

- Funds allocated to adhere to Section 223 (a) (14) of the JJDP Act of 2002
- Number and percent of program staff trained
- Number of hours of program staff training provided
- Number of facilities receiving TA
- Submission of complete Annual Monitoring Report to OJJDP
- Number of activities that address compliance with Section 223 (a) (14) of the JJDP Act of 2002

F2. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2015	15,000	0	15,000
2016	15,000	0	15,000
2017	15,000	0	15,000

A3. Program Area Code and Title:
DISPROPORTIONATE MINORITY CONTACT
STATE PROGRAM DESIGNATOR: 21
STANDARD PROGRAM AREA: 21

B3. Program Goals:

- Ensure compliance with the DMC Core Requirement.

C3. Program Objectives:

- To reduce DMC at the local level

D3. Activities and services planned:

- Conduct planning activities and monitor outcomes through the DMC committee of the SAG.

E3. Output Measures:

- Number of FTEs funded with formula grant funds
- Number of non-program personnel trained
- Number of program youth served
- Number of planning activities conducted
- Number of DMC assessment studies conducted
- Number of program/agency policies or procedures created, amended or rescinded.

Outcome Measures:

- Number and percent of program youth completing program requirements
- Number and percent of program youth satisfied with program
- Number and percent of program staff with increased knowledge of program area.
- Number and percent of youth showing decrease in antisocial behavior.
- Number and percent of youth showing improvement in family relationships.

F3. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2015	0		0
2016	0		0
2017	0		0

A4. Program Area Code and Title: DIVERSION

STATE PROGRAM DESIGNATOR: 22

STANDARD PROGRAM AREA: 22

B4. Program Goals:

To increase the number of diversion programs available in the community to intervene with youth prior to establishing a history of offenses that increase the likelihood of deeper involvement in the juvenile justice system.

C4. Program Objectives:

- To increase diversion programming available in communities as evidenced by performance measures listed below.

D4. Activities and services:

These activities can include youth serving agencies within communities that provide diversion programs as a resource for youth being diverted from placement in detention. Services provided include intense supervision, home arrest, electronic monitoring, community service, mediation, restitution, and other Best Practice or Model programs.

Agencies implementing the program (where and when):

- The Center for Restorative Youth Justice (Kalispell) provides diversion programs in Kalispell and has begun working with the school district and the juvenile probation office at the Kalispell Middle School. Youth who get in trouble at school are provided with diversion programming, rather than getting involved in the juvenile justice system. The idea behind this program is to keep the youth engaged in school to reduce juvenile delinquency and recidivism as well as increase graduation rates.

Services

- Intense Supervision, home arrest, electronic monitoring, restorative justice, community service, mediation, restitution, and other Best Practice or Model programs
- The youth, the victim, and the community all benefit from these services
- The target population is juvenile offenders that do not pose a safety threat and do not require secure placement

E4. Performance Measures:

Output Measures

- Number of FTEs funded by Title II
- Number of program youth served

Outcome Measures

- Number and percent of program youth who offend and re-offend (both short- and long-term)
- Number and percentage of youth completing program requirements
- Number and percent of program youth exhibiting a desired change in targeted behaviors (substance abuse)
- Number and percent of program youth formally processed (short-term)

F4. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2015	67,419		67,419
2016	0		0
2017	0		0

A5. Program Area Code and Title: JUVENILE JUSTICE SYSTEM IMPROVEMENT

STATE PROGRAM DESIGNATOR: 27

STANDARD PROGRAM AREA: 27

B5. Program Goals:

To ensure that juveniles' encounter with the juvenile justice system is "rare, fair, and beneficial"

C5. Program Objectives:

- To support local and state intervention efforts that assist juveniles learning their rights and responsibilities relative to the juvenile justice system
- To end the practice of indiscriminate shackling of youth in Montana

D5. Activities and services:

There will continue to be a need for system improvement, and this will be closely monitored by the SAG, with priorities being identified annually.

Agencies implementing the program (where and when):

E5. Performance Measures:

Output Measures

- Formula grant funds allocated for JJ system improvement
- Number of program youth served

Outcome Measures

- Number and percent of program youth exhibiting a desired change in targeted behaviors (substance abuse)
- Percent change in ADP in secure detention
- Number of agencies sharing automated data

F5. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2015	24,000		24,000
2016	0		0
2017	0		0

A6. Program Area Code and Title: INDIAN TRIBE PROGRAMS

STATE PROGRAM DESIGNATOR: 24

STANDARD PROGRAM AREA: 242

B6. Program Goals:

Improve tribal community capacity for delivering and implementing promising and best practices prevention and intervention programs that engage youth and families.

C6. Program Objectives:

- To reduce DMC with the state juvenile justice system among American Indian tribal youth by reducing off reservation offending through strengthening of protective factors and reduction of risk factors for American Indian youth living on reservations.
- To engage American Indian tribes in implementing promising and best practices programs that can be evaluated by OJJDP for cultural appropriateness for American Indian youth.

D6. Activities and service:

- Continue to offer technical assistance to tribes in grant writing with limited state general funds for the purpose of improving the number and quality of tribal applications.
- Continue to provide tribes with literature on best and promising practices programs, research, and upcoming tribal, state, and national conferences.
- Continue to fund Native American Programs in excess of the amount required by the JJDP Act.
- Continue to provide technical assistance to tribes through OJJDP and BJA resources.
- Continue to provide technical assistance to tribes through available reverted funds identified as appropriate to the assistance required.
- Funding Crow Tribe of Indians, American Indian Life Skills

E6. Performance Measures:

Output Measures:

- Number of FTEs funded by Title II
- Number of youth served
- Number program slots available

Outcome Measures

- Number and percentage of program youth that will offend or re-offend (both short- and long-term)
- Number and percentage of youth completing program requirements
- Number and percentage of program staff with increased knowledge of program area

F6. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2015	51,042		51,042
2016	51,042		51,042
2017	51,042		51,042

A7. Program Area Code and Title: DELINQUENCY PREVENTION

STATE PROGRAM DESIGNATOR: 09

STANDARD PROGRAM AREA: 09

B7. Program Goals:

Improve the statewide JJ system by increasing the availability and types of prevention and intervention programs

C7. Program Objectives:

- To support both state and local prevention efforts and JJ system improvements

D7. Activities and services:

- Continue to offer grant writing assistance to agencies with limited capacity with state general funds for the purpose of improving the number and quality of applications
- Continue to provide agencies and nonprofits with literature on best and promising practices programs, research, and upcoming tribal, state, and national conferences

E7. Performance Measures:

Output Measures

- Number of program slots available
- Number of FTEs funded by formula grant dollars
- Number of staff trained
- Number of youth served

Outcome Measures

- Number and percent of program youth completing program requirements
- Number and percent of program youth satisfied with program
- Number and percent of program staff with increased knowledge of program area.
- Number and percent of youth showing decrease in antisocial behavior.
- Number and percent of youth showing improvement in family relationships.

F7. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2015	136,475	0	136,475
2016	0	0	0
2017	0	0	0

A8. Program Area Code and Title: PLANNING AND ADMINISTRATION
STATE PROGRAM DESIGNATOR: 28
STANDARD PROGRAM AREA: 28

B8. Program Goals

Provide funding to enable MBCC staff to effectively administer the formula grant program.

