

# **MONTANA 3 YEAR PLAN FOR REDUCING DISPROPORTIONATE MINORITY CONTACT (DMC) 2006-2008**

## **I. Identification**

Of the 108,317 total youth population aged 10-17 projected for Montana 2003 census data, 89% were white, 0.38% were Black or African-American, 2.15% were Hispanic or Latino, 0.6% were Asian, 0.06% were Native Hawaiian or other Pacific Islanders, 6.5% were American Indian or Alaska Native, and 1.52% were Other/Mixed.

Statewide, the three juvenile ethnic/racial groups that met OJJDP's 1% threshold requirement for DMC assessment within the juvenile justice system were:

- Hispanic/Latino
- American Indian/Alaskan Native
- Other/Mixed

## **II. Assessment**

### **A. IDENTIFICATION OF THE RRI INSTRUMENT AS A BARRIER TO THE ACCURATE ASSESSMENT OF BASELINE DATA**

In 2003, when OJJDP began requiring all states to submit the newly developed RRI, it was discovered that the tool, based on rates per 1000 youth, was not valid for case numbers of less than 200. Montana's statewide case numbers for most minority populations, beyond the arrest and referral stages of the system, are less than 200 cases.

Montana requested and received technical assistance from Wm. Feyerherm, PhD to modify the Relative Rate Index to be a more statistically accurate tool for use with Montana's small numbers. The tool developed by Dr. Feyerherm is based on relative rates per 100 youth. It is not likely statistically reliable for determining overrepresentation when case numbers drop below 60. The number of minority cases beyond point of detention in the juvenile justice system are less than sixty. Therefore, an alternative tool to assess DMC is needed for those contact points in the deeper end of the system.

### **B. 2003 IDENTIFICATION OF DATA BARRIERS BY SYSTEM CONTACT POINTS:**

Montana found that it did not have access to data that strictly met the requirements described for completing OJJDP's Relative Rate Index (RRI). Therefore, to complete the RRI, best available data was used. The limitations of the data sources used to compile baseline data are set forth below by system contact point:

### **1. Population data – Census and estimated census data**

Census population data was used in the baseline assessment and estimated census data is generally the best population data for assessing most areas of Montana. However, for communities near reservations, universities, and military bases, school enrollment figures showed *higher* minority counts than did census counts/projections. Sole use of census population numbers for assessing DMC statewide and at community levels results in an overstatement of DMC because military, university, and reservation populations are transient and tend to be counted in the population of the states/reservations that they claim as their home even though they reside off-reservation/out-of-state in Montana. As a predominantly white state, most of Montana’s minority groups are associated with reservations, universities, and military bases. Sole use of school enrollment is not realistic statewide as it doesn’t include drop outs or youth never enrolled in school. Small changes in numbers can have a large impact on Montana’s small numbers of cases.

### **2. Arrest data - Montana Incident Based Reporting System (MIBRS) and Child and Adult Protective/Juvenile Probation Information System (CAPS/JPIS)**

- a) MIBRS is not certified by the FBI because not all counties, including one of the largest population centers, report data to MIBRS;
- b) The Juvenile Probation CAPS/JPIS system is used primarily by the larger Juvenile Probation districts, therefore it is a more reliable source of arrest data than the MIBRS and was used to develop baseline data. (Reference limitations to CAPS/JPIS data listed in 3 (a) below.

### **3. Referral data - Child and Adult Protective/Juvenile Probation Information System (CAPS/JPIS)**

- a) CAPS/JPIS’s DOS based system technology is outdated, time consuming and confusing for new users, creating training gaps. It was initially designed to capture financial, not case management information. In some districts, data is input by non-court practitioners. Reporting accuracy and timeliness varies greatly by judicial district.
- b) CAPS/JPIS database is the sole source of referral data.

**4. *Diversion data - Child and Adult Protective/Juvenile Probation Information System (CAPS/JPIS)***

- a) CAPS/JPIS's DOS based system technology is time consuming and confusing for new users, creating training gaps. In some districts, data is input by non-court practitioners. Reporting accuracy and timeliness varies greatly by judicial district.
- b) CAPS/JPIS was not set up to readily identify/count youth diverted from the system. This makes querying of data costly and time consuming.
- c) CAPS/JPIS is the sole source of diversion data.

