

Missoula Diversion Project – Safety and Justice Challenge
18-1805-153061-CJ
Updated Implementation Plan and Strategies
March 2019

Missoula County remains committed to data-driven jail reform to reduce the local jail population by 18% through a coordinated approach to criminal justice reform. With assistance from the Justice Management Institute (JMI) and the JFA Institute, Missoula facilitated a Stress Test in February of 2019 to identify the areas that can make the most impact locally. From this exercise, Missoula was able to focus on strategies that will address the key drivers of the jail population to reduce jail admissions and the average length of stay for inmates.

Missoula County proposes five strategies to address key drivers of the local jail population: (1) Implement a Differentiated Case Management Plan (DCM); (2) Implement front-end diversion with prosecution; (3) Increase use of Public Safety Assessment (PSA) tool; (4) Provide outreach and education about indigenous cultures and racial disparities; and (5) Implement Sequential Intercept Mapping recommendations.

Strategy One - Develop Case Processing Efficiencies

Overall impact - Shortening the time cases are processed in District Court by an average length of 45 days will shorten the average LOS for those with felony charges from an average LOS of 88 to 58. Based on JFA's analysis 68% of the jail population is defendants with felony charges awaiting trial. That is 133 of the baseline of 196. $133 * 45 / 365 = 16.39$.

Initiative One: Implement a Differentiated Case Management Plan (DCM)

Rationale – DCM provides a structured and proactive approach to caseload management to drive the early and appropriate resolution of most cases not requiring a trial, while preserving adjudication time and court and public resources for those cases that do require a trial. DCM is characterized by the early differentiation of cases entering the justice system in terms of the nature and extent of resources they will require. Each case is assigned to the appropriate case track that allows for the performance of pretrial tasks and allocates the appropriate level of judicial and other system resources, minimizing processing delays. Missoula will benefit from DCM by ensuring cases are resolved as quickly as possible.

Implementation Timeline – July 2019-November 2019

- Provide short training with all the judges about differentiated case management - July 2019
- Individual meetings with the district judges and the justice court judges to learn about each judge's current docketing practices - July 2019
- Meeting of the district court judges to discuss parameters of a DCM plan - July 2019
- Draft of felony DCM plan, August – September 2019
- Meeting of the district judges to finalize felony DCM plan - September 2019
- Draft of misdemeanor DCM plan, September – October 2019
- Meeting of justice court judges to review the draft misdemeanor DCM plan - October 2019
- Finalize DCM plans, October – November 2019

Budget - \$10,000 to bring expert judge for consultation on caseload management

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Initiative Two: Create a Jail Review Work Group

Rationale – Currently, there is no collective oversight of the jail population. Jail administration work to move people through faster but could benefit from a collaborative effort to review who is in the jail. The Jail Review Work Group will review defendants in pretrial custody who may be appropriate for release and also review case processing issues for people who aren't appropriate for release, but whose cases seem to be lagging in the courts.

Implementation Timeline – June 2019-October 2019

- Conduct planning meeting of Jail Review Work Group to determine scope and process - July 2019
- Develop forms and tracking tools - August 2019
- Hold follow-up meeting to finalize forms and process - September 2019
- Hold first Jail Review Work Group meeting - October 2019

Budget – No additional funding.

Initiative Three: Reduce time from preliminary hearing to arraignment

Rationale – Defendants in felony cases appear in Justice Court for their Initial Appearance. After Initial Appearance Justice Court sets a preliminary hearing date for 10 days after the Initial Appearance (prior to the Stress Test the preliminary hearing was set 14 days out). Arraignments in District Court are currently set for 30 days after the preliminary hearing date. The goal is to reduce that to two weeks for in-custody defendants. Additionally, District Court and Justice Court clerks will review how an arraignment date may be able to be set when the defendant is present for Initial Appearance which would assist with several court efficiencies as well as provide a date certain for defendants who are released to return to court.

Implementation Timeline – April 2019-July 2019

- Conduct a meeting with clerks of both Justice Court and District Court to review the current process and develop a revised process - April 2019
- Develop forms and tools to support the revised process – May/June 2019
- Develop a system to track days between preliminary hearing and felony arraignments - June 2019
- Begin revised process of docketing arraignment hearings - July 2019

Budget – No additional funding. Data analyst will track.

