

# **2018 YOUTH JUSTICE COUNCIL**

## **REPORT TO THE GOVERNOR**

## **AND THE LEGISLATURE**



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# 2018 YOUTH JUSTICE COUNCIL

## REPORT TO THE GOVERNOR AND THE LEGISLATURE

PUBLISHED BY THE MONTANA BOARD OF CRIME CONTROL  
AND THE YOUTH JUSTICE ADVISORY COUNCIL

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DECEMBER 2018

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The mission of the Youth Justice Council is to improve the juvenile justice system by serving the best interest of Montana's youth, families, and citizens by supporting research-based programs with positive outcomes.



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December 2018

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Dear Governor Bullock, members of the Montana State Legislature, and fellow Montanans:

On behalf of the Youth Justice Council (YJC) of the Montana Board of Crime Control (MBCC), I am excited to submit this report that details the activities of the YJC, along with our recommendations regarding juvenile justice in Montana. I know that you all understand the responsibility we must ensure that all youth in Montana have the best possible chance to succeed, including those who have contact with the juvenile justice system.

This report will familiarize you with the structure and duties of the YJC, and introduce you to its members, who represent a wide variety of individuals from across the state. These people are dedicated to serving some of the most at-risk youth in our state, and I am always inspired by their service. I am also impressed with their insights into the needs of these at-risk youth and the ways that we can improve the system to serve them better. I am honored to serve with them.

Please take the time to read about the issues facing our youth and consider what you can do to help make a difference in their lives. The youth of Montana are facing challenges on several fronts, economic, social, educational; health related; the list goes on. It is crucial that we take steps to both reduce the number of children entering the juvenile justice system, and work together to make sure that those who do enter it have the best possible chance of changing their lives for the better because of their experiences there. The YJC funds projects around the state that are working to accomplish those goals, (prevention and improving the juvenile justice system) with remarkable success. Please take this opportunity to learn what your fellow-Montanans are doing.

We at the YJC and MBCC wish you well as we enter this new legislative session, and hope that you will keep the needs of Montana's youth at the forefront of your discussions. If there is anything we can do to aid you in this process, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Brunud', with a stylized, cursive script.

Tim ~~Brunud~~, Youth Justice Council Chairman

## **Executive Summary**

The Montana Board of Crime Control (MBCC) is the designated state agency that receives juvenile justice funds from the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP). As the State Planning Agency (SPA), MBCC ensures Montana's compliance with the federal requirements of the Juvenile Justice and Delinquency Prevention Act of 2002 (Public Law 93-415) (JJDP Act). Additionally, MBCC collaborates with state, local, and private agencies that participate in Montana's juvenile justice issues; the goal is to coordinate services and efficiently utilize available resources.

The Youth Justice Advisory Council (YJC) is required by Section 223 of the JJDP Act as amended. The YJC participates in the development and review of a juvenile justice plan for Montana and provides annual updates to the plan; reviews juvenile justice and delinquency prevention grant applications submitted to MBCC; and contacts and seeks regular input from juveniles currently under the jurisdiction of Montana's juvenile justice system. Each year the YJC submits a report to the Governor and the Montana Legislature and provides recommendations regarding state compliance with the JJDP Act. Montana's YJC is comprised of 15-33 members who are appointed by the Governor and serve a two-year term. The YJC is committed to providing Title II Formula Grant funds, training, and technical assistance to Montana communities to reduce juvenile delinquency and keep our youth from entering the juvenile justice system and, ultimately, the adult justice system.

As an advisory council, the purpose of the YJC is to provide advice to the MBCC, not for legislative advocacy.

### **The Youth Justice Advisory Council**

In 1974 Congress enacted the *Juvenile Justice and Delinquency Prevention (JJDP) Act*; the JJDP Act was reauthorized by Congress in 2002.<sup>1</sup> The JJDP Act provides funding to states to support four core protections for America's youth who become involved in the juvenile justice system. The four core protections include the following:

- **De-institutionalization of status offenders (DSO)**
- **Sight and sound separation**
- **Removal of juveniles from adult jails and lock-ups**
- **Disproportionate Minority Contact (DMC)**

The four core protections are the basis for the state's required work plan which is submitted annually to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) by MBCC on behalf of the State of Montana.

1. *De-institutionalization of Status Offenders (DSO)*

The State of Montana must ensure that juveniles who are charged with a status offense are not placed in secure detention or in correctional facilities. Status offenses are those that would not be an offense if committed by someone age of 18 or older.

2. *Sight and Sound Separation*

The State of Montana must ensure that a juvenile charged with a delinquent offense and detained or confined in an adult jail or lock-up will have no verbal or visual contact with adult offenders.

3. *Removal of Juveniles from Adult Jails and Lock-ups*

The State of Montana must ensure that no juvenile shall be detained or confined in a jail or lock-up intended for adult offenders beyond specific time limits – six hours in a Metropolitan Statistical Area (MSA) county and 24 hours in a non-MSA county.

4. *Disproportionate Minority Contact*

The State of Montana must try to reduce DMC at all the designated nine points along the juvenile justice continuum when that proportion exceeds the minority's representation in the general population.

## **The State Advisory Group on Juvenile Justice**

Montana's State Advisory Group, the Youth Justice Advisory Council (YJC), was established in response to the federal JJDP Act. Pursuant to the JJDP Act, each state must establish a State Advisory Group (SAG) on Juvenile Justice to receive Title II Formula Grant funds. The YJC is a 17-member panel of persons from across the state of Montana, each with his/her training, experience, or special knowledge of the juvenile justice system. YJC members are appointed by the Governor for two-year terms; the purpose is to study juvenile justice issues and make recommendations regarding policy and funding decisions to improve the quality of life for all Montana youth.

