



FY 2021-2023

MONTANA BOARD OF CRIME CONTROL
JUVENILE JUSTICE TITLE II FORMULA GRANT

3-YEAR PLAN

Proposal Narrative

A. Description of the Issue

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

According to the United States Census Bureau, in 2020 Montana's population reached 1,084,225, amounting to only 0.33 percent of the total population in the United States. Montana is the fourth largest state, with a land mass of about 145,546 square miles. Based on this data, Montana currently has an average population density of about 7.45 people per square mile. Montana had a few Metropolitan Statistical Areas (MSA) in 2019, including Billings (pop: 109,550), Missoula (pop: 74,428), and Great Falls (pop: 58,701).¹ When data from the 2020 census is available, the city of Bozeman will most likely be added to this list. However, the vast majority of Montana can be classified as rural or frontier.

The following analysis utilizes 2018, 2019, and 2020 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. Juvenile crime data is available through 2020. However, there are several limitations in analyzing this data. First, youth population data for 2020 is not yet available. This report will note patterns in offending over time, but any analysis of 2020 data requiring population data will use population estimates from 2019. This pertains mostly to Racial and Ethnic Disparities (RED) data. To avoid the many limitations of 2020 data and accurately compare offending with self-report data from the most recent Youth Risk Behavior Survey (2019), this report will rely heavily on data from 2019.

¹ United States Census Bureau. (2019). QuickFacts. Retrieved May 31, 2021 from [U.S. Census Bureau QuickFacts: United States](https://www.census.gov/quickfacts/).

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

Offense Type

A total of 3,420 juveniles were referred to youth court services for 7,467 offenses in 2019. Property crimes are consistently the most common offenses referred to youth courts, with a total of about 1,561 referrals for misdemeanor property crimes and 240 referrals for felony property crimes. Youth were referred for 1,297 crimes against persons. The most common personal crimes were misdemeanor assaults (788), felony sex offenses (148), felony assaults (116) and misdemeanor sex offenses (95). A small number of juveniles were also arrested for robbery (11), aggravated kidnapping (5), and negligent homicide (4).

Aside from alcohol, marijuana is the most frequently consumed substance by youth in Montana. According to the 2019 Youth Risk Behavior Survey², 21.1 percent of students report current marijuana use. Rates are slightly higher for females (21.8%), Native American youth (28.5%), and Hispanic youth (27.6%). Youth courts received 455 referrals for misdemeanor marijuana possession and 452 for misdemeanor possession of drug paraphernalia in 2019. Montana legalized recreational marijuana in 2021. This is expected to reduce the number of youths receiving misdemeanors and being referred to youth courts for substance abuse.

While less common, opiates and methamphetamines are also a significant problem for communities throughout Montana. About 12.8 percent of high school students reported ever taking prescription pain medication without a prescription or differently than how a doctor told them to use it. Pain medication misuse was higher among females (14.5%), Hispanic youth (18.6%), and Native American youth (14.2%). A small portion of students (1.7%) reported ever using heroin. Reported heroin use was highest among Hispanic youth (6.5%). Finally, 2.4 percent of high school

² Retrieved from <https://opi.mt.gov/Portals/182/Page%20Files/YRBS/2019YRBS/Graphs-AlcoholOther%20Drug%20Use.pdf?ver=2019-08-12-123836-747>

students reported that they had ever used methamphetamines. There is disproportionate use among Hispanic youth (6.4%) and Native American youth (3.9%) compared to white youth (1.7%).

Status offenses are also quite common, with a total of 1,337 referrals. “Runaway Juvenile” was the most frequent charge with just over 500 referrals. Youth courts received 320 referrals for “ungovernable juvenile,” 212 referrals for curfew violations, and 50 referrals for truancy. Although teens consume alcohol at higher rates than marijuana and other drugs, only 147 referrals are recorded for minor in possession charges related to alcohol. This likely reflects a tendency in law enforcement to handle these incidents at the family level rather than referring minors to youth court.

Agencies referred 695 youth for public order offenses in 2019. Most youth referred for public order offenses were charged with disorderly conduct. A smaller minority were charged with weapons offenses and “privacy in communications,” which refers to the improper use of electronic communications. Almost 300 youth were referred for public administration violations such as obstruction, resisting arrest, and criminal contempt. Finally, nearly 900 youth were cited for violations. About 600 of these were probation violations, most of which resulted in diversion or dismissal. (**Appendix – Figure 1 and Table 1**).

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 decades³. 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, except for a slight decrease to 34 percent in 2019. For unknown reasons, this ratio is higher in

³ Retrieved June 23, 2021 from [EZAJCS: Demographic Characteristics \(ojjdp.gov\)](https://www.ojjdp.gov/EZAJCS/DemographicCharacteristics).

Montana than the national average. The Juvenile Justice Specialist will bring this information to the state advisory group for further examination and discussion. Unfortunately, Montana does not currently have comprehensive data on non-cisgender youth in the juvenile justice system. However, youth courts began collecting data regarding gender and sexuality in 2020 and expect to make this information available near the end of 2021. The Montana Board of Crime Control (MBCC) expects the findings to be limited, but it will be a useful starting point for understanding the prevalence and needs of non-cisgender and LGBTQ+ youth in the juvenile justice system.

(Appendix – Table 2)

Age

Typically, juvenile arrest rates tend to gradually increase with age and peak during adolescence. While Montana’s youth courts have some data on youth 18 and older, this analysis will primarily focus on youth ages 0-17. Because youth referred more than once may be recorded as two different ages, Figure 5 will show the number of total referrals rather than the number of unduplicated youths. Data collected in 2020 indicates that 28 referrals were made for youth under the age of ten. Overall, two percent of youth were age ten or younger at the time of referral. Two percent of youth referred were 11, five percent were 12, ten percent were 13, and sixteen percent were 14. The number of arrests continued to increase with age, reaching a high of 1,622 referrals (22%) among 16-year-olds and declining slightly to 1,518 referrals (21%) among 17-year-olds. It is possible that the number of young children referred to the juvenile justice system is inflated due to data entry errors. **(Appendix – Figure 2 and Figure 3)**

Race

Census data from 2019⁴ indicates that Montanans are about 89% white, 6.7% American Indian, 4.1% Hispanic or Latinx, 0.6% Black, 0.9% Asian, and 2.8% marking two or more races. Census data treats Hispanic/Latinx as an ethnicity. Of the 89% of white Montanans, about 86% identified as white only and the remaining 3% identified themselves as white and Hispanic. Individually, less than one percent of Montanans identified as Black or Asian. However, the youth population is slightly more diverse and brings both proportions just above the one percent threshold for analysis.