C8. Program Objectives

- To provide technical assistance and training to subgrantees and potential grant applicants
- To ensure that subgrants are operating in accordance with state and federal regulations and effectively implementing the programs
- To provide staff support to the YJC

D8. Activities and Services:

- Review applications and prepare funding recommendations based on YJC Grant Committee scores.
- Monitor each subgrantee a minimum of once per funding cycle
- Reimburse subgrant requests for payment
- Provide training and technical assistance upon request to local jurisdictions, state agencies, and private organizations
- Prepare federal reports and applications

E8. Performance Measures

Output Measures:

- Formula grant funds awarded for P&A
- Number of FTEs funded with formula grant money
- Number of subgrants awarded
- Number of planning activities conducted
- Number of SAG and subcommittee meetings staffed

Outcome Measures:

- Average date from receipt of subgrant application to date of award
- Number and percent of programs funded directly in line with the three year plan

F8. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2015	\$40,000	\$40,000	\$80,000
2016	\$40,000	\$40,000	\$80,000
2017	\$40,000	\$40,000	\$80,000

A9. Program Area Code and Title: STATE ADVISORY GROUP
STATE PROGRAM DESIGNATOR: 32
STANDARD PROGRAM AREA: 32

B9. Program Goals:

To support state and local Juvenile Justice System improvement efforts.

C9. Program Objectives:

- To improve planning and development of programs provided on a statewide basis as well as improve the management of the State JJDP Program.

D9. Activities and services:

The SAG will meet quarterly to review funding proposals and convene on juvenile justice system issues.

E9. Performance Measures:

Output Measures

- Number of SAG committee and subcommittee meetings held
- Annual report submitted to the Governor
- Number of grants funded with Title II funds

Outcome Measures

- Number and percent of 3 year Plan recommendations implemented
- Number of formula grant-funded programs sustained after 3 years

F9. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2015	\$20,000		\$20,000
2016	\$20,000		\$20,000
2017	\$20,000		\$20,000

A10. Program Area Code and Title: SCHOOL PROGRAMS
STATE PROGRAM DESIGNATOR: 17
STANDARD PROGRAM AREA: 17

B10. Program Goals:

Provide safe, culturally diverse, positive learning environments by implementing and expanding programs that promote academic excellence, positive relationships, community service, and youth leadership development as well as support the needs of families

C10. Program Objectives:

- To promote education regarding alcohol, tobacco, and other drugs through activities and programs
- To promote social growth and appreciation for diversity through inclusive activities through activities and programs
- To promote and encourage responsibility and positive behavior through out-of-school time activities and programs
- To promote youth leadership development through mentoring and other activities

D10. Activities and services:

- Conduct outreach to middle schools around the state
- Funding East Valley Middle School’s “We Are East Helena” program

E10. Performance Measures:

Output Measures

- Number of program slots available
- Number of FTEs funded with Title II funds
- Number of program youth served

Outcome Measures

- Number and percent of program youth who exhibit a decrease in substance use
- Number and percent of program youth who have exhibited an increase in school attendance
- Percent change in school-related discipline incidents (short-term)

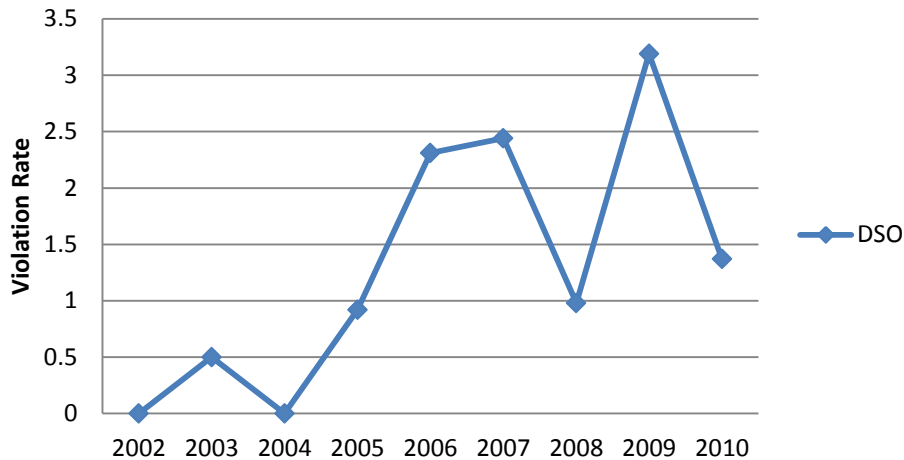
F10. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2015	46,064		46,064
2016	46,064		46,064
2017	46,064		46,064

d. Plan for Compliance with the First Three Core Requirements of the JJDP Act and the State's Compliance Monitoring Plan.

(1) Plan for Deinstitutionalization of Status Offenders (DSO): Trend Analysis

**MT 9 Year DSO Violation Rate Trends
(OJJDP Compliance Reports)**



In the past 10 years Montana has been in full compliance, with no violations in 2002 and 2004 and substantial compliance in all other years. The highest rate was 3.5 violations per 100,000 youth in 2007. Violations have been isolated and circumstantial in nature and have not constituted a pattern or practice.

Strategy for Maintaining Compliance: Please refer to the logic model of Montana's Compliance Plan for Montana's strategy for maintaining compliance with the core requirements of the JJDP Act, which may be found on pages 39-43 of this document.

State Statutes Pertaining to DSO:

Montana Code Annotated (MCA) 41-5-103 (51): (51) "Youth in need of intervention" means a youth who is adjudicated as a youth and who:

(a) commits an offense prohibited by law that if committed by an adult would not constitute a criminal offense, including but not limited to a youth who:

(i) violates any Montana municipal or state law regarding alcoholic beverages;
or

(ii) continues to exhibit behavior, including running away from home or habitual truancy, beyond the control of the youth's parents, foster parents, physical custodian, or guardian despite the attempt of the youth's parents, foster parents, physical custodian, or guardian to exert all reasonable efforts to mediate, resolve, or control the youth's behavior; or

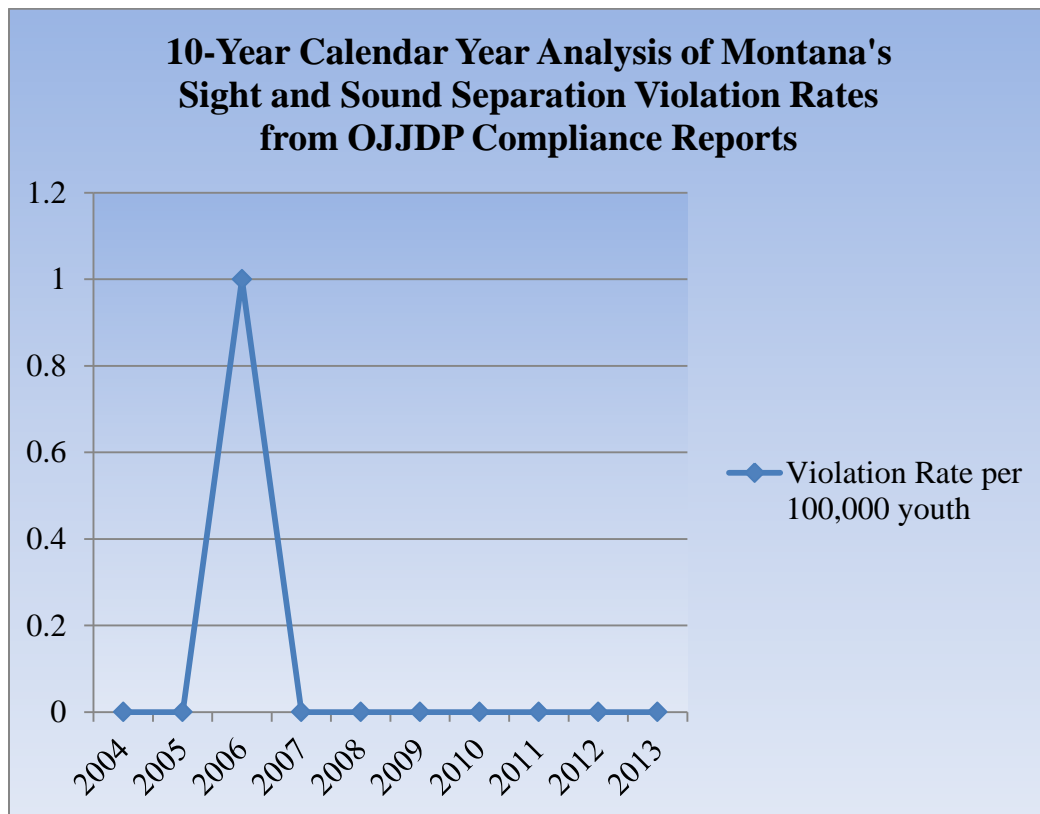
(b) has committed any of the acts of a delinquent youth but whom the youth

court, in its discretion, chooses to regard as a youth in need of intervention. Montana Code Annotated 41-5-345 provides limitations on the placement of status offenders:

41-5-345. Limitation on placement of youth in need of intervention. (1) After a probable cause hearing provided for in 41-5-332, a youth alleged to be a youth in need of intervention may be placed only in shelter care, as provided in 41-5-347.

(2) A youth alleged or found to be a youth in need of intervention may not be placed in a jail, secure detention facility, or correctional facility.

(2) Plan for Separation of Juveniles from Adult Offenders: Trend Analysis



Montana has been in full compliance with no violations of the sight and sound separation requirements of the JJDP Act for 9 of the past 10 years. The only exception was 2006 when Montana was in substantial compliance with a rate of one violation per hundred thousand youth.

Strategy for Maintaining Compliance: Reference the logic model of Montana's Compliance plan for Montana's strategy for maintaining compliance with the core requirements of the JJDP Act, pages 39-43.

State Statutes Pertaining to Separation of Juveniles from Adult Offenders: Montana Code Annotated (MCA) 41-5-349. Youth not to be detained in jail -- exceptions -- time limitations. (1) A youth may not be detained or otherwise

placed in a jail or other adult detention facility except as provided in 41-5-206 and this section.

(2) A youth who has allegedly committed an offense that if committed by an adult would constitute a criminal offense may be temporarily detained in a jail or other adult detention facility for a period not to exceed:

(a) 6 hours, but in no case overnight, for the purpose of identification, processing, or transfer of the youth to an appropriate detention facility or shelter care facility; or

(b) 24 hours, excluding weekends and legal holidays, if the youth is awaiting a probable cause hearing pursuant to 41-5-332.

(3) The exception provided for in subsection (2)(b) applies only if:

(a) the court having jurisdiction over the youth is outside a metropolitan statistical area;

(b) alternative facilities are not available or alternative facilities do not provide adequate security; and

(c) the youth is kept in an area that provides physical as well as sight and sound separation from adults accused or convicted of criminal offenses.

(4) Whenever, despite all good faith efforts to comply with the time limitations specified in subsection (2), the limitations are exceeded, this circumstance does not serve as grounds for dismissal of the case nor does this circumstance constitute a defense in a subsequent delinquency or criminal proceeding.

41-5-206. Filing in district court prior to formal proceedings in youth court. (1) The county attorney may, in the county attorney's discretion and in accordance with the procedure provided in 46-11-201, file with the district court a motion for leave to file an information in the district court if:

(a) the youth charged was 12 years of age or older at the time of the conduct alleged to be unlawful and the unlawful act would if it had been committed by an adult constitute:

(i) sexual intercourse without consent as defined in 45-5-503;

(ii) deliberate homicide as defined in 45-5-102;

(iii) mitigated deliberate homicide as defined in 45-5-103;

(iv) assault on a peace officer or judicial officer as defined in 45-5-210; or

(v) the attempt, as defined in 45-4-103, of or accountability, as provided in 45-2-301, for either deliberate or mitigated deliberate homicide; or

(b) the youth charged was 16 years of age or older at the time of the conduct alleged to be unlawful and the unlawful act is one or more of the following:

(i) negligent homicide as defined in 45-5-104;

(ii) arson as defined in 45-6-103;

(iii) aggravated assault as defined in 45-5-202;

(iv) sexual assault as provided in 45-5-502(3);

(v) assault with a weapon as defined in 45-5-213;

(vi) robbery as defined in 45-5-401;

(vii) burglary or aggravated burglary as defined in 45-6-204;

(viii) aggravated kidnapping as defined in 45-5-303;

(ix) possession of explosives as defined in 45-8-335;

- (x) criminal distribution of dangerous drugs as defined in 45-9-101;
 - (xi) criminal possession of dangerous drugs as defined in 45-9-102(4) through (6);
 - (xii) criminal possession with intent to distribute as defined in 45-9-103(1);
 - (xiii) criminal production or manufacture of dangerous drugs as defined in 45-9-110;
 - (xiv) use of threat to coerce criminal street gang membership or use of violence to coerce criminal street gang membership as defined in 45-8-403;
 - (xv) escape as defined in 45-7-306;
 - (xvi) attempt, as defined in 45-4-103, of or accountability, as provided in 45-2-301, for any of the acts enumerated in subsections (1)(b)(i) through (1)(b)(xv).
- (2) The county attorney shall file with the district court a petition for leave to file an information in district court if the youth was 17 years of age at the time the youth committed an offense listed under subsection (1).
- (3) The district court shall grant leave to file the information if it appears from the affidavit or other evidence supplied by the county attorney that there is probable cause to believe that the youth has committed the alleged offense. Within 30 days after leave to file the information is granted, the district court shall conduct a hearing to determine whether the matter must be transferred back to the youth court, unless the hearing is waived by the youth or by the youth's counsel in writing or on the record. The hearing may be continued on request of either party for good cause. The district court may not transfer the case back to the youth court unless the district court finds, by a preponderance of the evidence, that:
- (a) a youth court proceeding and disposition will serve the interests of community protection;
 - (b) the nature of the offense does not warrant prosecution in district court; and
 - (c) it would be in the best interests of the youth if the matter was prosecuted in youth court.
- (4) The filing of an information in district court terminates the jurisdiction of the youth court over the youth with respect to the acts alleged in the information. A youth may not be prosecuted in the district court for a criminal offense originally subject to the jurisdiction of the youth court unless the case has been filed in the district court as provided in this section. A case may be transferred to district court after prosecution as provided in 41-5-208 or 41-5-1605.
- (5) An offense not enumerated in subsection (1) that arises during the commission of a crime enumerated in subsection (1) may be:
- (a) tried in youth court;
 - (b) transferred to district court with an offense enumerated in subsection (1) upon motion of the county attorney and order of the district court. The district court shall hold a hearing before deciding the motion.
- (6) If a youth is found guilty in district court of an offense enumerated in subsection (1), the court shall sentence the youth pursuant to 41-5-2503 and Titles 45 and 46. A youth who is sentenced to the department or a state prison must be evaluated and placed by the department in an appropriate juvenile or adult correctional facility. The department shall confine the youth in an institution that it considers proper, including a state youth correctional facility under the

procedures of 52-5-111. However, a youth under 16 years of age may not be confined in a state prison facility. During the period of confinement, school-aged youth with disabilities must be provided an education consistent with the requirements of the federal Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.

(7) If a youth's case is filed in the district court and remains in the district court after the transfer hearing, the youth may be detained in a jail or other adult detention facility pending final disposition of the youth's case if the youth is kept in an area that provides physical separation from adults accused or convicted of criminal offenses.