As the State Advisory Group, the YJC provides the Governor and the Legislature with recommendations for juvenile justice system improvement. The YJC participates in the development of annual plans to implement the objectives of the OJJDP Act and to promote the development of an effective and coordinated juvenile justice system in the state of Montana. Additionally, the YJC makes funding recommendations to the MBCC for grant applications pursuant to the OJJDP Act in a manner consistent with the State's Three-Year Plan. Part of MBCC's responsibility includes monitoring Montana's compliance with the four core requirements of the JJDP Act. **Montana follows all four core requirements of the JJDP Act.**



Currently the YJC membership is representative of 10 of the 12 Montana Association of Counties (MACo) districts. The YJC meets quarterly in Helena to address juvenile justice issues and trends in Montana and to work on its state and federal responsibilities in accordance with the JJDP Act. Those responsibilities include the following:

- To participate in the development of a comprehensive Three-Year Plan for juvenile justice in Montana that addresses the four core requirements of the JJDP Act;
- To review the progress of projects funded under the State of Montana's juvenile justice work plan, including DMC and the Juvenile Detention Alternatives Initiative (JDAI);
- To provide the Governor and the Legislature with an annual report of Montana's compliance with the four core requirements of the JJDP Act;
- To make recommendations to the Governor and Legislature for improvement of Montana's juvenile justice system; and
- To review and comment on all juvenile justice and delinquency prevention grant applications submitted to MBCC.

The YJC relies on the expertise of juvenile justice-related individuals and their respective agencies to accomplish its work plan. These agencies regularly attend YJC meetings and keep the YJC members apprised of activities, interests, concerns, and trainings that are relevant to juvenile justice; their participation has contributed to the YJC's overall knowledge of juvenile justice in Montana and the ability to solve problems through cooperation and collaboration:

- Office of Court Administration
- Public Defender's Office
- Children's Mental Health Bureau
- The Prevention Resource Center, Department of Public Health and Human Services
- Addictive and Mental Health Disorders Division
- Office of Public Instruction
- Department of Corrections, Youth Services Division

## **YJC Subcommittees**

**Executive Subcommittee:** In the absence of a quorum at a regularly-scheduled YJC meeting, or between regular meetings as necessary, the Executive Subcommittee may take limited, time-critical actions to carry out the essential responsibilities of the YJC. Additionally, this body makes recommendations to the YJC regarding nominations and active participation by members. The Executive Subcommittee also offers recommendations to the YJC in relation to federal applications,

associated deadlines related to the Three-Year Plan, and compliance with the core requirements of Title II legislation.

**Executive Subcommittee** members include the following: Chair Tim Brurud, Vice-Chair Dave Bailon, Jazmyn Saunders, Craig Anderson, Randy Shipman and Judge Mary Jane Kinsley.

**Tribal Outreach Subcommittee** was formed to help the Montana Board of Crime Control develop important and lasting relationships with our Tribal Nations. The committee focuses their attention on helping native youth avoid detention while developing essential life-skills.

Tribal Outreach Committee: Minnetta Armstrong, Geri Small, Jason Smith, Heather Cahoon, RaeGyn Trombley and Dave Bailon.

**DMC/JDAI Subcommittee** was formed to focus on implementing the principles espoused by the Annie E. Casey foundation. The committee works with youth detention facilities and other organizations across the state to reduce the number of youth who become entangled with juvenile justice.

DMC/JDAI Sub-committee: Chair Judge Mary Jane Kinsley, Vice-Chair Geri Small, Heather Calhoon, Tim Brurud, Kim Leighton, Qasim Abdul-Baki, Laurie Barron and Laura Obert.

**Legislative/Mental Health Subcommittee** was formed to research best and promising practices for youth and to recommend research-based improvements to Montana's juvenile justice system. Those recommendations are submitted to the YJC for inclusion in the YJC white paper which is submitted biennially to the Law and Justice Interim Committee.

Legislative/Mental Health Subcommittee: Chair Laura Obert, Jazmyn Saunders, Kim Leighton, Randy Shipman, Dave Bailon, Craig Anderson, and Qasim Abdul-Baki.

**Youth Subcommittee** members assist MBCC staff in the review of Do the *Write* Thing Challenge student writings. Additionally, the Youth Subcommittee members work toward including the voices of juvenile justice system-involved youth in the YJC juvenile justice discussions.

Youth Subcommittee: Rachel Gerner, Peter McIntosh, Jazmyn Saunders, Laurie Barron and ReaGyn Trombley.

**Application Review Committee members** work with MBCC staff to review Title II subgrant applications. The Committee forward their subgrant funding recommendations to the YJC for approval. The YJC's approved recommendations are forwarded to the MBCC for review and final award or denial.

Application Review Committee: Chair Dave Bailon, Tim Brurud, Minnetta Armstrong, Judge Mary Jane Knisely, Kim Leighton, Peter McIntosh, Laura Obert and Craig Anderson.

## **Special Subcommittees**

The YJC or the YJC Chair may, from time to time, create special committees or task forces and the Chair shall appoint all committee chairs with the consent of the YJC. The committees or task forces shall exercise the powers delegated to them by the YJC and its bylaws. Committees shall also have such other powers and duties as delegated to them by the Chair. Committee reports and recommendations shall be submitted to the Chair within the time prescribed, and they shall be advisory only.

### **Shackling Subcommittee (ad hoc)**

The YJC created a special committee to investigate the impact of shackling youth in the courtroom. Shackling Subcommittee members include the following: Rachel Gemar, Judge Mary Jane Knisely and Qasim Abdul-Baki.

## **A Profile of Montana's Youth**

Current data from the Office of Court Administration and the MBCC Statistical Analysis Center indicates that over the past three years, Montana has seen a consistent decline in most areas of juvenile crime. Following are notable juvenile crime trends for the State of Montana:

- The number of unduplicated youth referred to Youth Court fell from 3,711 in 2016 to 3,660 in 2017;<sup>2</sup>
- The number of referrals (one youth may have multiple referrals) to Youth Court dropped from 5,702 in 2016 to 5,469 in 2017;<sup>2</sup>
- The number of juvenile offenses (a referral may have multiple offenses) declined between 2009-2017, falling from 11,611 in 2009 to 8,206 in 2017;<sup>2</sup> and
- Status offenses declined from 1,894 in 2016 to 1,409 in 2017.<sup>2</sup>

The key to preventing juvenile delinquency and its escalation into chronic criminality is early intervention. Risk factors in the individual, family, peer, and school/community domains must be mitigated, and the protective factors in those domains must be enhanced. Preventing juvenile delinquency through early intervention can reduce juvenile crime rates; decrease crime-related expenditures; and increase the opportunity for Montana youth to lead productive, law-abiding lives.

