



2018-2021

MONTANA BOARD OF CRIME CONTROL
JUVENILE JUSTICE TITLE II FORMULA
GRANT

3-YEAR PLAN

a. Project Abstract

The purpose of Montana's Title II program is to ensure Montana's compliance with the four core requirements of the Juvenile Justice and Delinquency Prevention Act and to provide funding for programs that youth who are at risk for entering, or who have already become entangled with Montana's juvenile justice system.

Montana's governor-appointed Youth Justice Advisory Council (YJC) has determined the following priorities for Title II funding: Youth mental health; prevention; intervention; Native American programs; delinquency prevention; alternatives to detention; disproportionate minority contact; diversion; and juvenile justice system improvement. Progress is measured through an evaluation process for each subgrant which includes quarterly reports, desk audits, and site visits. No portion of the project budget will be used to conduct research.

The population to be served includes all Montana youth (under age 18) and their families at risk for encountering the juvenile justice system as well as those who are already involved in the juvenile justice system. Project goals include supporting juvenile justice system improvement efforts through increased availability and types of prevention and intervention programs; improvement of tribal justice system capacity for delivering and implementing promising and best practices prevention and intervention programs for Native American youth and families; increase availability of community-based juvenile detention alternatives; increase the availability of diversion programs; provide school-based programs for at-risk youth; and monitor and ensure compliance with the DMC core requirement.

Program Narrative

A. Statement of the Problem

1. System Description: Structure and Function of the Juvenile Justice System

Executive Branch

The Executive Branch oversees agencies/departments that administer programs related directly and indirectly to juvenile justice, primarily the Montana Board of Crime Control (MBCC) the Department of Public Health and Human Services (DPHHS), the Office of Public Instruction (OPI), the Department of Corrections (DOC), and the Department of Justice (DOJ).

Local Agencies

City police and county sheriffs who are paid by the local city/county government provide local law enforcement and administer the city and county jails. Licensing standards now exist for jails but are adopted on a voluntary basis and are not mandated by law. The jails are monitored for compliance with state and federal laws pertaining to the handling of juveniles by MBCC through an independent contractor trained in compliance monitoring. Jails that are out of compliance with MCA and the JJDP Act mandates for the handling of youth risk losing insurance coverage and reimbursement by MBCC for those youths held out of compliance. Continued non-compliance can result in the loss of all funding from the JJDP Formula Grant administered by MBCC and supervised by the Youth Justice Council.

Judicial Branch

Youth Court Probation is administered by the Montana Supreme Court under the auspices of the Judicial Branch of State government. Youth court judges in 22 judicial districts manage juvenile probation services at a local level. Juvenile probation officers work under the direct supervision of the local youth court judges, providing services to delinquent youth and youth in need of intervention. Each judicial district has a Chief Juvenile Probation Officer to provide oversight over general program operations. District court judges approve most of the out-of-home placement decisions.

Legislative Branch

The State Legislature is responsible for appropriating funding for all state agencies. Appropriations for MBCC, OPI, DOC, DPHHS, and the courts affect the juvenile justice system. The 2005 Legislature established a statewide public defender system to ensure equal access to justice for the State's indigent population and to provide appellate representation to indigent clients.

Detention Regions

Montana has five regional detention districts. Each regional district has a Regional Board to oversee the budget for detention or alternative detention placement. Each regional district must submit a yearly plan to MBCC to access state general funds. State general funds are provided to reimburse counties for their detention or alternatives to detention expenses up to the amount budgeted in the state general fund. Counties are responsible for

juvenile detention, either operating or contracting for juvenile detention services with regional, county-operated or privately-run facilities. As an incentive to remove juveniles from adult jails, the state provides state general funds to reimburse counties that use regional juvenile detention facilities or alternatives to detention. Typically, the budget for reimbursement funds is expended by the end of the first quarter of the fiscal year. Regions must plan around resources available, distance to regional facilities and needs of the youth. Detailed information on facilities within the regions is available in the monitoring plan.

Detention of Tribal Youth in Public Juvenile Detention Facilities

Tribal youth may be placed in facilities for the following offenses:

- Detainable offenses off Reservation: Tribal youth may be placed in a juvenile detention facility under the jurisdiction of the local district youth court.
- Detainable misdemeanors on Reservation: Tribal youth may be placed in regional juvenile detention facilities under the jurisdiction of the tribal court.
- Detainable felony offenses on Reservation: Tribal youth may be placed in a juvenile detention facility under the jurisdiction of the federal court/Bureau of Indian Affairs.
- Felony offenses: Tribal youth may be ordered by a federal judge to a U.S. Bureau of Prisons contracted facility.

The Confederated Salish and Kootenai Tribe (CS and KT) is the only Public Law 280 Tribe in the State of Montana. The state district youth court has jurisdiction over tribal youth who commit a detainable offense off the Reservation. The State of Montana and the Tribe share joint jurisdiction over tribal youth who commit misdemeanor offenses on the Reservation. The federal court and the Tribe share joint jurisdiction over tribal youth who commit felony offenses on the Reservation. All three jurisdictions may place a youth in a juvenile detention facility for a detainable offense. State courts have no jurisdiction over youth who commit offenses on any of the remaining six reservations. Tribal courts have jurisdiction over offenses committed by Indians on the Reservation, but the Federal courts have jurisdiction over non-Indians committing any offense on the Reservation and over felonies committed by Indians on the Reservation.

The Montana Board of Crime Control is the designated state agency designed by legislation to implement the programs necessary to carry out the requirements to remain compliant with the JJDP Act. The SAG has the sole responsibility of supervising the preparation and administration of the plan. The agency builds the three-year plan and designs the goals and proposed projects in concert with youth. The Juvenile Justice Specialist met with three individuals that are currently or have in the past been under the jurisdiction of juvenile justice.

2. Youth Crime Analysis and Needs and Problem Statements

Montana is the fourth largest state, with a landmass of 145,552 square miles. The 2010 population density was 6.8 per square mile; only Wyoming and Alaska had fewer people per square mile. Per American Fact Finder, United States Census Bureau, the 2016 population is estimated at 1,032,949; approximately 22.5% of Montana's population is under age 18.

There are only three Metropolitan Statistical Areas (MSAs) in Montana: Billings, Great Falls, and Missoula. Montana is considered frontier rather than rural; planning must consider the frontier nature and the size of the state. Services are often many miles from the juveniles' homes or provided on a limited basis. In 2017, 66% of juvenile justice cases were handled on an informal basis; 12% are handled formally; 13% are dismissed, and the other 8% are pending, which means a case is awaiting action from the county attorney's office; or further investigation by law enforcement is required; or a ticket has been issued and juvenile probation is waiting to see the youth and his/her parent(s). This speaks to the creativity of rural probation departments and has prevented many youth from becoming further involved in the system. With very few resources, communities have been providing supervision and consequences to youth who commit offenses. However, programming and services continue to be very limited, and there is a need for alternative services in every community, large or small.

a. Analysis of Juvenile Crime Problems (See attachment)

(i) Juvenile Arrests by Offense Type, Gender, Age, and Race

This section provides an overview of crime committed by juveniles that were arrested between 2006 through 2017. The data source for this section was the Montana Incident Based Reporting System (MTIBRS) and the Montana Supreme Court. It is not wholly reflective of the data released by the Office of the Supreme Court, Youth Court Administrator's Office, because of the differences in the reporting systems.

The data in this section is an overview of offenses committed by youth ages 10 to 17 who were arrested by law enforcement. Juvenile arrestees can be referred to other authorities, such as youth courts/probation, or youth may be handled within the arresting law enforcement agencies authority; for example, the youth may be released with a warning. This section examines only those juveniles that were arrested, because typically when a person was arrested, the data collected is the most comprehensive. Often little was known about offenders (i.e., suspects) until an arrest is made.

The MTIBRS does not collect identifiable information such as name or date of birth about arrestees and does not have the capability to identify individual arrestees, as a result a juvenile may be duplicated in the counts. This overview was not a reflection of the volume of individual juveniles arrested by non-Tribal local law enforcement; rather, it provides an overview of offenses committed by juvenile arrestees.

Youth Population

Montana's total population¹ under the age of 18 in 2017 was 220,617. The ratio of male and female remained the same. Of the total population, 51% were male and 49% were female. White youth comprised 83% of the youth population; 6.6% of Montana's total population is American Indian (2015 Census Estimate), made up mostly of the 12 tribal nations in Montana: Assiniboine, Blackfeet, Chippewa, Cree, Crow, Gros Ventre, Kootenai, Little Shell Tribe of Chippewa, Northern Cheyenne, Pend d'Oreille, Salish, and Sioux. There were 20,532 Native students in Montana during the 2016-2017 school year. Individuals identifying as belonging to two or more races made up 5% of the youth population. Black or African American, Asian, and Native Hawaiian and Other Pacific Islander youth comprise approximately 2% of the youth population.

Tables, Charts, and Graphs: (Attachments)

Juvenile Arrests by Offense Type, Gender, Age, and Race/Ethnicity

Table 1. Index and All Offenses

In 2006, juvenile arrestees committed 11,853 offenses; by 2017, the number of offenses dropped to just over 8,000. The total number of offenses committed by juveniles has decreased nine out of the last ten years. The average number of juvenile offenses over the ten-year period was 9,570 offenses per year. The 2017 Youth Court report indicates that the number of referrals to youth court was 3,660 compared to 3,885 in 2015 and has continued to decline each year. The data does indicate a slight uptick for females, as well as for Native American youth.

The juvenile crime index consists of homicide, rape, robbery, aggravated assault, burglary, larceny/theft, and motor vehicle theft. From 2006 to 2016, the total number of index offenses has been trending downward, dropping 42% overall. The number of overall offenses has also trended downward, falling 45% between 2006 and 2016. The proportion of index offenses versus all offenses has also declined; currently, the ratio of all offenses to index offenses is approximately 3.8:1. The 2017 Youth Court report indicates that 2,170 youth were charged for offenses against property down from 2,484 referred in 2016.

Table 2. Index Offenses Committed by Juvenile Arrestees

Most index offense categories have tended to trend downward or have remained consistent over the six-year period with a few exceptions. Burglary remained steady from 2006 through 2008, decreased significantly in 2009 and has continued the downward trend. In 2017 the number of burglaries was only a third of the number experienced in 2006. Forcible sex offenses and aggravated assault has tended to trend downward over the decade. Only three homicides have occurred in the last ten years.

¹ Retrieved electronically from Montana Department of Commerce, Census & Economic Information Center, at <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

Table 3. Larceny/Theft Committed by Juvenile Arrestees, 2006-2017

Larceny/Theft is the most common offense committed by juveniles in Montana. Over the past decade, the number of Larceny/Theft offenses has trended downward. Larceny/theft peaked in 2008, followed by two years of decline and a current uptick last year. The 2017 Youth Court Report supports this claim indicating that 897 youth were referred for theft compared to 937 in 2015. The number are almost one third higher than the next closest crime which was disorderly conduct.

Table 4. Unduplicated Juvenile Arrests by Gender, 2006-2017

The number of juvenile arrests has been trending downward over the past decade. In 2006, 7,711 juveniles were arrested, compared with 4,182 juveniles in 2016. Juvenile males are arrested more than juvenile females. Over the past decade juvenile males have accounted for an average of 64% of juvenile arrests; juvenile females have accounted for an average of 36% of juvenile arrests. The 2017 Youth Court Report indicates that 64% of crimes were committed by males compared to 36% of females compared to 66% and 34% in 2015.

Table 5. All Offenses by Age, 2017

The number of offenses increase with age between the ages of 10 and 17 peaking at age 15 and slightly decreasing each year after. Between the ages of 10 and 11, the number of offenses increased 57%. The number of offenses increased 56% between ages 11 and 12; jumped by 88% between 12 and 13; and finally increased 56% between 13 and 14.

Table 6. All Offenses by Race and Ethnicity

White youth comprised 78% of the juvenile arrestees in 2017. Native American youth accounted for 14% of the juvenile arrests, a disproportionately high number of arrests when compared with the youth population. Black youth accounted for 3% of the juvenile arrests, Hispanic youth accounted for 3% of all juvenile arrests.

Table 7. Manner of Handling Youth in Montana's Juvenile Justice System, 2006-2017

In Montana, most of the juvenile cases are handled informally. In 2016 66% of the referrals were handled informally and 12% were handled formally. In 2017, 13% of the juvenile cases were dismissed.