**5. *Detention data - Juvenile Detention Reporting System (JDRS)***

- a) Juvenile detentions are reported to JDRS upon release from detention, therefore detention counts do not include youth currently in detention.
- b) JDRS does not provide for reporting of youth as "Other/Mixed".
- c) MT has a significant number of youth placed in local detention facilities by federal and tribal entities because it: has 7 American Indian reservations, representing eleven tribes within the state's boundaries, is largely agricultural which draws migrant workers; and borders Canada where illegal aliens are detained by border patrol. Small differences in numbers can have a very large impact on MT's RRI rates. The state cannot control federal, tribal or out-of-state court decisions to place youth in secure custody as long as such decisions are lawful. Therefore MT chooses to include only those youth placed in secure custody by state courts in counts for the RRI. This results in vastly different DMC data than that reported in federal one day counts of secure facilities that do include youth placed under federal, tribal or out-of-state jurisdictions.

**6. *Cases Petitioned (Charges Filed) - Child and Adult Protective/Juvenile Probation Information System (CAPS/JPIS)***

- a) CAPS/JPIS's DOS based system technology is time consuming and confusing for new users, creating training gaps. In some districts, data is input by non-court practitioners. Reporting accuracy and timeliness varies greatly by judicial district.
- b) Except for American Indians/Native Alaskans, minority cases are too few in number at this level of contact with the system for the

modified RRI instrument likely to be statistically reliable.  
(Reference Section II A above.)

**7. *Cases Resulting in Delinquent Findings - Child and Adult Protective/Juvenile Probation Information System (CAPS/JPIS)***

- a) CAPS/JPIS's DOS based system technology is time consuming and confusing for new users, creating training gaps. In some districts, data is input by non-court practitioners. Reporting accuracy and timeliness varies greatly by judicial district.
- b) Except for American Indians/Native Alaskans, minority cases are too few in number at this level of contact with the system for the modified RRI instrument likely to be statistically reliable.  
(Reference Section II A above.)

**8. *Cases resulting in Probation Placement - Child and Adult Protective/Juvenile Probation Information System (CAPS/JPIS)***

- a) CAPS/JPIS's DOS based system technology is time consuming and confusing for new users, creating training gaps. In some districts, data is input by non-court practitioners. Reporting accuracy and timeliness varies greatly by judicial district.
- b) Except for American Indians/Native Alaskans, minority cases are too few in number at this level of contact with the system for the modified RRI instrument likely to be statistically reliable.  
(Reference Section II A above.)

**9. *Cases Resulting in Confinement in secure Juvenile Correctional Facilities – Juvenile Correction's Databases.***

- a) There is no database that tracks all youth for the Department of Corrections (DOC). There are individual databases that track incarcerated youth, one for the girls' facility and one for boys' facility, one for paroled youth, etc. DOC numbers of youth in correctional facilities don't reconcile to Court databases of the numbers of youth transferred to the Department of Corrections. Part of the issue may be that CAPS/JPIS does not have access to data relative to youth released and brought back to secure correctional facilities for parole (aftercare) violations.

- b) The ability to query CAPS/JPIS makes it a more timely and cost effective source of data for purposes of monitoring and evaluating DMC compared to DOC data.
- c) CAPS/JPIS's DOS based system technology is time consuming and confusing for new users, creating training gaps. In some districts, data is input by non-court practitioners. Reporting accuracy and timeliness varies greatly by judicial district.
- d) Except for American Indians/Native Alaskans, minority cases are too few in number at this level of contact with the system for the modified RRI instrument likely to be statistically reliable. (Reference Section II A above.)