According to the 2018 Annie E. Casey Kids Count Data Book, Montana ranked number 23 among states for Overall Child Well-Being.<sup>4</sup> State rankings are based on an index of 16 key indicators that examine four key areas of child well-being:

- Economic Well-Being (ranked 17);
  - Children in poverty 15%
  - Children whose parents lack secure employment 26%

- Children living in households with a high housing cost burden 24%
- Teens not in school and not working 7%
- Education (ranked 20);
  - Children not attending preschool 57%
  - Fourth graders not proficient in reading 62%
  - Eighth graders not proficient in math 63%
  - High school students not graduating on time 14%
- Health (ranked 46);
  - Low-birthweight babies 7.9%
  - Children without health insurance 5%
  - Child and teen deaths per 100,000 (40 deaths)
  - Teens who abuse alcohol or drugs 6%
- Family and Community (ranked 10).
  - Children in single-parent homes 25%
  - Children in families where the household head lacks a high school diploma 5%
  - Children living in high-poverty areas 9%
  - Teen births per 1,000 (24 births)

The number of Montana children who live in poverty; whose parents lack secure employment; and whose households have a high housing cost burden increased slightly between 2013 and 2018. Per the Spotlight on Poverty and Opportunity records, 14.8% of Montanans under the age of 18 live in poverty, and 30% of the single-parent families with related children live below poverty.<sup>5</sup> Approximately 17,445 women and children are enrolled in the WIC program (Women, Infants and Children supplemental nutrition program). However, the number of teens not in school and not working decreased to 7%. In the education domain, the number of fourth graders not proficient in reading declined slightly; statistically speaking, those children who reach the fourth grade unable to read proficiently are more likely to drop out of school.

Several of the indices are of concern to the work of the YJC. Teens not in school and not working are sometimes referred to as “Disconnected Youth.” Longitudinal studies have identified a robust relationship among risk and protective factors that predict the likelihood of adolescent delinquency, drug use, youth violence, and school dropout. Youth with weak bonds to school, low educational aspirations, and poor motivation are at risk for general offending and juvenile delinquency. Although that number dropped slightly, it is still a concern.

In response to the above-referenced indicators and to the downward trend of juvenile justice funding at the federal level, the YJC has placed an importance on funding evidence-based and best practice programming. Additionally, the YJC invites representatives from state agencies involved in juvenile justice to attend the quarterly YJC meetings as guests to report on activities, trends, and potential areas of collaboration.

## **2018 Federal Grants and Funding Priorities**

### *Title II – Formula Grant*

The Title II Formula Grant supports state and local efforts in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in juvenile delinquency and programs to improve the juvenile justice system per Section 221(a) of the JJDP Act. Funds are allocated to states and territories based on their relative population under the age of 18.

Montana receives the minimum allocation to each state, which is approximately \$400,000. To receive this amount, Montana must demonstrate compliance with the four core requirements of the JJDP Act. The allocation is reduced by 20 percent for each core requirement with which the state is not in compliance. To be eligible for Title II funds, Montana must submit electronically a comprehensive three-year plan to address compliance with the four core requirements and includes an advisory group appointed by the Governor to carry out specific functions and to participate in the development and review of Montana's juvenile justice plan. That advisory group is the Youth Justice Advisory Council.

Once the plan is approved, the YJC recommends the specific programs for funding to MBCC. MBCC juvenile justice staff process applications for sub grants and administer the funded projects. Two-thirds of the funds must be passed through to units of general local government, private nonprofit agencies, and Tribal governments performing law enforcement functions unless a waiver is granted.

The YJC has determined the following priorities for Title II funding: alternatives to detention; Native American programs; delinquency prevention; disproportionate minority contact; diversion programs; and juvenile justice system improvement. The population to be served includes all Montana youth and their families at risk for encountering 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 the number of diversion programs for at-risk youth; monitor and ensure compliance with the DMC core requirement; and increase availability of community-based juvenile detention alternatives. Eligible applicants include units of local governments, federally recognized tribal governments, nonprofits, and local educational agencies. No match is required.

During the federal FY2018 Title II grant period, the YJC provided funded to the following programs:

- Boys and Girls Clubs of Yellowstone County – Positive Action for Teen Members
- HELP Committee & Boys and Girls Club Highline – Havre Youth Reporting Center
- Big Brothers Big Sisters of Great Falls – Diversion Project Year Two
- Bitterroot Ecological Awareness Resources Inc. – Bitterroot Venture
- Alliance for Youth Inc. – Improving JJ Diversion Practices in Cascade Co.
- East Helena School District #9 – We Are East Helena
- Big Brothers Big Sisters of Yellowstone County – Mentoring for Children
- Center for Restorative Youth Justice – Restorative Practices as Alternatives for Off Campus
- YWCA of Missoula – YWCA Guts! Program
- Boys and Girls Club of the Northern Cheyenne – Northern Cheyenne Cultural Youth Project
- Friends Forever Mentoring – Native Youth Leadership Through Mentoring Project

Title II funds were also used for juvenile justice compliance monitoring, and for funding a portion of MBCC's juvenile justice project, *Do the Write Thing*.

### **Disproportionate Minority Contact Report (DMC)**

The Youth Justice Council (YJC) is charged with advising the Montana Board of Crime Control (MBCC) on assessing, addressing, evaluating, and monitoring disproportionate minority contact (DMC) with the juvenile justice system for any minority/race/ethnicity representing more than one percent of the general population.