Table 8. Youth Involved in the Juvenile Justice System by Gender, 2006-2017

As noted in Table 4, Juvenile Arrests by Gender, juvenile males are involved in the juvenile justice system in greater number than juvenile females. Females represent approximately 1/3 of the youth in the juvenile justice system, and males represent approximately 2/3 of the youth. That ratio has remained constant between 2006 and 2017.

Table 9. Youth Involved in the Juvenile Justice System by Race/Ethnicity, 2006-2016

Nearly eighty percent of the youth involved in Montana's juvenile justice system are white. Native American represent approximately 14% of the youth who are involved in the juvenile justice system. Hispanic youth, listed in this table as Unknown, is the third group most involved in the juvenile justice system. Although the numbers are small, Hispanic youth are also increasing their presence in the juvenile justice system.

Trend Data and Other Social, Economic, Legal, and Organizational Conditions Considered Relevant to Delinquency Prevention Programming

Table 10. Juvenile Arrests by Index Crime Offense Type, 2006-2017

All juvenile index arrests have been trending downward since 2006. Homicide arrests are rare, with only three occurring over the past decade. In 2017, motor vehicle theft, aggravated assault, and burglary constituted 89% of the total index juvenile arrestees.

Table 11. Index Crime Arrests by Race as Percentage, 2017

Index crime arrests by race indicates that white youth constituted 75% of all aggravated assault arrests, 82% of motor vehicle theft arrests, and 70% of robbery and rape arrests. Native American youth are arrested in 15% of all aggravated assault arrests, 22% of all motor vehicle theft arrests, and 20% of robbery and rape arrests.

Table 12. Index Crime by Gender, 2006-2017

Between 2006 and 2016 juvenile index crimes have trended downward. More juvenile males commit index crimes than juvenile females. Although both genders are trending downward, females had a slight uptick but had declined for the previous four years.

Table 13. Non-Index Offenses, 2006-2017

Except for an increase in liquor law violations in 2006, 2007, and 2008, all non-index juvenile offenses have trended downward between 2006 and 2016. Status offenses also climbed slightly between 2007 and 2009; status offenses had an uptick in 2016.

Table 14. Age at Time of Offense 2017

Juveniles begin bumping into the juvenile justice system when they are under 10 years of age. The peak ages of offense are ages 15, 16, and 17. This information is important when considering the type of prevention and intervention programs to put into place in Montana communities.

Table 15. Unduplicated Juveniles Referred to Montana Youth Court

Since 2010 the number of unduplicated juveniles referred to Montana Youth Court has dropped from has decline significantly with most juvenile cases are handled informally. In 2016, there were 5,072 referrals for the 3,711-youth referred to Youth Court.

Table 16. Juvenile Detentions Unduplicated by Gender

More males are detained than females. The number of detained male youth has remained relatively constant; however, in 2013 the number dropped sharply from 710 to 436. The female unduplicated detentions have varied from a high of 324 in 2011 to a low of 168 in 2013. *At the time of this application, no new data was available.*

Table 17. Juvenile Detentions Unduplicated by Race

Most the youth in detention are white; this makes sense because 83% of Montana youth are white. The second largest racial group in juvenile detention is Native American youth; this group is also the second largest racial group in the total number of youth in Montana. The number of white and Native American youth in detention has been relatively

consistent, trending downward slightly. The number of Hispanic, Black, and Asian youth do not necessarily show the same trend; because the numbers of Hispanic, Black, and Asian youth are relatively low, the graph can be greatly impacted by just a few youths.

b. State Priority Juvenile Justice Needs/Problem Statements

Problem Statement 1: Youth Mental Health/Suicide

The SAG recognizes that mental health issues and specifically suicide continues to be a significant public health issue in Montana. The state has the highest suicide rate in the country and it is the number two causes of death for children ages 10-14. In 2016, 21% of Montana's students indicated they had seriously considered suicide and 31% indicated they felt sad or hopeless.

- Provide evidence-based prevention and early intervention programs focused on bringing awareness to youth mental health issues and suicide prevention.
 - Support evidenced based/best practice, suicide prevention programming.
 - Support community symposiums and conferences providing information about mental health and suicide prevention.
 - Support youth based symposiums and conferences.
 - Support collaborative community outreach efforts providing information about mental health and suicide prevention.
 - Support the creation of a youth centered advisory council.

Problem Statement 2: Prevention

To reduce the number of youth entering the Montana Juvenile Justice system, and later the Montana Adult Justice System, Montana needs to provide evidence-based/best practice, culturally sensitive prevention and early intervention programs based on normed, validated, and age and gender appropriate screening and assessment (i.e., mental health, substance abuse, education) to Montana youth and families.

State Priorities

- Coordinated planning between agencies that incorporates a child and family-driven, high-fidelity wraparound approach.
 - Montana's SAG participates in the statewide System of Care committee.
 - Juvenile justice-related agencies attend SAG meetings and update the SAG regarding each agency's projects.
- Consistent with the child- and family-driven, high-fidelity wraparound approach, there should be normed, validated, and age and gender appropriate mental health screening and assessments that are accessible to all Montana's youth and families, and that guide them to services targeted for early identification of at-risk youth and services needed.
 - Montana is a Vision 21: Linking Systems of Care site with the Office of Victims of Crime; the cooperative agreement is working toward the creation or adoption of a screening tool to identify children, youth, and their families impacted by trauma.

- There should be normed, validated, and age and gender appropriate mental health screening and assessments of youth strengths and needs in other areas, such as education, to prevent youth from entering the juvenile justice system.
 - MBCC anticipates that the screening tool identified in the Vision 21 project will begin with health providers and may extend into other disciplines as well.
- Provide evidence-based prevention and early intervention programs focused on strengthening families to prevent and/or delay youth's entry into the juvenile justice system.
 - The SAG places a priority on funding evidence-based or best practices prevention and early intervention programs that provides services to youth and strengthens the families.
- Identify and secure funding streams that promote interagency/program collaboration within communities, counties, and the state.
 - The Vision 21 cooperative agreement is an example of a funding stream that involves multiple agencies working toward a common goal: identifying children and youth who have been impacted by trauma to direct them toward the services they need.
 - Participation in the statewide Systems of Care committee allows MBCC to work with other state agencies to aid children.
- Collaboration with other agencies in early identification and referral to services for at-risk preschool and elementary school-age youth and their families through normed, validated, and age and gender appropriate screening and assessments.
 - The Vision 21 cooperative agreement is a good example of a funding stream that involves multiple agencies working toward a common goal: identifying children and youth who have been impacted by trauma to direct them toward the services they need.
- Collaborate with other agencies to provide evidence-based, or best practices co-occurring treatment for youth.
 - The juvenile justice specialist participates on several interagency committees to provide input and ensure that the needs of justice-involved youth are included in the discussion.

Problem Statement 3: Intervention

To provide Montana's youth with effective juvenile justice intervention programs, the Montana juvenile justice system needs to develop a continuum of care that includes mental health treatment and drug and alcohol treatment based validated, and age and gender appropriate assessments; evidence-based/best practice, culturally sensitive treatment and intermediate sanctions; and needs to provide appropriate training to reflect these elements as well as system accountability to ensure youth are provided and are engaged in treatment.

The following priorities are identified:

- Training for judges and the juvenile justice system in adolescent brain development, evidence-based approaches, the impact of youth trauma and other

areas important to understanding youth (i.e., public defenders, county attorneys, probation officers, law enforcement, mental health professionals, and others in the juvenile justice continuum.

- The Juvenile Justice Specialist will coordinate efforts with Office of Court Administration (OCR) to develop a culturally sensitive restorative practices plan.
- Training for public defenders, county attorneys, and probation officers in representation of youth and the Youth Court Act, as well as restorative practices models.
- Improved access to evidence-based practices and services, such as skill building education (increased knowledge of the harmful effects of substance abuse will not change adolescent behavior), mental health and/or chemical dependency treatment while on probation and/or in detention.

Problem Statement 4: Alternatives to Detention

To allow for implementation of the Juvenile Detention Alternative Initiative, more evidence-based, culturally sensitive alternatives to detention need to be developed in local communities.

The SAG identified the following intervention needs:

- There is a need to increase and sustain evidence-based, community-based programs available as alternatives to detention that incorporate graduated sanctions and ensure youth and family engagement in appropriate services based upon assessment.
- The SAG supports the implementation of evidenced-based restorative practice models that reduce the number of youth becoming entangled with the juvenile justice system and provides alternatives for school suspensions and expulsions.

Problem Statement 5: Disproportionate Minority Contact

Minority youth are overrepresented in the Montana juvenile justice system; specifically, the Native American youth becoming entangled with juvenile justice has increased each year for the past five years. Efforts in the state continue to address this disparity. Effective and additional measures should continue to be pursued to address barriers to resolving Disproportionate Minority Contact within the juvenile justice system.

- The SAG supports the development of an evidenced based/best practices, culturally sensitive restorative justice model.
 - The Juvenile Justice Specialist will complete restorative practices training to become a licensed facilitator.
- Identify any barriers to implementing the DMC Reduction Model and recommend a plan to address them if they arise, as they arise.
- Use OJJDP's RRI form to determine whether DMC exists in the juvenile justice system among minority groups that represent at least 1% of Montana's general youth population between the ages of 10 and 17 statewide and in at least 3 local sites.

- Assess the causes of DMC for the identified system contact points and minority groups wherever DMC is identified within the juvenile justice system.
- Fund prevention and intervention best or promising practices programming, if available, to address DMC based on assessment findings and recommendations; and advocate for systemic change in the appropriate geographic, demographic, and system decision points.
 - The SAG requires that all non-tribal programs submit or update an RRI on an annual basis to receive Title II funding.
- Require all implemented DMC prevention/intervention programming to report to the Statewide Planning Agency and the federal DCTAT database using the performance measures developed by OJJDP for the DMC purpose area to provide for evaluation of the programs.
 - Sub-grantees must report performance measures in the DCTAT system; they also report those same measures to MBCC quarterly.
- Accurately collect and report RRI data annually; monitor the RRI trends to determine if the interventions are having the desired long-term impact on DMC.
 - This is ongoing.

Problem Statement 6: Juvenile Justice Systems Improvement

The Montana Board of Crime Control recognizes that the overuse of detention for misdemeanants and probation violators is an ongoing problem and successful evidence-based, culturally sensitive programming requires effective evaluation. Consequently, the Board proposes to continue supporting the Annie E. Casey Foundation's Juvenile Detention Alternative Initiative and to provide effective training to grantees for program evaluation and continue to ensure that all RFPs or processes and all grantees include evaluation components in successful applications.

- All RFPs include an evaluation component.
- Implement evidenced-based Restorative Practices Pilot Sites
 - The Juvenile Justice Specialist will complete the training necessary to become a trainer in an evidenced-based restorative practice model.
 - The Juvenile Justice Specialist will train and monitor restorative practices model sites using an evidenced-based model.
 - The Juvenile Justice Specialist will train and monitor school-based restorative practices sites.
- Provide annual evaluation training to ensure grantees can effectively evaluate the impact and success of their programs.
- Improve state level data systems to ensure adequate evaluation and greater information sharing among agencies.

Problem Statement 7: Substance Abuse

Recent data in Montana indicates there are increased referrals and charges related to marijuana use and the abuse of prescription medications by juveniles. This trend needs to be explored and the potential impact needs to be assessed.

- Review of data.
 - The juvenile justice specialist represents MBCC on a statewide prevention work group, the Interagency Coordinating Council for Prevention. This group meets at least quarterly, sharing data and information, particularly in the areas of substance abuse and violence prevention.
- Learn about evidence-based substance abuse programs that address these areas represented in the data trends.
 - The juvenile justice specialist represents MBCC on a statewide prevention work group, the Interagency Coordinating Council for Prevention. This group meets at least quarterly, sharing data and information, particularly in the areas of substance abuse and violence prevention.
- Implement effective programs that address these trends.
 - The SAG will work with the juvenile justice specialist to identify statewide, evidenced-based programming that they may support to address substance abuse across the state.

Problem Statement 8: Gender-Specific Programming

The Montana Youth Court Report Card indicates there is a trend upwards of increased referrals and misdemeanor charges to girls in the juvenile justice system. This trend needs to be explored and the potential impact needs to be assessed.