(Appendix – Figure 4)

Youth Court data indicates that Black and American Indian youth are overrepresented at most contact points, especially at the point of arrest. As shown in Table 4, 7.76 percent of Black youth and 4.86 percent of American Indian youth between the ages of 10 and 17 were referred to the juvenile justice system. For comparison, just over 3 percent of white youth were referred. The overrepresentation of Black and American Indian youth in the juvenile justice system has been an ongoing problem in Montana.

Racial and Ethnic Disparities data indicates that minority youth are overrepresented at the point of referral. Black youth enter the juvenile justice system at the highest rates, followed by American Indian youth. Hispanic and Asian youth were arrested or referred at lower rates than expected based on their representation in the general population. Fortunately, Montana has high rates of diversion for youth of all races. This greatly reduces disparities at other contact points. This data is discussed in more detail in MBCC's three-year RED plan.

Most trends have remained stable over the past 5 years. The number of referrals and number of youth referred has decreased. The proportion of female youth to male youth also remained fairly

⁴ Retrieved June 14, 2021 from [U.S. Census Bureau QuickFacts 2019: United States](#).

steady over the past few years, with a slight drop in 2019. Generally, about a third of youth in the juvenile justice system are female. When 2019 data is compared to prior youth court reports,⁵ slight changes can be seen in the estimated percentage of referrals by race. Since 2016, the percentage of white youth referred declined slightly while referral rates for American Indian and Black youth rose. (**Appendix – Tables 3-5**)

Suspension and Expulsion Data

Youth who are suspended or expelled typically have more risk factors for delinquency. Time taken out of school due to behavioral issues limits youths' chances of academic success, attachment to school, and engagement with positive role models. Suspensions reduce the number of protective factors accessible to at-risk youth. Schools have recognized the negative impact of suspension and expulsion and have attempted to limit zero-tolerance policies, increase the use of in-school suspensions, and provide services to suspended or expelled youth. The Montana Office of Public Instruction has provided MBCC with data from the 2019-2020 school year. In total, 35,677 juveniles experienced some form of suspension or expulsion. Fortunately, the number of expulsions was relatively low (13) and many suspended youth received services or alternative learning opportunities.

2. Delinquency Control/Prevention Needs

Need #1: Mental Health/Substance Abuse

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. Unfortunately, Montana has above-average rates of mental illness and suicide for both youth and adults. According to the

⁵ Retrieved from [courts.mt.gov > Courts > Youth Courts > Reports - UM Evaluations](https://courts.mt.gov/Courts/Youth%20Courts/Reports-UM%20Evaluations).

Youth Risk Behavior Survey (YRBS)⁶, in 2019 37 percent of students reported periods of depression, 23 percent of students seriously considered suicide, 20 percent made a suicide plan, and 10 percent attempted suicide in the past year. Over the past decade rates of depression and suicidal ideation increased over 34 percent, suicide planning increased 45.5 percent, and suicide attempts increased by almost 30 percent. American Indian youth attempt suicide at disproportionate rates. Kauffman and Associates, Inc. (2017) found that up to 30 percent of American Indian youth between the ages of 15 and 24 attempt suicide and are 3.5 times more likely to die from suicide attempts than non-Native youth. While causation has not been proven, justice-involved juveniles are more likely to struggle with one or more mental illnesses than their peers. According to the OJJDP Model Programs Guide (2017), severe mental illnesses such as psychotic disorders are especially prevalent among incarcerated juveniles.⁷ Providing treatment and support services to youth struggling with mental illness can improve their overall well-being, reduce youth suicide in Montana, and possibly reduce the risk of future offending.

As shown in the juvenile crime data analysis, alcohol and marijuana use are both high for Montana youth. The legalization of recreational marijuana in Montana will lessen the legal consequences of consumption for youth. However, it will likely also increase access to marijuana for youth under the age of 21. Some youth have also reported using methamphetamines and misusing pain medications. Minority youth, especially Hispanic and Native American youth, report using these highly addictive drugs at higher rates than white youth. Due to a very small sample size, substance use rates were not shown for Black youth. Given the many negative outcomes related to early

⁶ Retrieved from [Montana Students and Mental Health \(mt.gov\)](https://www.mt.gov/Portals/0/Health/BehavioralHealth/YouthMentalHealth/2019_YRBS_Report.pdf).

⁷ Retrieved from [Intersection between Mental Health and Juvenile Justice System Literature Review \(ojp.gov\)](https://www.ojp.gov/ncjrs/pdffiles1/nij/250001.pdf).

substance abuse, it is important for youth to have appropriate treatment options regardless of geographic region, cultural background, and socioeconomic status.

Montana has a severe shortage of mental health and substance abuse treatment options. Juvenile counselors and psychiatrists are difficult to find in Montana, and youth residential treatment facilities have closed or cannot run at capacity due to lack of staff. Rural and American Indian communities in particular struggle with long travel and wait times. Most youth services are concentrated in larger and wealthier communities in western Montana. The only area with significant resources outside of western Montana is Billings in the south-central region, which is the largest city in Montana. Due to these shortages, it has been challenging for MBCC to find Title II applicants specializing mainly in substance abuse and/or mental health treatment. However, MBCC does fund several programs that incorporate classes or activities pertaining to substance use and mental health.

Need #2: Lack of Resources for American Indian Youth

American Indian youth often have limited access to treatment, preventative services, and family support resources. Many American Indian youth experience an above-average number of risk factors and fewer protective factors for delinquency. However, the tribes exhibit many strengths that are highlighted with the right resources in place. The MBCC actively collaborates with American Indian leaders and youth to support culturally specific practices to alleviate challenges, build protective factors, and prevent involvement in the juvenile justice system. The Youth Justice Council (YJC) intends to increase outreach to better understand tribal needs and provide opportunities for funding.

Need #3: Dropouts, Suspensions, and Expulsions

Academic success and commitment to school are considered protective factors for delinquency. During the 2019-2020 school year, approximately 35,677 youth were suspended, placed in an alternative education setting, or expelled from Montana schools. These responses to behavioral issues can cause youth to fall behind academically and do not address the root cause of problematic behaviors. To improve outcomes, many schools have increased in-school suspensions and offer services to youth who are suspended or expelled when possible. School programs funded by MBCC in the past have provided expelled youth with outside academic help to complete their high school education.

MBCC believes that strong partnerships between local youth programs, schools, and juvenile justice practitioners can minimize the number of arrests/referrals made on campus. This has worked particularly with one Title II program, the Center for Restorative Youth Justice (CRYJ) in Kalispell. Youth who would otherwise receive a referral for first-time alcohol and drug offenses can choose to complete a variety of classes and activities through CRYJ to avoid a charge on their record. CRYJ is currently working with other stakeholders to expand the types of nonviolent offenses for which youth can be referred. Additionally, the YJC includes representatives from the Montana Office of Public Instruction (OPI), Youth Build, and the Dillon School District. These partners have been essential in the YJC's strategic planning efforts and provide valuable services in their communities.