**State Administrative Rules Pertaining to Collocated Facilities:
Rule 20.9.615**

(2) Collocated facilities, where a youth facility is collocated with an adult facility, shall provide for sight and sound separation of youth and adult detainees. In addition:

(a) collocated facilities shall ensure that written operational plans, policies and procedures are in place to ensure that no contact between youth and adult detainees occurs;

(b) recreational and admission areas used for both adult and youth must be closely regulated by time phasing to prevent contact between adult and youth;

(c) sleeping and living areas may not be shared by adult and youth under any circumstances;

(d) only staff providing specialized services such as cooks, maintenance staff, medical professionals and bookkeepers, whose infrequent contact with detainees occurs under conditions of separation of youth and adult detainees, may serve both populations; and

(e) the day-to-day management and functions of youth detention facilities must be vested in separate staff who, where they serve both youth and adult populations, are trained to serve youth. Except for emergency circumstances, staff whose duties include in whole or in part the provision of direct care to youth may not be used to serve the adult jail at the same time or during the same tour of duty that they serve in the juvenile detention facility.

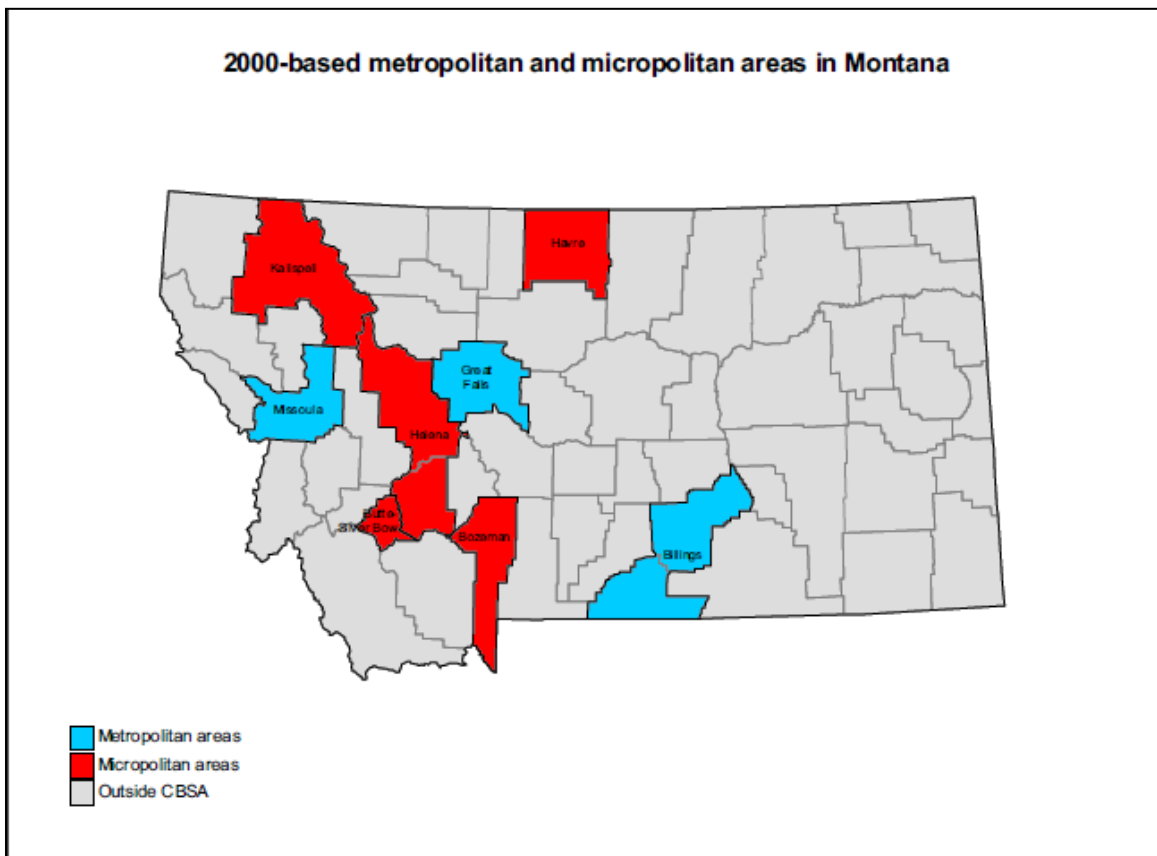
(3) Plan for Removal of Juveniles from Adult Jails and Lockups

(a) Rural Exception for Jail Removal

1. **Time and Distance:** Montana lies in the northwest section of the lower 48 states, bordered on the north by Canada. It is the fourth largest state in the union, encompassing 145,552 land area square miles and a population of just under 1 million people for a population density of 6.2 persons per square mile (2010 Census). Montana receives the same minimum allocation for monitoring as the state of Delaware. Although Montana does not have as many youth as other states, there are greater distances to travel with fewer staff to accomplish onsite monitoring and training.

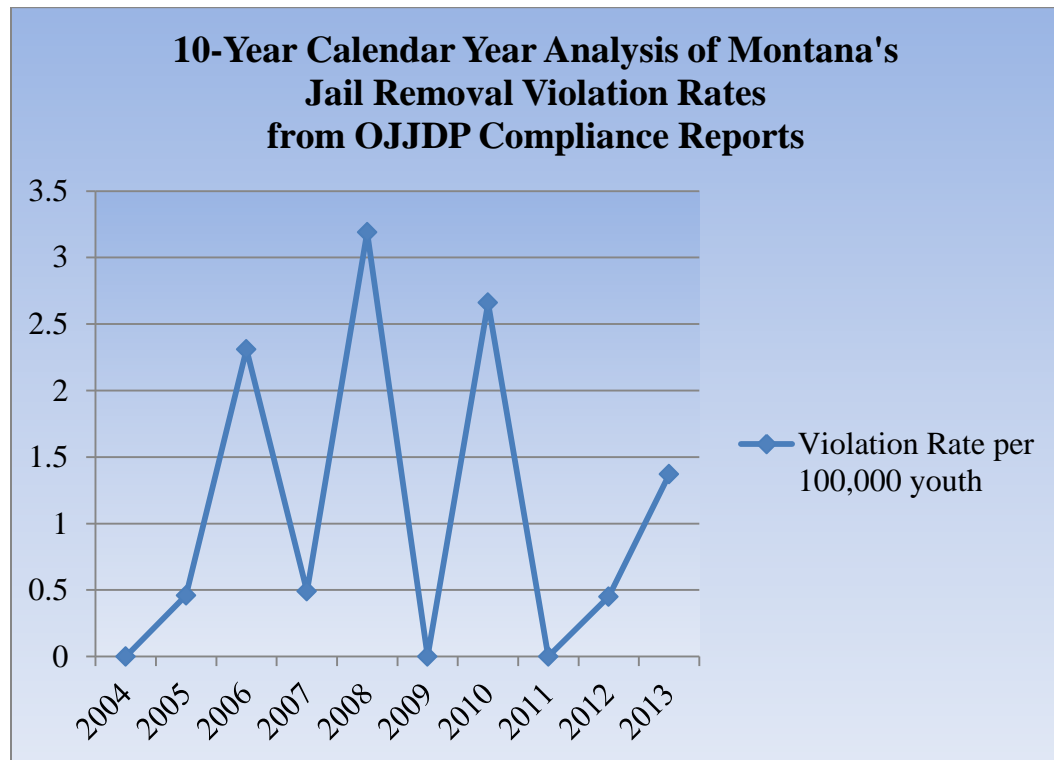
2. **Conditions of weather:** The eastern portion of the state is the least populated and consists of rolling plains. The western portion of the state is more populous, but very mountainous. Winter weather can be severe, with blowing snow and sub-zero temperatures. The record for the coldest spot in the lower 48 states is held by Montana at 72 degrees below zero.

