

# **2016 YOUTH JUSTICE COUNCIL**

**REPORT TO THE GOVERNOR**

**AND THE LEGISLATURE**



**MONTANA  
BOARD OF  
CRIME  
CONTROL**

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# 2016 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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## Table of Contents

Letter of Welcome from the Youth Justice Advisory Council Chair	1
Executive Summary	2
About the Youth Justice Advisory Council (YJC)	3-5
2016 YJC Subcommittees	6-7
Profile of Montana Youth	8-9
2016 Federal Grants and Funding Priorities	10-11
Disproportionate Minority Contact (DMC) in Montana	12-14
Juvenile Detention Alternatives Initiative (JDAI) in Montana	15-16
Restorative Justice in Montana	17
Shackling Youth in Courtrooms	18-19
Do the <i>Write</i> Thing Challenge	20
Program Success: Big Brothers Big Sisters of Helena	21
References	22
YJC Members	23-24
Executive Order 6-2014	25-27
Montana Code Annotated 2014	28-29
Office of Juvenile Justice and Delinquency Prevention Compliance Letter	30-31

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.



December 2016.

Youth Justice Council

Members:

Michelle Miller  
Chairperson

Tim Brurud

Craig Anderson

Dave Bailon

Anna Fischer

Judge Mary Jane  
Knisely

Kristina Lucero

Chaz McGurn

Kelly McIntosh

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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 "T Brurud".

Tim Brurud, Youth Justice Council Chair

## 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 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, Craig Anderson, Braeden Quinn and Judge Mary Jane Kinsley.

**Tribal Outreach committee** 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: Chair, Kristina Lucero, Geri Small, and Dave Bailon

**DMC/JDAI Sub-committee** 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, Geri Small, Tara French, Kristina Lucero and Laura Obert

### **Legislative/Mental Health Subcommittee**

The 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, Vice Chair, Peter Ohman, Braeden Quinn, Randy Shipman, Craig Anderson, Kristina Lucero and Haley Cox

## **Youth Subcommittee**

The 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 Chair, Braeden Quinn, Haley Cox, Abigail Helland, Isabel Hamilton and Judge Mary Jane Knisely

## **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. 2015 Shackling Subcommittee members include the following: Peter Ohman, Chair; Braeden Quinn; Mary Jane Knisely; Craig Anderson; Kristina Lucero; and Laura Obert.

## 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 4,822 in 2012 to 3,711 in 2016;
- The number of referrals (one youth may have multiple referrals) to Youth Court dropped from 7,872 in 2012 to 5,702 in 2013;
- The number of juvenile offenses (a referral may have multiple offenses) declined between 2009-2016, falling from 11,611 in 2009 to 8,713 in 2016;<sup>2</sup> and
- Status offenses declined from 2,615 in 2009 to 1,894 in 2013.<sup>3</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 2016 Annie E. Casey Kids Count Data Book, Montana ranked number 31 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 18);
  - Children in poverty 19%
  - Children whose parents lack secure employment 28%
  - Children living in households with a high housing cost burden 26%
  - Teens not in school and not working 7%
- Education (ranked 17, down from 13);
  - Children not attending preschool **60%**
  - Fourth graders not proficient in reading 63%
  - Eighth graders not proficient in math 61%
  - High school students not graduating on time 14%

- Health (ranked 47); and
  - Low-birthweight babies 7.1%
  - Children without health insurance 8%
  - Child and teen deaths per 100,000 6%
  - Teens who abuse alcohol or drugs 6%
- Family and Community (ranked 14).
  - Children in single-parent homes 28%
  - Children in families where the household head lacks a high school diploma 6%
  - Children living in high-poverty areas 9%
  - Teen births per 1,000 25%

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 2009 and 2013. Per the Department of Commerce, 20% of Montanans under the age of 18 live in poverty, and 36% of the single-parent families with related children live below poverty.<sup>5</sup> Nearly 20,000 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 slightly to 9%. 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.

