



FY 2024-2026

MONTANA BOARD OF CRIME CONTROL  
JUVENILE JUSTICE TITLE II FORMULA GRANT

## **Proposal Narrative**

### **A. Description of the Issue**

#### **1. Analysis of Juvenile Delinquency Problems (Youth Crime) and Needs**

The following analysis utilizes 2021, 2022, and 2023 Youth Court Data gathered by the Office of the Court Administrator. For consistency, this report categorizes offense types using the Court's offense categories: Offenses against Property, Offenses against Persons, Status Offenses, Dangerous Drugs, Violations, Public Order, Public Administration, and Other City/County Ordinance. Complete juvenile crime data is available through 2022, and basic data is available for 2023. Since 2023 data is still being analyzed and many cases are still pending, this application will mostly rely on data from 2022 and earlier.

#### **Juvenile arrests by offense type, gender, age, and race**

##### Offense Type

Status offenses are the most common reason youth are referred to the juvenile justice system. They include charges such as Minor in Possession of Tobacco/Alcohol/Marijuana, Runaway Juvenile, Ungovernable Juvenile, Truancy, etc. Youth Court Services recorded 1,914 status offenses in 2021 and 1,795 status offenses in 2022. Minor in Possession of Tobacco, Alcohol, Marijuana, or Marijuana paraphernalia accounted for 910 of those offenses. Other common status offenses included Runaway Juvenile (378) and Ungovernable Juvenile (314).

Property crimes have traditionally been the most common delinquent offenses referred to youth courts. Youth were referred for 1,359 property offenses in 2021 and 1,712 offenses in 2022. The most common property crimes in 2022 were theft (777 misdemeanors and 67 felonies), criminal mischief (415 misdemeanors and 46 felonies), and trespass to property (251 misdemeanors).

Crimes against persons are the second most common delinquent offense category, with 1,229 offenses in 2021 and 1,576 offenses in 2022. The majority of crimes against persons in 2022 were general misdemeanor assault (494), misdemeanor partner/family member assault (354), felony assault (176), and felony sexual offenses (176). Juveniles in Montana also were charged with 90 misdemeanor sex offenses, 19 felony partner/family member assaults, and 43 robberies.

Agencies referred 600 youth for public order offenses in 2022. These include charges such as disorderly conduct, weapons offenses, and improper use of electronic communications (“privacy in communications”). Just over 300 youth were referred for public administration offenses such as obstruction, resisting arrest, and criminal contempt. Finally, 413 youth were charged with violations of court conditions. Most probation violations result in diversion or dismissal.

Trend data for Delinquent Offenses by Category and Total Offenses by Classification are represented in **Figure 1** and **Figure 2**, respectively (Appendix). Offending slightly increased overall in 2021 and continued to increase in 2022. While the number of misdemeanors continued to decrease in 2021, they quickly rebounded in 2022. Status offenses also increased, in part due to the legalization of marijuana. Many marijuana offenses, which used to be classified as misdemeanors, are now recorded as status offenses. While most of these increases were anticipated, the rise in felony offenses beyond pre-pandemic levels is concerning. Robberies, assaults with a weapon, burglaries, and felony sex offenses experienced some of the largest increases.

### Sex/Gender

According to national data compiled by Office of Juvenile Justice and Delinquency Prevention (OJJDP), the proportion of female to male youth involved in the juvenile justice system has slowly

climbed over the past several decades<sup>1</sup>. The proportion of female youth referred to the juvenile justice system over the past decade in Montana has typically hovered around 36 or 37 percent. In 2022, 39 percent of youth referred to the justice system were female. In 2023, the percentage of female youth dropped to about 36 percent. Female youth were charged with just over one third of total offenses in 2023.

Female youth have a higher proportion of status offense referrals compared to males. Youth Court data indicates that 32.5% of offenses recorded for female youth in 2022 were status offenses, compared to 22.7% of all male offenses. Under 6% of female offenses were classified as felonies and 61.8% were misdemeanors, compared to 12.5% and 64.9% of male offenses, respectively. The 2023 Youth Risk Behavior Survey supports this data. While girls report lower rates of cigarette and smokeless tobacco use, they report high levels of vaping. One third of female youth reported vaping in the past 30 days, 14.5% reported frequent vaping (at least 20 days in the past month), and 11% reported daily vaping. Rates of current alcohol use (31%) and marijuana use (22.3%) are also slightly higher among females.