Metropolitan Statistical Areas (MSA): With the exception of Missoula, Great Falls, and Billings, the entire state is rural to frontier in nature. It is for these reasons that Montana accesses and uses the rural exception to jail removal.



Request for reconsideration for OJJDP approval of facilities: When OJJDP compliance guidance provided for the pre-approval of *states* for use of the rural exception, Montana had the flexibility to work with local authorities to examine options in a situation that prevented youth from being safely transported to a juvenile facility. In particular, the state could approve the holding of the youth in an emergency *if the facility could provide evidence: of the emergency; and that no adults were held in the facility during the time of the juvenile's presence in the facility.* OJJDP's policy of pre-approval of *facilities* for use of the rural exception precludes the state from working with locals in the same way, because the *facility* in question does not meet the requirements of the Act. In the scenario provided,

the conditions of the hold meet the criteria of the Act. Because of that, Montana implores the administration of OJJDP to reconsider and return to the approval of the state and not the facility for use of the rural exception.



Trend Analysis: Montana was in full compliance with the rural exception for jail removal with no violations in 2002, 2004, and 2010; Montana experienced substantial compliance in the remaining 7 years. The highest rate of violations per 100,000 youth was 3.19 in 2009. Violations are random and situational and do not constitute a pattern or practice of violations.

State Statutes pertaining to Jail Removal and the Rural Exception:

41-5-349. Youth not to be detained in jail -- exceptions -- time limitations. (1) A youth may not be detained or otherwise placed in a jail or other adult detention facility except as provided in [41-5-206](#) and this section.

(2) A youth who has allegedly committed an offense that if committed by an adult would constitute a criminal offense may be temporarily detained in a jail or other adult detention facility for a period not to exceed:

(a) 6 hours, but in no case overnight, for the purpose of identification, processing, or transfer of the youth to an appropriate detention facility or shelter care facility; or

(b) 24 hours, excluding weekends and legal holidays, if the youth is awaiting a probable cause hearing pursuant to [41-5-332](#).

(3) The exception provided for in subsection (2)(b) applies only if:

(a) the court having jurisdiction over the youth is outside a metropolitan statistical area;

(b) alternative facilities are not available or alternative facilities do not provide adequate security; and

(c) the youth is kept in an area that provides physical as well as sight and sound separation from adults accused or convicted of criminal offenses.

(4) Whenever, despite all good faith efforts to comply with the time limitations specified in subsection (2), the limitations are exceeded, this circumstance does not serve as grounds for dismissal of the case nor does this circumstance constitute a defense in a subsequent delinquency or criminal proceeding.

41-5-206. Filing in district court prior to formal proceedings in youth court. (1) The county attorney may, in the county attorney's discretion and in accordance with the procedure provided in [46-11-201](#), file with the district court a motion for leave to file an information in the district court if:

(a) the youth charged was 12 years of age or older at the time of the conduct alleged to be unlawful and the unlawful act would if it had been committed by an adult constitute:

(i) sexual intercourse without consent as defined in [45-5-503](#);

(ii) deliberate homicide as defined in [45-5-102](#);

(iii) mitigated deliberate homicide as defined in [45-5-103](#);

(iv) assault on a peace officer or judicial officer as defined in [45-5-210](#); or

(v) the attempt, as defined in [45-4-103](#), of or accountability, as provided in [45-2-301](#), for either deliberate or mitigated deliberate homicide; or

(b) the youth charged was 16 years of age or older at the time of the conduct alleged to be unlawful and the unlawful act is one or more of the following:

(i) negligent homicide as defined in [45-5-104](#);

(ii) arson as defined in [45-6-103](#);

(iii) aggravated assault as defined in [45-5-202](#);

(iv) sexual assault as provided in [45-5-502](#)(3);

(v) assault with a weapon as defined in [45-5-213](#);

(vi) robbery as defined in [45-5-401](#);

(vii) burglary or aggravated burglary as defined in [45-6-204](#);

(viii) aggravated kidnapping as defined in [45-5-303](#);

(ix) possession of explosives as defined in [45-8-335](#);

(x) criminal distribution of dangerous drugs as defined in [45-9-101](#);

(xi) criminal possession of dangerous drugs as defined in [45-9-102](#)(4) through (6);

(xii) criminal possession with intent to distribute as defined in [45-9-103](#)(1);

(xiii) criminal production or manufacture of dangerous drugs as defined in [45-9-110](#);

(xiv) use of threat to coerce criminal street gang membership or use of violence to coerce criminal street gang membership as defined in [45-8-403](#);

(xv) escape as defined in [45-7-306](#);

(xvi) attempt, as defined in [45-4-103](#), of or accountability, as provided in [45-2-301](#), for any of the acts enumerated in subsections (1)(b)(i) through (1)(b)(xv).

(2) The county attorney shall file with the district court a petition for leave to file an information in district court if the youth was 17 years of age at the time the

youth committed an offense listed under subsection (1).

(3) The district court shall grant leave to file the information if it appears from the affidavit or other evidence supplied by the county attorney that there is probable cause to believe that the youth has committed the alleged offense. Within 30 days after leave to file the information is granted, the district court shall conduct a hearing to determine whether the matter must be transferred back to the youth court, unless the hearing is waived by the youth or by the youth's counsel in writing or on the record. The hearing may be continued on request of either party for good cause. The district court may not transfer the case back to the youth court unless the district court finds, by a preponderance of the evidence, that:

- (a) a youth court proceeding and disposition will serve the interests of community protection;
- (b) the nature of the offense does not warrant prosecution in district court; and
- (c) it would be in the best interests of the youth if the matter was prosecuted in youth court.

(4) The filing of an information in district court terminates the jurisdiction of the youth court over the youth with respect to the acts alleged in the information. A youth may not be prosecuted in the district court for a criminal offense originally subject to the jurisdiction of the youth court unless the case has been filed in the district court as provided in this section. A case may be transferred to district court after prosecution as provided in [41-5-208](#) or [41-5-1605](#).

(5) An offense not enumerated in subsection (1) that arises during the commission of a crime enumerated in subsection (1) may be:

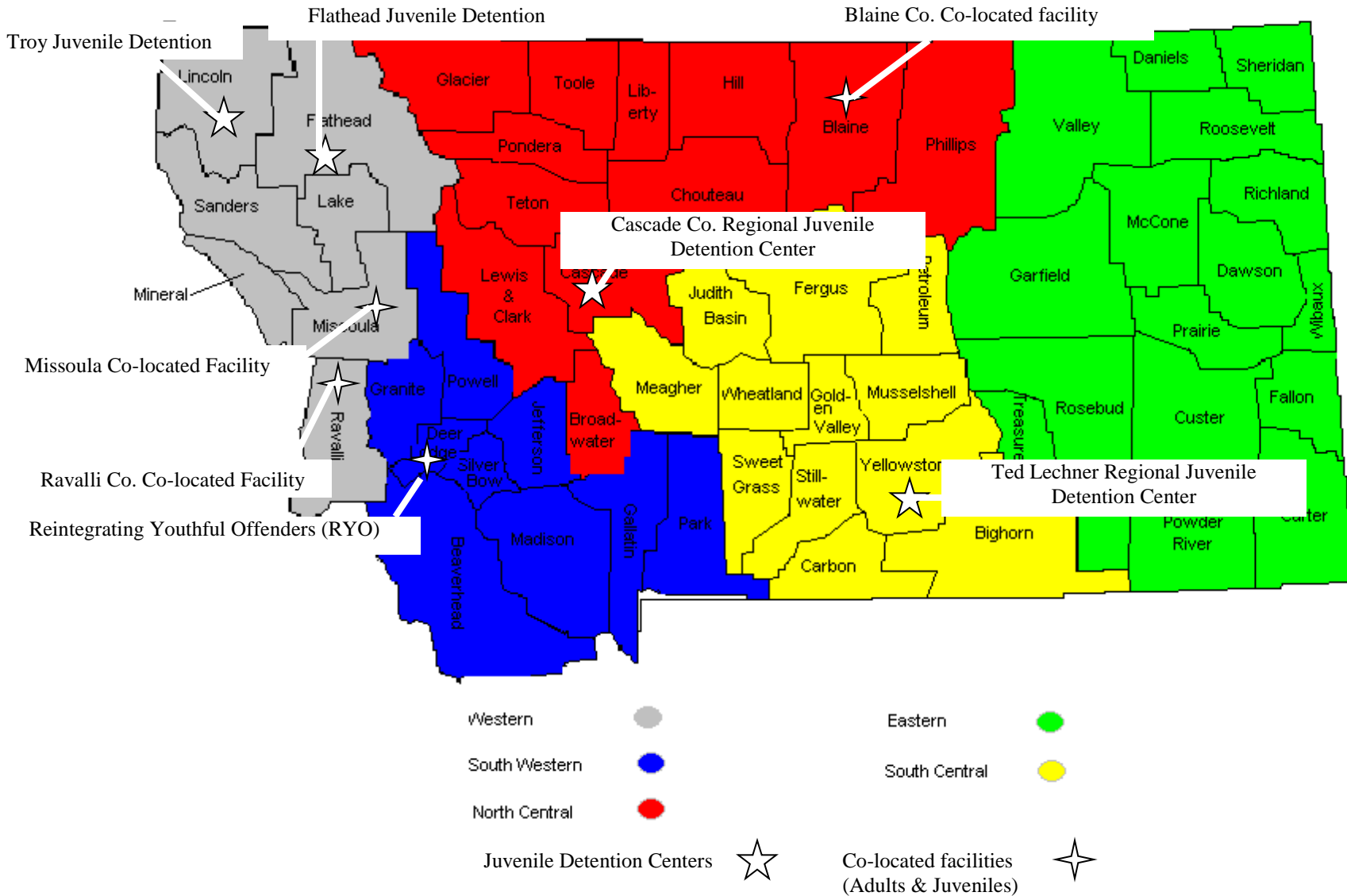
- (a) tried in youth court;
- (b) transferred to district court with an offense enumerated in subsection (1) upon motion of the county attorney and order of the district court. The district court shall hold a hearing before deciding the motion.

(6) If a youth is found guilty in district court of an offense enumerated in subsection (1) and any offense that arose during the commission of a crime enumerated in subsection (1), the court shall sentence the youth pursuant to [41-5-2503](#) and Titles 45 and 46. If a youth is acquitted in district court of all offenses enumerated in subsection (1), the district court shall sentence the youth pursuant to Title 41 for any remaining offense for which the youth is found guilty. A youth who is sentenced to the department or a state prison must be evaluated and placed by the department in an appropriate juvenile or adult correctional facility. The department shall confine the youth in an institution that it considers proper, including a state youth correctional facility under the procedures of [52-5-111](#). However, a youth under 16 years of age may not be confined in a state prison facility. During the period of confinement, school-aged youth with disabilities must be provided an education consistent with the requirements of the federal Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.

(7) If a youth's case is filed in the district court and remains in the district court after the transfer hearing, the youth may be detained in a jail or other adult detention facility pending final disposition of the youth's case if the youth is kept in an area that provides physical separation from adults accused or convicted of criminal offenses.

In addition, to meet the requirements of the rural exception, Montana wrote Part 19 of the Youth Court Act that provides for the creation of juvenile detention regions. The legislature currently provides just under a million dollars in state general funds to subsidize regional juvenile alternatives to detention and juvenile detention services. (Reference the Juvenile Detention Regions Map) Each region has at least one state licensed juvenile or collocated detention facility putting law enforcement in close enough proximity of a juvenile facility that they can be compliant with the older more restrictive 24 hour criteria of the JJDP Act.

JUVENILE DETENTION REGIONS



E. Plan for Compliance Monitoring for the First Three Core Requirements of the JJDP Act: The logic model on the following page sets forth Montana’s Compliance Monitoring Work Plan for calendar year 2015:

Compliance Monitoring Work Plan				
When	Who	Activity	Process Measures	Outcome Measures
Ongoing	Compliance Monitor (contracted position)	1. Onsite monitoring visits in accordance with monitoring schedule; 2. as requested by JJ Planner for training needs, complaints, and newly identified facilities.	Facility monitoring reports will be submitted to the JJ Planner as completed in accordance with the monitoring schedule.	Facility onsite visits will be in compliance with Monitoring Plan and OJJDP requirements.
	Juvenile Justice Planner	Review onsite monitoring reports submitted by compliance monitor	Onsite visit information will be input to JDDRS	Onsite reports will be on file in facility files in JJ Planner’s office.
	JJ Planner & MBCC Administrative Assistant	Import/input facility data to JDDRS	Data submitted by facilities will be imported/input to JDDRS	Data will be available for compiling OJJDP Report by mid-February of year after close of calendar year.
	JJ Planner	Follow-up with facilities/monitors on violations	Violation correspondence will be on file	Violations will be reported to OJJDP
January	JJ Planner & MBCC Administrative Assistant	Follow up on reporting verification letters to facilities for just completed calendar year.	Record of follow-up emails/letters/phone calls to facilities	Will have data input to JDDRS or written confirmation that facility didn’t securely hold youth submitted by mid-February
February	JJ Planner	Begin compiling facility data for OJJDP Report	Record of follow-up questions for facilities regarding submitted data.	OJJDP Monitoring Report draft completed and submitted to Bureau Chief by first week in March.
March	Bureau Chief & JJ Specialist	Review and edit draft report	Revision comments on draft report.	Revision comments to JJ Planner to finalize Report by second week in March.
	JJ Planner	Implement revisions	Final report	Final report to Bureau Chief and JJ Team for final review third week in March
	JJ Planner	Report sent by UPS to OJJDP	Copy of report, cover letter and UPS receipt on file in JJ Planner’s Office	Finished OJJDP report sent by UPS to OJJDP by March 31 (not due until June 30)

Compliance Monitoring Work Plan				
When	Who	Activity	Process Measures	Outcome Measures
March-May	JJ Planner	Develop monitoring schedule for next state FY and estimated costs	Budget presented to JJ Accountant and JJ Specialist for YJC Approval	Copy of correspondence/budget in file
On receipt of Federal Solicitation from JJ Specialist	JJ Planner	Write/update 3-Year Compliance Plan that is responsive to solicitation	Copy of plan submitted to Bureau Chief/JJ Specialist for review	Final plan submitted to OJJDP by deadline
May	JJ Specialist/Accountant	Present contract funding amount to ARC for approval	Contract funding on ARC spreadsheet	ARC approval of Spreadsheet
June	ARC	Recommends approval of funding to YJC	Contract funding on YJC spreadsheet	YJC approve funding for contract at June Meeting
June	JJ Planner	Negotiates contract with Compliance Monitor	Contract for new FY Drafted	Contracted for new FY signed and in effect July 1 – June 30
November	JJ Planner & MBCC Administrative Assistant	Draft reporting verification letters to facilities for calendar year end	List of facilities reporting status will be developed by December	List will be current and available to track facility status
December	JJ Planner and Data Technician	Finalize reporting verification letter and send to facilities	Copy of signed reporting verification letters will be on file	

The logic model for maintaining compliance with the JJDP Act begins on the following page.