## 2016 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 \$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 2016 Title II grant period, the YJC provided funded to the following programs:

- Boys and Girls Clubs of Yellowstone County – Positive Action for Teens
- Big Brothers Big Sisters of Great Falls – Local Mentoring Initiative
- Big Brothers Big Sisters of Helena – Start Something Big
- Boys & Girls Club of the Northern Cheyenne Nation – Cultural Learning Project
- East Helena School District – We Are East Helena
- Big Brothers Big Sisters of Yellowstone County – Mentoring Youth for the Future
- Boys & Girls Club of the Hi-line – Havre Youth
- Center for Restorative Youth Justice – Restorative Practices and School Integration
- Stevensville Police Department – Student Awareness and Education
- Crow Tribe of Indians – Youth Empowerment Coalition

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 2012 Montana 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>1.93</b>	<b>0.68</b>	*	*	<b>1.51</b>	*	<b>1.26</b>
Refer to Juvenile Court	1.00	1.00	1.00	*	*	1.00	*	1.00
Cases Diverted	1.00	1.00	<b>0.92</b>	*	*	<b>0.92</b>	*	0.93
Cases Involving Secure Detention	1.00	1.15	<b>1.72</b>	*	*	<b>1.80</b>	*	<b>1.73</b>
Cases Petitioned	1.00	0.84	0.97	*	*	1.10	*	1.05
Cases Resulting in Delinquent Findings	1.00	**	**	*	*	1.00	*	1.05
Cases Resulting in Probation Placement	1.00	**	**	*	*	1.00	*	1.00
Cases Resulting in Confinement in Secure Facility	1.00	**	**	*	*	<b>1.55</b>	*	<b>1.48</b>
Cases Transferred to Adult Court	1.00	**	**	*	*	**	*	**
Group meets 1% Threshold?	Yes	Yes	Yes	No	No	Yes	No	

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

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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. 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. Dusten Hollist's complete report may be found on the MBCC site: <http://www.mbcc.mt.gov/Data/SAC/RAI/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 June 2012 report. Dr. Hollist’s report is available on the MBCC website: [http://www.mbcc.mt.gov/Data/SAC/RAI/RAI\\_DRAI\\_Comparison.pdf](http://www.mbcc.mt.gov/Data/SAC/RAI/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. 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.

## Indiscriminate Shackling of Juveniles in Court Is a Mistake

Troubled, traumatized and disconnected youth come into the juvenile justice system every day. Often their first interaction with the judge occurs while they are shackled in handcuffs, belly chains, and leg irons. This experience can lead to distrust of the juvenile justice system, may compound previous incidents of trauma, and reinforces negative self-perceptions during what is a crucial period of development and maturation – adolescence. To reduce recidivism and nurture pro-social attitudes in those working their way through the juvenile justice system, the Youth Justice Council proposes changes to the current system.

Many people in Montana do not realize that kids are often shackled when they come into court. In fact, mandatory shackling regularly occurs in numerous Montana counties. It happens despite the fact most of these young people are accused of misdemeanors or non-violent felony offenses. When children who do not pose a risk to courtroom security or their own safety are shackled before a judge, the message it sends to the juvenile is neither constructive nor in furtherance of the purposes of the Montana Youth Court Act – it says you are a criminal.

Rehabilitation is a bedrock principle of the juvenile justice system. However, research demonstrates that shackling does nothing to further this goal; in fact, shackling may impede rehabilitation efforts. Many children who appear in court have experienced trauma. The practice of indiscriminate shackling adds to the trauma that many of these youths have already experienced (Psychiatrist Donald Rosenblitt, M.D., Exhibit 1). Shackling also interferes with the youth’s right to effective assistance of counsel, in that children are unable to handle and sign documents, focus their attention on the courtroom procedures, and communicate effectively with their lawyers. For adolescents going through a stage of heightened levels of self-consciousness, public shackling is also extraordinarily humiliating.