### ***10. Cases Transferred to Adult Court***

- a) MT law allows youth cases for youth over the age of 17 to be direct filed in District Court. Courts Administration is in the process of developing databases for both the District and lower courts. Currently any reports are paper based.
- b) In most larger Youth Court districts, youth transferred and direct filed to District Courts are reported to juvenile probation and input to the CAPS/JPIS System. However, not all District Courts report youth direct filed into the Adult Court to Juvenile Probation.
- c) CAPS/JPIS's DOS based system technology is time consuming and confusing for new users, creating training gaps. In some districts, data is input by non-court practitioners. Reporting accuracy and timeliness varies greatly by judicial district.
- d) The ability to query CAPS/JPIS makes it a more timely and cost effective source of data for purposes of monitoring and evaluating DMC compared to DOC data.

## **C. BASELINE RRI ASSESSMENT**

Using the revised tool, Montana developed the following RRI 2003 baseline data for Disproportionate Minority Contact with the juvenile justice system:

### ***1. Hispanic Latino Youth***

2003 baseline Hispanic/Latino data for all Hispanic/Latino youth shows no evidence that suggests DMC exists at the stages of arrest through diversion. Numbers of youth securely detained show Hispanic youth were 2.41 times more likely to be detained than were white youth. Numbers of youth cases petitioned through cases transferred to adult court were less

than 60 cases which is too small to produce statistically reliable results using the RRI instrument.

Baseline data for Hispanic/Latino males indicates that they were 1.16 times more likely to be arrested than were White males. There is likely no overrepresentation of Hispanic males for referral and diversion. Numbers for the remainder of the system from detention through transfer to adult court were too small to be statistically reliable.

The only baseline data for Hispanic/Latino females with sufficient data for reliable results was referral to juvenile court. The RRI test shows there was probably no DMC for Hispanic females referred to juvenile court.

## **2. *American Indian/Alaskan Native***

Baseline 2003 RRI American Indian/Alaskan Native data for all youth showed evidence that American Indian/Alaskan Native youth were 2.3 times more likely to be arrested and referred to youth court than were White youth. They were slightly less likely (0.85) times to be diverted and 1.5 times more likely than White youth to be securely detained. There was likely no overrepresentation for charges filed in court or cases resulting in delinquent findings. They were 1.36 times more likely than White youth to be placed on formal probation. The number of cases for secure correctional confinement and transfers to adult court were so small the RRI test is probably not reliable.

A similar pattern was displayed for male youth except at slightly lower rates. Female youth were 2.83 times more likely to be arrested, two and a half times more likely to be referred to youth court, 2.14 times more likely to be detained, and slightly (0.90) less likely to be diverted than White youth. There were not sufficient numbers of female youth for the RRI to likely be reliable for charges filed through transfers to adult court.

## **3. *Mixed/Other***

Data for all youth in the Mixed/Other category show youth were 4.24 and 4.44 times more likely to be arrested and referred respectively to youth court than were White youth. There was likely no DMC at level 4, diversion. The data base used for detention data does not provide for an "Other/Mixed" category. Case numbers for charges filed through cases transferred to adult court were too small for the results to be reliable.

Data showed male youth in this category were 4.31 times more likely to be arrested, 4.52 times more likely to be referred to youth court, and slightly less likely to be diverted (0.94) than were White youth. The data base used for collection of detention data does not provide for an "Other/Mixed" category. Because the number of cases for charges filed through transfers to adult court were less than 60, the results of the RRI are probably not reliable.

Data for female youth in the “Other/Mixed” category showed they were 4.09 times more likely to be arrested, 4.27 times more likely to be referred, and were diverted at the same rate as White youth. The data base used for detention data did not provide for an “Other/Mixed” category. The small number of cases for the remaining decision points in the system were likely too small for the results of the RRI to be reliable.

#### ***4. All Minority Youth***

The combined data for all minority juveniles in Montana shows overall, minority youth were 2.29 times more likely to be arrested, 2.26 times more likely to be referred to youth court, and slightly less likely (0.89) to be diverted, 1.18 times more likely to be detained, were probably not petitioned nor found delinquent at rates different than White youth, and were probably placed on formal probation 1.42 times more often than were White youth. The total numbers of cases for placement in secure correctional facilities and transfers to adult court were probably too small to produce reliable RRI results.

That pattern appears to hold true for data on all minority males except there was probably no overrepresentation of males for secure detention through placement on formal probation.