### Age

Juvenile arrest rates tend to gradually increase with age and peak during adolescence. **Figure 3** (appendix) shows the number of offenses by age from 2021-2023. While the number of offenses for all age groups increased post-pandemic, the trends in offending remained relatively constant. The number of referrals given to youth gradually increases over time, peaking at age 15 or 16. In most years, the number of referrals peaks at 15 and decreased slightly at age 16. By the age of 17 the number of offenses drops significantly.

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<sup>1</sup> Retrieved June 23, 2021 from [EZAJCS: Demographic Characteristics \(ojjdp.gov\)](https://www.ezajcs.com/Reports/Demographic-Characteristics).

Law enforcement and other referral sources are less likely to refer youth ages 10 and under to the juvenile justice system, especially for less serious offenses. For this reason, the most common type of offense resulting in referral for younger youth are Offenses Against Persons, followed by Offenses Against Property. **Table 1** (appendix) shows the number and type of offenses committed by youth in different age groups during 2022.

### Race/Ethnicity

According to 2020 data from EZAPOPOP<sup>2</sup>, about 80% of Montana's youth are white, 1.6% are Black, 10.4% are Native American, 1.2% are Asian, and 6.8% are Hispanic. Montana recently began collecting data on Middle Eastern and Multi-Racial youth. However, MBCC does not have access to accurate population numbers for juveniles in these groups. For this reason, Middle Eastern and Multi-Racial youth will be excluded from all analyses requiring population data. The Racial/Ethnic Disparities Plan will have a more complete breakdown of R/ED data at all contact points.

**Table 2** (Appendix) displays the number of offenses recorded in 2022 by category and race/ethnicity. Racial/Ethnic groups underrepresented in the number of offenses recorded were white youth (66.7% of total offenses), Asian youth (0.6% of total offenses), and Hispanic youth (3.2% of total offenses). Black youth (3.2% of offenses) and Native American youth (20.2% of offenses) were overrepresented in referral data.

The overrepresentation of Black and American Indian youth in the juvenile justice system has been an ongoing problem in Montana. Fortunately, Montana has high rates of diversion for youth of all races. While disparities are still significant, the informal handling of most cases greatly reduces disparities at other contact points. Culturally-specific prevention, early intervention, and treatment programs are vital to reducing racial/ethnic disparities across all contact points. By supporting the

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<sup>2</sup> [Easy Access to Juvenile Populations: Population Profiles \(ojjdp.gov\)](https://www.ojjdp.gov/easy-access-to-juvenile-populations-population-profiles)

use of culturally-specific services, MBCC hopes to improve outcomes for Black and Indigenous youth and prevent future involvement in the justice system.

## **2. Delinquency Control/Prevention Needs**

### ***Need #1: Prevention***

Evidence-based delinquency prevention programs improve public safety and promote success for youth by reducing risk factors and strengthening protective factors before an offense occurs. Some of the most prominent risk factors experienced by Montana's children include hyperactivity/impulsivity, early onset substance use, poverty, family dysfunction, abuse/neglect, and poor school performance.<sup>3</sup> Montana's Youth Court Reports<sup>4</sup> consistently demonstrate that justice-involved youth in Montana have above average rates of adverse childhood experiences such as parental separation, abuse, neglect, intimate partner violence, and substance use/mental health issues within the family. Out of 875 justice-involved juveniles with an identified mental health diagnosis in 2022, one quarter had ADHD. An additional 18% of youth were diagnosed with depression, 14% with anxiety, and 12% with PTSD. Finally, over half of justice-involved youth had a household income under \$40,000 and 40% resided with a single parent.

Ideally youth with significant risk factors for delinquency will be offered preventative services in elementary and middle school before delinquency rates begin to spike. Montana's most popular priority areas among Title II subrecipients include Mentoring and Delinquency Prevention programs. In 2023, a total of \$135,108 was awarded to three Big Brothers Big Sisters programs serving 431 youth across western Montana. The programs paired positive adult and teen mentors with local elementary school students. Additionally, five delinquency prevention programs were awarded a total of \$260,553 and served 839 youth. Two of the programs focused on building

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<sup>3</sup> [frd030127.pdf \(ojp.gov\)](#)

<sup>4</sup> [Youth Reports / UM Evaluations \(mt.gov\)](#)

emotional regulation skills and confidence among elementary and middle school students. The remaining three programs provided support, vocational learning, and positive recreational activities for at-risk teens.

***Need #2: Community-Based Early Intervention, Diversion, & Alternatives to Detention***

MBCC believes that strong partnerships between local youth programs, schools, law enforcement, and juvenile justice practitioners can minimize the number of arrests/referrals. This has worked particularly well with one Title II program, the Center for Restorative Youth Justice (CRYJ) in Kalispell. Youth who would otherwise receive a referral for a first-time status offense or low-level misdemeanor can choose to complete a variety of classes and activities through CRYJ to avoid a charge on their record. With the support of Title II funds, this program model is in the process of being replicated in other communities.

