

2020 YOUTH JUSTICE COUNCIL

REPORT TO THE GOVERNOR

AND THE LEGISLATURE



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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 2020

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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.



Youth Justice Council
Members:

Tim Brurud
Chairperson

Rhonda Schaffer
Vice Chair

Qasim Walid Abdul-Baki

Minnetta Armstrong

Kevin Buerkle

Georgia Cady

Chase Comes At Night

Mike Chavers

Tamara Greeing

Judge Mary Jane Knisely

Quinn Leighton

Holly Mook

Isaac Nehring

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December 2020

Dear Governor Gianforte, 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 year 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', written in a cursive style.

Tim Brurud, 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 Administering Agency (SAA), MBCC ensures Montana's compliance with the federal requirements of the Juvenile Justice and Delinquency Prevention Act of 2002 (JJDP Act, Public Law 93-415) as amended by the Juvenile Justice Reform Act of 2018 (JJRA, Public Law 115-385). Additionally, MBCC collaborates with state, local, and private agencies that participate in Montana's juvenile justice issues to coordinate services and efficiently utilize available resources.

Section 223 of the JJDP Act as amended requires states and territories receiving Title II funding to establish state advisory groups to assist the SAA with state planning and juvenile justice issues. The Youth Justice Council (YJC) was established to meet this requirement. 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 seeks regular input from juveniles currently or formerly 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 local programs to reduce juvenile delinquency and prevent our youth from entering the 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 2002.¹ 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**
- **Racial and Ethnic Disparities (RED)**

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. *Racial and Ethnic Disparities (RED)*

The State of Montana must outline plans to identify and reduce RED at five key points of contact in the juvenile justice system: arrest, diversion, detention, secure confinement, and adult transfer. RED replaced Disproportionate Minority Contact (DMC) in the Juvenile Justice Reform Act of 2018.

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 Governor-appointed panel of persons from across the state of Montana, each with his/her training, experience, or special knowledge of the juvenile justice system. Members are appointed for two-year terms. The purpose of the YJC 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 JJDP 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 JJDP Act in a manner consistent with the State's Juvenile Justice - Title II 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 7 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 RED;
- 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 keep 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
- University of Montana
- Elevate Montana
- Montana Governor’s Office of Indian Affairs
- Department of Corrections, Crime Control Bureau

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 Rhonda Lindquist, Jaxx Saunders, 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: Chair Minnetta Armstrong, Geri Small, , RaeGyn Trombley, Brie Shulman, and Jason Smith (ex-officio).

DMC/JDAI/RED Subcommittee was formed to maintain compliance with the federal RED mandate by undertaking the intentional and strategic activities to ensure RED reduction is underway statewide. The committee provides guidance through recommendations to the YJC and MBCC regarding issues of disparity and disproportionality. The Annie E. Casey Foundation's Juvenile Detention Alternative (JDAI) is a strategy that has been implemented to address RED at arrest, diversion, and detention.

DMC/JDAI/RED Sub-committee: Chair Judge Mary Jane Kinsley, Vice-Chair Geri Small, Tim Brurud, Quinn Leighton, Qasim Abdul-Baki, Rhonda Lindquist, Georgia Cady, Kevin Buerkle, Emily Sallee.

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: Jaxx Saunders, Quinn Leighton, Randy Shipman, Qasim Abdul-Baki, Rhonda Lindquist, Patricia Steinwand, Emily Sallee, Mike Chavers, Holly Mook, Brie Shulman, Isaac Nehring.

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 RaeGyn Trombley, Jaxx Saunders, Chase Comes At Night, Isaac Nehring, Georgia Cady, Holly Mook, Emily Sallee.

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 Quinn Leighton, Tim Brurud, Minnetta Armstrong, Judge Mary Jane Knisely, Mike Chavers, and Kevin Buerkle.

Special Subcommittees

The YJC or the YJC Chair may, from time to time, create special committees or task forces. 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: Chair Qasim Abdul-Baki, Judge Mary Jane Knisely, and Patricia Steinwand.