The rate of minority youth system contact at nine decision points is divided by the rate of White youth contact at each of these decision points to determine the ratio, referred to as the relative rate index (RRI). An RRI with a value of one indicates that there is no DMC present at that decision point. An RRI value of less than one indicates under-representation of minority youth, and an RRI value greater than one indicates over-representation of minority youth.

Montana's population reached one million in 2011; although the general population is growing, the youth population between the ages of 10-17 has been declining since 2005. This population is dispersed across 145,546 square miles. Even though the youth population is declining, Montana has seen a 14% increase in Hispanic youth of all races and an 18% increase in Black non-Hispanic youth. American Indian/Alaska Native non-Hispanic youth have declined by 5%; both White and Asian non-Hispanic youth have declined by 4%.

Montana has four populations that meet the 1% rule: Hispanic youth of any race; non-Hispanic American Indian/Alaska Native youth; non-Hispanic Black/African American; and Other/Mixed. The Federal Office of Management and Budget (OMB) no longer provides population projections for the Other/Mixed population; therefore, Montana does not analyze DMC for the Other/Mixed population between census years.

Data available at the time of this publication indicates non-Hispanic American Indian/Alaska Native youth experience significant DMC at the statewide level at four contact points: arrest, diversion, admission to secure detention, and confinement in secure juvenile correctional facilities. Although all minority youth experience DMC statewide at the points of arrest, diversion, detention, and confinement in secure juvenile correctional facilities, non-Hispanic American Indians experience the most significant minority contact with Montana's juvenile justice system.

The following chart shows the CY2014 Montana Relative Rate Index (RRI) for minority youth compared with White youth at the nine-juvenile justice system contact points. The chart indicates statistically significant RRI at the point of arrest for Black or African-American youth, Hispanic or Latino youth, American Indian or Alaska Native youth, and All Minority youth. Fewer Hispanic or Latino youth and American Indian or Alaska Native youth were diverted from the juvenile justice system than other youth. At the point of secure detention, RRI exists for Hispanic or Latino youth, American Indian or Alaska Native youth, and All Minority youth. Finally, American Indian or Alaska Native youth and All Minority youth are disproportionately represented in cases resulting in confinement in secure detention.

Relative Rate Index Compared with White Youth								
	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or Other Pacific Islanders	American Indian or Alaska Native	Other/Mixed	All Minorities
Juvenile Arrests	1.00	<b>2.51</b>	<b>0.67</b>	*	*	<b>1.64</b>	*	<b>1.35</b>
Refer to Juvenile Court	1.00	1.00	1.00	*	*	1.00	*	1.00
Cases Diverted	1.00	0.75	1.00	*	*	0.81	*	0.82
Cases Involving Secure Detention	1.00	<b>1.36</b>	<b>1.84</b>	*	*	<b>1.26</b>	*	<b>1.46</b>
Cases Petitioned	1.00	<b>1.60</b>	1.00	*	*	<b>1.55</b>	*	<b>1.46</b>
Cases Resulting in Delinquent Findings	1.00	**	**	*	*	1.00	*	1.00
Cases Resulting in Probation Placement	1.00	**	**	*	*	1.00	*	1.00
Cases Resulting in Confinement in Secure Facility	1.00	**	**	*	*	1.00	*	1.00
Cases Transferred to Adult Court	1.00	**	**	*	*	1.00	*	1.00
Group meets 1% Threshold?	Yes	Yes	Yes	No	No	Yes	No	Yes

#### Key

Statistically significant results

Results that are not statistically significant

Group is less than 1% of the youth population

Insufficient number of cases for analysis

**Red bolded font**

Regular font

\*

\*\*

Minority youth are arrested more often, detained more often, diverted less often, and are placed in confinement in secure detention more often than White youth. Data collected from the JDAI sites will provide information and guide further efforts to manage DMC at problematic decision points.

Per the 2012 report by Dr. Dusten Hollist, Assessing the Mechanisms that Contribute to Disproportionate Minority Contact in Montana's Juvenile Justice System, social factors are the biggest contributors to DMC; the most successful strategies for reducing DMC are those that address



school and family issues, especially those related to generational poverty and disadvantage. Dr. Hollist's complete report may be found on the MBCC website at: <http://mbcc.mt.gov/Portals/130/Data/Reports/DMCAssessRep.pdf>.

## **Juvenile Detention Alternative Initiative**

The Annie E. Casey Foundation (AECF) developed the Juvenile Detention Alternative Initiative (JDAI) in 1992 to support the vision that juvenile justice system-involved youth should have the opportunity to “develop into healthy, productive adults as a result of policies, practices, and programs that maximize their chances for personal transformation, protect their legal rights, reduce their likelihood of unnecessary or inappropriate incarceration, and minimize the risks they pose to their communities” (AECF).<sup>6</sup>

In order to achieve these objectives, JDAI sites implement eight core strategies: **collaboration** among juvenile justice agencies, government agencies, and community organizations; **use of accurate data** to determine the need for reform and the impact of JDAI strategies; **objective admissions criteria and instruments** to reduce the subjectivity in placement decision making; **alternatives to detention** to increase options available for youth; **case processing reforms** in order to ensure that interventions are both timely and appropriate for the youth; **examination of special detention cases** to minimize the number of youth in secure detention; **reducing racial disparities** to ensure youth of color are not detained at a higher relative rate than white youth; and **improving conditions of confinement** through the application of consistent protocols and standards.