Diversion programs work with youth after referral and can help them access needed services while avoiding further involvement with the juvenile justice system. These approaches reduce the financial burden on local and state governments to pay for court costs and effectively manages low-risk juveniles. Most of the youth in Montana's juvenile justice system do not pose an immediate danger to the public and can change their behaviors through targeted treatments and services. In Montana, most juveniles referred to the justice system are handled informally by juvenile probation officers. Depending on the offense, they may be required to complete community service hours or meet other conditions. Montana funds a couple of programs that provide diversion services in the community. As described above, the Center for Restorative Youth Justice provides pre-referral interventions to divert youth from system involvement. The Havre Youth Reporting Center is a post-referral community-based diversion program that helps youth meet probation requirements and build skills to reduce the likelihood of offending.

Mental health problems and substance abuse are prevalent among youth who are at risk for delinquency or currently involved in Montana’s juvenile justice system. Montana continues to struggle with a lack of providers, especially in rural areas. Fortunately, some residential facilities have been able to increase their capacity with the help of state funding from the 2023 legislative session. This will hopefully expand alternatives to detention for juveniles who are in need of services. While this investment will help Montana provide more youth mental health treatment, there is much less funding to treat youth facing addiction. Few youths in Montana have access to a licensed addiction counselor, and the state has no inpatient treatment centers for juveniles. This often increases the amount of time that juveniles spend under supervision and reduces compliance with court conditions. The state advisory group has continued to build connections with local providers and hopes to increase support for community-based treatment services.

***Need #3: Family/Caregiver Involvement in the Juvenile Justice System***

Montana’s State Advisory Group has made concerted efforts over the past year to gather feedback from justice-involved youth and their parents. The main concerns noted by families include a lack of knowledge about the juvenile justice system and the cost or burden of court requirements. Many parents are unable to find treatment services for their children struggling with trauma, mental health, and substance use issues due to cost or availability. Families have also noted a need for improved communication from the courts and opportunities to receive support in the community. The state advisory has developed strategies to address this need in goal 3.

***Need #4: Racial/Ethnic Disparities (RED) in the Juvenile Justice System***

As discussed in the juvenile crime analysis, Black and American Indian youth are overrepresented in Montana’s juvenile justice system, especially at the point of arrest. Minority youth often have limited access to prevention, treatment, and family support resources. The R/ED Committee of the



state advisory group monitors R/ED data, discusses strategies to reduce R/ED, and advocates for R/ED reduction with stakeholders. The state advisory group has included a goal to reduce racial/ethnic disparities in the justice system and provides additional detailed in the R/ED Reduction Plan.

### **3. Plans to Address Juvenile Crime Problems and Needs**

MBCC has proposed a variety of activities to address juvenile crime problems and juvenile justice/delinquency prevention needs through approved priority areas. The state advisory group has included the following priorities for FY 2024 Title II applicants: Delinquency Prevention (C), School Programs (E), Mentoring Programs (H), Substance Use Treatment Services (K), After-School Programs (Q), and Native American Tribe Programs. MBCC also contracts with an outside compliance monitor to conduct site visits at secure facilities. Montana's Title II Funding Opportunity informs applicants that they are not limited to this list and may apply for any of OJJDP's priority areas. However, they are cautioned against applying for funds for program areas included in the 25% cap such as Diversion, Restorative Practices, or R/ED Reduction.

MBCC understands that at least 75% of pass-through funding must be used on purpose areas A-W as shown in the "OJJDP FY 2024 Title II Program and Budget Areas" attachment. MBCC expects to receive \$600,000 in Title II funding annually. MBCC will match the 10 percent (\$60,000) administrative cost allowance by OJJDP for a total of \$120,000. After excluding up to five percent (\$30,000) for State Advisory Group expenses, \$510,000 (85%) or more will be available for the approved priority areas. MBCC budgets \$15,000 for a statewide school program that encourages middle school students to discuss and write about youth violence. When this is subtracted, a minimum of \$495,000 will be available for pass-through funding. This meets the requirement that 66 and 2/3 percent of funds must be passed through.

*Need #1: Prevention*, will be addressed by...

The YJC recognizes that high-quality delinquency prevention and diversion programs are essential to keeping as many youths out of the juvenile justice system as possible and preventing future engagement in illegal activities.

*Need #2: Community-Based Early Intervention, Diversion, and Alternatives to Detention*, will be addressed using...