Need #4: Delinquency Prevention and Diversion

Juveniles need strong delinquency prevention and diversion efforts. Outcomes are typically much better for youth who have minimal contact with the juvenile justice system or, preferably, stay out of the justice system entirely. 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. 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 government to pay for detention, court costs, or incarceration. It may also save money long-term by reducing the likelihood of youth continuing to offend during adulthood. 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. MBCC has funded multiple delinquency prevention and diversion programs over the past few years. Several Big Brothers and Big Sisters programs, for example, have provided positive adult mentors and helped at-risk youth achieve success in a variety of areas. The Havre Youth Reporting Center, a diversion program, has also helped youth to complete court requirements and build skills to reduce recidivism.

Need #5: Trauma-Informed Programs and Services

Juveniles referred to youth court for delinquency experience above average rates of childhood trauma. The Montana Office of the Court Administrator annually reports the prevalence of adverse childhood experiences (ACEs) among justice-involved youth. In 2020 the most common ACEs were parental loss (73 percent), substance abuse in the home (45 percent), emotional abuse (32 percent), and mental illness (28 percent). All scores except physical and sexual abuse were higher for juveniles in youth court than adults in the original ACEs study. Data in Montana and in other states highlights a need for programs to address grief and other sources of childhood trauma. Youth courts, juvenile probation offices, and other organizations serving youth are currently transitioning from the ACEs questionnaire to the Montana Experiences and Expressions Screener (EES). This tool was developed as part of MBCC's Linking Systems of Care program through

partnerships with researchers, juvenile justice agencies, and other stakeholders. The EES measures the number of traumatic experiences youth experience and the presence of mental health symptoms. The tool is designed to be trauma-informed and provides practitioners with a list of local resources for youth who need additional services. Comprehensive data from the EES may not be available until 2022.

An unknown number of youth in Montana become victims of human trafficking. Risk factors for trafficking include poverty, homelessness, substance abuse, a history of abuse/neglect, a history of involvement in the juvenile justice or child welfare systems, being in the LGBTQ+ community, and running away from home. Given the secretive nature of human trafficking, it can be very difficult to identify and help victims. However, nearly all youth targeted by Title II programs are at a higher risk of trafficking than the general population. For this reason, MBCC prioritizes programs that use trauma-informed practices for all at-risk and justice-involved youth served. The State Advisory Group (SAG) has also had discussions with agencies specializing in human trafficking and will continue to consult experts on the issue.

Need #6: 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. The RED Committee of the state advisory group monitors RED data, discusses strategies to reduce RED, and advocates for RED reduction with stakeholders. More detailed data and goals can be found in MBCC's three year RED Plan in the Compliance Monitoring submission.

Need #7: Girls and Non-Binary Youth in the Juvenile Justice System

Youth court data indicates that girls make up about 36% of justice-involved youth in Montana, slightly higher than the national average. In part due to their smaller population size in the justice

system and the rural nature of Montana, fewer services are targeted towards justice-involved female youth. Additionally, there is little to no data on non-binary and LGBTQ+ youth in Montana, let alone in the juvenile justice system. However, this population is at a higher risk than cisgender youth and efforts to collect data in youth court data began in late 2020. There is no female juvenile correctional facility in Montana, so a small number of girls are housed in the Five County Juvenile Detention and Youth Rehab Center in Idaho. Five County is in compliance with state and federal regulations.

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. In FY 21 the YJC re-examined its priorities and allowed Title II applicants to apply under Purpose Areas 3 (Alternatives to Detention), 5 (Community-Based Programs and Services), 6 (Delinquency Prevention), 12 (Mental Health Services), 13 (Mentoring, Counseling, and Training Programs), 17 (School Programs), 18 (Substance and Alcohol Abuse), and 23 (Gender-Specific Services). Applicant agencies were also notified that they may request funding under Diversion, Native American Tribe Programs, Juvenile Justice System Improvement, and Racial/Ethnic Disparities, but that allowable funding was limited to 25% of the total pass-through amount. Based on the applications received, MBCC plans to fund the following priority areas in FY 21: **Community-Based Programs and Services; Delinquency Prevention; Mentoring, Counseling, and Training Programs; School Programs; Gender-Specific Services; Compliance Monitoring; Diversion; and Native American Tribe Programs.** The YJC will discuss narrowing down these priority areas in August 2021 and will track and report progress annually. MBCC staff will help the YJC address unfunded priority areas through research, outreach, and advocacy. MBCC has not yet scored all Title II

subgrant applications for FY 21 or come to any decisions regarding the amount of funding each applicant will receive. Therefore, MBCC will only include the amount of anticipated funding for each priority area at this time.

MBCC understands that at least 75% of pass-through funding must be used on purpose areas A-W as shown in the “OJJDP FY 2021 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 5 percent (\$30,000) State Advisory Group expenses, \$500,000 (79%) is available for pass-through funding. This meets the requirement that 66 and 2/3 percent of funds must be passed through.

Need #1: Mental Health/Substance Abuse, will be addressed by the Youth Justice Council with assistance from Designated State Agency (DSA) staff. The Legislative/Mental Health subcommittee continues to monitor trends in youth mental health and advocates for trauma-informed practices. While no agencies applied specifically under priority areas 12 or 18, most of Montana’s delinquency prevention and diversion programs provide services targeted towards youth with mental health and/or substance abuse issues. Because these programs can only report under one priority area, the only funds allocated to purpose areas 12 and 18 in FY 21 will be drawn from the SAG and admin budgets. *Goal 1* in the next section discusses MBCC’s plan to work with communities to enhance existing treatment services and support new treatment programs. MBCC anticipates that this goal will take time due to shortages of mental health/substance abuse treatment resources for juveniles, especially in rural communities. With significant outreach efforts, MBCC hopes to fund at least one specialized juvenile mental health and/or substance abuse treatment program by 2023.

Need #2: Lack of Resources for American Indian Youth, will be addressed using Title II and YJC funds. In FY 21 MBCC anticipates awarding \$46,542.32 to applicants under **Purpose Area 24, Indian Tribe Programs**. Over the past several years, MBCC has awarded funding to the Chippewa Cree Tribe Youth Juvenile Justice Program on the Rocky Boy Reservation. This program assists justice-involved youth with drug and alcohol offenses, and their families, using culturally specific programming. The Tribal Outreach Committee of the YJC plans to increase representation from tribes, better understand the needs of American Indian youth, and support tribal initiatives. *Goal 2* describes the YJC's plans to increase support for American Indian youth in more detail.