Montana became an official Annie E. Casey JDAI site in 2007 and local sites continue to work towards implementation of the eight core strategies. Montana's 2013 JDAI sites include the following: Cascade County, Flathead County, Hill County, Missoula County, and Yellowstone County. Sites are utilizing a Detention Risk Assessment Instrument (DRAI) to ensure that only youth who are a risk to public safety or a flight risk are being placed in detention. The DRAI is an automated data collection and reporting system that assists in the correct placement of juveniles. Each site conducted data analysis to determine the alternatives that are most appropriate for their respective sites. In 2011 the Montana Board of Crime Control contracted with the University of Montana to conduct a study of the RAI to determine the tool's validity. Led by Dr. Dusten Hollist, a research team from the University of Montana traveled to the JDAI sites. The findings were published in a August 2014 report. Dr. Hollist's report is available on the MBCC website: [http://mbcc.mt.gov/Portals/130/Data/Reports/RAI\\_DRAI\\_Comparison.pdf](http://mbcc.mt.gov/Portals/130/Data/Reports/RAI_DRAI_Comparison.pdf)

Montana JDAI participants attend trainings to improve the implementation of JDAI at the local level. Participants first attended the AECF kick-off in February 2007 and attended annual national conferences since then. Montana started providing onsite training in 2010, beginning with trainings Dr. Ed Latessa of the University of Cincinnati and the JDAI team from Atlanta, GA, led by the Honorable Judge Steven Teske. The first statewide JDAI Conference was held in October 2010 in conjunction with the Crime Prevention Conference; participants received training on the implementation of a graduated sanctions grid. The 2011 Crime Prevention Conference featured a juvenile justice track that addressed JDAI and Disproportionate Minority Contact (DMC). Presenters

from the AECF and Pierce County, Washington shared strategies for reducing DMC and increasing detention alternatives for youth. Other related trainings included the purpose of detention and the role played by the judicial officer in the detention process. The 2012 Conference provided pilot sites with a round table discussion of their data, challenges, and successes; a training from the Burns Institute for Juvenile Justice Fairness and Equity; and a presentation by Dr. Hollist on the results of the DRAI validation and assessment study.

In 2010 Hill County established a day and evening Youth Reporting Center (YRC) which serves as a pre-adjudication alternative to detention for a target group of juveniles who would otherwise be transported and detained in the Juvenile Detention Center in Cascade County. The YRC opened its doors in early 2011 and soon became a valuable community resource.

Efforts continue to bring JDAI to scale in Montana. Past Statewide JDAI Coordinator Cil Robinson developed a protocol to standardize data collection and reporting across the pilot sites. All the JDAI sites with detention facilities within their counties have completed a self-inspection within the last two years. JDAI Fundamentals training has been provided to Yellowstone County, Flathead County, Fort Peck Reservation, and Rocky Boys Reservation.

## **Restorative Justice in Montana**

Restorative justice is a theory that emphasizes repairing the harm that is done to the community and to the victim through the criminal behavior. Restorative justice is based on three principles. First, those who have been injured or harmed must be restored, to the degree possible, to their condition prior to the harm. Second, those who have been most directly impacted by the crime should be offered the opportunity to participate in the process. Finally, the community's function is to build and maintain a just peace. Restorative justice takes work and commitment.

Restorative justice is a different way of perceiving crime and the way we respond to it. By focusing on the harm caused by the crime and the harm done to the victims, offenders are required to take responsibility for their actions and the harm they have caused. Criminal acts are not simply defined by the law or laws broken and the punishment merited; rather, the victims' needs are recognized, and community plays a strong role in the reintegration of the offender.

Restorative justice programming provides an opportunity for the community. Victims often appreciate the opportunity to face the offender and ask questions regarding the incident. The victims can let the offender know what kind of an impact the incident has had. The highlight for the victims is participating in the restoration process – victims are asked what it will take to restore their loss. The victims are being heard, and justice focuses on their needs and the importance of restoring the community balance.

The YJC continues to support restorative justice efforts across Montana. The Center for Restorative Youth Justice (CRYJ) in Kalispell works in conjunction with the 11<sup>th</sup> Judicial District, providing restorative justice programming to youth who are involved in the justice system. Federal juvenile justice funding supports two of CRYJ's six restorative justice programs: The Community

Accountability Board (CAB) and the Victim-Offender Conferencing (VOC). The recidivism rate for youth who successfully completed VOC or CAB requirements reached an historic low of 3% in fiscal year 2012. Nearly half of the 280-youth referred to CRYJ in 2013 participated either in CAB or VOC.

### **Montana's Do the *Write* Thing Challenge**

For the past nine years Montana youth, have participated in the Do the *Write* Thing Challenge, a writing campaign that provides 7<sup>th</sup> and 8<sup>th</sup> grade students with the opportunity to examine how youth violence impacts their lives, the causes of youth violence, and what they can do to reduce youth violence. Students wrote essays, poems, plays, and other forms of written expression to voice the effects of violence in their schools, communities, and homes and to express what they can do about youth violence.

Montana's Do the *Write* Thing Challenge is a violence prevention program that allows middle school students an opportunity to examine the impact of violence on their lives and to communicate in written form what they think should be done to reduce violence.

More than 1,000 Montana middle school students have submitted thought-provoking, insightful essays and poems. Each year Montana's Do the *Write* Thing committee selects one boy and one girl to represent Montana as our ambassadors to Washington, D.C. accompanied by a parent and the sponsoring teacher to attend a four-day gathering of other ambassadors. Parents, teachers, and students attend workshops and visit Capitol Hill. A leather-bound book containing the ambassadors' writings is presented to the Library of Congress; our students have been invited to read their essays aloud at the Library of Congress and the Supreme Court.