A Profile of Montana's Youth

Current data from the Office of Court Administration and the MBCC Statistical Analysis Center indicates that Montana had seen a consistent decline in most areas of juvenile crime in recent years, with a slight uptick in 2019. Following are notable juvenile crime trends for the State of Montana:

- The number of unduplicated youths referred to Youth Court fell from 3,660 in 2017 to 3,379 in 2018 and rose to 3,420 in 2019;^{2,3}
- The number of referrals (one youth may have multiple referrals) to Youth Court dropped from 5,469 in 2017 to 5,127 in 2018 and increased slightly to 5,249 in 2019;^{2,3}
- The number of juvenile offenses (a referral may have multiple offenses) declined steadily since 2009, reaching a low of 7,142 in 2018 and rising to 7,467 in 2019;^{2,3} and
- Status offenses declined significantly from 2,446 in 2012 to 1,337 in 2019.^{2,3}

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 opportunities for Montana youth to lead productive, law-abiding lives.

According to the 2020 Annie E. Casey Kids Count Data Book, Montana ranked 23rd in the U.S. for Overall Child Well-Being.⁴ State rankings are based on an index of 16 key indicators that examine four key areas of child well-being:

- Economic Well-Being (ranked 28th);

- Children in poverty 16%
- Children whose parents lack secure employment 27% (down from 30%)
- Children living in households with a high housing cost burden 24%
- Teens not in school and not working 9%
- Education (ranked 22nd);
 - Children not attending preschool 57%
 - Fourth graders not proficient in reading 64%
 - Eighth graders not proficient in math 64%
 - High school students not graduating on time 14%
- Health (ranked 27th);
 - Low birth-weight babies 7.4%
 - Children without health insurance 6%
 - Child and teen deaths per 100,000 (36 deaths)
 - Teens who abuse alcohol or drugs 6%
- Family and Community (ranked 10th).
 - Children in single-parent families 29%
 - Children in families where the household head lacks a high school diploma 5%
 - Children living in high-poverty areas 8%
 - Teen births per 1,000 (17 births) (reduction from 21 per 100,000 in 2019)

According to the Spotlight on Poverty and Opportunity,⁵ 15% of Montanans under the age of 18 lived in poverty in 2019. This represents a decline in the childhood poverty rate from a recent high of 21% in 2013. The percent of single-parent families with related children living below the poverty line decreased significantly from 39% in 2015 to 29% by 2019. Approximately 16,682 women and children are enrolled in the Women, Infants, and Children (WIC) supplemental nutrition program and 49,357 children in Montana receive food stamps. Finally, the number of teens not in school and not working increased slightly to 9%.

Data regarding education remained stable in the past couple of years. Assessments from 2019⁶ show that 36% of fourth grade students and 34% of eighth grade students were “at or above proficient” in reading. In writing, 22% of fourth grade students and a third of eighth grade students scored at or above proficient. Finally, 43% of fourth graders and 36% of eighth graders scored at or above proficient in math. The overall dropout rate in Montana has declined slightly over the past few years and is currently

about 14%. The dropout rate is highest among American Indian youth at 8.3%, followed by Hispanic and Black youth at 5.4%.

Several of these 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. Poverty is also a known risk factor for juvenile delinquency. Since the coronavirus pandemic began in March, every month at least forty percent of adults living in households with children lost employment income. In July, this percentage peaked at 56 percent.⁷

In response to the above-referenced indicators, the YJC prioritizes evidence-based practices to provide early intervention and support for at-risk and justice-involved youth. 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.

2020 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. In upcoming years, OJJDP will increase the minimum amount to \$600,000. To receive Title II funds, 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 a comprehensive three-year plan to address compliance with the four core requirements. Additionally, OJJDP requires that a state advisory group be 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.