Need #3: Dropouts, Suspensions, and Expulsions will be addressed primarily using YJC time and funds from **Purpose Area 17, School Programs**. In FY 21 MBCC plans to facilitate "Do the Write Thing," a national essay contest for 7th and 8th grade students about youth violence. MBCC staff, with assistance from the YJC, have facilitated this contest annually since 2008. The program encourages youth from participating schools to think critically about the effects of youth violence on their lives, the causes of youth violence, and what they can do to help end youth violence. MBCC facilitates a state celebration of ten finalists and sends two national ambassadors to a celebration in Washington, D.C. MBCC has allocated \$10,000 under PA 17 for this program. Additionally, the YJC continues to collaborate closely with education agencies to increase school safety while reducing arrests and other strict disciplinary responses whenever possible. MBCC did not receive any applications that listed PA 17 as a primary purpose area in FY 21. However, many programs funded under other priority areas, especially **PA 13 (Mentoring, Counseling, and Training Programs)**, are closely involved with the schools and link at-risk youth with mentors who encourage them to finish school and pursue additional education or training for future

employment. *Goal 3* will focus on expanding outreach to schools, encouraging programs to provide academic support, and monitoring data collected from OPI.

Need #4: Emphasize Delinquency Prevention and Diversion will be addressed mainly through pass-through funding for **Purpose Area 6, Delinquency Prevention and Purpose Area 22, Diversion Programs**. In FY 21 MBCC anticipates awarding \$142,834.39 to delinquency prevention programs and \$32,110.40 to diversion programs. These numbers may change, but generally MBCC has demonstrated strong support for these programs. 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. *Goal 4* outlines MBCC's plans to continue supporting programs that help prevent offending among at-risk youth and provide alternatives to involvement in the justice system for minor offenses.

Need #5: Trauma-Informed Programs and Services will be addressed in all Title II programs funded by MBCC. Subgrant applicants are notified in MBCC's Title II funding opportunity that evidence-based, trauma-informed programs will be prioritized for funding. DSA staff monitor policies from each subgrant program during desk reviews and on-site visits to ensure that policies and procedures are trauma informed. Monitoring of subgrant programs is funded by the \$60,000 allocated to the DSA through federal and state funds for administrative purposes. Additionally, the YJC frequently requests input from detention facilities, Montana's youth correctional facility, and other stakeholders to learn about trainings and policies used to create a trauma-informed and safe environment for youth and staff. Detention and correctional facilities frequently revisit their policies and procedures based on new research and guidelines. *Goal 5* outlines MBCC's plan to promote trauma-informed care.

Need #6: 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 RED Committee of the Youth Justice Council meets quarterly and reports new data and strategies to reduce RED. Currently, the RED Committee is working on overcoming barriers in data sharing to receive accurate data regarding arrests made by school resource officers. DSA staff are reaching out to request data and encourage jurisdictions to distinguish SRO arrests from general law enforcement arrests in the Juvenile Court Assessment and Tracking System (JCATS), a data collection system used by Youth Court Services. *Goal 6* addresses data collection and sharing.

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.

Need #7: Girls and Non-Binary Youth in the Juvenile Justice System

MBCC has budgeted \$38,512 for **Purpose Area 23, Gender Specific Services**. Currently, the only all-female Title II program in Montana is run by the Missoula branch of YWCA USA. YWCA provides services and housing for women with a history of victimization or addiction and their children. YWCA of Missoula provides additional education and empowerment programs for girls in the community, especially youth of color. MBCC also plans to contact Five County Juvenile

Detention center in Idaho at least annually to learn more about gender-specific programs. Due to a lack of data on girls and non-cisgender youth, MBCC will address the issue as part of *Goal 6* using administrative and SAG funds as needed.

B. Project Goals and Objectives:

1. Understand youth substance use/mental health needs and treatment options.

Purpose Areas: 12 (Mental Health) and 18 (Substance Abuse)

Need #1: High need for mental health/substance abuse treatment for youth and a shortage of treatment services in Montana.

Objective 1: List available inpatient, outpatient, and residential treatment facilities for youth struggling with mental health issues and/or substance use.

Objective 2: Research the causes of juvenile treatment facility closures in recent years and identify which regions of Montana have the greatest shortages. Discuss these findings with the YJC and relevant subcommittees.

Objective 3: Include youth treatment needs in the SAG's report to the Governor.

Encourage treatment programs to apply for Title II funding and seek out additional funding, if available.

2. Increase access to resources for American Indian youth.

Purpose Area: 24 (Native American Tribe Programs)

Need #2: Lack of resources for American Indian Youth

Objective 1: Increase outreach to tribes not represented on the Youth Justice Council.

Gather feedback regarding local needs and inform tribes of state and federal funding resources. (See also Goal 1 in RED Plan)

Objective 2: Continue funding culturally specific programs and practices implemented by tribes annually.

3. Support youth at risk of academic failure, suspension, and expulsion.

Purpose Areas: 17 (School Programs); 13 (Mentoring, Counseling, and Training)

Need #3: Youth at risk of dropout, suspension, and expulsion

Objective 1: Continue partnerships between the YJC, Office of Public Instruction, and local schools to support evidence-based school and alternative learning programs.

Objective 2: Fund at least one program identified under purpose area 17 annually.

4. Continue providing funding and technical assistance for evidence-based delinquency prevention and diversion programs.

Purpose Areas: 6 (Delinquency Prevention) and 22 (Diversion)

Need #4: Emphasize evidence-based delinquency prevention and diversion efforts to keep youth out of the juvenile justice system.

Objective 1: Continue funding evidence-based delinquency prevention and diversion programs, especially in rural areas with limited access to services.

Objective 2: Contact local jurisdictions and courts, if needed, to advocate for delinquency prevention/diversion programs and provide assistance.

5. Prioritize evidence-based, trauma-informed care for justice-involved youth and youth participating in Title II programs.

Priority Areas: 5 (Community-Based Programs), 6 (Delinquency Prevention), and 12 (Mental Health Services)

Need #5: High rates of childhood trauma experienced by at-risk and justice-involved youth in Montana.

Objective 1: State clearly in annual Title II RFPs that MBCC will prioritize applicants that use trauma-informed practices in their programs.

Objective 2: Provide training and technical assistance, if needed, to subgrantees and juvenile justice agencies that are having difficulty implementing trauma-informed programs/practices.

6. Reduce racial and ethnic disparities (RED) in Montana’s juvenile justice system.

Priority Areas: To be addressed in all Title II programs through mandatory application and quarterly reporting requirements.

Need #6: Racial and Ethnic disparities for minority youth in the justice system, particularly Black and American Indian youth.

See FY 21-23 RED Plan

7. Gain a better understanding of the needs of girls and non-cisgender youth.

Purpose Areas: 23 (Gender-Specific Services) and 27 (JJ System Improvements)

Problem/Need Addressed: Lack of data about and services for girls and non-cisgender youth

Objective 1: The SAG will gather input from outside agencies, programs, and organizations working with girls and non-cisgender youth to identify problems/needs.