*Need #3: Family/Caregiver Involvement in the Juvenile Justice System*, will be addressed by the state advisory group and MBCC staff...

*Need #4: Racial and Ethnic Disparities (RED) in the Juvenile Justice System.*

MBCC acknowledges that racial/ethnic disparities in the juvenile justice system are problematic in all states, including Montana. As shown in the data analysis, disparities are the highest at the point of arrest and mainly affect Black and American Indian youth. The R/ED Committee of the reports new data and potential R/ED reduction strategies to the SAG. Currently...

MBCC's Title II solicitation requires applicants to assess RED data (provided by MBCC) within their counties. MBCC also requires subgrant programs to include programmatic data such as the number of youth served, program completion, and recidivism by race and ethnicity. MBCC has seen positive results from these reports so far and will continue to analyze data and request feedback in FY 21. MBCC has not received Title II applicants specializing solely in RED reduction. However, MBCC draws from administrative funds (\$60,000) and SAG funds (\$30,000) to advance numerous RED goals. These can be found in the RED Plan.

**B. Project Goals and Objectives:**

**Goal 1: Provide local delinquency prevention programming for children and adolescents across Montana.**

**Purpose Area: Delinquency Prevention (C), School Programs (E), After-School Programs (Q), and Mentoring, Counseling, and Training Programs (H).**

**Need #1: Prevention**

Objective 1: Fund evidence-based programs and curricula to help children regulate their emotions, increase social competencies, and succeed in school.

Objective 2: Support individual and group mentorship programs for at-risk youth.

Objective 3: Facilitate Montana's Do the *Write* Thing program annually to discourage bullying and violence as students enter adolescence.

Objective 4: Assist state and local agencies with substance use prevention efforts.

**Goal 2: Support the creation and expansion of community-based interventions, diversion, and alternatives to detention for at-risk and delinquent youth.**

**Purpose Area: Alternatives to Incarceration and Institutionalization (A), Community-Based Programs (B), and Graduated Responses (M).**

**Need #2: Community-Based Early Intervention, Diversion, and Alternatives to Detention.**

Objective 1: Advocate for the expansion of restorative practices as an alternative to justice involvement.

Objective 2: Fund community-based treatment services for juveniles.

Objective 3: Fund tribal and other culturally-specific programs that honor the youth/family's beliefs, heritage, and support systems while keeping them in the community.

Objective 4: Provide training, funding, and/or technical assistance for practitioners treating youth with Problematic Sexual Behaviors (PSB) upon request.

Objective 5: Provide funding, local/remote training opportunities, travel reimbursement, and other resources to programs serving youth in rural communities.

**Goal 3: Improve communication between the juvenile justice system and the caregivers/families of justice-involved youth.**

**Purpose Areas: Community-Based Programs (B) and Community-Based services for juveniles/families during and after incarceration (N)**

**Need #3: Family/Caregiver Involvement in the Juvenile Justice System.**

Objective 1: If funding is available, support the creation of a family liaison position within one juvenile court district.

Objective 2: Create a comprehensive state guide to help caregivers understand and navigate the juvenile justice system.

Objective 3: Assist with the creation of local parent/caregiver support networks in one or more communities.

**Goal 4: Reduce racial/ethnic disparities in the juvenile justice system using targeted interventions based on local demographic needs.**

**Purpose Areas: Native American Tribe Programs, State Advisory Group funds, and programs providing culturally specific services as part of other purpose areas.**

**Need #4: Racial/Ethnic Disparities in the Juvenile Justice System.**

Objective 1: Continue to collect and analyze R/ED data to identify counties and regions with high disparities.

Objective 2: Provide grant-funded restorative practices and cultural competency trainings to juvenile justice practitioners, schools, and other agencies interacting with youth in counties with high disparities.

Objective 3: Assist with the implementation of restorative and culturally specific prevention, early intervention, and diversion programs.

Objective 4: Strengthen partnerships between tribes, elders, cultural organizations, and the juvenile justice system.

**Goal 5: Ensure compliance with core requirements (continuous).**

**Purpose Areas: Compliance Monitoring**

Objective 1: Continue monitoring compliance with the core requirements by maintaining a schedule of onsite visits to jails/detention centers.

Objective 2: Provide training and technical assistance when difficulties with compliance arise in local facilities.

**C. Project Design and Implementation**

The Youth Justice Council (YJC), with the help of MBCC staff, works towards achieving three-year goals/objectives and allocates annual funding for Title II programs. MBCC provides the data needed by the YJC to select priority areas based on local needs, conduct local outreach/public education, and execute project goals. MBCC provides training and technical assistance to Title II programs and ensures that all state and federal requirements are met. Finally, MBCC monitors facilities for compliance with the JJDP Act and maintains compliance with the 33 statutory requirements (see below).