The YJC has determined the following priorities for Title II funding: alternatives to detention; Indian Tribe programs; delinquency prevention; racial and ethnic disparities; diversion; juvenile justice system improvement; school programs; gender-specific services; community-based programs and

services; and substance and alcohol abuse. 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; expansion of diversion programs for at-risk youth; compliance monitoring; and improved 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 FY2019 Title II grant period, the YJC provided funded to the following programs:

- Boys & Girls Club of Cascade County – Adolescent Programs;
- HELP Committee and Boys and Girls Club of the Highline - Havre Youth Reporting Center;
- Bitterroot Ecological Awareness Resources Inc. – Bitterroot Venture;
- Big Brothers and Big Sisters of Helena – Bigs with Badges Year 2
- Big Brothers and Big Sisters of Yellowstone County – Impact of Community Mentoring;
- Boys and Girls Club of Yellowstone County – Positive Actions for High Risk Teens;YWCA of Missoula – YWCA GUTS! Program;
- Center for Restorative Youth Justice – Improving Youth Outcomes and Resiliency;
- Chippewa Cree Tribe – Chippewa Cree Tribe Juvenile Justice Program
- Friendship House of Christian Service: Delinquency Prevention

In 2021, MBCC will fund the following programs:

- HELP Committee and Boys and Girls Club of the Highline - Havre Youth Reporting Center;
- Bitterroot Ecological Awareness Resources Inc. – Mentoring in the time of Covid;
- Big Brothers and Big Sisters of Butte-Silver Bow: School-Based Program Expansion;
- Big Brothers and Big Sisters of Helena – School-Based Mentoring 2020-2021;
- Big Brothers and Big Sisters of Yellowstone County – Impact of Community Mentoring;
- Boys and Girls Club of Yellowstone County – Positive Actions for High Risk Teens;
- CASA of Missoula Inc: CASA of Missoula and Fostering Futures;
- YWCA of Missoula – GUTS!;
- Center for Restorative Youth Justice – Restoring Community Youth;

- Chippewa Cree Tribe – Chippewa Cree Tribe Juvenile Justice Program
- Friendship House of Christian Service: Friendship House Teen Delinquency Prevention

Title II funds were also used for juvenile justice compliance monitoring and for funding a portion of Do the *Write* Thing, a national program that encourages seventh and eighth grade students to write about youth violence.

Title V – Delinquency Prevention Program

The Montana Board of Crime Control was recently awarded \$1 million from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to expand restorative justice programming in Montana. The MBCC will subgrant funds from the OJJDP FY 2020 Delinquency Prevention Program under Category 1 to units of local government in rural areas, high-poverty areas, and Qualified Opportunity Zones. Subgrantees will use the funds to implement Restorative Justice programs in their communities for the purpose of diverting arrested or at-risk youth from formal involvement in the juvenile justice system. Programs will be modeled after the Adolescent Diversion Project, an evidence-based program that has been highly successful in lowering delinquency and recidivism rates compared to processed youth.

In the first year, MBCC’s Youth Justice Council will initiate project efforts by creating an ad hoc Delinquency Prevention Committee to discuss program planning and implementation. MBCC will then release a request for proposals to units of local government, review applications, and distribute funds to awarded subgrantees. Awarded subgrantees will contract directly with organizations, agencies, or qualified individuals to provide in-person training services from a certified Restorative Justice trainer to personnel responsible for conducting restorative interventions. Upon completion of the training, subgrantees will begin implementing services for arrested and at-risk youth, forming local partnerships, and collecting and reporting data. By the final third and fourth quarters of the project, subgrantees will have facilitated sustainable connections with schools, youth court services, job services, and other partners to transition youth participants into other community-based services

Racial and Ethnic Disparities Report (RED)

The Youth Justice Council (YJC) is charged with advising the Montana Board of Crime Control (MBCC) on assessing, addressing, evaluating, and monitoring disparities within the juvenile justice system for any race/ethnicity representing more than one percent of the general population. In the JJRA, OJJDP changed the language from “Disproportionate Minority Contact” to “Racial and Ethnic Disparities (RED)” and reduced the number of required measures to five contact points: Arrest (also known as referral), Diversion, Detention, Secure Confinement, and Adult Transfer. Instead of the

Relative Rate Index (RRI), states now measure RED as the proportion of the total population of youth in each racial/ethnic category to experience involvement at each contact point. For example, in Table 1, 13 Asian youth were arrested out of a total of 1,140 Asian youth in Montana. Therefore, the proportion of Asian youth who were arrested in 2019 is 1.14%. To avoid duplication, Hispanic youth of all races are reported solely in the Hispanic category.