Minority females were slightly higher at 2.5 times more likely to be arrested, 2.33 times more likely to be referred to youth court, .94 times less likely to be diverted, and 1.6 times more likely to be detained than were White females. The total number of female cases for the decision points of charges filed through transfer to adult court were likely too small to be statistically reliable.

### **D. MONTANA LEGISLATED ASSESSMENT OF REASONS FOR DMC**

April 18, 2005 House Joint Resolution 15, a joint resolution of the Senate and the House of Representatives of the State of Montana requesting an interim study to review issues related to sentencing practices and the disproportionate representation of minorities in the criminal justice and corrections systems, became law.

The resolution reads in part,

“WHEREAS, Indian youth are also disproportionately overrepresented in the Youth Court system, representing 12% to 18% of arrests, referrals to juvenile court, secure detention, petition filings, delinquent findings, probation placement, and secure confinement, and in the juvenile corrections systems, ranging from 20% at the Pine Hills Youth Correctional Facility for boys and up to 50% at the Riverside Youth Correctional facility for girls, and

WHEREAS, two-thirds of Indians in Montana live on reservations under federal jurisdiction, and the Indian adults and youth who are in federal prisons or under federal supervision are not reflected in the state

statistics, which further exacerbates and distorts the magnitude of the disproportionality.

NOW THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA or direct sufficient staff resources to study the reasons, including quality of counsel, arrest rates, detention in jail versus release on bail, the various uses of plea agreements and trials, rates of conviction, sentencing patterns, opportunities for effective treatment, rates of incarceration, rates in receiving deferred or suspended sentences and in granting of parole, and differences in probation and parole revocations, why there is a disproportionate number of adult and youth minority persons in the criminal justice system in Montana.

BE IT FURTHER RESOLVED, that the committee make recommendations for the criminal justice and corrections systems and the Judiciary to alleviate any disparate treatment of minorities.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2006.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 60<sup>th</sup> Legislature, each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa, the Governor, the Montana Congressional Delegation, and the Bureau of Indian Affairs of the United States Department of the Interior.”

## **E. SECURE DETENTION ASSESSMENT**

### ***1. Analysis of jurisdiction by minority group and gender***

Although the number of youth under the jurisdiction of the Department of Corrections make up a small portion of the total youth released from detention (Reference the following pie charts),



**2004 RRI Releases from Detention  
Female Youth  
by Jurisdiction**



**2004 RRI Releases from Detention  
Male Youth  
by Jurisdiction**



DMC among American Indian/Alaskan Native youth appears to be more pronounced for this population, especially girls. (Reference the following matrices and pie charts.) DMC in 2004 releases from detention was primarily an issue for American Indian youth and, except for transfers to adult court, more of an issue for girls than it was for boys. American Indian/Alaskan Natives females made up 6.5% of the projected general population in 2004, but comprised 37% of all girls under the jurisdiction of the Department of Corrections released from detention, and 25% of all girls under the jurisdiction of the youth courts released. American Indian/Alaskan Native boys also made up 6.5% of the projected general population in 2004, but represented 20% of all boys under the jurisdiction of the Department of Corrections (DOC) released from detention and 15% of all boys under the jurisdiction of youth courts released from detention. No American Indian/Alaskan Native females and only 1 male were released in 2004.

Hispanic boys and girls comprise 2.25% of the general population for their respective genders, but represented 3% of pre-adjudicated

youth of their respective genders released from detention and 2% of adjudicated youth under the jurisdiction of the Department of Corrections for their respective sexes.