1. The Governor has designated the Montana Board of Crime Control to administer Title II funds.

2. Montana Code Annotated 2-15-2306 establishes the Board of Crime Control.
3. Montana is in compliance with all state advisory group requirements (see roster).
4. MBCC receives regular input from multiple county agencies and released a statewide survey in early 2024 regarding regional needs. This has helped the state advisory group understand and plan to address challenges. MBCC will continue to solicit local feedback to adjust three-year plan activities as needed.
5. MBCC accepts the maximum of 10% of funds for administrative expenses and provides matching funds for a total of \$120,000. After \$20,000 for the State Advisory Group and \$15,000 for an annual school program organized by MBCC, the total pass-through amount exceeds the 66 and 1/3<sup>rd</sup> requirement.
6. While MBCC cannot control which agencies apply for Title II funds, staff and state advisory group members conduct outreach to underserved areas of Montana. In 2024, five Title II programs were either located in or expanded their services to meet the needs of rural areas.
- 7A. MBCC's Title II 3-Year Plan includes goals and objectives based on the most recent available juvenile justice data.
- 7B.
  - i. About 36 percent of juvenile offenders in recent years have been female. Because a very small number of girls receive disposition commitments each year, Montana does not have a juvenile correctional facility for female youth. Instead, the Montana Department of Corrections has contracted with the Five County Juvenile Detention and Rehab Center in Idaho. However, the proportion of girls in the juvenile justice

system is higher in Montana than many other states. For this reason, many female youths may benefit from targeted services. One Title II program, YWCA of Missoula, provides gender-specific programming for about 200 at-risk girls every year. While the YWCA is Montana's only Title II program targeted towards girls specifically, other programs match girls with female role models and provide empowering activities.

- ii. MBCC will continue to solicit applications for gender-specific services in Montana and monitor these programs to ensure that delinquency treatment and prevention services for girls are evidence-based and trauma-informed. MBCC will follow up with juvenile justice agencies, especially juvenile probation offices and detention centers, to further assess the needs of female youth and promote policy changes as needed.
- iii. Because most of Montana is considered rural or frontier, many subgrant programs tailor their services to meet rural needs. MBCC understands that travel is an issue for many Montana families. To address this, Title II programs are encouraged to provide transportation or online program components for youth who do not live in the area. Additionally, MBCC has reached out to eligible agencies in isolated regions and notifies them of upcoming Title II grants.
- iv. Except for the Interstate Compact Act, there is no statutory authority in Montana to place status offenders or youths who have not committed an offense in secure detention. Additionally, anytime a youth enters secure detention, a hearing before a Youth Court Judge must be held within 24 hours (excluding weekends and holidays) to determine if probable cause exists for the placement and if any less restrictive

- alternative areas are available. If there is a reasonable suspicion that a juvenile is a survivor of commercial sexual exploitation, law enforcement often takes the youth to appropriate local shelter programs or agencies that can provide safety and resources. Given the extensive screening and checks done by youth detention centers it is unlikely that suspected or known victims will be admitted, especially if they have not been charged with a serious offense.
- v. Montana is a rural frontier state. To reduce transportation costs and prevent the traumatization caused by removing juveniles from their communities, agencies typically use detention as a last resort. Courts often utilize alternatives such as shelter care placement, house arrest with or without electronic monitoring, or release to a close friend or relative appointed by the court while waiting for placement in a residential treatment program.
  - vi. Families are included at many stages of the juvenile justice process. Probation officers and youth courts work frequently with parents, guardians, and other parties involved in the care and treatment of youth. Juvenile justice professionals also gather extensive background information regarding juveniles' personal history, family dynamics, and home environment to ensure that youth are safe and supported in appropriate facilities or in the community.
  - vii. Montana provides an alternative method of funding programs, services, and out-of-home placements by increasing the ability of Youth Court Services to respond through early intervention and expanded community alternatives. Each judicial district receives prevention incentive funds to assist with accessing or developing community-based services. It is also worth noting that by design, informal processing



aims to divert the majority of youth from the juvenile justice system by referring to and coordinating with community-based services whenever possible and appropriate.

- viii. All prevention plans and subsequent programs developed and funded through JDIA are required to be rooted in evidence-based outcomes that are reviewed annually by the court administrator's cost containment panel. Subgrant applicants using evidence-based and trauma-informed practices are prioritized for funding under Montana's Title II program. The only male youth correctional facility in Montana, Pine Hills, trains staff in the use of trauma-informed practices.