- (1) **Policy and Procedures.** Montana’s Manual for Monitoring Compliance is located online at the following address:
<http://mbcc.mt.gov/JuvenileJustice/Compliance/2011MonitoringPlan.pdf>.
- (2) **Monitoring Authority.** Section 200 of the Manual (page 7 when viewed online) sets forth the procedures to ensure that MBCC has sufficient legal authority to require onsite inspection of each facility that could hold youth as the result of public authority for purposes of facility classification; verification of facility records to reported data; review of processes and areas used to process and hold youth in custody pending release to parents/guardian or transfer to another facility; and enforce sanctions when violations are not corrected.
- (3) **Monitoring Timeline.** Montana’s monitoring schedule is provided in the attachment labeled MT Active Monitoring Universe.
- (4) **Violation Procedures.** Section 406 of the Manual (page 30 when viewed online) sets forth the procedures to be used when a facility is alleged or found to be in violation of the JJDP or Youth Court Acts.

- (5) **Barriers and Strategies.** Section 100 (page 5 when viewed online) of the Manual sets forth the procedures to ensure that emerging barriers to maintaining compliance with the core requirements of the JJDP Act and Youth Court Act are identified and state and local strategies are developed to overcome them.
- (6) **Definition of Terms.** Section 400 of the Manual (page 9 when viewed online) provides definitions compatible with those found in the JJDP Act and Formula Grant Regulations.
- (7) **Identification of the Monitoring Universe.** Section 401 of the Manual (page 17 when viewed online) sets forth the procedures used to identify facilities in which youth may be placed as the result of public authority.
- (8) **Classification of the Monitoring Universe.** Section 402 of the Manual (page 19 when viewed online) provides the process used to classify facilities and further identify the Monitoring Universe.
- (9) **Inspection of the Facilities.** Section 405 of the Manual (page 27 when viewed online) sets forth the policy and procedure for conducting onsite monitoring of facilities to update classification; inspect physical areas and conduct staff interviews to determine if youth in custody are being handled in compliance with statutory and regulatory requirements; ensure that adequate data and supporting documentation are maintained to determine compliance with the statutory requirements and to verify self-reported data; and conduct investigations of alleged violations.
- (10) **Data Collection and Verification.** Section 404 of the Manual (page 25 when viewed online) sets forth policy and procedure for data collection and verification. Montana contracts for onsite inspections and data verification. The current contractor is Mike Ferriter, Helena, MT. His email is bmferriter@gmail.com.

<p align="center">State of Montana Plan for Maintaining Compliance with the Montana Youth Court and Federal Juvenile Justice and Delinquency Prevention Acts</p>				
<p>GOAL: To maintain substantial compliance with the Youth Court and the JJDP Acts</p>				
<p>Objective 1: To ensure that barriers to maintaining substantial compliance with the core requirements of the JJDP Act are identified and state and local strategies developed to overcome them.</p>				
How	By Whom	When	Process Measures	Outcome Measures
<p>1. Introduction of bills will be monitored during regular and special legislative sessions. Bills that could have impact on state compliance with the core requirements of the JJDP Act will be reported to the Youth Justice Council (YJC) with recommended strategies to address the problems.</p>	<p>MBCC Executive Director, JJ Specialist, JJ Planner</p>	<p>Legislature convenes</p>	<p>Correspondence or phone log on file in MBCC will reflect action taken to inform the YJC chair.</p> <p>Issue will be on the YJC Agenda</p> <p>Approved strategy will be reflected in the YJC minutes, and if needed, the 3-Year Plan, its update and the Monitoring Work Plan.</p>	<p>Barriers will be identified and state and local strategies developed to overcome them.</p>

<p align="center">State of Montana Plan for Maintaining Compliance with the Montana Youth Court and Federal Juvenile Justice and Delinquency Prevention Acts</p>				
<p>GOAL: To maintain substantial compliance with the Youth Court and the JJDP Acts</p>				
<p>2. If any facility has more than a few unavoidable violations, and the matter is not resolved by the provision of training and technical assistance, the matter will be brought before the YJC with recommended strategies to address the problem.</p>	<p>MBCC JJ Planner, Executive Director, JJ Specialist</p>	<p>As needed</p>	<p>Correspondence or phone log on file in MBCC will reflect action taken to inform the YJC chair.</p> <p>Issue will be on the YJC agenda</p> <p>Approved strategy will be reflected in the YJC minutes, and if needed, the 3-Year Plan, its update and the Monitoring Work Plan.</p>	
<p>3. The YJC will be provided with a copy of the Compliance letter received from OJJDP to review and develop strategies as needed.</p>	<p>MBCC Executive Director, JJ Specialist</p>	<p>First scheduled YJC meeting after received. Date stamped on Compliance Letter from OJJDP</p>	<p>Letter will be in the YJC packet.</p> <p>Any action the YJC deems necessary to respond to the report will be reflected in the minutes.</p>	
<p>4. Allegations of non-compliance will be investigated and the results documented.</p>	<p>MBCC JJ Planner, Compliance Monitors</p>	<p>Upon allegation</p>	<p>Violation report and results of the investigation will be in the appropriate facility file in the JJ Planner's Office</p>	

<p align="center">State of Montana Plan for Maintaining Compliance with the Montana Youth Court and Federal Juvenile Justice and Delinquency Prevention Acts</p>				
<p>GOAL: To maintain substantial compliance with the Youth Court and the JJDP Acts</p>				
<p>5. Changes/reductions in resources that impact monitoring, data collection and/or reporting of compliance with the JJDP Act will be brought before the YJC along with recommended strategies for appropriate action.</p>	<p>MBCC Executive Director, JJ Specialist</p>	<p>Upon possibility of change/reduction</p>	<p>Correspondence or phone log on file in MBCC will reflect action taken to inform the YJC chair.</p> <p>Issue will be on the YJC agenda</p> <p>Approved strategy will be reflected in the YJC minutes, and if needed, the 3-Year Plan, its update and the Monitoring Work Plan.</p>	

State of Montana Plan for Maintaining Compliance with the Montana Youth Court and Federal Juvenile Justice and Delinquency Prevention Acts				
GOAL: To maintain substantial compliance with the Youth Court and the JJDP Acts				
Objective 2: To ensure that the authority, legislative and administrative procedures established for the state to receive, investigate, and respond to reports of compliance violations are current and effective.				
How	By Whom	When	Process Measures	Outcome Measures
1. A current Executive Order issued and signed by the Governor that continues the Youth Justice Advisory Council’s oversight authority for the next two years in complying with the JJDP Act of 1974 as amended will be obtained.	MBCC JJ Planner, Executive Director	June of each odd-numbered year	A copy of the current and effective Executive Order will be maintained in the Compliance Monitoring Manual in the Office of the Juvenile Justice Planner.	YJC will have oversight authority for the JJDP Act.
2. A current copy of Title 41, Chapter 5 of the Montana Code Annotated (MCA), known as the Youth Court Act, establishing MBCC’s authority to establish rules and regulations and monitor compliance with the JJDP Act and Youth Court Act will be obtained.	JJ Planner	As soon as updated Act is available from the Legislative Counsel Bureau after each regular and special session of the legislature has adjourned.	A copy of the current and effective Youth Court Act will be maintained in the Compliance Monitoring Manual in the Office of the Juvenile Justice Planner.	MBCC will have the authority to establish rules, regulations and monitor compliance with the Youth Court and JJDP Acts.