- Review of data.
 - The juvenile justice specialist will analyze the current data and provide the SAG with recommendations designed to reverse the trend.
- Learn about evidence-based gender and LGBT programs that reflect populations represented in the data trends.
 - The juvenile justice specialist will review and analyze model programs promoted by OJJDP and SAMHSA and provides the information to sub-grantees.
- If necessary, implement effective programs that address these trends.

B. Coordination of State Efforts

Overview, Partnerships, and Challenges

The mission of the Montana Board of Crime Control (MBCC) is to proactively contribute to public safety, crime prevention, and victim assistance through planning, policy development, and coordination of the justice system in partnership with citizens, government, and communities. The staff at MBCC represent juvenile justice interests on several key state-level task forces and work groups.

The juvenile justice specialist represents MBCC on the Interagency Coordinating Council for Prevention Programs (ICC). The ICC was created in 1993 by Legislative statute to create and sustain a coordinated, comprehensive system of prevention services in Montana. The ICC is comprised of 10 Montana state agency directors, the Children's Trust Fund, the Lieutenant Governor, an ex-officio member, and two governor-appointed persons who have experiences related to private or nonprofit prevention programs and services.

The ICC has 5 youth risk behavior prevention-related goals and benchmarks, all of which relate to juvenile justice goals: Reduce child abuse and neglect by promoting child safety and healthy family functioning; reduce youth use of tobacco, alcohol, and other drugs by promoting alternate activities and healthy lifestyles; reduce youth violence and crime by promoting the safety of all citizens; reduce school dropout by increasing the percentage of high school students who successfully transition from school to work, postsecondary education, training, and/or military; reduce teen pregnancy and sexually transmitted diseases by promoting the concept that sexual activity, pregnancy, and child rearing are serious responsibilities. The ICC work group members meet quarterly or more often, if needed. The work group members engage their agencies in initiatives that are consistent with the five goals.

The juvenile justice specialist also represents MBCC on several other task forces and work groups, including Elevate Montana, a nonprofit focused on developing support for children impacted by childhood trauma across the state; and the Montana North-Central Education Service Region.

The Chair of the Montana State Advisory Group (SAG) represents the SAG on the Children's System of Care (SOC) Planning Committee, established by statutes in 1993 to develop an integrated service system for children under age 18 who are seriously emotionally disturbed (SED), at risk for placement in an out-of-home setting, and needing the assistance of more than one state agency. The committee develops policies aimed at eliminating or reducing barriers to the implementation of a system of care; promotes development of a quality array of core services in-state so that SED youth can avoid out-of-state placements; and encourages development of the infrastructure of the system of care by encouraging development of local interagency teams.

Per the Montana Youth Court Act, Montana Codes Annotated (MCA) 41-5-214, (1) Reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings, verdicts, and orders and decrees on file with the clerk of court are public records and are open to public inspection until the records are sealed under MCA 41-5-216. Also, included in this section is a description of the county Child Information Team and their access to social, medical, and psychological records, youth assessment materials, pre-dispositional studies, and supervision records of probationers.

Senate Bill 426 was introduced in the 2005 legislative session. This bill restricted the sharing of electronic information between Courts, Corrections, and Public Child Welfare agencies. Legal staff from the Attorney General's office provided a memo with an interpretation of the bill in June 2005. In 2007, Senate Bill 119 was passed that removed the barriers to electronic sharing of information with juvenile detention facilities.

In the same section of the Youth Court Act, reference is made to MCA 45-5-624 (7). This requires "A conviction or youth court adjudication under this section must be reported by the court to the department of public health and human services if treatment is ordered." An assessment can be ordered for a chemical dependency for conviction of possession of an intoxicating substance.

Juvenile Courts Assessment and Tracking System (JCATS) is the electronic tracking and record keeping system the Court has gone to after many years of using CAPS, the DPHHS electronic information records system. It is noted that all information previously available in CAPS will also be available in the updated JCATS system.

C-D.

Program Goals, Objectives, and Implementation (Activities and Services)

A1. Program Area Code and Title: ALTERNATIVES TO DETENTION

STATE PROGRAM DESIGNATOR: 03

STANDARD PROGRAM AREA: 03

B1. Program Goals

Services provided with Title II funding will increase the availability of community-based alternatives to detention, reduce the number of youth detained, and provide detention centers with Risk Assessment Instrument to be evaluated on six Annie E Casey JDAI pilot sites all supporting the goal of lowering DMC.

C1. Program Objectives

Objectives to accomplish detention alternatives programming include:

- To reduce the number and percent of program youth who offend or re-offend while in an alternative placement (any youth serving program) or who fail to appear.
- To reduce the average Length of Stay in days that juveniles reside in a secure juvenile detention facility.
- To increase the number and percent of program youth who complete program requirements successfully.
- To increase the percent of utilization of detention alternatives.
- To increase the number of youth placed subject to RAI criteria in pilot sites.
- To increase the number of detention alternative program options available.

D1. Activities and services:

The Annie E Casey Foundation (AECF) made Montana an official JDAI site in February 2008. AECF provided training at three pilot sites were: Hill County (Havre); Missoula County (Missoula); and Cascade County (Great Falls). These sites were identified through data collected as sites having highest DMC numbers. Four additional sites were later added to the JDAI sites: Yellowstone County (Billings) and Fort Peck Indian Reservation (Poplar) received a grant awarded by AECF to MBCC; Rocky Boys Reservation (Box Elder) and Fort Belknap Reservation (Lodge Pole) each received one- time grants directly from AECF to participate as recognized JDAI sites. AECF money is used for traveling and training costs.

E1. Performance Measures:

Output Measures

- Number of program youth served
- Number of youth receiving RAI
- Number of planning activities conducted

Outcome Measures

- Number and percentage of youth who offend and reoffend (short- and long-term)
- Number and percentage of youth completing program requirements
- Number of hours of program staff training provided
- Percent change in the ADP in secure detention

F1. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2018	21,000	23,000	21,000
2019			
2020			

A2. Program Area Code and Title: COMPLIANCE MONITORING

STATE PROGRAM DESIGNATOR: 19

STANDARD PROGRAM AREA: 19

B2. Program Goals: To monitor and ensure compliance with Section 223(a)(14) of the JJDP Act of 2002.

C2. Program Objectives:

- To maintain monitoring of compliance with Core requirements
- To maintain schedule of onsite visits to jails to ensure compliance
- To provide technical assistance when difficulties in interpretation or understanding arise at local facilities
- To identify training as needed

D2. Activities and services planned:

- Montana will contract with an onsite compliance monitor to physically monitor facilities throughout the state.
- The contractor will provide reports to the SPA Compliance Monitor.

E2. Performance Measures:

- Funds allocated to adhere to Section 223 (a) (14) of the JJDP Act of 2002
- Number and percent of program staff trained
- Number of hours of program staff training provided
- Number of facilities receiving TA
- Submission of complete Annual Monitoring Report to OJJDP
- Number of activities that address compliance with Section 223 (a) (14) of the JJDP Act of 2002

F2. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2018	15,000	0	15,000
2019			
2020			

A3. Program Area Code and Title:
Juvenile Justice System Improvement
STATE PROGRAM DESIGNATOR: 27
STANDARD PROGRAM AREA: 27

B3. Program Goals:

- Ensure compliance with the DMC Core Requirement.

C3. Program Objectives:

- To reduce DMC at the local level

D3. Activities and services planned:

- Conduct planning activities and monitor outcomes through the DMC committee of the SAG.

E3. Output Measures:

- Number of FTEs funded with formula grant funds
- Number of non-program personnel trained
- Number of program youth served
- Number of planning activities conducted
- Number of DMC assessment studies conducted
- Number of program/agency policies or procedures created, amended or rescinded.

Outcome Measures:

- Number and percent of program youth completing program requirements
- Number and percent of program youth satisfied with program
- Number and percent of program staff with increased knowledge of program area.
- Number and percent of youth showing decrease in antisocial behavior.
- Number and percent of youth showing improvement in family relationships.

F3. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2018	21,463		21,463
2019			
2020			

A4. Program Area Code and Title: DIVERSION

STATE PROGRAM DESIGNATOR: 22

STANDARD PROGRAM AREA: 22

B4. Program Goals:

To increase the number of diversion programs available in the community to intervene with youth prior to establishing a history of offenses that increase the likelihood of deeper involvement in the juvenile justice system.

C4. Program Objectives:

- To increase diversion programming available in communities as evidenced by performance measures listed below.

D4. Activities and services:

These activities can include youth serving agencies within communities that provide diversion programs as a resource for youth being diverted from placement in detention. Services provided include intense supervision, home arrest, electronic monitoring, community service, mediation, restitution, and other Best Practice or Model programs.

Agencies implementing the program (where and when):

- The Center for Restorative Youth Justice (Kalispell) provides diversion programs in Kalispell and has begun working with the school district and the juvenile probation office at the Kalispell Middle School. Youth who get in trouble at school are provided with diversion programming, rather than getting involved in the juvenile justice system. The idea behind this program is to keep the youth engaged in school to reduce juvenile delinquency and recidivism as well as increase graduation rates. Great Falls Public School is implementing a restorative practice model in one of their middle schools and peer to peer mentoring model in one of their high schools.

Services

- Intense Supervision, home arrest, electronic monitoring, restorative justice, community service, mediation, restitution, and other Best Practice or Model programs
- The youth, the victim, and the community all benefit from these services
- The target population is juvenile offenders that do not pose a safety threat and do not require secure placement

E4. Performance Measures:

Output Measures

- Number of FTEs funded by Title II
- Number of program youth served

Outcome Measures

- Number and percent of program youth who offend and re-offend (both short- and long-term)
- Number and percentage of youth completing program requirements
- Number and percent of program youth exhibiting a desired change in targeted behaviors (substance abuse)
- Number and percent of program youth formally processed (short-term)

F4. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2018	67,419		67,419
2019			
2020			

A5. Program Area Code and Title: JUVENILE JUSTICE SYSTEM IMPROVEMENT

STATE PROGRAM DESIGNATOR: 27
STANDARD PROGRAM AREA: 27

B5. Program Goals:

To ensure that juveniles’ encounter with the juvenile justice system is “rare, fair, and beneficial”

C5. Program Objectives:

- To support local and state intervention efforts that assist juveniles learning their rights and responsibilities relative to the juvenile justice system
- To end the practice of indiscriminate shackling of youth in Montana

D5. Activities and services:

There will continue to be a need for system improvement, and this will be closely monitored by the SAG, with priorities being identified annually.

Agencies implementing the program (where and when):

E5. Performance Measures:

Output Measures

- Formula grant funds allocated for JJ system improvement
- Number of program youth served

Outcome Measures

- Number and percent of program youth exhibiting a desired change in targeted behaviors (substance abuse)
- Percent change in ADP in secure detention
- Number of agencies sharing automated data

F5. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2018	21,463		24,000
2019			
2020			

A6. Program Area Code and Title: INDIAN TRIBE PROGRAMS
STATE PROGRAM DESIGNATOR: 24
STANDARD PROGRAM AREA: 24

B6. Program Goals:

Improve tribal community capacity for delivering and implementing promising and best practices prevention and intervention programs that engage youth and families.

C6. Program Objectives:

- To reduce DMC with the state juvenile justice system among American Indian tribal youth by reducing off reservation offending through strengthening of protective factors and reduction of risk factors for American Indian youth living on reservations.
- To engage American Indian tribes in implementing promising and best practices programs that can be evaluated by OJJDP for cultural appropriateness for American Indian youth.