Objective 2: The SAG will investigate what resources are available to justice-involved or at-risk girls and non-cisgender youth. Additionally, the SAG will identify any laws, policies, or procedures in place to protect non-cisgender youth from harm and meet their needs.

Objective 3: Advocate for the creation or revision of policies and procedures, especially in the juvenile justice system, to protect and support girls and non-cisgender youth.

8. 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. The MBCC provides the data needed by the SAG to choose 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.

Describe how the state plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents; 34 U.S.C. § 11133(a).

Montana's Title II programs address risk and protective factors for delinquency based on youths' stage of development and specific needs. Because most teens can think critically and understand the consequences of their actions, many Title II programs targeting that age group provide accountability and help youth examine their behavior patterns. Montana's emphasis on restorative practices is based on a need for youth to feel connected to others and their ability to take responsibility for their actions. Programs for teens 16 or older tend to dedicate more time to completing high school graduation requirements and/or job training.

Provide for an equitable distribution of funds within the state, including rural areas

While MBCC cannot control which agencies apply for Title II funds, significant outreach efforts over the past year have led to an increase of applications from northeastern Montana, which is typically underserved. Several Title II programs operate in Montana's few metropolitan statistical areas, but most programs serve youth in rural areas.

Contain an analysis of gender-specific services for the prevention and treatment of juvenile delinquency.

About 36 percent of juvenile offenders in recent years have been female. Because only five or less girls are incarcerated each year, Montana contracts with the Five County Juvenile Detention and Rehab Center in Idaho. One Title II program, the YWCA of Missoula, provides gender-specific programming for at-risk girls.

Contain a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency.

MBCC encourages Title II programs to provide gender-specific services and will collaborate more closely with the Five County detention center to understand what gender-specific services they provide. Unfortunately, Montana has little to no data about non-cisgender youth in the juvenile justice system. MBCC will evaluate new data gathered by Youth Court Services when it becomes available. After understanding the representation of non-cisgender youth in Montana, the Youth Justice Council can discuss programming, policies, or procedures specific to non-cisgender youth. One detention center is already in the process of developing procedures for searching transgender youth upon intake.

Contain a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas.

Because most of Montana is considered rural or frontier, many subgrant programs tailor their services to meet local community 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 has received new requests for funding in FY 21 Title II funds.

Contain a plan to provide alternatives to detention for status offenders, survivors of commercial sexual exploitation, and others, where appropriate, such as specialized or problem-solving courts or diversion to home-based or community-based services or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system; 34 U.S.C. § 11133(a)(7)(B)(iv).

Except for juvenile runaways through the Interstate Compact Act, there is no statutory authority in Montana to place a status offender 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 take 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 have not been charged with a serious offense.

Contain a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs; 34 U.S.C. § 11133(a)(7)(B)(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 could utilize a shelter care placement; a return to family home, with a close friend or relative approved by the court; placed under house arrest with or without electronic monitoring, while waiting for placement in a residential treatment program.

Contain a plan to engage family members, where appropriate, in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement; 34 U.S.C. § 11133(a)(7)(B)(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.

Contain a plan to use community-based services to respond to the needs of at-risk youth or youth who have come into contact with the juvenile justice system; 34 U.S.C. § 11133(a)(7)(B)(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.

Contain a plan to promote evidence-based and trauma-informed programs and practices; 34 U.S.C. § 11133(a)(7)(B)(viii).

All prevention plans and subsequent programs developed and funded through JDIA are required to be rooted with evidence-based outcomes that are reviewed annually by the court administrators 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 create 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) team, which developed the Montana EES, refers both youth and families to services and is currently working to improve trauma readiness and training in youth courts and community organizations throughout the state.

Contain a plan that shall be implemented not later than December 21, 2020, to—
I. eliminate the use of restraints of known pregnant juveniles housed in secure juvenile detention and correction facilities during labor, delivery, and post-partum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others.

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. **eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant juveniles, unless— (a) credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or (b) reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method; 34 U.S.C. § 11133(a)(7)(B)(ix).**

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.

Provide for the coordination and maximum utilization of evidence-based and promising juvenile delinquency programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreations, health, and welfare programs) in the state.

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.

Provide for procedures to be established for protecting the right of recipients of services and for assuring appropriate privacy with regard to record.

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.

Provide that the designated State agency will

(A) To the extent practicable, give priority in funding to programs and activities that are based on rigorous, systematic, and objective research that is scientifically-based.

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.

(B) From time to time, but not less than annually, review its plan and submit and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, that it considers necessary.

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

Provide for the coordinated use of funds provided under the award with other Federal and State funds directed at juvenile delinquency prevention and intervention programs.

MBCC has close relationships with other state agencies and local youth service organizations. This includes the Office of Public Instruction and the Title I Part D coordinator. On multiple occasions these relationships have helped MBCC identify current delinquency prevention efforts and reduced the time needed to create programs or policies that already exist.

Describe policies, procedures, and training in effect, if any, for the staff of juvenile state correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques; 34 U.S.C. § 11133(a)(29).

Staff at Pine Hills, Montana’s only juvenile correctional facility, receive annual training on non-violent crisis intervention techniques. Since Pine Hills has eliminated the use of disciplinary confinement, juveniles are only confined if they pose a risk to themselves or others. In those cases, the Confinement Assessment and Review team works to remove youth from isolation as soon as possible. Finally, a trauma team trains staff on the effects of traumatization on youth mental health and behaviors.

Describe:

- (A) The evidence-based methods that will be used to conduct mental health and substance abuse screening, assessment, referral, and treatment for juveniles who—**
- (i) request a screening;**
 - (ii) show signs of needing a screening; or**
 - (iii) are held for a period of more than 24 hours in a secure facility that provides for an initial screening; and**

Youth courts are required to conduct a risk and needs assessment for youth. Youth placement committees must consider the results of the assessment and other relevant information to provide alternatives to detention. Priority is placed on facilities and programs within the community.⁸

Youth courts can also order further evaluation, care, or treatment as a disposition or in conjunction with other available dispositions.⁹

Youth Court Services will continue to utilize the validated risk and needs assessment tool provided by the Office of Court Administrator to help determine the appropriate level of intervention for each youth that enters the juvenile justice system. Probation officers, case managers, and residential facilities will continue to provide appropriate treatment and/or refer youth to community services as needed

(B) How the state will seek, to the extent practicable, to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment; 34 U.S.C. § 11133(a)(30).

⁸ Mont. Code Ann. § 41-5-2005

⁹ Mont. Code Ann. § 41-5-1512

Prior to the placement of a juvenile in youth court custody, a youth placement committee must examine the needs of each juvenile and provide appropriate recommendations for alternative placements and community services.¹⁰ When areas of concern are identified, Youth Court Services will continue to access the appropriate mental health services to help evaluate the needs and proper intervention for youth who enter our juvenile justice system. When warranted and within the jurisdiction of the MT Youth Court, we will continue to access and facilitate the appropriate treatment.