Initiative Four: Reduce time for assignment of defense counsel

Rationale – From the Stress Test exercise many participants felt that assignment of counsel could occur quicker by the Office of the Public Defenders. Although there is currently no data outlining how long this takes, the anecdotal view was that there is often a delay in counsel assignment. Delays in assignment can delay case processing and plea negotiation. It will be important to get some baseline

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data to determine the current average length of time for counsel assignment and then work with the Office of the Public Defender to develop a new system that expedites the process.

Implementation Timeline – June 2019-October 2019

- Assist Office of Public Defenders in developing a tracking system for assignment of counsel, including conflict counsel – June/July 2019
- Assess the current process to determine if any efficiencies can be made - August 2019
- Implement recommended improvements to assignment of counsel - September – October 2019

Budget –No additional funding.

Strategy Two - Implement front-end jail diversion with prosecution

Rationale – The Diversion Coordinator will be housed in the County Attorney’s office and is based on an existing plan developed with a 2017 technical assistance grant from the American Prosecutors Association and the Bureau of Court Innovation. To divert 20 non-violent misdemeanor and first-time felony offenders from the criminal justice system each year, participants will commit to mitigating behaviors and choices that result in encounters with the system. If requirements of the plan are met, no charges are filed and no time is served.

Impact –Missoula County expects to divert 20 individuals a year through this program, decreasing the average length of stay in jail. If the average LOS is 17 days (without counting the MASC population), then diverting those 20 people a year would equal a reduction of 1. $17 \times 20 / 365 = 0.93$. However, there is also the hope that this will reduce future recidivism, which cannot be calculated.

Implementation Timeline – May 2019-September 2019

- Contract with a Diversion Coordinator - May – July 2019
- Develop data tracking system for the diversion program - August 2019
- Begin accepting defendants into the program - September 2019

Budget – \$95,940 (Diversion Coordinator housed in County Attorney’s office)

Strategy Three - Increase use of Public Safety Assessment (PSA) tool

Rationale – Missoula was selected to be one of five pilot locations to implement the Public Safety Assessment (PSA) pretrial risk assessment and companion Decision Making Framework (DMF) by the Montana Supreme Court and received assistance from the Arnold Foundation for implementation. The PSA and DMF are intended to provide an assessment of risk of pretrial crime, including new violent crime, and failure to appear along with a release recommendation. The PSA and DMF were implemented in June 2018 and analysis since implementation has not taken place. In addition, the local stakeholders have not fully embraced the PSA and DMF for risk-based decision making. In order to increase stakeholder buy-in, the new data analyst will complete a risk profile and preliminary analysis of outcomes for failure to appear, new criminal activity, and new violent criminal activity. The PSA will also be used to analyze the longer ALOS for African-American inmates identified in the JFA analysis.

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Missoula would like to incorporate the culturally specific assessment tool used by the Flathead (Reservation) Re-entry Program.

Impact – At this time it is unknown how much more effective release decisions will impact the jail population as there is no analysis yet of the PSA assessment tool's decision-making impact. However, the hope is that with more use and monitoring, the ADP can be reduced by 10 people by placing more people on OR or pretrial supervision.

Implementation Timeline – July 2019-December 2019

- Conduct quality assurance test on use of the PSA - July 2019 and on going
- Educate Missoula County stakeholders about risk-based decision making, pretrial risk assessments, and the PSA - July – September 2019
- Expand use of the PSA to bond review hearings in District Court and Municipal Court, October – December 2019
- Work with Flathead Reentry Program to incorporate its culturally specific assessment tool, January – March 2020

Budget – No additional funding.

Strategy Four - Provide outreach and education about indigenous cultures and racial disparities

Initiative One: Continue cultural programming in Missoula County Detention Facility (MCDF)

Rationale – To address disparities in the Missoula County criminal justice system, Missoula County plans to contract with the Missoula Urban Indian Health Center to employ a Cultural Liaison will be a resource for Native American inmates while incarcerated and during the transition back to the community. This person will also continue cultural programming in the Missoula County Detention Facility (MCDF), through weekly wellbriety groups (a culturally-based support group that encourages sobriety through connection to culture and overall well-being), Regaining the Warrior (a series designed for men to help reclaim their role and identity in relation to their family, community, and their traditional way of life), and Mending Broken Hearts (a series that addresses grief, loss, and trauma from a cultural perspective, in particular addressing unresolved grief and intergenerational trauma).