D6. Activities and service:

- Continue to offer technical assistance to tribes in grant writing with limited state general funds for improving the number and quality of tribal applications.
- Continue to provide tribes with literature on best and promising practices programs, research, and upcoming tribal, state, and national conferences.
- Continue to fund Native American Programs more than the amount required by the JJDP Act.
- Continue to provide technical assistance to tribes through OJJDP and BJA resources.
- Continue to provide technical assistance to tribes through available reverted funds identified as appropriate to the assistance required.
- Funding Northern Cheyenne Tribe of Indians, Boys and Girls Club

E6. Performance Measures:

Output Measures:

- Number of FTEs funded by Title II
- Number of youth served
- Number program slots available

Outcome Measures

- Number and percentage of program youth that will offend or re-offend (both short- and long-term)
- Number and percentage of youth completing program requirements
- Number and percentage of program staff with increased knowledge of program area

F6. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2018	50,000		50,000
2019			
2020			

A7. Program Area Code and Title: DELINQUENCY PREVENTION

STATE PROGRAM DESIGNATOR: 06

STANDARD PROGRAM AREA: 06

B7. Program Goals:

Improve the statewide JJ system by increasing the availability and types of prevention and intervention programs

C7. Program Objectives:

- To support both state and local prevention efforts and JJ system improvements

D7. Activities and services:

- Continue to offer grant writing assistance to agencies with limited capacity with state general funds for improving the number and quality of applications
- Continue to provide agencies and nonprofits with literature on best and promising practices programs, research, and upcoming tribal, state, and national conferences

E7. Performance Measures:

Output Measures

- Number of program slots available
- Number of FTEs funded by formula grant dollars
- Number of staff trained
- Number of youth served

Outcome Measures

- Number and percent of program youth completing program requirements
- Number and percent of program youth satisfied with program
- Number and percent of program staff with increased knowledge of program area.
- Number and percent of youth showing decrease in antisocial behavior.
- Number and percent of youth showing improvement in family relationships.

F7. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2018	135,000	0	135,000
2019			
2020			

A8. Program Area Code and Title: PLANNING AND ADMINISTRATION
STATE PROGRAM DESIGNATOR: 28
STANDARD PROGRAM AREA: 28

B8. Program Goals
Provide funding to enable MBCC staff to effectively administer the formula grant program.

C8. Program Objectives

- To provide technical assistance and training to sub-grantees and potential grant applicants
- To ensure that sub-grants are operating in accordance with state and federal regulations and effectively implementing the programs
- To provide staff support to the YJC

D8. Activities and Services:

- Review applications and prepare funding recommendations based on YJC Grant Committee scores.
- Monitor each sub-grantee a minimum of once per funding cycle
- Reimburse sub-grant requests for payment
- Provide training and technical assistance upon request to local jurisdictions, state agencies, and private organizations
- Prepare federal reports and applications

E8. Performance Measures

Output Measures:

- Formula grant funds awarded for P and A
- Number of FTEs funded with formula grant money
- Number of sub-grants awarded
- Number of planning activities conducted
- Number of SAG and subcommittee meetings staffed

Outcome Measures:

- Average date from receipt of sub-grant application to date of award
- Number and percent of programs funded directly in line with the three-year plan

F8. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2018	\$40,000	\$40,000	\$80,000
2019			
2020			

A9. Program Area Code and Title: STATE ADVISORY GROUP

STATE PROGRAM DESIGNATOR: 32

STANDARD PROGRAM AREA: 32

B9. Program Goals:

To support state and local Juvenile Justice System improvement efforts.

C9. Program Objectives:

- To improve planning and development of programs provided on a statewide basis as well as improve the management of the State JJDP Program.

D9. Activities and services:

The SAG will meet quarterly to review funding proposals and convene on juvenile justice system issues.

E9. Performance Measures:

Output Measures

- Number of SAG committee and subcommittee meetings held
- Annual report submitted to the Governor
- Number of grants funded with Title II funds

Outcome Measures

- Number and percent of 3-year Plan recommendations implemented
- Number of formula grant-funded programs sustained after 3 years

F9. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2018	\$20,000		\$20,000
2019			
2020			

A10. Program Area Code and Title: SCHOOL PROGRAMS

STATE PROGRAM DESIGNATOR: 17

STANDARD PROGRAM AREA: 17

B10. Program Goals:

Provide safe, culturally diverse, positive learning environments by implementing and expanding programs that promote academic excellence, positive relationships, community service, and youth leadership development as well as support the needs of families

C10. Program Objectives:

- To promote education regarding alcohol, tobacco, and other drugs through activities and programs
- To promote social growth and appreciation for diversity through inclusive activities through activities and programs
- To promote and encourage responsibility and positive behavior through out-of-school time activities and programs
- To promote youth leadership development through mentoring and other activities

D10. Activities and services:

- Conduct outreach to middle schools around the state
- Funding East Valley Middle School’s “We Are East Helena” program

E10. Performance Measures:

Output Measures

- Number of program slots available
- Number of FTEs funded with Title II funds
- Number of program youth served

Outcome Measures

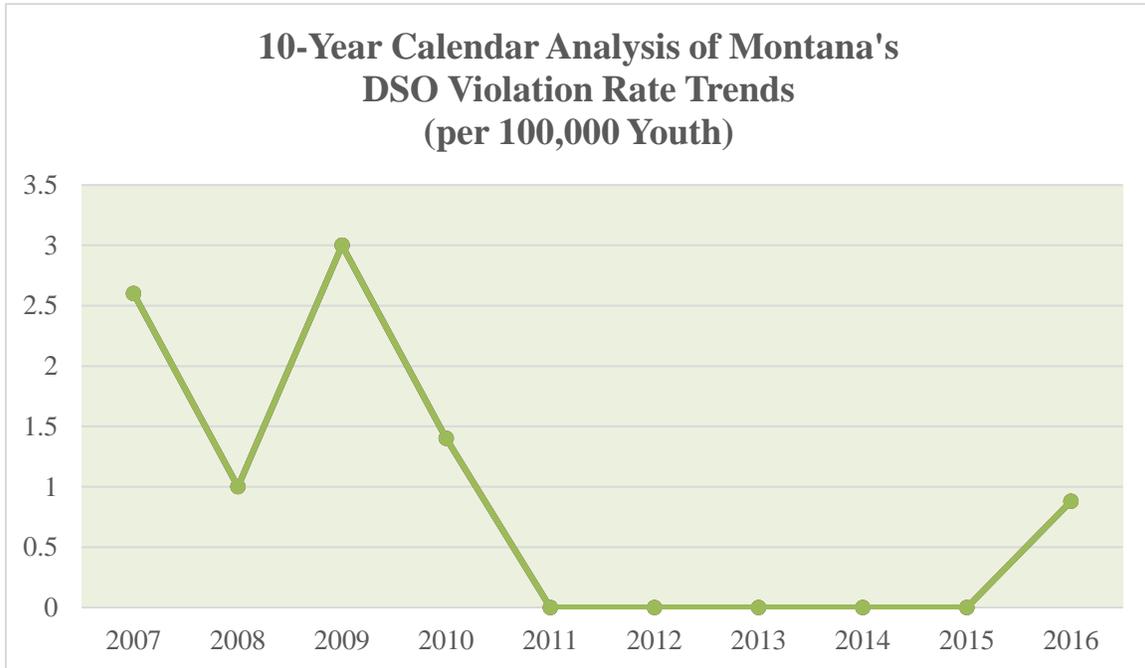
- Number and percent of program youth who exhibit a decrease in substance use
- Number and percent of program youth who have exhibited an increase in school attendance
- Percent change in school-related discipline incidents (short-term)

F10. Budget

Fiscal Year	Formula Grant Funds (\$)	State/Local/Private Funds (\$)	Total (\$)
2018	93,537		93,537
2019			
2020			

E. Plan for Compliance with the First Three Core Requirements of the JJDP Act and the State's Compliance Monitoring Plan.

Trend Analysis (2017 UPDATES)



In the past 10 years Montana has been in substantial compliance regarding the deinstitutionalization of status offenders. The highest rate was 3 violations per 100,000 youth in 2009. Violations have been isolated and circumstantial in nature and have not constituted a pattern or practice.

Strategy for Maintaining Compliance: Please refer to the logic model of Montana's Compliance Plan for Montana's strategy for maintaining compliance with the core requirements of the JJDP Act, which may be found on pages 39-43 of this document.

State Statutes Pertaining to DSO:

Montana Code Annotated (MCA) 41-5-103 (51): (51) "Youth in need of intervention" means a youth who is adjudicated as a youth and who:

(a) commits an offense prohibited by law that if committed by an adult would not constitute a criminal offense, including but not limited to a youth who:

(i) violates any Montana municipal or state law regarding alcoholic beverages;
or

(ii) continues to exhibit behavior, including running away from home or habitual truancy, beyond the control of the youth's parents, foster parents, physical custodian, or guardian despite the attempt of the youth's parents, foster parents, physical custodian, or guardian to exert all reasonable efforts to mediate, resolve, or control the youth's behavior; or

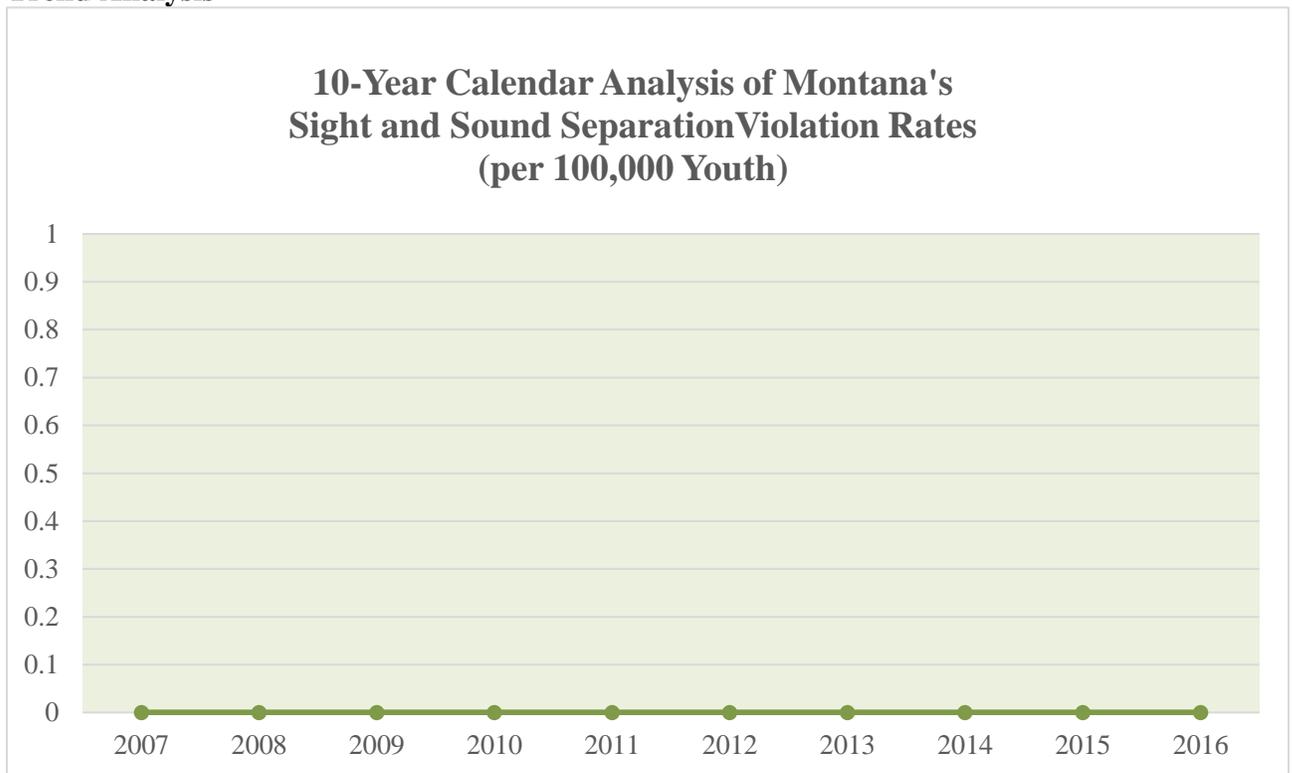
(b) has committed any of the acts of a delinquent youth but whom the youth court, in its discretion, chooses to regard as a youth in need of intervention. Montana Code Annotated 41-5-345 provides limitations on the placement of status offenders:

41-5-345. Limitation on placement of youth in need of intervention. (1) After a probable cause hearing provided for in 41-5-332, a youth alleged to be a youth in need of intervention may be placed only in shelter care, as provided in 41-5-347.

(2) A youth alleged or found to be a youth in need of intervention may not be placed in a jail, secure detention facility, or correctional facility.

(2) Plan for Separation of Juveniles from Adult Offenders: Trend Analysis

Trend Analysis



Montana has been in full compliance with no violations of the sight and sound separation requirements of the JJDP Act for 9 of the past 10 years. The only exception was 2006 when Montana was in substantial compliance with a rate of less than one violation per hundred thousand youth.