The Montana Board of Crime Control has worked closely with the University of Montana Criminology Research Group and experts in childhood trauma to implement a new evidence-based method for screening juveniles. The Montana Experiences and Expressions Screener (EES) includes nine categories of victimization and trauma. In addition to identifying traumatic events, Montana screens for symptoms of post-traumatic stress disorder and depression as listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5). The Montana EES is used by youth courts to understand the issues that juveniles face and connect them to appropriate services. The Linking Systems of Care (LSOC) tool refers both youth and families to services. The LSOC team also developed a training to improve trauma readiness and education in youth courts and community organizations throughout the state.

- ix.

I. Montana has three regional juvenile detention facilities. Within these facilities, mechanical restraints will not be used on pregnant youth during labor, delivery, and post-partum recovery unless credible, reasonable grounds exist to believe the youth

presents an immediate and serious threat of hurting herself or others. Belly bands, shackles and handcuffs will not be used on known pregnant youth unless there is again credible or reasonable grounds to believe the youth presents an immediate and serious threat of hurting herself or others; or reasonable belief exists to believe she presents an immediate and credible risk of escape that cannot be reasonably minimized through any other means.

Montana does not have an in-state correctional facility for female juveniles. Instead, juveniles from Montana are sent to the Five County Detention and Youth Rehabilitation Center (FCDYRC) in St. Anthony, Idaho. At this facility, restraint may only be used during labor and delivery if it is necessary to prevent a juvenile from escaping or injuring herself or others. Restraints must be removed immediately upon the request of a health care professional. Under no circumstances shall leg or waist restraints be used on any prisoner during labor or delivery.

II. Leg, ankle and waist restraints are strictly prohibited at FCDYRC. If used, the type and application of any other type of restraint may be done only under extraordinary circumstances and only in the least restrictive manner possible. The use of restraints on a pregnant juvenile during labor and deliver is considered an extraordinary circumstance, and as such must be documented in detail within ten days of the incident and kept on file for at least five years after the incident.

**8.** MBCC collaborates extensively with other public and private agencies and continues to do outreach. Most YJC members are representatives of such agencies and frequently inform MBCC of new programs or initiatives in other areas of the state.

**9.** MBCC notifies applicants in the annual Title II RFP that at least 75 percent of funds (after accounting for administrative costs and state advisory group funds) will be allocated to specific priority areas listed in the JJRA. MBCC notifies applicants that up to 25 percent of funds may be allocated to other priority areas approved by OJJDP, including Indian Tribe Programs. If multiple applicants request a total greater than 25 percent of funds, MBCC works with the organization to find a different applicable priority area for implementation and reporting purposes.

**10.** MBCC prioritizes evidence-based programs and provides an annual conference to supplement internal training for subgrantees. Applicants for Title II funding are required to outline a plan to evaluate their program regularly. Subgrantees report on progress towards meeting their goals and objectives quarterly.

**11A.** Montana is in compliance with secure detention requirements. Courts do not have statutory authority to place youth in secure detention if they have not committed an offense or have committed a status offense (with the exception of a valid court order and Interstate Compact). This applies to all youth, regardless of citizenship status. Youth alleged to be dependent, neglected, or abused are also not housed in secure detention.

**11B.** Juveniles awaiting trial, including those being charged as adults, are held in one of Montana's three regional juvenile detention facilities. Montana is in compliance with all sight and sound separation requirements.

**12.** Juveniles alleged or found to be delinquent may be held in a facility that houses adults, but youth are always separated by sight and sound. Montana has in effect a policy that requires individuals who work with both juveniles and adult inmates, including in collocated facilities, to

be trained and certified to work with juveniles. All training and certification is conducted through the Montana Law Enforcement Academy. The basic training course, which all law enforcement and detention officers must pass, contains information specific to the handling of juveniles. Individual facilities provide additional training.

**13A.** Juveniles accused of non-status offenses may be detained in an adult jail or lockup for up to six hours for processing or release, while awaiting transfer to a juvenile facility, or while awaiting a court appearance. MBCC monitors all adult jails and lockups for compliance with the separation requirement. Currently, all facilities are in compliance.

**13B.** Juveniles awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays) may be detained in Montana jails/lockups for longer than six hours if the facility:

- is located outside a metropolitan statistical area and no alternative placement is available;
- is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours so that a brief (not to exceed an additional 48 hours) is excusable, or;
- is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel. with limited exceptions for facilities in rural areas, those with long travel times, or in the event of unsafe road conditions. Montana has submitted a Rural Removal Exception Certification.