### **Montana's National Ambassadors – May 6, 2018**

The Montana Board of Crime Control and the Youth Justice Advisory Council would like to congratulate Montana's 2018 Do the Write Thing National Ambassadors:

#### **JESSE RAULSTON**

Anaconda Junior-Senior High School  
Anaconda, Montana

#### **HEAVEN JARVIS**

East Middle School  
Butte, Montana

### **Montana's Finalists**

The Montana Board of Crime Control and the Youth Justice Advisory Council would also like to acknowledge Montana's Do the Write Thing Finalists: **Walker Laumeyer, Riley Hickey, Tristan Carlson, Ahmia Lords. Cadence Reeder, Adara Ruegamer and Olivia Welch**

### **Special Thanks**

The Montana Board of Crime Control and the Youth Justice Advisory Council would like to extend a special thanks to our **Keynote Speaker, Montana Department of Corrections, Director Reginald Michael.**

The following MBCC staff member was instrumental in making Montana's 2018 Do the Write Thing Challenge a success:

#### **Do the Write Thing State Chair**

Shawn Clark, Juvenile Justice Specialist

## References

- <sup>1</sup>Juvenile Justice and Delinquency Prevention Act of 1974. Retrieved from <https://www.ojjdp.gov/about/jjdpa2002titlev.pdf>
- <sup>2</sup>Youth Court At-A-Glance. (2017). Retrieved at [https://courts.mt.gov/portals/189/dcourt/yth\\_court/docs/2017reportcard.pdf](https://courts.mt.gov/portals/189/dcourt/yth_court/docs/2017reportcard.pdf)
- <sup>3</sup>Statistical Analysis Center. Juvenile crime statistics. Retrieved at <http://mbcc.mt.gov/Data/Crime-Data>
- <sup>4</sup>Kids Count Data Book (2018). Data by state. Retrieved at <https://www.aecf.org/m/resourcedoc/aecf-2018kidscountdatabook-2018.pdf>.
- <sup>5</sup>Spotlight on Poverty and Opportunity: Montana. Retrieved at <https://spotlightonpoverty.org/states/>.
- <sup>6</sup>The Annie E. Casey Foundation. Juvenile detention alternatives initiative. Retrieved at <http://www.aecf.org>.
- <sup>7</sup>Do the Write Thing. Retrieved at <http://www.dtwt.org/>.

## YOUTH JUSTICE ADVISORY COUNCIL MEMBERS

<p><b>Tim Brurud, Chair</b>  9855 Hwy. 2 W.  Havre, MT 59501  406-265-6206  Representing: Nonprofits  Term expires: 3/1/2020</p>	<p><b>Hon. Mary Jane Knisely</b>  PO Box 35034  Billings, MT 59107  406-867-2502  Representing: Judiciary &amp; Law Enforcement  Term expires: 3/1/2020</p>
<p><b>Dave Bailon, Vice-Chair</b>  120 Northridge Drive  Kalispell, MT 59901  406-756-0944  Representing: Volunteers Work with  Delinquents and Potential Delinquents  Term expires: 3/1/2020</p>	<p><b>Laura Obert</b>  PO Box 196  Townsend, MT 59644  406-980-2794  Representing: Local Government  Term expires: 3/1/2020</p>
<p><b>Craig Anderson</b>  318 Sigmund  Glendive, MT 59330  406-377-5291  Representing: Problems with School Violence,  Vandalism, Alternatives to  Suspension/Expulsion  Term expires: 3/1/2020</p>	<p><b>Randy Shipman</b>  432 S Pacific  Dillon, MT 59725  406-683-2368  Representing: Public Agencies  Term expires: 3/1/2020</p>
<p><b>Geri Small</b>  PO Box 378  Lame Deer, MT 59043  406-477-6654  Representing: Special Experience  Term expires: 3/1/2020</p>	<p><b>Qasim Abdul-Baki</b>  2606 South Hill Drive  Missoula, MT 59803  406-274-3229  Representing: Experience and Competence in  Addressing Problems Related to School  Violence and Vandalism  Term expires: 3/1/2020</p>

<p><b>Minnetta Armstrong</b>  615 S. Piegan  Browning, MT 59417  406-338-7370  Representing: Public Agency Concerned with  Delinquency Prevention or Treatment  Term expires: 3/1/2020</p>	<p><b>Laurie Barron</b>  1058 7<sup>th</sup> Street West  Whitefish, MT 59937  406-751-1111  Representing: Person with Competence in  Problems with School Violence and Vandalism  Term expires: 3/1/2020</p>
<p><b>Heather Cahoon</b>  803 Parkview Way  Missoula, MT 59803  406-824-7526  Representing: Non-profit with Special Focus  on Preserving, Strengthening Families, Parent  Groups  Term Expires: 3/1/2020</p>	<p><b>Rachel Gemar</b>  3820 Blondie St. #201  Bozeman, MT 59715  925-470-6495  Representing: Youth  Term Expires: 3/1/2020</p>
<p><b>Kimberly Leighton</b>  PO Box 772  Helena, MT 59624  406-546-7017  Representing: Non-profit with Special Focus  on Preserving, Strengthening Families, Parent  Groups  Term Expires: 3/1/2020</p>	<p><b>Peter McIntosh</b>  4035 Ventura Way  East Helena, MT 59635  406-925-3361  Representing: Youth  Term Expires: 3/1/2020</p>
<p><b>Jazmyn Saunders</b>  515 S. Reserve St  Missoula, MT 59801  406-880-8886  Representing: Youth  Term Expires: 3/1/2020</p>	<p><b>RaeGyn Trombley</b>  2418 1<sup>st</sup> Ave  Great Falls, MT 59401  406-217-3436  Representing: Youth  Term Expires: 3/1/2020</p>

**STATE OF MONTANA  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER No. 17-2018**

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**EXECUTIVE ORDER CONTINUING THE YOUTH JUSTICE ADVISORY COUNCIL  
WITHIN THE DEPARTMENT OF CORRECTIONS, BOARD OF CRIME CONTROL, TO  
IMPLEMENT THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT**

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I, **STEVE BULLOCK**, Governor of the State of Montana, pursuant to the authority vested in me under the Constitution and the laws of the State of Montana, do hereby continue the Youth Justice Advisory Council (Council or "YJC"), as amended, within the Department of Corrections, Board of Crime Control, pursuant to § 2-15-122, MCA, and as required by Section 223 of the Juvenile Justice and Delinquency Prevention Act (JJDP) of 2002 (Public Law 93-415), as amended.

**PURPOSE**

The purpose of the Council is to:

- Submit to the Governor, the Board of Crime Control, and the Montana Legislature, at least annually, recommendations regarding state compliance with the federal requirements of the Juvenile Justice and Delinquency Prevention Act 2002;
- Participate in the development and review of the state's juvenile justice plan prior to submission of the plan to the Board of Crime Control for final action, and develop and review annual updates of the plan;
- Review and comment on all juvenile justice and delinquency prevention grant applications submitted to the Board of Crime Control; and
- Contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system and state, local, and private agencies on juvenile justice issues to better coordinate services and efficiently utilize available resources.