Strategy for Maintaining Compliance: Reference the logic model of Montana's Compliance plan for Montana's strategy for maintaining compliance with the core requirements of the JJDP Act, pages 39-43.

State Statutes Pertaining to Separation of Juveniles from Adult Offenders:
Montana Code Annotated (MCA) 41-5-349. Youth not to be detained in jail -- exceptions -- time limitations. (1) A youth may not be detained or otherwise placed in a jail or other adult detention facility except as provided in 41-5-206 and this section.

(2) A youth who has allegedly committed an offense that if committed by an adult would constitute a criminal offense may be temporarily detained in a jail or other adult detention facility for a period not to exceed:

(a) 6 hours, but in no case overnight, for the purpose of identification, processing, or transfer of the youth to an appropriate detention facility or shelter care facility; or

(b) 24 hours, excluding weekends and legal holidays, if the youth is awaiting a probable cause hearing pursuant to 41-5-332.

(3) The exception provided for in subsection (2)(b) applies only if:

(a) the court having jurisdiction over the youth is outside a metropolitan statistical area;

(b) alternative facilities are not available or alternative facilities do not provide adequate security; and

(c) the youth is kept in an area that provides physical as well as sight and sound separation from adults accused or convicted of criminal offenses.

(4) Whenever, despite all good faith efforts to comply with the time limitations specified in subsection (2), the limitations are exceeded, this circumstance does not serve as grounds for dismissal of the case nor does this circumstance constitute a defense in a subsequent delinquency or criminal proceeding.

41-5-206. Filing in district court prior to formal proceedings in youth court. (1) The county attorney may, in the county attorney's discretion and in accordance with the procedure provided in 46-11-201, file with the district court a motion for leave to file an information in the district court if:

(a) the youth charged was 12 years of age or older at the time of the conduct alleged to be unlawful and the unlawful act would if it had been committed by an adult constitute:

(i) sexual intercourse without consent as defined in 45-5-503;

(ii) deliberate homicide as defined in 45-5-102;

(iii) mitigated deliberate homicide as defined in 45-5-103;

(iv) assault on a peace officer or judicial officer as defined in 45-5-210; or

(v) the attempt, as defined in 45-4-103, of or accountability, as provided in 45-2-301, for either deliberate or mitigated deliberate homicide; or

(b) the youth charged was 16 years of age or older at the time of the conduct alleged to be unlawful and the unlawful act is one or more of the following:

(i) negligent homicide as defined in 45-5-104;

(ii) arson as defined in 45-6-103;

(iii) aggravated assault as defined in 45-5-202;

(iv) sexual assault as provided in 45-5-502(3);

(v) assault with a weapon as defined in 45-5-213;

(vi) robbery as defined in 45-5-401;

- (vii) burglary or aggravated burglary as defined in 45-6-204;
 - (viii) aggravated kidnapping as defined in 45-5-303;
 - (ix) possession of explosives as defined in 45-8-335;
 - (x) criminal distribution of dangerous drugs as defined in 45-9-101;
 - (xi) criminal possession of dangerous drugs as defined in 45-9-102(4) through (6);
 - (xii) criminal possession with intent to distribute as defined in 45-9-103(1);
 - (xiii) criminal production or manufacture of dangerous drugs as defined in 45-9-110;
 - (xiv) use of threat to coerce criminal street gang membership or use of violence to coerce criminal street gang membership as defined in 45-8-403;
 - (xv) escape as defined in 45-7-306;
 - (xvi) attempt, as defined in 45-4-103, of or accountability, as provided in 45-2-301, for any of the acts enumerated in subsections (1)(b)(i) through (1)(b)(xv).
- (2) The county attorney shall file with the district court a petition for leave to file an information in district court if the youth was 17 years of age at the time the youth committed an offense listed under subsection (1).
- (3) The district court shall grant leave to file the information if it appears from the affidavit or other evidence supplied by the county attorney that there is probable cause to believe that the youth has committed the alleged offense. Within 30 days after leave to file the information is granted, the district court shall conduct a hearing to determine whether the matter must be transferred back to the youth court, unless the hearing is waived by the youth or by the youth's counsel in writing or on the record. The hearing may be continued by request of either party for good cause. The district court may not transfer the case back to the youth court unless the district court finds, by a preponderance of the evidence, that:
- (a) a youth court proceeding and disposition will serve the interests of community protection;
 - (b) the nature of the offense does not warrant prosecution in district court; and
 - (c) it would be in the best interests of the youth if the matter was prosecuted in youth court.
- (4) The filing of an information in district court terminates the jurisdiction of the youth court over the youth with respect to the acts alleged in the information. A youth may not be prosecuted in the district court for a criminal offense originally subject to the jurisdiction of the youth court unless the case has been filed in the district court as provided in this section. A case may be transferred to district court after prosecution as provided in 41-5-208 or 41-5-1605.
- (5) An offense not enumerated in subsection (1) that arises during the commission of a crime enumerated in subsection (1) may be:
- (a) tried in youth court;
 - (b) transferred to district court with an offense enumerated in subsection (1) upon motion of the county attorney and order of the district court. The district court shall hold a hearing before deciding the motion.
- (6) If a youth is found guilty in district court of an offense enumerated in subsection (1), the court shall sentence the youth pursuant to 41-5-2503 and Titles 45 and 46. A youth who is sentenced to the department or a state prison must be

evaluated and placed by the department in an appropriate juvenile or adult correctional facility. The department shall confine the youth in an institution that it considers proper, including a state youth correctional facility under the procedures of 52-5-111. However, a youth under 16 years of age may not be confined in a state prison facility. During the period of confinement, school-aged youth with disabilities must be provided an education consistent with the requirements of the federal Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.

(7) If a youth's case is filed in the district court and remains in the district court after the transfer hearing, the youth may be detained in a jail or other adult detention facility pending final disposition of the youth's case if the youth is kept in an area that provides physical separation from adults accused or convicted of criminal offenses.

**State Administrative Rules Pertaining to Collocated Facilities:
Rule 20.9.615**

(2) Collocated facilities, where a youth facility is collocated with an adult facility, shall provide for sight and sound separation of youth and adult detainees. In addition:

(a) collocated facilities shall ensure that written operational plans, policies and procedures are in place to ensure that no contact between youth and adult detainees occurs;

(b) recreational and admission areas used for both adult and youth must be closely regulated by time phasing to prevent contact between adult and youth;

(c) sleeping and living areas may not be shared by adult and youth under any circumstances;

(d) only staff providing specialized services such as cooks, maintenance staff, medical professionals and bookkeepers, whose infrequent contact with detainees occurs under conditions of separation of youth and adult detainees, may serve both populations; and

(e) the day-to-day management and functions of youth detention facilities must be vested in separate staff who, where they serve both youth and adult populations, are trained to serve youth. Except for emergency circumstances, staff whose duties include in whole or in part the provision of direct care to youth may not be used to serve the adult jail at the same time or during the same tour of duty that they serve in the juvenile detention facility.

(3) Plan for Removal of Juveniles from Adult Jails and Lockups

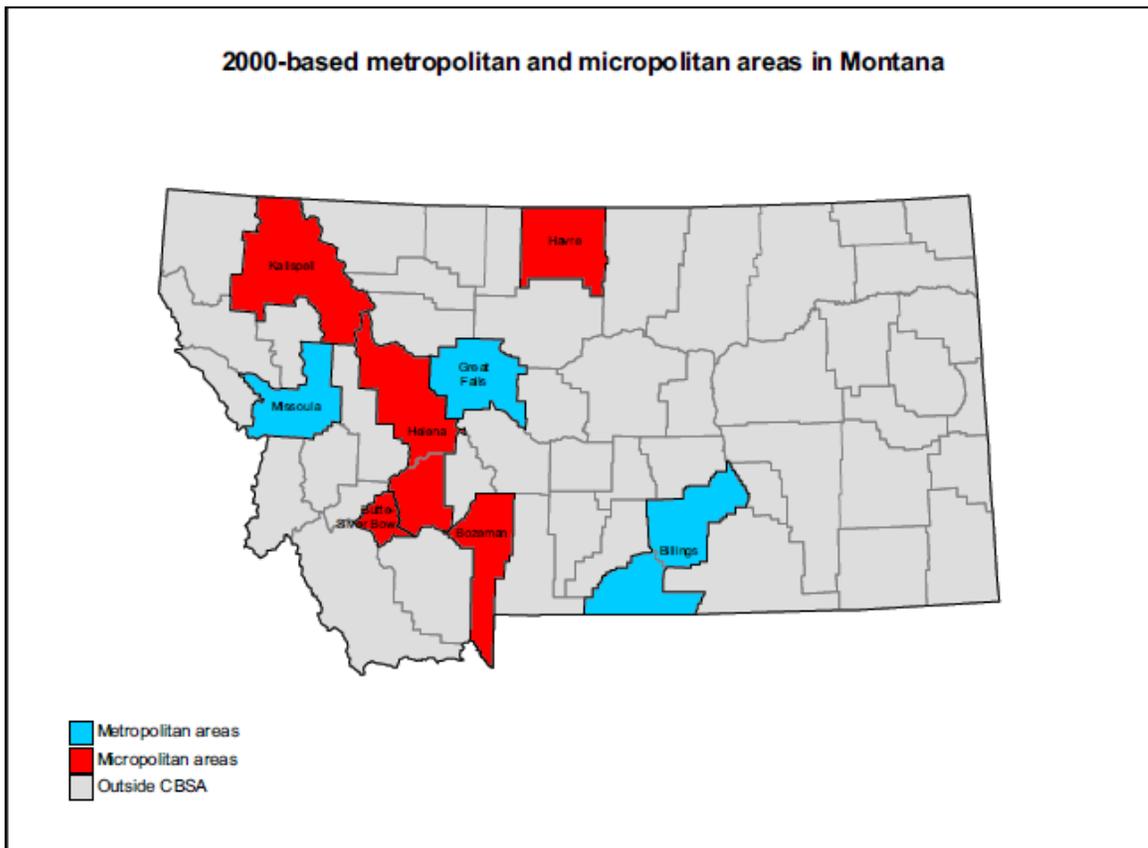
(a) Rural Exception for Jail Removal

1. **Time and Distance:** Montana lies in the northwest section of the lower 48 states, bordered on the north by Canada. It is the fourth largest state in the union, encompassing 145,552 land area square miles and a population of just under 1 million people for a population density of 6.2 persons per square mile (2010 Census). Montana receives the same minimum allocation for monitoring as the state of Delaware. Although Montana does

not have as many youth as other states, there are greater distances to travel with fewer staff to accomplish onsite monitoring and training.

2. **Conditions of weather:** The eastern portion of the state is the least populated and consists of rolling plains. The western portion of the state is more populous, but very mountainous. Winter weather can be severe, with blowing snow and sub-zero temperatures. The record for the coldest spot in the lower 48 states is held by Montana at 72 degrees below zero.

Metropolitan Statistical Areas (MSA): Except for Missoula, Great Falls, and Billings, the entire state is rural to frontier in nature. It is for these reasons that Montana accesses and uses the rural exception to jail removal.



Request for reconsideration for OJJDP approval of facilities: When OJJDP compliance guidance provided for the pre-approval of *states* for use of the rural exception, Montana had the flexibility to work with local authorities to examine options in a situation that prevented youth from being safely transported to a juvenile facility. The state could approve the holding of the youth in an emergency *if the facility could provide evidence: of the emergency; and that no adults were held in the facility during the time of the juvenile's presence in the facility.* OJJDP's policy of pre-approval of *facilities* for use of the rural exception precludes the state from working with locals in the same way, because the *facility* in question does not

meet the requirements of the Act. In the scenario provided, *the conditions of the hold meet the criteria of the Act*. Because of that, Montana implores the administration of OJJDP to reconsider and return to the approval of the state and not the facility for use of the rural exception.



Montana was in full compliance with the rural exception for jail removal with no violations in 2010 and 2015 and substantial compliance in all other years. The highest rate of violations per 100,000 youth was 3.19 in 2009. Violations are random and situational and do not constitute a pattern or practice of violations.

State Statutes pertaining to Jail Removal and the Rural Exception:

. Youth not to be detained in jail -- exceptions -- time limitations. (1) A youth may not be detained or otherwise placed in a jail or other adult detention facility except as provided in [41-5-206](#) and this section.