Montana has five populations that make up at least 1% of total youth.: Non-Hispanic white youth, Hispanic youth of any race; non-Hispanic American Indian youth; non-Hispanic Black/African American; and Asian. While Montana collects some juvenile justice data regarding Native Hawaiian and Alaska Native youth, MBCC does not have sufficient population data to make an accurate comparison to other racial/ethnic groups. The Federal Office of Management and Budget (OMB) no longer provides population projections for the Other/Mixed population; therefore, Montana does not analyze RED for the Other/Mixed population between census years.

According to the U.S. Census Bureau,⁸ the population in Montana reached 1,068,778 residents in 2019. The youth population increased slightly from about 103,372 in 2018 to 103,556 in 2019. Montana has seen an upward trend in the population of Hispanic youth of all races and Black non-Hispanic youth in recent years. From 2018 to 2019 the population of Hispanic youth increased by 2.3% and the population of Black youth increased by 1.8%. The population of white and American Indian youth each increased by less than 1%, and the population of Asian youth declined by 3.1%.

Table 1: 2019 Racial and Ethnic Disparities Data

		Race:							
		White	Black	Hispanic/ Latino	American Indian	Asian	Native Hawaiian	Alaska Native	
Population		84157	1495	5914	10850	1140	-	-	-
Arrest	Number	3598	166	150	770	13	12	-	-
	Percentage	4.28%	11.10%	2.54%	7.10%	1.14%	-	-	-
Diversion	Number	3335	152	129	707	13	10	-	-
	Percentage	3.96%	10.17%	2.18%	6.52%	1.14%	-	-	-
Detention	Number	396	30	23	138	1	2	-	-
	Percentage	0.47%	2.01%	0.39%	1.27%	0.09%	-	-	-
Secure Confinement	Number	55	3	2	26	0	0	-	-
	Percentage	0.07%	0.20%	0.03%	0.24%	0.00%	-	-	-
Adult Transfer	Number	0	0	0	0	0	0	-	-
	Percentage	0.00%	0.00%	0.00%	0.00%	0.00%	-	-	-

Arrest (or referral) rates as a percentage of overall population dropped for Black and Hispanic youth and rose for white, American Indian, and Asian youth between 2018 and 2019. Racial disparities remain the most significant at this contact point, especially for Black and American Indian youth. Despite a one-point reduction in arrest rates, Black youth are by far the most overrepresented group at this stage in the juvenile justice system. American Indian youth are the second most overrepresented group, with a recent rise in the arrest rate from 6.62 percent in 2018 to 7.10 percent in 2019. The SAG will investigate the potential causes of this increase and continue to focus on reductions in referral rates among Black and American Indian youth. The number of arrests decreased in the Hispanic/Latinx and Asian categories, both of which remain underrepresented at the point of arrest compared to white youth.

Detention rates declined between 2018 and 2019 for all minority youth and rose slightly for white youth. Black and American Indian youth are still significantly overrepresented in detention facilities. This is likely due to the higher rates of arrest/referral to the juvenile justice system in general for these groups. As of 2019, the percentage of Hispanic/Latinx youth in detention dropped below that of white youth.

Apart from American Indian youth, the proportion of most racial groups in secure detention remained the same between 2018 and 2019. Black and American Indian youth continue to be slightly overrepresented, but overall secure confinement rates in Montana remain low. The SAG will investigate the rise in American Indian youth placed in secure detention and contact the juvenile correctional facility for assistance as needed. At the time this data was collected, no youth had been transferred to adult court.