Describe how reentry planning by the state for juveniles will include:

(A) A written case plan based on an assessment of needs that includes—

- (i) the pre-release and post-release plans for the juveniles;**
- (ii) the living arrangement to which the juveniles are to be discharged;**
- (iii) any other plans developed for the juveniles based on an individualized assessment; and**

Pre-release planning is conducted primarily by a probation/parole officer 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.

¹⁰ Mont. Code Ann. § 41-5-2005

It is currently the expectation that all discharge plans from placements facilitated by youth court services include these items. Procedure no. YSD 6.1.208¹¹ outlines Montana's re-entry efforts for 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.

(B) Review processes; 34 U.S.C. § 11133(a)(31).

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.

Describe policies and procedures, if any, to:

(A) Screen for, identify, and document in records of the state the identification of victims of domestic human trafficking, or those at risk of such trafficking, upon intake; and

¹¹ 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>

Montana currently lacks standard policies and procedures to screen youth who are involved in the juvenile justice system for human trafficking victimization specifically. However, the EES includes questions regarding sexual abuse/exploitation and youth with multiple traumas are referred for additional assessment and care.

(B) Divert youth described in subparagraph (A) to appropriate programs or services, to the extent practicable; 34 U.S.C. § 11133(a)(33).

The Youth and Tribal Outreach subcommittees of the Youth Justice Council have met with anti-trafficking task forces in Montana to understand current efforts to address child trafficking in Montana. The YJC will evaluate current efforts and discuss what MBCC can do to assist in increasing prevention and treatment services. MBCC continues to discuss trauma-informed screening practices with secure detention facilities to identify and divert underage trafficking victims when appropriate.

Appendix

Figure 1: Juvenile Offenses by Crime Type 2019

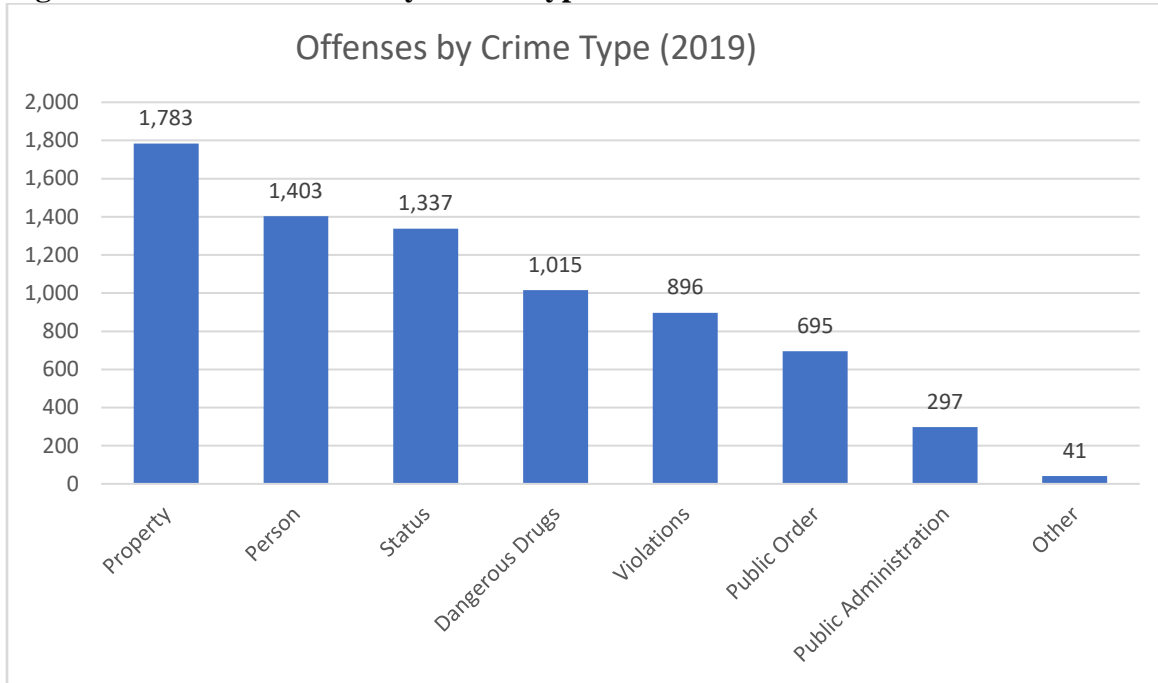


Table 1: Classification of Most Serious Offense

Classification	Number of Offenses
Felony	708
Misdemeanor	5,422
Status	1,337

Table 2: Youth Referred by Sex 2018-2020 (Unduplicated)

Sex	2018		2019		2020	
	Youth Referred*	Percent of Total	Youth Referred*	Percent of Total	Youth Referred*	Percent of Total
Female	1227	36.31%	1166	34.09%	965	36.24%
Male	2152	63.69%	2254	65.91%	1698	63.76%
Total	3379	100%	3420	100%	2663	100%

*Referrals reflect the number of unduplicated juveniles referred/arrested in a single year. A single youth may be referred more than once.