Objective 3: To ensure that the detailed description of monitoring tasks which includes the identification of the agency responsible for each task are current and effective.				
How	By Whom	When	Process Measures	Outcome Measures
1. The Compliance Monitoring Manual that the monitoring tasks in detail, including identification of agents responsible for each task will reflect current monitoring practices.	MBCC JJ Planner, Compliance Monitors, Executive Director, JJ Specialist	After each regular or special legislative session, at least biennially.	Correspondence will show that the YJC received a draft revision of the Compliance Monitoring Manual. YJC Minutes will reflect that updated Compliance Monitoring Manual was approved	A current and effective copy of the Compliance Monitoring Manual will be available on the MBCC Juvenile Justice website.
2. YJC will reserve a reasonable dollar amount to support contracted onsite monitoring of secure facilities in accordance with the procedures set forth in the Compliance Monitoring Manual.	JJ Planner, MBCC Executive Director	Annually at YJC spring meeting YJC	Approval of funding will be reflected in the minutes of the spring Application Review and YJC meetings. Current and enforceable contracts with compliance monitors will be on file in the Compliance Monitoring Manual in the Juvenile Justice Planner's Office.	All facilities in the monitoring universe will have monitoring reports on file that meet the minimum on-site visit requirements set forth by facility type in the Compliance Monitoring Manual

F. Additional Requirements

1. State Advisory Group (SAG) Youth Justice Council

	Name	Email	Represents	Full-Time Government	Date of Appointment	Residence
1	Michelle Miller, Chair	millerlcsw@hotmail.com	D		March 1, 2014	Butte
2	Tim Brurud, Vice Chair	timb@bgchi-line.com	D, E		March 1, 2014	Havre
3	Craig Anderson	cjander@midrivers.com	B	X	March 1, 2014	Glendive
4	Dave Bailon	dave@bailon.us	E		March 1, 2014	
5	Anna Fischer	1banana1959@gmail.com	YOUTH		March 1, 2014	East Helena
6	Mary Jane Knisely	mknisely@mt.gov	B	X	March 1, 2014	Billings
7	Kristina Lucero	klucero@mt.gov	B	X	March 1, 2014	Missoula
8	Chaz McGurn	chazmcgurn@yahoo.com	YOUTH		March 1, 2014	Helena
9	Kelly McIntosh	director@cscfswmt.org	D		March 1, 2014	Dillon
10	Laura Obert	lauraobert@mt.net	A	X	March 1, 2014	Townsend
11	Peter Ohman	pohman@mt.gov	B	X	March 1, 2014	Bozeman
12	Braeden Quinn	Braedenquinn24@gmail.com	YOUTH		March 1, 2014	Missoula
13	Jack Shevalier	Jackshevalier@gmail.com	YOUTH		March 1, 2014	Helena
14	Randy Shipman	rshipman@dillonelem.k12.mt.us	C, G, H	X	March 1, 2014	Dillon
15	Laura Singley	lsingley@mt.gov	B	X	March 1, 2014	Lewistown
16	Geri Small	gerismall@yahoo.com	D		March 1, 2014	Lame Deer
17	Adam Stern	adam_stern@hotmail.com	A	X	March 1, 2014	Livingston

The SAG serves as the advisory council on juvenile justice to the MBCC. Three MBCC board members are also appointed to the SAG; those board members include Chair Michelle Miller, Kelly McIntosh, and Laura Obert. At least three of the SAG members have been or are currently involved in the juvenile justice system.

2. Formula Grant Staff

The MBCC is the designated state planning agency under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. MBCC also provides criminal justice agencies with technical assistance and supportive services that are approved by the board or assigned by the governor or legislature. Administratively attached to the Montana Department of Justice, MBCC is otherwise an independent agency that is able to serve as a catalyst for innovation and improvements in Montana's criminal and juvenile justice systems. The juvenile justice specialist and the juvenile justice planner report to the Public Safety and Community Justice Bureau Chief. See attached organization chart.

The Juvenile Justice Specialist provides 100% time overseeing JJDP block grants and coordinating the Youth Justice Council. The Juvenile Justice Planner provides 100% time overseeing compliance, DMC coordination and providing support for subgrantees. Both positions provide technical assistance to local communities and oversight of subgrantees. The Juvenile Justice Specialist serves as a liaison to the Coalition for Juvenile Justice.

The Fiscal Analyst is funded through State of Montana general funds. The fiscal analyst provides support services for the accounting services. The analyst also provides on-site fiscal audits.

The Public Safety and Community Justice Bureau manages Title II Formula Grant funds, Byrne JAG, Prescription Drug funds, Coverdell, Vision 21 discretionary funds, VOCA, VAWA, Misdemeanor Probation, and SASP funding.

Juvenile Justice Specialist	1.0 FTE OJJDP funds	Julie Fischer
Juvenile Justice Planner	0.5 FTE OJJDP funds	Cil Robinson
Administrative Support	0.29 FTE OJJDP funds	Kristel Matchett
Juvenile Fiscal Analyst	1.0 FTE General State Funds	Stacy Purdom

3. Performance Measures

It is understood that OJJDP does not require applicants to submit performance measures data with the applications; rather, the required data will be included in the reports submitted to OJJDP. In order to ensure that MBCC gathers the required data, subgrantees will be provided with the reporting requirements and will report progress to MBCC on a quarterly basis.

Subgrant Award Assurances

Subaward Selection

The SAG will award funding to subgrantees who have demonstrated success in carrying out the goals specified in the original subgrant application as outlined in the RFP. Quarterly reports are reviewed by staff, desk audits and site visits are conducted annually to ensure activities are being implemented to SAG and OJJDP standards.

Title II RFPs contain a link to the OJJDP web site model programs guide for agencies to research OJJDP approved programs. The OJJDP program area, performance measures and evaluation process of each subgrantee program is required to be clearly outlined within each subgrant application. A link to OJJDP Formula grant performance measures is also provided in the RFP for this purpose. Each subgrantee is also required to submit a quarterly DCTAT worksheet for monitoring progress toward the output and outcome measures as outlined by OJJDP.

G. Additional Information

Collecting and Sharing Juvenile Justice Information

- 1. A description of the state’s process for gathering juvenile justice information and data across state agencies such as the departments of education and welfare, mental health services, local law enforcement and how the state make this information available across agencies and incorporates the data into its comprehensive 3-year plan and annual plan updates.**

Since May 2005 Montana State District Youth Courts have used a unified case management system called the Juvenile Courts Assessment and Tracking System (JCATS). JCATS acts as a central repository for all data collected about a youth's court case except detention and department of corrections information. 2005 legislation was passed to allow electronic sharing of data between the Department of Corrections and the Courts. In 2007, Senate Bill 119 was passed to allow sharing of data between detention facilities and the courts. MBCC implemented a server based unified case management system for juvenile detention that can share youth data between facilities and with the Statewide Planning Agency's Compliance Monitoring Database (Juvenile Detention Reporting System). It is currently being piloted and debugged by two juvenile detention facilities. A program developed to upload data exported from juvenile detention facilities already using an electronic case management system is also being debugged.

MBCC, as the Statewide Planning Agency (SPA) collects and analyzes Montana's incident based reporting (MIBRS), JCATS, and JDR system data. That data is posted by our Statistical Analysis Center (SAC) on the web at: <http://mbcc.mt.gov/Data/Data.asp>. The same data is made available by the SAC for incorporation into our 3 Year Plan.

- 2. A description of specific barriers the state encounters with the sharing of juvenile information of at-risk youth among state agencies, including local law enforcement, i.e. where state statute, regulation, or policy prohibits the sharing of this information.**

With the recent passage of Senate Bill 119, Montana has now removed all known barriers to juvenile data sharing.