MBCC understands that juveniles may not have sight or sound contact with adult inmates and monitors all adult jails and lockups for compliance with this requirement. Additionally, Montana

has in effect a policy that requires individuals who work with both juveniles and adult inmates, including in collocated facilities, to be trained and certified to work with juveniles. All training and certification is conducted through the Montana Law Enforcement Academy. The basic training course, which all law enforcement and detention officers must pass, contains information specific to the handling of juveniles.

**14.** MBCC contracts with a part-time compliance monitor to ensure that jails, lock-ups, detention facilities, and correctional facilities meet OJJDP's core requirements. MBCC's Title II compliance monitor oversees the process and submits reports to OJJDP. MBCC has submitted a compliance monitoring manual to OJJDP. This manual provides for an effective system of monitoring adult jails and lockups, secure detention facilities, and secure correctional facilities to ensure that the core requirements are met.

**15A-C.** The Racial and Ethnic Disparities (R/ED) subcommittee of the Youth Justice Council reviews R/ED data and assists with the creation of Montana's R/ED Plan. The R/ED subcommittee includes a school safety specialist, counselor, nonprofit representative, educational representatives, juvenile corrections officer, and the director of the National Native Children's Trauma Center. The R/ED committee will continue to research racial/ethnic disparities in Montana's juvenile justice system and promote culturally specific delinquency prevention and diversion efforts for minority youth.

**16.** Montana's juvenile justice agencies provide equitable treatment for youth regardless of gender, race, ethnicity, family income, and disability.

**17.** Several of Montana’s Title II programs have a strong focus on families. Family involvement is highly encouraged, and MBCC will provide training and technical assistance to programs serving families as needed.

**18.** Montana has thorough procedures to protect the privacy and rights of youth in Montana’s juvenile justice system and youth receiving Title II services.

**19.** MBCC’s Title II program will not cause the displacement of any current employees, will not impair an existing collective bargaining relationship, and is not expected to be inconsistent with the terms of a collective bargaining agreement.

**20.** MBCC has detailed fiscal control and fund procedures to responsibly manage federal grants.

**21.** MBCC will ensure that Title II funds are not used to supplant other state, local, tribal, and non-federal funds intended for the same purpose. Funds are typically granted to existing youth programs to implement new services or enhance program activities.

**22.** Local juvenile justice agencies, schools, and Title II programs follow strict procedures to ensure the privacy of juveniles. MBCC frequently reviews local policies and procedures during the monitoring process.

**22A.** MBCC states clearly in its annual Title II solicitation that evidence-based programs will receive priority for funding. There are multiple barriers to implementing evidence-based programs in Montana. These include a lack of evidence-based programs specific to rural areas, difficulty evaluating existing programs, and minimal scientific evidence for culturally specific practices implemented by tribes. For these reasons, some Title II programs are loosely based on evidence-based programs and tailored to the local environment and needs.

**22B.** MBCC will review this plan annually with the YJC and submit updates along with the annual Title II application to OJJDP.

**22C.** MBCC continually works with subgrantees to achieve goals and objectives on schedule. If a program is unsuccessful during a two-year period, MBCC will not award funds for the same program.

**23.** In Montana, youth may only be taken into custody for violating a valid court order if the original offense was *not* a status offense. Youth also may not be detained in a secure detention or correctional facility for a status offense. Montana Code Annotated 41-5-332 outlines the general procedures for conducting a hearing with youth alleged to be a delinquent youth or youth in need of intervention.

**24.** The vast majority of Title II programs funded in Montana have comprehensive and coordinated community systems of services. MBCC does not have records going back to 2000, but Montana has consistently received the minimum amount of funding based on population size and federal allocations.

**25.** Montana currently does not provide incentive grants that reduce the caseload of probation officers.

**26.** Due to confidentiality concerns, courts typically only have access to child welfare records if there was court involvement. In those cases, youth would also have a court appointed special advocate or guardian ad litem familiar with the details of the case. MBCC encourages collaboration between the courts and the Department of Child and Family Services whenever possible. However, Montana has strict confidentiality policies/procedures in place to protect the identities of crime victims, particularly minors.

**27.** Juvenile offenders in a foster care placement funded in accordance with the Social Security Act will receive the protections specified in section 42 U.S.C. 471, including a case plan and plan review.

**28.** MBCC collaborates with multiple agencies using other Federal and State funds for juvenile delinquency prevention and intervention. This includes state agencies such as the Office of the Court Administrator, the Office of Public Instruction, and the University of Montana's Safe Schools Center.