Pediatricians, psychologists, and psychiatrists agree that shackling is bad for kids in a number of ways. For example, “[c]hildren learn that a fundamental principle of our democracy is that a person is innocent until proven guilty. Being shackled gives them the opposite message. This conflict between what adults say and do is harmful to young people’s moral development” (Psychologist Marty Beyer, Ph.D., Exhibit 2). Moreover, court-involved children are already a vulnerable population, as many have experienced physical and sexual abuse, domestic and street violence, foster care, and school failure resulting from learning difficulties or truancy.<sup>1</sup> “[S]hackling ... humiliates young people and may reactivate these past traumas. All of this occurs at a highly sensitive period in their development and may do permanent harm (See Exhibit 1).” “In addition to being harmful to the child, the re-experiencing of the trauma may cause behavioral problems, both in the courtroom and later. The effort

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<sup>1</sup> Id at ¶ 18. *See also* Memorandum from Mary Hermann and Karen Worthington to Sen. Bill Hamrick. (August 12, 2000) (on file with the Barton Child Law and Policy Ctr.). *See also* ROBIN WEEKS AND CATHY SPATZ WIDOM, NAT’L INSTITUTE OF JUSTICE, EARLY CHILDHOOD VICTIMIZATION AMONG INCARCERATED ADULT MALE FELONS (1998), *available at* <https://www.ncjrs.gov/txtfiles/fs000204.txt>. (Last visited Nov. 11, 11) (A study of felons in the New York prison system that documented early childhood victimization rates found that “68 percent of the sample reported some form of childhood victimization and 23 percent reported experiencing multiple forms of abuse and neglect, including physical and sexual abuse”).

to control the child through shackling may lead to far more problematic behaviors” (Pediatrician Gwen Wurm, M.D., Exhibit 3; see also, Robert Bidwell, M.D., Exhibit 4).

Not only does the health care community understand indiscriminate shackling is bad for children, both the American Bar Association (ABA) and the National Council of Juvenile and Family Court Judges (NCJFCJ) have passed resolutions strongly opposed to the automatic shackling of juveniles. An excerpt reads, “The NCJFCJ supports a presumptive rule or policy against shackling children; requests for exceptions should be made to the court on an individualized basis and must include a cogent rationale, including the demonstrated safety risk the child poses to him or herself or others” (NCJFCJ, Exhibit 5). The ABA’s resolution states in part, “Shackling interferes with the attorney-client relationship, chills notions of fairness and due process, undermines the presumption of innocence, and is contrary to the rehabilitative ideals of the juvenile court” (See Exhibit 6).

The body of research known as Procedural Justice also informs the question of whether indiscriminate shackling does more harm than good. What is Procedural Justice? Procedural Justice develops from research showing that *how cases are handled* has an important influence upon people’s evaluation of their experience in the court/criminal justice system and how that experience influences short/long term acceptance of decisions. People focus more strongly on whether the authority they are dealing with is or is not managing their problem through fair procedures. The research has shown that how people and their problems are managed has *more* influence than case outcome upon key issues: (1) whether they accept and continue to abide by decisions; (2) how people evaluate judges, the court system, the criminal justice system and the law; and (3) people’s everyday compliance with the law. Essential to this is people must believe their *judge* used fair procedures. As Dr. Beyer noted above, when children find themselves shackled in the courtroom for relatively minor offenses – particularly after having been taught they are presumed innocent – the procedure can be interpreted as unfair. Procedural Justice teaches us that this perception of an unfair process can result in a lack of pro-social attitudes, as the juvenile progresses through and eventually exits the juvenile justice system.

## Do the *Write* Thing<sup>7</sup>

### *Stand Up; Don't Stand By*

For the past eight 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.

The 2015 State Recognition Ceremony was held at ExplorationWorks! April 11, 2015. Carroll College football coach Mike Van Diest delivered the keynote address and reminded the students that they displayed great courage by writing and sharing their stories. Helena Mayor Jim Smith welcomed the students, their teachers, and their families to Helena. MBCC Executive Director Deb Matteucci delivered the opening remarks, and Brenda Desmond, 4<sup>th</sup> Judicial District Standing Master and MBCC board member, spoke to the students about youth violence.