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 11th Judicial District, providing restorative justice programming to youth who are involved in the justice system. 273 youth were referred to CRYJ and participated in CRYJ programs in FY2019. CRYJ is consistently recognized as one of the strongest and most successful youth-serving restorative justice organizations in the nation; embracing innovative and evidence-based programming to meet the needs of youth in their community. CRYJ has worked with more than 2500 youth since 2009 (on average 52% of all youth arrested in Flathead County every year), and less than 10% of youth who successfully complete CRYJ programming go on to commit additional crimes. Federal juvenile justice funding supports CRYJ programs, partially paying for personnel; the Project Director, Restorative Justice Specialist and Trellis Workshop Director.

Montana's Do the *Write* Thing Challenge

For the past 13 years Montana youth, have participated in the Do the *Write* Thing Challenge, a writing campaign that provides 7th and 8th 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.⁹

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 – 2020

The Montana Board of Crime Control and the Youth Justice Advisory Council would like to congratulate Montana's 2020 Do the *Write* Thing National Ambassadors:

ANSLEIGH HELD

East Valley Middle School
Helena, Montana

Wyatt Maynard

Laurel Middle School
Laurel, 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: **Clara Kyrouac, Guerna Becker, Jayden Jones, Jonathan Hernandez-Puga, Josiah Bush, Kiele Berkner, Sage McKnight, and Samuel Norman.**

Do the Write Thing State Chair

Natalia Bowser, Crime Control Bureau Chief,
Montana Department of Corrections

Amanda Rasmussen, Administrative Assistant
Crime Control Bureau, Montana Department of Corrections

References

- ¹ Juvenile Justice and Delinquency Prevention Act of 1974. Retrieved from <https://www.ojjdp.gov/about/jjdpa2002titlev.pdf>.
- ² Montana Judicial Branch (2018). *Youth Court At-A-Glance*. Retrieved from [Title \(mt.gov\)](#).
- ³ Montana Judicial Branch (2019). *Youth Court At-A-Glance*. Retrieved from [Title \(mt.gov\)](#).
- ⁴ Kids Count Data Book (2020). *2020 state data profiles on kids well-being: Montana*. Retrieved from [2020KC_profile_MT.pdf \(aecf.org\)](#).
- ⁵ Spotlight on Poverty and Opportunity: Montana (2020). Retrieved from <https://spotlightonpoverty.org/states/>.
- ⁶ Kids Count Data Center (2020). *Montana Indicators*. Retrieved from [Child Wellbeing Indicators & Data | KIDS COUNT Data Center](#).
- ⁷ Kids Count Data Center(2020). *Adults living in households with children who lost employment income since March 13, 2020 in Montana*. Retrieved from [Adults living in households with children who lost employment income since March 13, 2020 | KIDS COUNT Data Center](#).
- ⁸ United States Census Bureau (2020). *QuickFacts: Montana*. Retrieved from [U.S. Census Bureau QuickFacts: United States](#).
- ⁹ Do the Write Thing. Retrieved at <http://www.dtwt.org/>.

YOUTH JUSTICE ADVISORY COUNCIL MEMBERS

<p>Tim Brurud, Chair 9855 Hwy. 2 W. Havre, MT. 59501 406-265-6206 Representing: Nonprofits Term expires: 3/1/2022</p>	<p>Rhonda Lindquist, Vice Chair PO Box 200147 Helena, MT. 59620 406-444-9049 Representing: Delinquency Prevention or Treatment Term Expires: 3/1/2022</p>
<p>George Real Bird III PO Box 908 Hardin, MT. 59034 Representing: Local Government Term Expires: 3/1/2022</p>	<p>Isaac Jonathan Nehring 718 S. Raleigh Street Helena, MT. 59601 Representing: Youth Term Expires: 3/1/2022</p>
<p>Quinn Leighton 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>Jaxx Saunders 515 S. Reserve Street Missoula, MT. 59801 406-880-8886 Representing: Youth Term Expires: 3/1/2022</p>
<p>RaeGyn Trombley 2418 1st Ave Great Falls, MT. 59401 406-217-3436 Representing: Youth Term Expires: 3/1/2022</p>	<p>Randy Shipman 432 S Pacific Dillon, MT. 59725 406-683-2368 Representing: Public Agencies Term expires: 3/1/2022</p>