(2) A youth who has allegedly committed an offense that if committed by an adult would constitute a criminal offense may be temporarily detained in a jail or other adult detention facility for a period not to exceed:

(a) 6 hours, but in no case overnight, for the purpose of identification, processing, or transfer of the youth to an appropriate detention facility or shelter care facility; or

(b) 24 hours, excluding weekends and legal holidays, if the youth is awaiting a probable cause hearing pursuant to [41-5-332](#).

(3) The exception provided for in subsection (2)(b) applies only if:

(a) the court having jurisdiction over the youth is outside a metropolitan statistical area;

(b) alternative facilities are not available or alternative facilities do not provide adequate security; and

(c) the youth is kept in an area that provides physical as well as sight and sound separation from adults accused or convicted of criminal offenses.

(4) Whenever, despite all good faith efforts to comply with the time limitations specified in subsection (2), the limitations are exceeded, this circumstance does not serve as grounds for dismissal of the case nor does this circumstance constitute a defense in a subsequent delinquency or criminal proceeding.

41-5-206. Filing in district court prior to formal proceedings in youth court. (1) The county attorney may, in the county attorney's discretion and in accordance with the procedure provided in [46-11-201](#), file with the district court a motion for leave to file an information in the district court if:

(a) the youth charged was 12 years of age or older at the time of the conduct alleged to be unlawful and the unlawful act would if it had been committed by an adult constitute:

- (i) sexual intercourse without consent as defined in [45-5-503](#);
- (ii) deliberate homicide as defined in [45-5-102](#);
- (iii) mitigated deliberate homicide as defined in [45-5-103](#);
- (iv) assault on a peace officer or judicial officer as defined in [45-5-210](#); or
- (v) the attempt, as defined in [45-4-103](#), of or accountability, as provided in [45-2-301](#), for either deliberate or mitigated deliberate homicide; or

(b) the youth charged was 16 years of age or older at the time of the conduct alleged to be unlawful and the unlawful act is one or more of the following:

- (i) negligent homicide as defined in [45-5-104](#);
- (ii) arson as defined in [45-6-103](#);
- (iii) aggravated assault as defined in [45-5-202](#);
- (iv) sexual assault as provided in [45-5-502](#)(3);
- (v) assault with a weapon as defined in [45-5-213](#);
- (vi) robbery as defined in [45-5-401](#);
- (vii) burglary or aggravated burglary as defined in [45-6-204](#);
- (viii) aggravated kidnapping as defined in [45-5-303](#);
- (ix) possession of explosives as defined in [45-8-335](#);
- (x) criminal distribution of dangerous drugs as defined in [45-9-101](#);
- (xi) criminal possession of dangerous drugs as defined in [45-9-102](#)(4) through (6);
- (xii) criminal possession with intent to distribute as defined in [45-9-103](#)(1);
- (xiii) criminal production or manufacture of dangerous drugs as defined in [45-9-110](#);
- (xiv) use of threat to coerce criminal street gang membership or use of violence to coerce criminal street gang membership as defined in [45-8-403](#);
- (xv) escape as defined in [45-7-306](#);
- (xvi) attempt, as defined in [45-4-103](#), of or accountability, as provided in [45-2-301](#), for any of the acts enumerated in subsections (1)(b)(i) through (1)(b)(xv).

(2) The county attorney shall file with the district court a petition for leave to file an information in district court if the youth was 17 years of age at the time the youth committed an offense listed under subsection (1).

(3) The district court shall grant leave to file the information if it appears from

the affidavit or other evidence supplied by the county attorney that there is probable cause to believe that the youth has committed the alleged offense. Within 30 days after leave to file the information is granted, the district court shall conduct a hearing to determine whether the matter must be transferred back to the youth court, unless the hearing is waived by the youth or by the youth's counsel in writing or on the record. The hearing may be continued request of either party for good cause. The district court may not transfer the case back to the youth court unless the district court finds, by a preponderance of the evidence, that:

- (a) a youth court proceeding and disposition will serve the interests of community protection;
- (b) the nature of the offense does not warrant prosecution in district court; and
- (c) it would be in the best interests of the youth if the matter was prosecuted in youth court.

(4) The filing of an information in district court terminates the jurisdiction of the youth court over the youth with respect to the acts alleged in the information. A youth may not be prosecuted in the district court for a criminal offense originally subject to the jurisdiction of the youth court unless the case has been filed in the district court as provided in this section. A case may be transferred to district court after prosecution as provided in [41-5-208](#) or [41-5-1605](#).

(5) An offense not enumerated in subsection (1) that arises during the commission of a crime enumerated in subsection (1) may be:

- (a) tried in youth court;
- (b) transferred to district court with an offense enumerated in subsection (1) upon motion of the county attorney and order of the district court. The district court shall hold a hearing before deciding the motion.

(6) If a youth is found guilty in district court of an offense enumerated in subsection (1) and any offense that arose during the commission of a crime enumerated in subsection (1), the court shall sentence the youth pursuant to [41-5-2503](#) and Titles 45 and 46. If a youth is acquitted in district court of all offenses enumerated in subsection (1), the district court shall sentence the youth pursuant to Title 41 for any remaining offense for which the youth is found guilty. A youth who is sentenced to the department or a state prison must be evaluated and placed by the department in an appropriate juvenile or adult correctional facility. The department shall confine the youth in an institution that it considers proper, including a state youth correctional facility under the procedures of [52-5-111](#). However, a youth under 16 years of age may not be confined in a state prison facility. During the period of confinement, school-aged youth with disabilities must be provided an education consistent with the requirements of the federal Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.

(7) If a youth's case is filed in the district court and remains in the district court after the transfer hearing, the youth may be detained in a jail or other adult detention facility pending final disposition of the youth's case if the youth is kept in an area that provides physical separation from adults accused or convicted of criminal offenses.

In addition, to meet the requirements of the rural exception, Montana wrote Part 19 of the Youth Court Act that provides for the creation of juvenile detention regions. The legislature currently provides just under a million dollars in state general funds to subsidize regional juvenile alternatives to detention and juvenile detention services. (Reference the Juvenile Detention Regions Map) Each region has at least one state licensed juvenile or collocated detention facility putting law enforcement in close enough proximity of a juvenile facility that they can be compliant with the older more restrictive 24-hour criteria of the JJDP Act.

State Statutes pertaining to Valid Court Order:

41-5-341. Criteria for placement of youth in secure detention facilities. A

youth may be placed in a secure detention facility only if the youth:

- (1) has allegedly committed an act that if committed by an adult would constitute a criminal offense and the alleged offense is one specified in 41-5-206;
- (2) is alleged to be a delinquent youth and:
 - (a) has escaped from a correctional facility or secure detention facility;
 - (b) has violated a valid court order or a parole agreement;
 - (c) the youth's detention is required to protect persons or property;
 - (d) the youth has a pending court or administrative action or is awaiting transfer to another jurisdiction and may abscond or be removed from the jurisdiction of the court;
 - (e) there are not adequate assurances that the youth will appear for court when required; or
 - (f) the youth meets additional criteria for secure detention established by the youth court in the judicial district that has current jurisdiction over the youth; or
- (3) has been adjudicated delinquent and is awaiting final disposition of the youth's case.

41-5-103. Definitions.

(50) Youth detention facility" means a secure detention facility licensed by the department for the temporary substitute care of youth that is:

- (a) (i) operated, administered, and staffed separately and independently of a jail; or (ii) a collocated secure detention facility that complies with 28 CFR, part 31; and (b) used exclusively for the lawful detention of alleged or adjudicated delinquent youth or as a sanction for contempt of court, violation of a parole agreement, or violation of a valid court order.

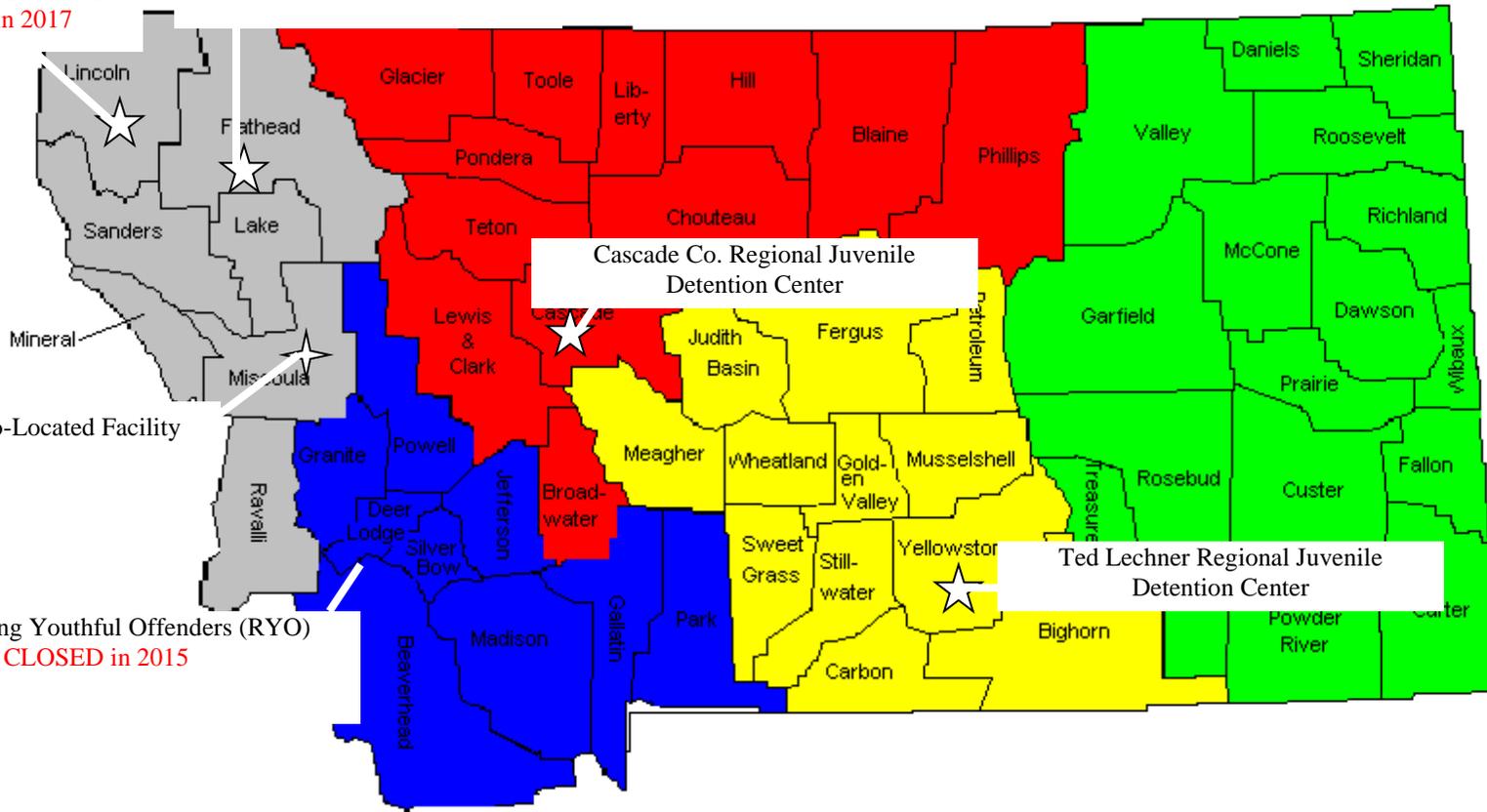
Flathead Juvenile Detention
CLOSED in 2015

JUVENILE DETENTION REGIONS

Troy Juvenile Detention
CLOSED in 2017

Missoula Co-Located Facility

Reintegrating Youthful Offenders (RYO)
CLOSED in 2015



Plan for Compliance Monitoring for the First Three Core Requirements of the JJDP Act: The logic model on the following page sets forth Montana’s Compliance Monitoring Work Plan for calendar year **2018**:

Compliance Monitoring Work Plan				
When	Who	Activity	Process Measures	Outcome Measures
Ongoing	Compliance Monitor (contracted position)	1. Onsite monitoring visits in accordance with monitoring schedule; 2. as requested by Public Safety Program Specialist for training needs, complaints, and newly identified facilities.	Facility monitoring reports will be submitted to Public Safety Program Specialist as completed in accordance with the monitoring schedule.	Facility onsite visits will be in compliance with Monitoring Plan and OJJDP requirements.
	Public Safety Program Specialist	Review onsite monitoring reports submitted by compliance monitor	Onsite visit information will be input to JDDRS	Onsite reports will be on file in facility files in the Public Safety Program Specialist office.
	Public Safety Program Specialist	Import/input facility data to JDDRS	Data submitted by facilities will be imported/input to JDDRS	Data will be available for compiling OJJDP Report by mid-February of year after close of calendar year.
	Public Safety Program Specialist	Follow-up with facilities/monitors on violations	Violation correspondence will be on file	Violations will be reported to OJJDP
January	Public Safety Program Specialist	Follow up on reporting verification letters to facilities for just completed calendar year.	Record of follow-up emails/letters/phone calls to facilities	Will have data input to JDDRS or written confirmation that facility didn’t securely hold youth submitted by mid-February
February	Public Safety Program Specialist	Begin compiling facility data for OJJDP Report	Record of follow-up questions for facilities regarding submitted data.	OJJDP Monitoring Report draft completed and submitted to Bureau Chief by first week in March.
February	Public Safety Program Specialist	Review and edit draft report	Revision comments on draft report.	Revision comments to JJ Planner to finalize Report by second week in February.
	Public Safety Program Specialist	Implement revisions	Final report	Final report to Bureau Chief for final review third week in February.