Abbey Scott (Laurel) and Cooper Zikan (Hamilton) represented Montana during the National Recognition Week activities in Washington, D.C., July 11-15, 2015. Students, parents, and teachers participated in violence prevention workshops, dinner at the Kuwaiti Cultural Center, and visited with Congressional staff members. Three youth were invited to read their writings at the Library of Congress; they presented officials with a leather-bound copy of the 2015 student writings. Three youth were also selected to read their writings at the Supreme Court. The Recognition Ceremony was held in the Ronald Reagan Building Atrium. Opening remarks were given by the Master of Ceremonies Ayman Mohyeldin, foreign correspondent for NBC News, anchor for MSNBC, and host of “Roadmap” on MSNBC’s digital channel, Shift. Keynote speaker and hip-hop artist Common spoke to the youth about realizing their full potential and becoming community leaders. Singer Ddendyl Hoyt provided a musical program, and the Harlem Globetrotters gave each of the students an autographed basketball.

This year 175 Montana middle school students participated in the Do the *Write* Thing program. State Chair Julie Fischer presents Do the *Write* Thing at the Montana Behavioral Initiative (MBI) and at the MEA/MFT Conference to share information about the program with educators around the state. As the Do the *Write* Thing Challenge grows and develops in Montana, more teachers, parents, and volunteers increase their support of the Challenge. The Do the *Write* Thing Challenge is an initiative of the National Campaign to Stop Violence (NCSV).



## Program Success 2015

### Boys and Girls Club of Yellowstone County: *Framework for Teen Success*

From its humble beginnings in 1967 as a priest's project serving seven matches in the Helena diocese, Big Brothers Big Sisters of Helena (BBBS-Helena) has grown into a successful mentoring program that serves an average of 250 children in its community-based and school-based programs each year. In 1992 BBBS-Helena affiliated with the national organization, Big Brothers Big Sisters of America, and standardized the delivery of its programs. All BBBS organizations are guided by a single vision: "All children achieve success in life." The mission of every Big Brothers Big Sisters organization is to provide children facing adversity with strong and enduring, professionally-supported one-to-one relationships that change their lives for the better, forever.

Today BBBS-Helena is also a member of Big Brothers Big Sisters of Montana, the only Best Practice prevention program in Montana proven to influence a broad spectrum of risk factors, including delinquency, alcohol, tobacco, drug use, teen pregnancy, and school dropout rates while at the same time helping children reach their highest potential. Staff members develop partnerships with parents and guardians, volunteers, and others in the community to assist each child with achieving higher aspirations, greater confidence, and better relationships; avoiding risky behaviors; and experiencing educational success. MBCC has supported the efforts of BBBS-Helena since 1995. Grant funds have been used to develop high school mentoring programs, community partnership mentoring programs, and satellite mentoring programs in Boulder.

The *Start Something Big* campaign specifically targets youth of all races and socioeconomic backgrounds in grades K-8 who live in single parent home; who are at-risk for becoming delinquent; or who were deemed to be eligible but were unable to be served due to lack of program capacity. Key risk factors include poor behaviors; disrespect for authority; impulsivity; low academic performance; poor social skills; low self-esteem; families that are disrupted by incarceration of a family member, divorce, illness, or history of violence; alcohol and/or drug abuse; and the deployment of a parent. Despite the logistical challenges of serving underserved schools outside of the city limits of Helena, BBBS-Helena could make 32 new matches for the school-based program in 2014, including matches at Jim Darcy Elementary as well as Eastgate and Radley Elementary Schools in East Helena. Some of those matches included the Carroll College Women's Basketball team.

BBBS-Helena's Big of the Year, Jay Sherley, went on to become Montana's 2014 Big of the Year for his dedication towards his Little, Bryan. Jay and Bryan were matched in 2008; with Jay's guidance and friendship, Bryan could overcome constant bullying and suicidal thoughts, and he graduated from high school in 2015.