<p>Minnetta Armstrong 615 S. Piegan Browning, MT. 59417 406-338-7370 Representing: Public Agency Concerned with Delinquency Prevention or Treatment Term expires: 3/1/2022</p>	<p>Hon. Mary Jane Knisely PO Box 35034 Billings, MT. 59107 406-867-2502 Representing: Judiciary & Law Enforcement Term expires: 3/1/2022</p>
<p>Geri Small PO Box 378 Lame Deer, MT. 59043 406-477-6654 Representing: Special Experience Term expires: 3/1/2022</p>	<p>Qasim Abdul-Baki 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: 3/1/2022</p>
<p>Chase Comes At Night 22 Attika Street North Billings, MT. 59105 206-450-3724 Representing: Youth Term Expires: 3/1/2022</p>	<p>Tamara Greeling Billings, MT. 59101 Representing: Parent of youth involved in the judicial system Term Expires: 03/01/2022</p>
<p>Patricia Steinwand Helena, MT 59601 Representing: Volunteer who works with Delinquents or Potential Delinquents Term Expires: 03/01/2022</p>	<p>Mike Chavers Billings, MT. 59106 Phone: 406-655-2109 Representing: programs that are alternatives to incarceration, including recreation activities Term Expires: 03/01/2022</p>
<p>Kevin Buerkle 315 4th Street Havre, MT. 59501 Representing: Law Enforcement and juvenile justice agencies, including juvenile and family court judges, etc. Term Expires: 03/01/2022</p>	<p>Holly Mook Helena, MT. 59620 Representing: Experience and competence in addressing problems related to school violence and vandalism... Term Expires: 03/01/2022</p>

<p>Georgia Cady Columbus, MT. 59019 Representing victim or witness advocacy groups, for sexual abuse, exploitation, and trauma Term Expires: 03/01/2022</p>	<p>Emily Sallee Frenchtown, MT. 59834 Representing: Persons licensed or certified in mental health and substance abuse Term Expires: 03/01/2022</p>
<p>Brie Schulman 9152 8th Street Missoula, MT. 59801 Representing: programs that are alternatives to incarceration, including recreation activities</p>	<p>Derek VanLuchene Helena, MT. 59601 Representing: Board of Crime Control Representative</p>

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER No. 1-2020**

**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**

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) Reauthorization of 2018 (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 Reauthorization of 2018;
- 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) Reauthorization of 2018, 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 (2) 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.

Members will include:

- At least one (1) 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, child and adolescent mental health, education, child and adolescent substance abuse, special education, recreation and youth services agencies;
- Representatives of private nonprofit organizations, including persons with 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 delinquent youth or youth at risk of delinquency;
- Representatives of 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;
- Persons, licensed or certified by the State of Montana, with expertise and competence in preventing and addressing mental health and substance abuse needs in delinquent youth and youth at risk of delinquency;
- Representatives of victim or witness advocacy groups, including at least one individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma, particularly the needs of youth who experience disproportionate levels of sexual abuse, exploitation, and trauma before entering the juvenile justice system; and
- A tribal representative or other individual with significant expertise in tribal law enforcement and juvenile justice in tribal communities.

A majority of the members, including the chairperson, shall not be full-time employees of federal, state, or local government. At least one-fifth of members shall be under the age of 28 at the time of appointment, including at least three (3) members who have been or are currently under the jurisdiction of the juvenile justice system or, if not feasible and in appropriate circumstances, who is the parent or guardian of someone who has been or is 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 JJDPA of 2018, and will expire or be renewed on March 1, 2022.