Compliance Monitoring Work Plan				
When	Who	Activity	Process Measures	Outcome Measures
	Public Safety Program Specialist	Report sent by UPS to OJJDP	Copy of report, cover letter and UPS receipt on file in Public Safety Program Specialist	Finished OJJDP report sent by UPS to OJJDP by March 31 (not due until June 30)
March-May	Public Safety Program Specialist	Develop monitoring schedule for next state FY and estimated costs	Budget presented to JJ Accountant and JJ Specialist for YJC Approval	Copy of correspondence/budget in file
On receipt of Federal Solicitation from JJ Specialist	JJ Specialist	Write/update 3-Year Compliance Plan that is responsive to solicitation	Copy of plan submitted to Bureau Chief for review	Final plan submitted to OJJDP by deadline
May	Juvenile Justice Specialist and MBCC grant accountant	Present contract funding amount to ARC for approval	Contract funding on ARC spreadsheet	ARC approval of Spreadsheet
June	Application Review Committee (ARC) of the SAG	Recommends approval of funding to YJC	Contract funding on YJC spreadsheet	YJC approve funding for contract at June Meeting
June	JJ Specialist	Negotiates contract with Compliance Monitor	Contract for new FY Drafted	Contracted for new FY signed and in effect July 1 – June 30
November	Public Safety Program Specialist	Draft reporting verification letters to facilities for calendar year end	List of facilities reporting status will be developed by December	List will be current and available to track facility status
December	Public Safety Program Specialist	Finalize reporting verification letter and send to facilities	Copy of signed reporting verification letters will be on file	

The logic model for maintaining compliance with the JJDP Act begins on the following page.

- (1) **Policy and Procedures.** Montana’s Manual for Monitoring Compliance is located online at the following address:
<http://mbcc.mt.gov/JuvenileJustice/Compliance/2011MonitoringPlan.pdf>.
- (2) **Monitoring Authority.** Section 200 of the Manual (page 7 when viewed online) sets forth the procedures to ensure that MBCC has sufficient legal authority to require onsite inspection of each facility that could hold youth as the result of public authority for purposes of facility classification; verification of facility records to reported data; review of processes and areas used to process and hold youth in custody pending release to parents/guardian or transfer to another facility; and enforce sanctions when violations are not corrected.

- (3) **Monitoring Timeline.** Montana’s monitoring schedule is provided in the attachment labeled MT Active Monitoring Universe.
- (4) **Violation Procedures.** Section 406 of the Manual (page 30 when viewed online) sets forth the procedures to be used when a facility is alleged or found to be in violation of the JJDP or Youth Court Acts.
- (5) **Barriers and Strategies.** Section 100 (page 5 when viewed online) of the Manual sets forth the procedures to ensure that emerging barriers to maintaining compliance with the core requirements of the JJDP Act and Youth Court Act are identified and state and local strategies are developed to overcome them.
- (6) **Definition of Terms.** Section 400 of the Manual (page 9 when viewed online) provides definitions compatible with those found in the JJDP Act and Formula Grant Regulations.
- (7) **Identification of the Monitoring Universe.** Section 401 of the Manual (page 17 when viewed online) sets forth the procedures used to identify facilities in which youth may be placed as the result of public authority.
- (8) **Classification of the Monitoring Universe.** Section 402 of the Manual (page 19 when viewed online) provides the process used to classify facilities and further identify the Monitoring Universe.
- (9) **Inspection of the Facilities.** Section 405 of the Manual (page 27 when viewed online) sets forth the policy and procedure for conducting onsite monitoring of facilities to update classification; inspect physical areas and conduct staff interviews to determine if youth in custody are being handled in compliance with statutory and regulatory requirements; ensure that adequate data and supporting documentation are maintained to determine compliance with the statutory requirements and to verify self-reported data; and conduct investigations of alleged violations.
- (10) **Data Collection and Verification.** Section 404 of the Manual (page 25 when viewed online) sets forth policy and procedure for data collection and verification. Montana contracts for onsite inspections and data verification. The current contractor is Mike Ferriter, Clancy, MT. His email is bmferriter@gmail.com.

<p align="center">State of Montana Plan for Maintaining Compliance with the Montana Youth Court and Federal Juvenile Justice and Delinquency Prevention Acts</p>				
<p>GOAL: To maintain substantial compliance with the Youth Court and the JJDP Acts</p>				
<p>Objective 1: To ensure that barriers to maintaining substantial compliance with the core requirements of the JJDP Act are identified and state and local strategies developed to overcome them.</p>				
How	By Whom	When	Process Measures	Outcome Measures
<p>1. Introduction of bills will be monitored during regular and special legislative sessions. Bills that could have impact on state compliance with the core requirements of the JJDP Act will be reported to the Youth Justice Council (YJC) with recommended strategies to address the problems.</p>	<p>Government Relations Director and Public Safety Program Specialist</p>	<p>Legislature convenes</p>	<p>Correspondence or phone log on file in MBCC will reflect action taken to inform the SAG chair.</p> <p>Issue will be on the SAG Agenda</p> <p>Approved strategy will be reflected in the SAG minutes, and if needed, the 3-Year Plan, its update and the Monitoring Work Plan.</p>	<p>Barriers will be identified and state and local strategies developed to overcome them.</p>

<p align="center">State of Montana Plan for Maintaining Compliance with the Montana Youth Court and Federal Juvenile Justice and Delinquency Prevention Acts</p>				
<p>GOAL: To maintain substantial compliance with the Youth Court and the JJDP Acts</p>				
<p>2. If any facility has more than a few unavoidable violations, and the matter is not resolved by the provision of training and technical assistance, the matter will be brought before the YJC with recommended strategies to address the problem.</p>	<p>Government Relations Director and Public Safety Program Specialist</p>	<p>As needed</p>	<p>Correspondence or phone log on file in MBCC will reflect action taken to inform the SAG chair.</p> <p>Issue will be on the SAG agenda</p> <p>Approved strategy will be reflected in the SAG minutes, and if needed, the 3-Year Plan, its update, and the Monitoring Work Plan.</p>	
<p>3. The YJC will be provided with a copy of the Compliance letter received from OJJDP to review and develop strategies as needed.</p>	<p>Government Relations Director and Public Safety Program Specialist</p>	<p>First scheduled YJC meeting after received. Date stamped on Compliance Letter from OJJDP</p>	<p>Letter will be in the SAG packet.</p> <p>Any action the SAG deems necessary to respond to the report will be reflected in the minutes.</p>	

<p align="center">State of Montana Plan for Maintaining Compliance with the Montana Youth Court and Federal Juvenile Justice and Delinquency Prevention Acts</p>				
<p>GOAL: To maintain substantial compliance with the Youth Court and the JJDP Acts</p>				
<p>4. Allegations of non-compliance will be investigated and the results documented.</p>	<p>Public Safety Program Specialist and compliance monitor</p>	<p>Upon allegation</p>	<p>Violation report and results of the investigation will be in the appropriate facility file in the Public Safety Program Specialist office</p>	
<p>5. Changes/reductions in resources that impact monitoring, data collection and/or reporting of compliance with the JJDP Act will be brought before the YJC along with recommended strategies for appropriate action.</p>	<p>Government Relations Director and Public Safety Program Specialist</p>	<p>Upon possibility of change/reduction</p>	<p>Correspondence or phone log on file in MBCC will reflect action taken to inform the SAG chair.</p> <p>Issue will be on the SAG agenda</p> <p>Approved strategy will be reflected in the SAG minutes, and if needed, the 3-Year Plan, its update, and the Monitoring Work Plan.</p>	

<p align="center">State of Montana Plan for Maintaining Compliance with the Montana Youth Court and Federal Juvenile Justice and Delinquency Prevention Acts</p>				
<p>GOAL: To maintain substantial compliance with the Youth Court and the JJDP Acts</p>				
<p>Objective 2: To ensure that the authority, legislative and administrative procedures established for the state to receive, investigate, and respond to reports of compliance violations are current and effective.</p>				
How	By Whom	When	Process Measures	Outcome Measures
<p>1. A current Executive Order issued and signed by the Governor that continues the Youth Justice Advisory Council’s oversight authority for the next two years in complying with the JJDP Act of 1974 as amended will be obtained.</p>	<p>Government Relations Director and Juvenile Justice Specialist</p>	<p>June of each odd-numbered year</p>	<p>A copy of the current and effective Executive Order will be maintained in the Compliance Monitoring Manual in the Juvenile Justice Specialist’s office.</p>	<p>SAG will have oversight authority for the JJDP Act.</p>
<p>2. A current copy of Title 41, Chapter 5 of the Montana Code Annotated (MCA), known as the Youth Court Act, establishing MBCC’s authority to establish rules and regulations and monitor compliance with the JJDP Act and Youth Court Act will be obtained.</p>	<p>Juvenile Justice Specialist</p>	<p>As soon as updated Act is available from the Legislative Counsel Bureau after each regular and special session of the legislature has adjourned.</p>	<p>A copy of the current and effective Youth Court Act will be maintained in the Compliance Monitoring Manual in the Juvenile Justice Specialist’s office.</p>	<p>MBCC will have the authority to establish rules, regulations and monitor compliance with the Youth Court and JJDP Acts.</p>

Objective 3: To ensure that the detailed description of monitoring tasks which includes the identification of the agency responsible for each task are current and effective.				
How	By Whom	When	Process Measures	Outcome Measures
1. The Compliance Monitoring Manual that the monitoring tasks in detail, including identification of agents responsible for each task will reflect current monitoring practices.	Government Relations Director and Public Safety Program Specialist	After each regular or special legislative session, at least biennially.	Correspondence will show that the SAG received a draft revision of the Compliance Monitoring Manual. SAG Minutes will reflect that updated Compliance Monitoring Manual was approved	A current and effective copy of the Compliance Monitoring Manual will be available on the MBCC Juvenile Justice website.
2. The SAG will reserve a reasonable dollar amount to support contracted onsite monitoring of secure facilities in accordance with the procedures set forth in the Compliance Monitoring Manual.	Public Safety Program Specialist and J.J. Specialist	Annually at SAG spring meeting SAG	Approval of funding will be reflected in the minutes of the spring Application Review and SAG meetings. Current and enforceable contracts with compliance monitors will be on file in the Compliance Monitoring Manual in the Public Safety Program Specialist office	All facilities in the monitoring universe will have monitoring reports on file that meet the minimum on-site visit requirements set forth by facility type in the Compliance Monitoring Manual

3. Performance Measures

It is understood that OJJDP does not require applicants to submit performance measures data with the applications; rather, the required data will be included in the reports submitted to OJJDP. To ensure that MBCC gathers the required data, sub-grantees will be provided with the reporting requirements and will report progress to MBCC on a quarterly basis.

Sub-grant Award Assurances

Sub-award Selection

The SAG will award funding to sub-grantees who have demonstrated success in carrying out the goals specified in the original sub-grant application as outlined in the RFP. Quarterly reports are reviewed by staff, desk audits and site visits are conducted annually to ensure activities are being implemented to SAG and OJJDP standards.