Figure 2: Percent of 2019 Juvenile Referrals by Age

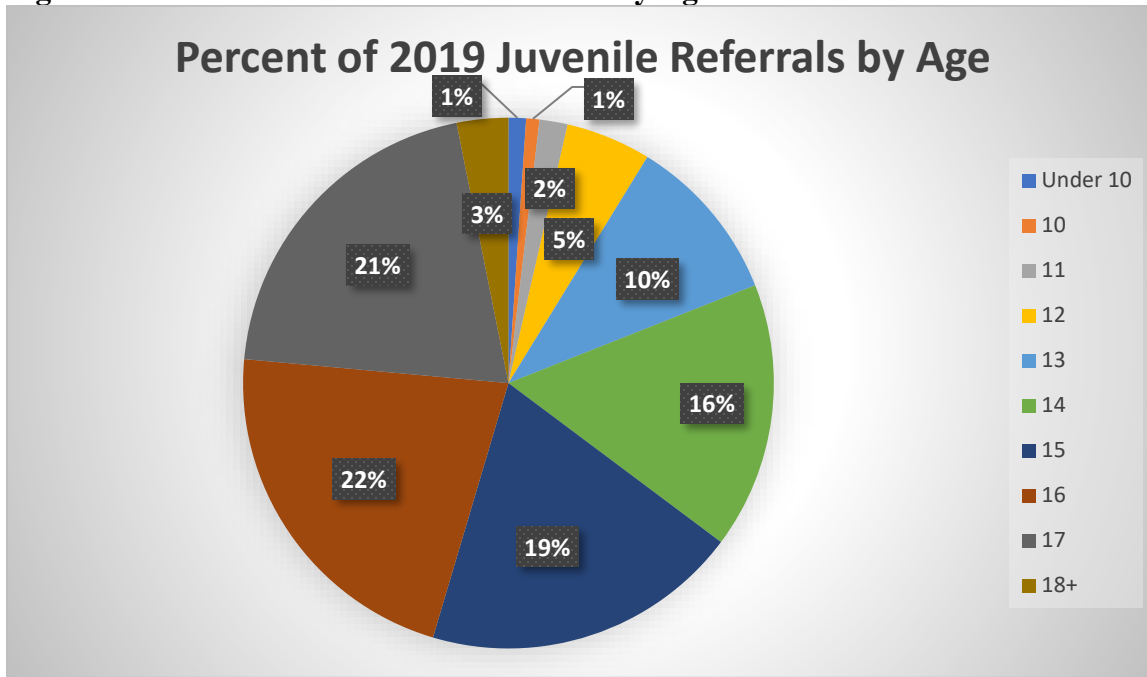


Figure 3: Number of 2020 Referrals by Age

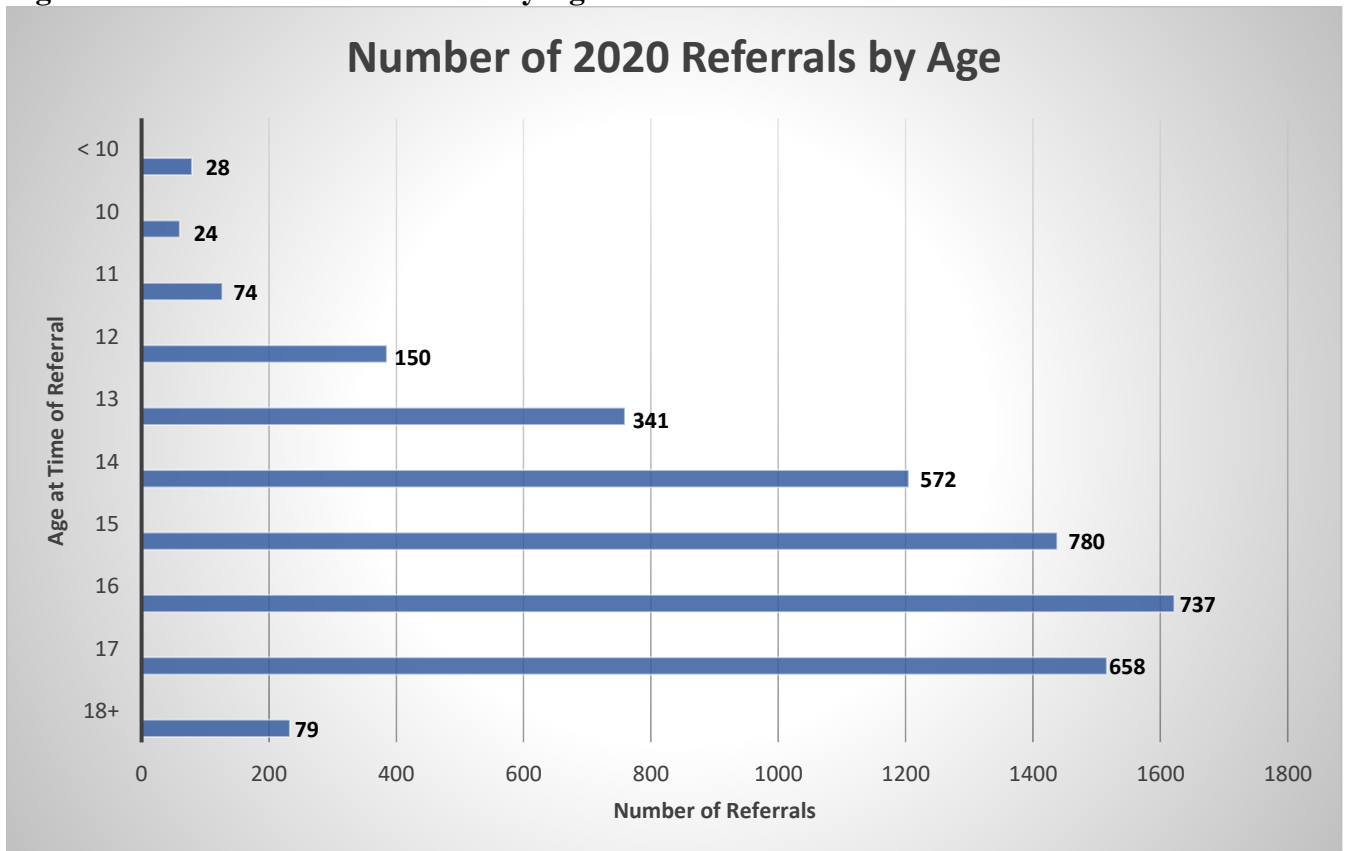


Figure 4: Youth Population by Race (2019)

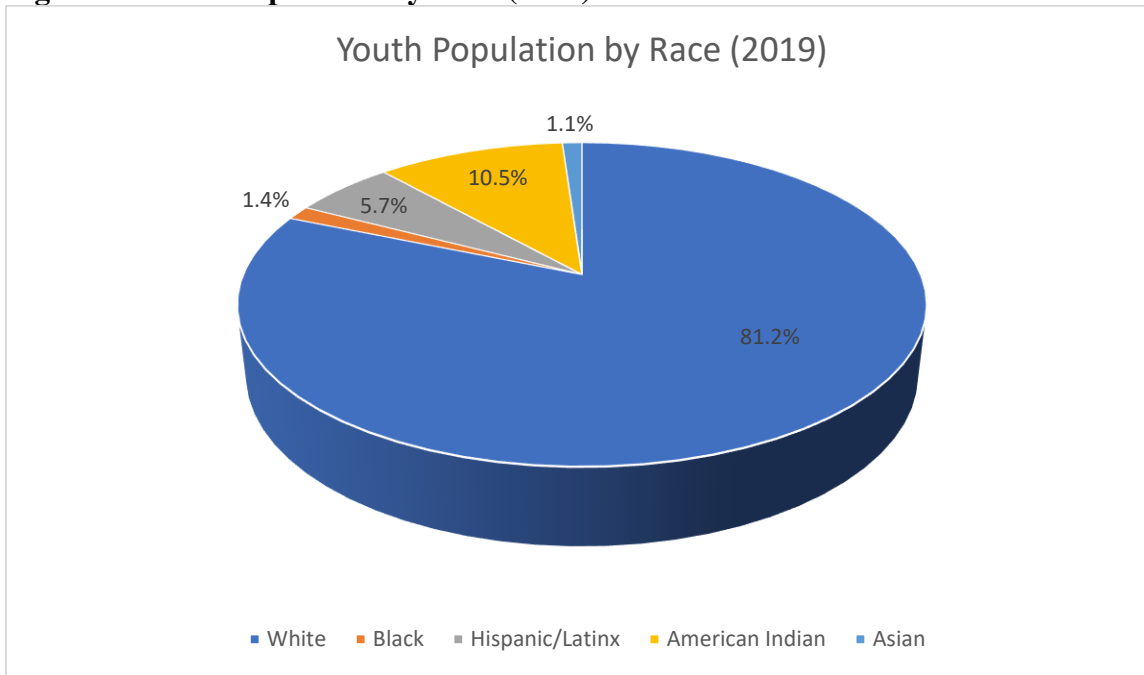


Table 3: Youth Arrests by Race/Ethnicity (2019)