This Order is effective March 1, 2020.

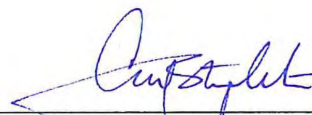


GIVEN under my hand and the GREAT SEAL of the State of Montana this 1 day of March, 2020.



STEVE BULLOCK, Governor

ATTEST:



COREY STAPLETON, Secretary of State

Montana Code Annotated 2019

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

August 25, 2020

John Daugherty
Administrator
Montana Board of Crime Control
5 South Last Chance Gulch, PO Box 201408
Helena, MT 59620

Dear Mr. Daugherty:

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has completed its review and analysis of Montana's federal fiscal year 2020 Compliance and Racial and Ethnic Disparities (RED) Plans, and its compliance data and supporting documentation covering the federal fiscal year 2019 reporting period. OJJDP conducted the review to determine (1) whether Montana has described an effective 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 (15) of the Juvenile Justice and Delinquency Prevention Act (the Act) as amended.

Based on our review and analysis of your 2020 compliance plan in the category 1 submission and your compliance monitoring report in the category 2 submission, OJJDP has determined that Montana has provided for an effective system of monitoring. This is not a determination that Montana, in fact, has an effective system of monitoring, which can be determined only through an onsite audit, but indicates that the state has described an effective system of monitoring, pursuant to section 223(a)(14), including the submission of compliance data for at least 85% of facilities in the State required to report data. (*See* 28 C.F.R. § 31.303(f)(5)).

Based on our review and analysis of the federal fiscal year 2019 Compliance Monitoring Report and the 2020 RED 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)(15) of the Act (the racial and ethnic disparities

or RED requirement).

Under the Title II Formula Grants Program of the Juvenile Justice and Delinquency Prevention Act, as amended (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 2020 allocation related to participation in the Title II Formula Grants Program and compliance with Sections 223(a)(11), (12), (13), and (15) of the Act (34 U.S.C. § 11133(a)(11), (12), (13), and (15)). 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 your OJJDP State Relations and Assistance Division Program Manager, Cara Blair at (202) 353-5046 or Cara.Blair@usdoj.gov.

Sincerely,

Caren

Digitally signed by
Caren Harp
Date: 2020.08.25
14:06:18 -04'00'

Caren Harp
OJJDP Administrator

cc: Tim Brurud
State Advisory Group Chairperson

Rachel Gemar
Juvenile Justice Specialist/ DMC Coordinator

Mark Thatcher
Compliance Monitoring Coordinator

Enclosure

STATUS OF COMPLIANCE

Juvenile Justice and Delinquency Prevention Act, as amended

Section 223(a)(11)

Pursuant to the requirements of Section 223(a)(11) of the Act (deinstitutionalization of status offenders), OJJDP has determined that Montana has an institutionalization rate of 0 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 4.87 per 100,000 persons under the age of 18. Based on federal fiscal year 2019 data that Montana has provided, OJJDP has determined that Montana is in compliance with the requirements of Section 223(a)(11) of the Act, which requires that states not place (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) of the Act (separation), OJJDP has determined that Montana has a rate of 0 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 2.56 per 100,000 juvenile population. Based on federal fiscal year 2019 data that Montana has provided, OJJDP has determined that Montana is in compliance with Section 223(a)(12), 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) of the Act (jail removal), OJJDP has determined that Montana has a rate of 0 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 5.40 per 100,000 juvenile population. Based on federal fiscal year 2019 data that Montana has provided, OJJDP has determined that Montana is in compliance with Section 223(a)(13), 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, in collocated facilities, to be trained and certified to work with juveniles.

Section 223(a)(15)

OJJDP has determined that Montana is in compliance with section 223(a)(15) of the Act (racial and ethnic disparities). The summary of activities described in its federal fiscal year 2020 state plan indicates that Montana is addressing racial and ethnic disparities within its juvenile justice system.