## REFERENCES

- <sup>1</sup>Juvenile Justice and Delinquency Prevention Act of 1974. Retrieved from <http://www.ojjdp.gov/about/jjdpa2002titlev.pdf>.
- <sup>2</sup>Youth Court At-A-Glance. (2013). Retrieved at [http://courts.mt.gov/dcourt/yth\\_court/default.mcp](http://courts.mt.gov/dcourt/yth_court/default.mcp).
- <sup>3</sup>Statistical Analysis Center. Juvenile crime statistics. Retrieved at <http://www.mbcc.mt.gov/Data/crimedata/crimedata.asp>.
- <sup>4</sup>Kids Count Data Book (2014). Data by state. Retrieved at [http://www.aecf.org/m/databook/2014KC\\_profile\\_MT.pdf](http://www.aecf.org/m/databook/2014KC_profile_MT.pdf).
- <sup>5</sup>Spotlight on Poverty and Opportunity: Montana. Retrieved at <http://www.spotlightonpoverty.org/map-detail.aspx?state=Montana>.
- <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.dtw.org/>.

## YOUTH JUSTICE ADVISORY COUNCIL MEMBERS

<p><b>Michelle Miller, Chair</b>          1146 W. Gold St.          Butte, MT 59701          406-560-6600          Representing: Competency addressing youth violence          Term expires: 3/1/2016</p>	<p><b>Kelly McIntosh</b>          221-1/2 S. Idaho St.          Dillon, MT 59725          406-683-6106          Representing: Nonprofits          Term expires: 3/1/2016</p>
<p><b>Tim Brurud, Vice Chair</b>          9855 Hwy. 2 W.          Havre, MT 59501          406-265-6206          Representing: Nonprofits          Term expires: 3/1/2016</p>	<p><b>Laura Obert</b>          PO Box 196          Townsend, MT 59644          406-980-2794          Representing: Locally elected officials          Term expires: 3/1/2016</p>
<p><b>Craig Anderson</b>          318 Sigmund          Glendive, MT 59330          406-377-5291          Representing: Law enforcement          Term expires: 3/1/2016</p>	<p><b>Peter Ohman</b>          502 S 19<sup>th</sup> St., Ste. 211          Bozeman, MT 59718          406-565-0039          Representing: Law enforcement          Term expires: 3/1/2016</p>
<p><b>Dave Bailon</b>          120 Northridge Drive          Kalispell, MT 59901          406-756-0944          Representing: Volunteers in juvenile justice          Term expires: 3/1/2016</p>	<p><b>Braeden Quinn</b>          5328 Horn Rd.          Missoula, MT 59808          406-396-8490          Representing: Youth          Term expires: 3/1/2016</p>

<p><b>Anna Fischer</b>  PO Box 1454  East Helena, MT 59635  406-227-8494  Representing: Youth  Term expires: 3/1/2016</p>	<p><b>Jack Shevalier</b>  1993 Cannon St.  Helena, MT 59602  406-461-3510  Representing: Youth  Term expires: 3/1/2016</p>
<p><b>Hon. Mary Jane Knisely</b>  PO Box 35034  Billings, MT 59107  406-867-2502  Representing: Judiciary &amp; law enforcement  Term expires: 3/1/2016</p>	<p><b>Randy Shipman</b>  432 S Pacific  Dillon, MT 59725  406-683-2368  Representing: Public Agencies  Term expires: 3/1/2016</p>
<p><b>Kristina Lucero</b>  610 Woody St.  Missoula, MT 59802  406-523-5140  Representing: Competency addressing youth violence  Term expires: 3/6/2014</p>	<p><b>Laura Singley</b>  712 West Main  Lewistown, MT 59457  406-535-9242  Representing: Law enforcement  Term expires: 3/6/2014</p>
<p><b>Chaz McGurn</b>  5445 Robin Rd.  Helena, MT 59602  406-265-2523  Representing: Youth  Term expires: 3/1/2016</p>	<p><b>Geri Small</b>  PO Box 378  Lame Deer, MT 59043  406-477-6654  Representing: Competency addressing youth violence  Term expires: 3/1/2016</p>
	<p><b>Adam Stern</b>  208 S. F St.  Livingston, MT 59047  406-224-1875  Representing: Local elected officials  Term expires: 3/6/2016</p>

STATE OF MONTANA  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER No. 6 - 2014

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

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

**1. PURPOSE:**

The purpose of the Council is to:

- Submit to the Governor, the Board of Crime Control and the Legislature, at least annually, recommendations regarding State compliance with the federal requirements of the Juvenile Justice and Delinquency Prevention Act (JJDP) 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;
- 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 to efficiently utilize available resources.