**29.** The Pine Hills Correctional Facility is Montana's only correctional facility housing minors. Juvenile correctional officers at Pine Hills undergo extensive training regarding trauma-informed practices and de-escalation tactics with a focus on personal connection and conversation. If de-escalation tactics fail, officers use the minimum force and restraint necessary to protect juveniles from harming themselves or others. Isolation is very rarely used, and only occurs when there is a significant risk of harm. In this situation, a youth is contained in his room with supervision and a crisis team is assembled within an hour to ensure that the youth is safe and out of isolation as soon as possible.

**30.** Youth courts are required by the Juvenile Delinquency Intervention Act to utilize a validated risk and assessment instrument and other available resources to develop placement alternatives and early intervention strategies for troubled youth. Youth Court Services has transitioned to the Montana Experiences and Expressions Screener (EES) developed by Montana's Linking Systems of Care program. MBCC partnered with the University of Montana to develop an evidence-based and trauma-informed screening tool that would be practical and useful for both the agency and youth. The EES is given to youth by probation officers at intake. If a youth reports four or more traumatic experiences or clinical mental health symptoms, probation



officers may refer youth to additional services using a comprehensive list of all service providers in the area. The EES has expanded to certain nonprofit organizations such as Boys & Girls' Clubs. Additionally, Pine Hills and regional detention centers provide other screening and assessment tools upon intake and when a youth requests or shows signs of needing a screening. Detention centers have crisis counselors and provide a variety of classes and support groups for youth with substance use issues or mental health challenges. Youth are allowed to speak to their community-based counselor if sessions can be arranged.

**31A.** Pre-release planning is conducted primarily by the PO during the first phase of the Home & Community Assessment. For post-release planning, probation officers and case managers refer youth to Mountain Peaks, Inc. for mentor services and to Youth Homes, Inc. for Family Re-Entry Services (FRS). They also locate other resources and treatment providers for youth as needed.

Part B of the Home & Community Assessment pertains to living arrangements and placement. Ideally, youth can be placed with their families at home. If family placement is not possible, the placement plan either refers youth to a specific facility or indicates an appropriate level of care. After completion of the Ohio Youth Assessment System (OYAS) Reentry Tool Assessment, the case plan draft is discussed at a pre-placement meeting with the youth, family members, reentry team, and other community providers or mentors as needed.

It is currently the expectation that all discharge plans from placements facilitated by youth court services include these items. Procedure no. YSD 6.1.208<sup>5</sup> outlines Montana's re-entry efforts for

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<sup>5</sup> Retrieved electronically from the Department of Corrections Youth Services Division, at <http://cor.mine.mt.gov/Portals/19/Divisions/Youth/YSDProcedures/YSD6-1-208%20.pdf>

youth housed in juvenile correctional facilities. The Home & Community Assessment is provided for all youth in correctional facilities with the goal of establishing community support and reunifying youth with their families, if possible. In the first 30 days of commitment, a probation officer (PO) gathers information about the juvenile and their family background to determine the youth's current level of support and identify additional needs for the child and family. This portion of the assessment is submitted to the Clinical Services Administrative Support staff at Pine Hills Correctional Facility (PHCF) or a case manager at the "5 County Detention and Youth Rehabilitation Program" (5C's). The second portion of the assessment pertains to placement and is completed prior to release.

**31B.** Multiple parties are involved in writing and reviewing case plans. Probation officers and case managers consult family members, schools, treatment providers, and other community members in the youth's life while creating the case plan. Probation officers must also complete a re-entry checklist and other documents to confirm that all steps in the assessment are completed and a reasonable plan for placement and community care is initiated. Placement is approved by the YCC Program Manager.

**32.** MBCC frequently discusses the educational needs of adjudicated juveniles with the Office of Public Instruction. MBCC has verified that student credits from correctional facilities are transferred to the youth's local school upon release. OPI ensures that records are transferred while protecting information regarding correctional placements. Montana recently passed a bill that allows youth with significant educational disruptions, including incarceration, to graduate with the minimum statewide number of credits. This will minimize dropout rates in districts with higher educational requirements.

**33.** If law enforcement suspects that a youth may be a victim of human trafficking, they will contact the appropriate child welfare agency. Law enforcement officers receive initial and ongoing training for identifying trafficking victims and providing a trauma-informed response. Training is also available or required for other individuals working with justice-involved youth. Montana has multiple local human trafficking task forces that provide resources and other assistance. Human trafficking is by nature a secretive crime, so it is difficult for juvenile justice agencies to identify victims. The EES may help with this, since youth with multiple traumatic experiences or mental health symptoms receive additional assessments and services. Because the EES measures the number of traumatic experiences without asking the youth to identify them individually, at-risk youth and youth victims of trafficking may be more comfortable reporting their experiences and can be diverted to needed services.