Impact – Impact is difficult to determine. The hope is that the cultural liaison, by exploring underlying causes of criminal behavior, may be able to reduce the likelihood that a defendant recidivates.

Implementation Timeline – March 2019 – May 2019

- Contract for Cultural Liaison position - March 2019
- Coordinate access to inmates and complete jail training - April 2019
- Purchase Wellbriety Workbooks and other relevant materials - April 2019
- Identify and begin facilitating cultural programs in MCDF - May 2019

Budget – \$106,600 (Cultural Liaison position)

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Initiative Two: Offer trauma-informed training to participating agencies

Rationale – Missoula plans to provide outreach and education about racial disparities in the criminal justice system to local service providers and criminal justice agencies. This will be accomplished by contracting with the University of Montana’s National Native Children’s Trauma Center to provide historical trauma trainings to participating agencies.

Impact – There will be no impact on the jail population.

Implementation Timeline – August 2019 – May 2020

- Contract with University of Montana's National Native Children's Trauma Center to provide Trauma Awareness Trainings to participating agencies - August 2019
- Coordinate and deliver first training – October 2019
- Review evaluations and content from first offering and adjust the training, if necessary – November 2019
- Coordinate and deliver second training - March 2020
- Evaluate the second training – May 2020

Budget – \$3640 (Contracted service through the University of Montana National Native Children’s Trauma Center)

Initiative Three: Offer implicit bias training for local law enforcement

Rationale – To best address the training needs of law enforcement, Missoula will contract with Fair and Impartial Policies, a technical assistance provider, to offer implicit bias training for local law enforcement.

Impact – There will be no impact on the jail population.

Implementation Timeline – November 2019 – March 2020

- Contract with trainer(s) to offer implicit bias training for local law enforcement - November 2019
- Coordinate and deliver training – February 2020
- Evaluate the training – March 2020

Budget – \$5500 (contracted service with Fair and Impartial Policies for an implicit bias training)

Strategy Five - Implement Sequential Intercept Mapping Recommendations

Rationale – In Missoula County’s initial proposal, funding was allocated for additional behavioral health services in the jail to provide post-booking stabilization. At the Stress Test, there was a discussion about potential other needs for those funds, like a licensed addictions counselor in the Public Defender’s office. To help ensure that the funds will be best utilized, Missoula County is hosting a Sequential Intercept Mapping (SIM) workshop in April 2019. The priorities identified at the SIM will guide the way these funds are allocated.

Impact – TBD

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Implementation Timeline – April 2019-December 2019

- Conduct Sequential Intercept Mapping - April 23-24, 2019
- Determine next steps for behavioral health needs for Missoula County - May 2019
- Submit revised budget for earmarked funds for next steps to the MacArthur Foundation - May 2019
- Implement strategy(ies) - June – December 2019

Budget – \$178,738

Additional Budgetary Information

As outlined in the budget, remaining funds will be used for a data analyst (\$169,644), equipment, software and hardware (\$49,255), travel (\$72,800), and meeting expenses (\$7,883). As noted, Missoula is scheduled to have a Sequential Intercept Mapping workshop April 23-24, 2019, which will help give clarification for the biggest need for behavioral health services. Missoula County has received approval from the MacArthur Foundation to create a line item in the budget that will be allocated to this strategy, although the actual positions are yet-to-be-determined.

Missoula County has also begun the work of creating a Criminal Justice Coordinating Council (CJCC) and has hard funded a CJCC Manager, who will be the Project Director for the Safety and Justice Challenge work. This allows more funds to be allocated to strategies and provides local oversight of the work. This funding has also given the CJCC a starting point for continuing future work after the MacArthur funding ends.

Through these strategies, Missoula County intends to reduce the jail population by 18% and ensure that sustainable systems are in place to continue this work in the future.