**2. COMPOSITION:**

The council shall consist of not less than 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, in addition to the chair, to the Council. Additional non-voting, ex-officio members may be appointed by the Governor. 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;
- Representatives of private nonprofit organizations, including person with a special focus 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, and child abuse and neglect and youth violence.

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

### **3. 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.

### **4. DURATION:**

This Executive Order supersedes previous orders and is effective retroactively to March 1, 2014. The Council shall exist for a period of two years from the effective date, consistent with the requirements of the JJDP Act of 2002.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 19th day of June, 2014.

SEAL



  
STEVE BULLOCK, Governor

ATTESTED:

  
LINDA MCCULLOCH, Secretary of State

*For  
Linda  
McCulloch*

# Montana Code Annotated 2014

[Previous Section](#)   [MCA Contents](#)   [Part Contents](#)   [Search](#)   [Help](#)   [Next Section](#)

**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 using the formula provided in [15-6-134\(2\)\(b\)\(ii\)](#) and [\(2\)\(b\)\(iii\)](#), except that the base income level and appropriate dollar amount must be \$50 a day.

(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.

**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.



U.S. Department of Justice

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

Office of the Administrator

Washington, D.C. 20531

Brooke Marshall  
Executive Director  
Montana Board of Crime Control  
P.O. Box 201408  
Helena, MT 59620-1408

SEP 30 2014

SEP 30 2014  
BOARD OF CRIME CONTROL

Dear Ms. Marshall:

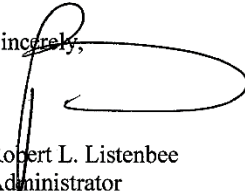
The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has completed its review and analysis of Montana's annual Compliance Monitoring Report to determine the extent of compliance with Section 223(a)(11), (12), (13), and (22) of the Juvenile Justice and Delinquency Prevention Act (JJDP). This review resulted in the following findings:

- Montana is in compliance with Section 223(a)(11) of the JJDP (the "deinstitutionalization of status offenders" or "DSO" requirement).
- Montana is in full compliance with Section 223(a)(12) of the JJDP (the "separation" requirement) which requires that juveniles not be detained or confined in any institution in which they have contact with adult inmates.
- Montana is in compliance with Section 223(a)(13) of the JJDP (the "jail and lockup removal" requirement).
- Montana is not out of compliance with Section 223(a)(22) of the JJDP (the "disproportionate minority contact" or "DMC" requirement).

Each State receives 20 percent of its total fiscal year allocation for participating in the Title II Formula Grant Program of the JJDP (42 U.S.C. 5631-5633) and an additional 20 percent for each of the four core requirements with which they have demonstrated compliance. It is therefore determined that Montana is eligible to receive 100 percent of the Fiscal Year 2015 allocation related to participation in the Title II Formula Grant Program and compliance with Sections 223(a)(11), (12), (13), and (22) of the JJDP. Attached is the status of compliance with each core requirement of the JJDP and any noted deficiencies with the annual Compliance Monitoring Report

We are available to help Montana achieve and maintain compliance with all of the requirements of the Title II Formula Grant Program. If you have any questions, please contact Julie Herr, OJJDP Audit and Compliance Division, at 202-353-9260.

Sincerely,



Robert L. Listenbee  
Administrator

cc: Julie Fischer, Juvenile Justice Specialist  
Cil Robinson, Compliance Monitor/DMC Coordinator  
Pam Carbonari, SAG Chair

Enclosure