Distribution of Title II funds within the state, including rural areas, will be equitable and based on submitting an application that is responsive to the State of Montana Title II RFP, including, but not limited to, the inclusion of RRI data and the use of evidence-based practices.

Title II RFPs contain a link to the OJJDP web site model programs guide for agencies to research OJJDP approved programs. The OJJDP program area, performance measures and evaluation process of each sub-grantee program is required to be clearly outlined within each sub-grant application. A link to OJJDP Formula grant performance measures is also provided in the RFP for this purpose. Each sub-grantee is also required to submit a quarterly DCTAT worksheet for monitoring progress toward the output and outcome measures as outlined by OJJDP.

Any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) of any currently employed employee; Activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and No such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved.

MBCC has excellent fiscal control and fund accounting procedures in place to assure prudent use, proper disbursement, and accurate accounting of funds received under the Title II Formula Grant. Federal funds made available under Title II will be used to supplement and increase (but not supplant) the level of state, local, and other nonfederal funds that would in absence of such federal funds be made available for the programs and will in no event replace such state, local, and other nonfederal funds. If the state receives under section 222 [42 USC § 5632] for any fiscal year an amount that exceeds 105% of the amount the state received under such section for fiscal year 2000, all of such excess shall

be expended through or for programs that are part of a comprehensive and coordinated community system of services.

No funds received under section 222 [42 USC § 5632] are reserved for expenditure by the state to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units. Probation offices are overseen by the DOC.

MBCC will, 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; not less than annually, review its plan 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; and not expend funds to carry out a program if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted by such recipient to the state agency.

MBCC will address juvenile delinquency prevention efforts and system improvement efforts to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.

MBCC partners with the University of Montana's Criminology Research Group (UMCRG) for the purpose of developing research, training, and evaluation capacity in Montana with regard to juvenile justice.

The State of Montana protects the rights of recipients of services and assures appropriate privacy with regard to records relating to services provided to any individual under the state plan.

MCA 41-5-102. Declaration of purpose. The Montana Youth Court Act must be interpreted and construed to effectuate the following legislative purposes:

- (1) to preserve the unity and welfare of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of a youth coming within the provisions of the Montana Youth Court Act;
- (2) to prevent and reduce youth delinquency through a system that does not seek retribution but that provides:
 - (a) immediate, consistent, enforceable, and avoidable consequences of youths' actions;
 - (b) a program of supervision, care, rehabilitation, detention, competency development, and community protection for youth before they become adult offenders;
 - (c) in appropriate cases, restitution as ordered by the youth court; and
 - (d) that, whenever removal from the home is necessary, the youth is entitled to maintain ethnic, cultural, or religious heritage whenever appropriate;

(3) to achieve the purposes of subsections (1) and (2) in a family environment whenever possible, separating the youth from the parents only when necessary for the welfare of the youth or for the safety and protection of the community;

(4) to provide judicial procedures in which the parties are ensured a fair, accurate hearing and recognition and enforcement of their constitutional and statutory rights.

41-5-215. Youth court and department records -- notification of school. (1) Formal youth court records, including reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings, verdicts, and orders and decrees on file with the clerk of court are public records and are open to public inspection until the records are sealed under [41-5-216](#).

(2) Social, medical, and psychological records, youth assessment materials, predisposition studies, and supervision records of probationers are open only to the following:

(a) the youth court and its professional staff;

(b) representatives of any agency providing supervision and having legal custody of a youth;

(c) any other person, by order of the court, having a legitimate interest in the case or in the work of the court;

(d) any court and its probation and other professional staff or the attorney for a convicted party who had been a party to proceedings in the youth court when considering the sentence to be imposed upon the party;

(e) the county attorney;

(f) the youth who is the subject of the report or record, after emancipation or reaching the age of majority;

(g) a member of a county interdisciplinary child information and school safety team formed under [52-2-211](#) who is not listed in this subsection (2);

(h) members of a local interagency staffing group provided for in [52-2-203](#);

(i) persons allowed access to the reports referred to under [45-5-624\(7\)](#);

(j) persons allowed access under [42-3-203](#); and

(k) persons conducting evaluations as required in [41-5-2003](#).

(3) (a) Notwithstanding the requirements of [20-5-321\(1\)\(d\)](#) or (1)(e), subject to the provisions of subsection (3)(b) of this section, and according to the guidelines in subsection (3)(f) of this section, the chief probation officer or other designee from the district that has jurisdiction over the matter or the department of corrections for youth under the supervision of the department shall notify the school district that the youth presently attends or the school district that the youth has applied to attend of a youth's past or current drug use or criminal activity if after an investigation has been completed:

(i) a petition has been filed with the youth court or charges are filed in district court alleging a violation of any section in Title 45, chapter 5; or

(ii) the youth has admitted the allegation and the acts involve any offense in which another youth was an alleged victim and the admitted activity has a bearing on the safety of children.

(b) Notification under subsection (3)(a) may not be given for status offenses.

(c) Notification under subsection (3)(a) terminates upon the end of the youth court's supervision or the discharge of the youth by the department of corrections.

(d) A school district may not refuse to accept the student if refusal violates the federal Individuals With Disabilities Education Act or the federal Americans With Disabilities Act of 1990.

(e) The administrative officials of the school district may enforce school disciplinary procedures that existed at the time of the admission or adjudication. The information may not be further disclosed and may not be made part of the student's permanent records.

(f) Notification to the school district under subsection (3)(a) must be provided to:

(i) the school district superintendent or the superintendent's designee in districts that employ a superintendent;

(ii) the building principal or the principal's designee in school districts where the building principal is the only administrator; or

(iii) the county superintendent in school districts that do not employ an administrator.

(4) In all cases, a victim is entitled to all information concerning the identity and disposition of the youth, as provided in [41-5-1416](#).

(5) The school district may disclose, without consent, personally identifiable information from an education record of a pupil to the youth court and law enforcement authorities pertaining to violations of the Montana Youth Court Act or criminal laws by the pupil. The youth court or law enforcement authorities receiving the information shall certify in writing to the school district that the information will not be disclosed to any other party except as provided under state law without the prior consent of the parent or guardian of the pupil.

(6) Any part of records information secured from records listed in subsection (2), when presented to and used by the court in a proceeding under this chapter, must also be made available to the counsel for the parties to the proceedings.

41-5-216. Disposition of youth court, law enforcement, and department records -- sharing and access to records. (1) Formal youth court records, law enforcement records, and department records that are not exempt from sealing under subsections (4) and (6) and that pertain to a youth covered by this chapter must be physically sealed on the youth's 18th birthday. In those cases in which jurisdiction of the court or any agency is extended beyond the youth's 18th birthday, the records must be physically sealed upon termination of the extended jurisdiction.

(2) Except as provided in subsection (6), when the records pertaining to a youth pursuant to this section are sealed, an agency, other than the department, that has in its possession copies of the sealed records shall destroy the copies of the records. Anyone violating the provisions of this subsection is subject to contempt of court.

(3) Except as provided in subsection (6), this section does not prohibit the destruction of records with the consent of the youth court judge or county attorney after 10 years from the date of sealing.

(4) The requirements for sealed records in this section do not apply to medical records, fingerprints, DNA records, photographs, youth traffic records, records in any case in which the youth did not fulfill all requirements of the court's judgment or disposition, records referred to in [42-3-203](#), reports referred to in [45-5-624\(7\)](#), or the information referred to in [46-23-508](#), in any instance in which the youth was required to register as a sexual offender pursuant to Title 46, chapter 23, part 5.

(5) After formal youth court records, law enforcement records, and department records

are sealed, they are not open to inspection except, upon order of the youth court, for good cause, including when a youth commits a new offense, to:

(a) those persons and agencies listed in [41-5-215](#)(2); and

(b) adult probation professional staff preparing a presentence report on a youth who has reached the age of majority.

(6) (a) When formal youth court records, law enforcement records, and department records are sealed under subsection (1), the electronic records of the management information system maintained by the department of public health and human services and by the department relating to the youth whose records are being sealed must be preserved for the express purpose of research and program evaluation as provided in subsection (6)(b).

(b) The department of public health and human services and the department shall disassociate the offense and disposition information from the name of the youth in the respective management information system. The offense and disposition information must be maintained separately and may be used only:

(i) for research and program evaluation authorized by the department of public health and human services or by the department and subject to any applicable laws; and

(ii) as provided in Title 5, chapter 13.

(7) (a) Informal youth court records for a youth for whom formal proceedings have been filed must be physically sealed on the youth's 18th birthday or, in those cases in which jurisdiction of the court or any agency is extended beyond the youth's 18th birthday, upon termination of the extended jurisdiction and may be inspected only pursuant to subsection (5).

(b) The informal youth court records may be maintained and inspected only by youth court personnel upon a new offense prior to the youth's 18th birthday.

(c) Except as provided in subsection (7)(a), when a youth becomes 18 years of age or when extended supervision ends and the youth was involved only in informal proceedings, informal youth court records that are in hard-copy form must be destroyed and any electronic records in the youth court management information system must disassociate the offense and disposition information from the name of the youth and may be used only for the following purposes:

(i) for research and program evaluation authorized by the office of the court administrator and subject to any applicable laws; and

(ii) as provided in Title 5, chapter 13.

(8) Nothing in this section prohibits the intra-agency use or information sharing of formal or informal youth court records within the juvenile probation management information system. Electronic records of the youth court may not be shared except as provided in [41-5-1524](#). If a person authorized under [41-5-215](#) is in need of a copy of a record that is in electronic form, the juvenile probation officer shall make only a physical copy of the record that is authorized and the person receiving the record shall destroy the record after it has fulfilled its purpose or as provided in subsection (2) of this section.

(9) This section does not prohibit the intra-agency use or information sharing of formal or informal youth court records within the department's youth management information system. Electronic records of the department's youth management information system may not be shared except as provided in subsection (5). If a person authorized under [41-5-215](#) is in need of a copy of a record that is in electronic form, the

department shall make only a physical copy of the record that is authorized and the person receiving the record shall destroy the record after it has fulfilled its purpose or as provided in subsection (2) of this section.

(10) This section does not prohibit the sharing of formal or informal youth court records with a short-term detention center, a youth care facility, a youth assessment center, or a youth detention facility upon placement of a youth within the facility.

(11) This section does not prohibit access to formal or informal youth court records, including electronic records, for purposes of conducting evaluations as required by [41-5-2003](#).

(12) This section does not prohibit the office of court administrator, upon written request from the department of public health and human services, from confirming whether a person applying for a registry identification card pursuant to [50-46-307](#) or [50-46-308](#) is currently under youth court supervision.

G. Additional Information

Collecting and Sharing Juvenile Justice Information

- 1. A description of the state's process for gathering juvenile justice information and data across state agencies such as the departments of education and welfare, mental health services, local law enforcement and how the state make this information available across agencies and incorporates the data into its comprehensive 3-year plan and annual plan updates.**

Since May 2005 Montana State District Youth Courts have used a unified case management system called the Juvenile Courts Assessment and Tracking System (JCATS). JCATS acts as a central repository for all data collected about a youth's court case except detention and department of corrections information. 2005 legislation was passed to allow electronic sharing of data between the Department of Corrections and the Courts. In 2007, Senate Bill 119 was passed to allow sharing of data between detention facilities and the courts. MBCC implemented a server based unified case management system for juvenile detention that can share youth data between facilities and with the Statewide Planning Agency's Compliance Monitoring Database (Juvenile Detention Data and Reporting System). It is currently being piloted and debugged by two juvenile detention facilities. A program developed to upload data exported from juvenile detention facilities already using an electronic case management system is also being debugged.

MBCC, as the Statewide Planning Agency (SPA) collects and analyzes Montana's incident based reporting (MTIBRS), JCATS, and JDR system data. That data is posted by our Statistical Analysis Center (SAC) on the web at: <http://mbcc.mt.gov/Data/Data.asp>. The same data is made available by the SAC for incorporation into our 3 Year Plan.

- 2. A description of specific barriers the state encounters with the sharing of juvenile information of at-risk youth among state agencies, including local law enforcement, i.e. where state statute, regulation, or policy prohibits the sharing of this information.³**