**COMPOSITION**

The Council shall consist of at least 15 members and not more than 33 members appointed by the Governor, consistent with the requirements of the JJDP Act of 2002, as amended. The Governor shall appoint a chair from among the Council's members, who will also serve as the YJC Representative on the Board of Crime Control. The Governor shall also appoint two members of the Board of Crime Control as well as the chair of the Council. The Governor may appoint additional non-voting ex-officio members. The Council members shall serve at the pleasure of the Governor and their names and addresses will be submitted by separate letter to the Secretary of State. Members will include:



- At least one locally-elected official representing general purpose local government;
- Representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;
- Representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation and youth services agencies;
- Representatives of private nonprofit organizations, including persons with specialized focuses on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;
- Volunteers who work with delinquents or potential delinquents;
- Youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;
- Persons with special experience and competence in addressing problems related to school violence and vandalism, and alternatives to suspension and expulsion; and
- Persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence.

A majority of the members shall not be full-time employees of federal, state, or local government. At least one-fifth of members shall be under the age of 24 at the time of appointment, including at least three members who have been or are currently under the jurisdiction of the juvenile justice system.

#### **COMPENSATION AND TRAVEL**

Council members eligible for compensation under § 2-15-122(5), MCA, shall be compensated \$50 for each day actually and necessarily engaged in performance of Council duties. All Council members shall be reimbursed for travel expenses pursuant to § 2-15-122(5), MCA.

#### **DURATION**

The Council shall exist for a period of two years, consistent with the requirements of the JJDP Act of 2002, and will expire or be renewed on March 1, 2020.

This Order is effective retroactive to March 1, 2018.



GIVEN under my hand and the GREAT SEAL of the  
State of Montana this 18<sup>th</sup> day of  
June, 2018.

A stylized blue ink signature of Steve Bullock.

STEVE BULLOCK, Governor

ATTEST:

A blue ink signature of Corey Stapleton.

COREY STAPLETON, Secretary of State

# Montana Code Annotated 2017

## TITLE 2. GOVERNMENT STRUCTURE AND ADMINISTRATION

### CHAPTER 15. EXECUTIVE BRANCH OFFICERS AND AGENCIES

#### Part 1. General Provisions

## Creation Of Advisory Councils

**2-15-122. Creation of advisory councils.** (1) (a) A department head or the governor may create advisory councils.

(b) An agency or an official of the executive branch of state government other than a department head or the governor, including the superintendents of the state's institutions and the presidents of the units of the state's university system, may also create advisory councils but only if federal law or regulation requires that the official or agency create the advisory council as a condition to the receipt of federal funds.

(c) The board of public education, the board of regents of higher education, the state board of education, the attorney general, the state auditor, the secretary of state, and the superintendent of public instruction may create advisory councils, which shall serve at their pleasure, without the approval of the governor. The creating authority shall file a record of each council created by it in the office of the governor and the office of the secretary of state in accordance with subsection (9).

(2) Each advisory council created under this section must be known as the ".... advisory council".

(3) The creating authority shall:

(a) prescribe the composition and advisory functions of each advisory council created;

(b) appoint its members, who shall serve at the pleasure of the creating authority; and

(c) specify a date when the existence of each advisory council ends.

(4) Advisory councils may be created only for the purpose of acting in an advisory capacity, as defined in **2-15-102**.

(5) (a) Unless an advisory council member is a full-time salaried officer or employee of this state or of any political subdivision of this state, the member is entitled to be paid in an amount to be determined by the department head, not to exceed \$50 for each day in which the member is actually and necessarily engaged in the performance of council duties and to be reimbursed for travel expenses, as provided for in **2-18-501** through **2-18-503**, incurred while in the performance of council duties. The maximum daily pay rate must be adjusted for inflation annually by multiplying the base income of \$50 by the ratio of the PCE for the second quarter of the previous year to the PCE for the second quarter of 1995 and rounding the product to the nearest whole dollar amount.

(b) Members who are full-time salaried officers or employees of this state or of any political subdivision of this state are not entitled to be compensated for their service as members but are entitled to be reimbursed for travel expenses, as provided for in **2-18-501** through **2-18-503**.

(6) Unless otherwise specified by the creating authority, at its first meeting in each year, an advisory council shall elect a presiding officer and other officers that it considers necessary.

(7) Unless otherwise specified by the creating authority, an advisory council shall meet at least annually and shall also meet on the call of the creating authority or the governor and may meet at other times on the call of the presiding officer or a majority of its members. An advisory council may not meet outside the city of Helena without the express prior authorization of the creating authority.

(8) A majority of the membership of an advisory council constitutes a quorum to do business.

(9) Except as provided in subsection (1)(c), an advisory council may not be created or appointed by a department head or any other official without the approval of the governor. In order for the creation or approval of the creation of an advisory council to be effective, the governor shall file in the governor's office and in the office of the secretary of state a record of the council created showing:

- (a) the council's name, in accordance with subsection (2);
- (b) the council's composition;
- (c) the appointed members, including names and addresses;
- (d) the council's purpose; and
- (e) the council's term of existence, in accordance with subsection (10).

(10) An advisory council may not be created to remain in existence longer than 2 years after the date of its creation or beyond the period required to receive federal or private funds, whichever occurs later, unless extended by the appointing authority in the manner set forth in subsection (1). If the existence of an advisory council is extended, the appointing authority shall specify a new date, not more than 2 years later, when the existence of the advisory council ends and file a record of the order in the office of the governor and the office of the secretary of state. The existence of any advisory council may be extended as many times as necessary.

(11) For the purposes of this section, "PCE" means the implicit price deflator for personal consumption expenditures as published quarterly in the survey of current business by the bureau of economic analysis of the U.S. department of commerce.