Race	Total Population (2019)	Number of Youth Arrested (2019)	Number of Offenses*	Percent of Youth Arrested
American Indian or Alaska Native	10,850	527	1,217	4.86%
Asian	1,140	12	21	1.84%
Black or African American	1,495	116	238	7.76%
Caucasian	84,157	2,593	5,443	3.08%
Hispanic or Latino	5,914	100	315	1.69%
Native Hawaiian or Other Pacific Islander	No estimate	11	24	-
Unknown	No estimate	11	17	-
Total	103,556	3,369	7,272	

*Youth may be referred for multiple offenses on a single ticket and/or may be referred more than once for new incidents. This data is not intended to represent or calculate recidivism rates.

Table 4: 2019 RED Data

Race		White	Black	Hispanic/ Latinx	American Indian or Alaska Native	Asian
Population		84157	1495	5914	10850	1140
Arrest	Number	2311	105	90	486	11
	Percentage	2.75%	7.02%	1.52%	4.48%	0.96%
Diversion	Number	2224	100	81	470	11
	Percentage	2.64%	6.69%	1.37%	4.33%	0.96%
Detention	Number	288	20	16	102	1
	Percentage	0.34%	1.34%	0.27%	0.94%	0.09%
Disposition Commitment	Number	11	0	1	4	0
	Percentage	0.01%	0.00%	0.02%	0.04%	0.00%
Adult Transfer (206)*	Number	9	2	0	4	0
	Percentage	0.01%	0.13%	0.00%	0.04%	0.00%

*206 adult transfers represent direct filings of charges against minors in district court instead of youth court

Table 5: 2020 RED Data

Race		White	Black	Hispanic/ Latinx	American Indian or Alaska Native	Asian
Population		84157	1495	5914	10850	1140
Arrest	Number	1703	86	66	334	19
	Percentage	2.02%	5.75%	1.12%	3.08%	1.67%
Diversion	Number	1542	74	50	288	17
	Percentage	1.83%	4.95%	0.85%	2.65%	1.49%
Detention	Number	219	22	9	69	4
	Percentage	0.26%	1.47%	0.15%	0.64%	0.35%
Disposition Commitment	Number	13	0	0	2	0
	Percentage	0.02%	0.00%	0.00%	0.02%	0.00%
Adult Transfer (206)*	Number	3	0	2	2	0
	Percentage	0.00%	0.00%	0.03%	0.02%	0.00%

*206 adult transfers represent direct filings of charges against minors in district court instead of youth court

Table 6: 2019-2020 Suspension and Expulsion Data

Disciplinary Action	Number of Students*
Expulsion without Services	12
Expulsion – Placed in an Interim Alternative Educational Setting	1
In-School Suspension**	10,210
Out-of-School Suspension – Placed in an Interim Alternative Educational Setting	11,687
Out-of-School Suspension without Services	13,767
Total	35,677

*The Office of Public Instruction (OPI) collects data regarding the grade and race of youth in each disciplinary category. To prevent youth from being identified, categories with five or fewer youth do not list the total. The above table represents the minimum amount of K-12 youth in each disciplinary category.

**Schools are only required to report ISS data for youth with special needs

Section 223 34 U.S.C. 11133 (a)

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 input from multiple county agencies regarding regional needs. This has helped the state advisory group address challenges that arose during the pandemic and target services based on need. 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 \$15,000 for compliance monitoring and \$10,000 for an annual school program organized by MBCC, the total pass-through amount exceeds the 66 and 1/3rd requirement.
 6. While MBCC cannot control which agencies apply for Title II funds, significant outreach efforts over the past year have led to an increase of applications from northeastern Montana, which is typically underserved. In 2020 one third of Title II programs were specifically targeted to meet the needs of rural or frontier areas.
- 7A. MBCC's Title II 3-Year Plan has created 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. MBCC includes gender-specific services as a priority area in its RFP. One Title II program, the YWCA of Missoula, provides gender-specific programming for about 200 at-risk girls every school 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 has received new requests for FY 21 Title II funds.
- iv. Except for juvenile runaways through 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 take 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 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 could utilize a shelter care placement; a return to family home, with a close friend or relative approved by the court; placed under house arrest with or without electronic monitoring, 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 create 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) team, which developed the Montana EES, refers both youth and families to services and is currently working to improve trauma readiness and training 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 chosen annually by the state advisory group from those listed in the JJRA. In the 2021 Title II RFP, MBCC notified applicants that up to 25 percent of funds may be allocated to other priority areas approved by OJJDP, specifically Racial and Ethnic Disparities, Diversion Programs, Indian Tribe Programs, and Juvenile Justice System Improvement. If multiple applicants request a total greater than 25 percent of funds, MBCC works with organizations 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). 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 typically held in a regional juvenile detention facility. 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. All individuals supervising juveniles are trained to do so.

13A. Youth accused of non-status offenses may be briefly detained in an adult jail or lockup for processing, release, or while awaiting transfer. These facilities are in compliance with sight and sound separation requirements.

13B. Youth awaiting an initial court appearance may be held for no longer than 48 hours in Montana jails/lockups, 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.

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.

15A. The Racial and Ethnic Disparities (RED) subcommittee of the Youth Justice Council reviews RED data and assists with the creation of Montana's RED Plan. The RED subcommittee includes a school counseling and safety specialist, juvenile justice stakeholders, nonprofit leaders, and representatives from tribes. The RED committee will continue to research

racial/ethnic disparities in Montana's juvenile justice system and promote delinquency prevention efforts for minority youth.

16. Montana's juvenile justice agencies are dedicated to providing 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 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. MBCC will identify youth court policies related to child welfare records. If these records are not currently being shared with the courts, MBCC will encourage the courts to coordinate with the Department of Child and Family Services. However, Montana has strict confidentiality policies/procedures that may prevent data sharing.

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 develop 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 local 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 or when a youth requests or shows signs of needing a screening. Detention centers have restrictions on counseling services while youth are detained

due to reporting requirements, but substance abuse and other classes are available during and after a youth is detained.

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 6.1.208¹ outlines Montana's re-entry efforts for 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

¹ 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>

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.