**History:** En. 82A-110 by Sec. 1, Ch. 272, L. 1971; amd. Sec. 10, Ch. 358, L. 1973; amd. Sec. 3, Ch. 51, L. 1974; amd. Sec. 56, Ch. 439, L. 1975; R.C.M. 1947, 82A-110; amd. Sec. 3, Ch. 83, L. 1989; amd. Sec. 4, Ch. 509, L. 1989; amd. Sec. 1, Ch. 119, L. 1991; amd. Sec. 72, Ch. 61, L. 2007; amd. Sec. 1, Ch. 66, L. 2007; amd. Sec. 2, Ch. 361, L. 2015.



U.S. Department of Justice

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

Office of the Administrator

Washington, D.C. 20531

JUN 22 2018

Adrianne Cotton  
Director  
Crime Control Bureau  
Montana Department of Corrections  
5 South Last Chance Gulch  
Helena, MT 59620

Dear Director Cotton:

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has completed its review and analysis of Montana's federal fiscal year 2018 Compliance and Disproportionate Minority Contact (DMC) Plans, and its compliance data and supporting documentation covering the federal fiscal year 2017 reporting period. OJJDP conducted the review to determine (1) whether Montana has described an adequate system of monitoring, and (2) the extent of Montana's compliance with the four core requirements pursuant to Section 223(a)(11), (12), (13), and (22) of the Juvenile Justice and Delinquency Prevention Act.

Based on our review and analysis of your 2018 compliance plan, OJJDP has determined that Montana has provided for an adequate system of monitoring, as described in the state plan. This is not a determination that Montana, in fact, has an adequate system of monitoring, which can be determined only through an onsite audit, but indicates that the state has described an adequate system of monitoring, pursuant to section 223(a)(14).

Based on our review and analysis of the Compliance Monitoring Report and the 2018 Disproportionate Minority Contact Compliance Plan, OJJDP has determined:

- Montana is in compliance with Section 223(a)(11) of the Act (the deinstitutionalization of status offenders or DSO requirement).
- Montana is in compliance with Section 223(a)(12) of the Act (the separation requirement).
- Montana is in compliance with Section 223(a)(13) of the Act (the adult jail and lockup removal requirement).
- Montana is in compliance with Section 223(a)(22) of the Act (the disproportionate minority contact or DMC requirement).

RECEIVED

Under the Title II Formula Grants Program of the Juvenile Justice and Delinquency Prevention Act (34 U.S.C. §§ 11131-11133), each eligible state receives 20 percent of its total fiscal year allocation and an additional 20 percent for each of the four core requirements with which the state has demonstrated compliance. OJJDP has determined that Montana is eligible to receive 100 percent of the fiscal year 2018 allocation related to participation in the Title II Formula Grants Program and compliance with Sections 223(a)(11), (12), (13), and (22) of the Act (34 U.S.C. § 11133(a)(11), (12), (13), and (22)). The enclosure summarizes the basis for the final compliance determination for each core requirement.

We are available to help Montana achieve and maintain compliance with all of the requirements of the Title II Formula Grants Program. If you have any questions, please contact Sherry Carroll, OJJDP Core Protections Division, at (202) 307-5654.

Sincerely,



Caren Harp  
OJJDP Administrator

cc: Tim Brurud  
State Advisory Group Chairperson

Shawn Clark  
Juvenile Justice Specialist  
DMC Coordinator

Mark Thatcher  
Compliance Monitor

TeNeane Bradford PhD.  
Associate Administrator, Core Protections Division

Marisa Harris  
Program Manager, State and Community Development

Sherry Carroll  
Compliance Analyst

Enclosure

**STATUS OF COMPLIANCE**  
Juvenile Justice and Delinquency Prevention Act

**Section 223(a)(11)**

Pursuant to the requirements of Section 223(a)(11), the review determined that Montana has an institutionalization rate of 0.00 status offenders and nonoffenders held per 100,000 persons under the age of 18. This is consistent with the established standard of a rate not in excess of 8.5 per 100,000 persons under the age of 18. Based on federal fiscal year 2017 data that Montana has provided, OJJDP has determined that Montana is in compliance with the requirements of Section 223(a)(11) of the Act (deinstitutionalization of status offenders), which requires that states not hold (with certain exceptions) status offenders and nonoffenders in secure detention and correctional facilities.

**Section 223(a)(12)**

Pursuant to the requirements of Section 223(a)(12), the review determined that Montana has a rate of 0.00 juveniles per 100,000 juvenile population who were detained or confined in institutions in which they had contact with adult inmates. This is consistent with the established standard of a rate not in excess of .32 per 100,000 juvenile population. Based on federal fiscal year 2017 data that Montana has provided, OJJDP has determined that Montana is in compliance with Section 223(a)(12) of the Act (separation), which requires that states not detain or confine juveniles in any institution in which they have contact with adult inmates and that the state has a policy in effect requiring individuals who work with both juvenile and adult inmates, including in collocated facilities, to be trained and certified to work with juveniles.

**Section 223(a)(13)**

Pursuant to the requirements of Section 223(a)(13), the review determined that Montana has a rate of 2.2 juveniles detained or confined in adult jails or lockups per 100,000 juvenile population. This is consistent with the established standard of a rate not in excess of 8.41 per 100,000 juvenile population. Based on federal fiscal year 2017 data that Montana has provided, OJJDP has determined that Montana is in compliance with Section 223(a)(13) of the Act (jail removal), which requires that states not detain or confine (with certain exceptions) juveniles in adult jails and lockups and that the state has a policy in effect requiring individuals who work with both juvenile and adult inmates, including in collocated facilities, to be trained and certified to work with juveniles.

**Section 223(a)(22)**

OJJDP has determined that Montana is in compliance with section 223(a)(22) of the Act (disproportionate minority contact). The summary of activities described in its fiscal year 2018 state plan indicate that Montana is addressing disproportionate minority contact within its juvenile justice system.