**2004 Female Youth RRI Releases from Detention  
Grouped by Jurisdiction and Race/Ethnicity  
by Jurisdiction**

Jurisdiction	W	B	H	A	NH/OPI	AI/AN	Total	%
Dept. of Corrections	28	2	1	0	0	18	49	8%
Adult Court	4	0	0	0	0	0	4	1%
Youth Court	399	8	18	2	2	142	571	92%
<b>Total</b>	<b>431</b>	<b>10</b>	<b>19</b>	<b>2</b>	<b>2</b>	<b>160</b>	<b>624</b>	
<b>%</b>	<b>69%</b>	<b>2%</b>	<b>3%</b>	<b>0%</b>	<b>0%</b>	<b>26%</b>		<b>100%</b>

**2004 Male Youth RRI Releases from Detention  
Grouped by Jurisdiction and Race/Ethnicity  
by Jurisdiction**

Jurisdiction	W	B	H	A	NH/OPI	AI/AN	Total	%
Dept. of Corrections	123	1	3	0	0	32	159	11%
Adult Court	31	2	0	0	0	1	34	2%
Youth Court	1025	29	45	5	6	193	1303	87%
<b>Total</b>	<b>1179</b>	<b>32</b>	<b>48</b>	<b>5</b>	<b>6</b>	<b>226</b>	<b>1496</b>	
<b>%</b>	<b>79%</b>	<b>2%</b>	<b>3%</b>	<b>0%</b>	<b>0%</b>	<b>15%</b>		<b>100%</b>

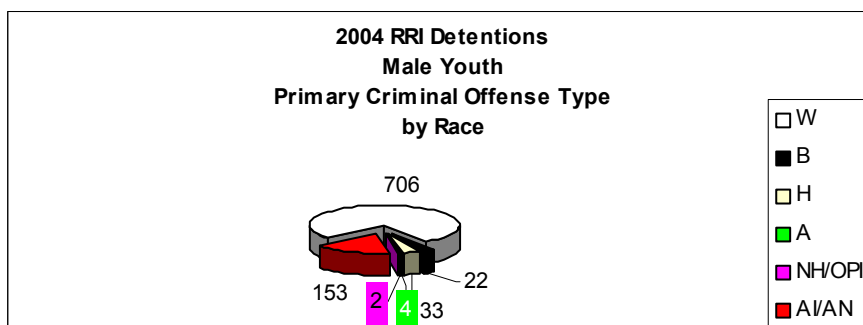
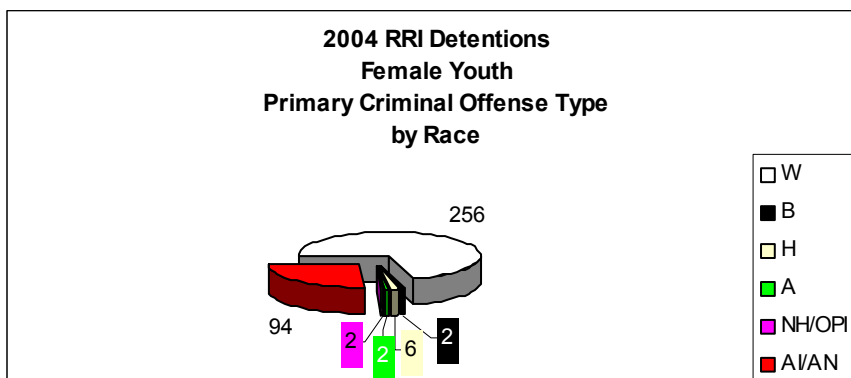
**2. Analysis by Offense Type (Status offense, Criminal Offense, or Technical violation) by Race/Ethnicity and Gender**

Montana state laws do not allow for secure detention of juveniles in protective custody of the court (non-offenders) or for youth that commit status offenses. Neither do they allow for any dispositions for probation violations that were not available for the original offense. Therefore, in 2004 only two status offenders were released from secure detention, one boy and one girl. Both incidents were in violation of state and federal law.

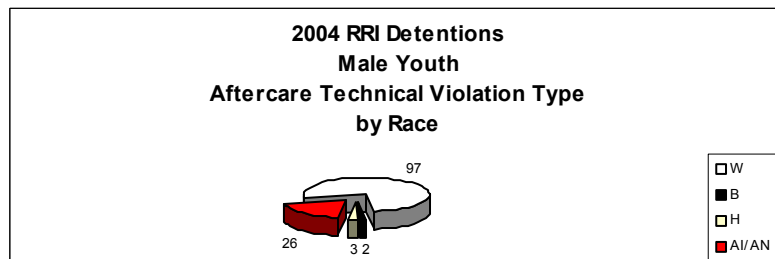
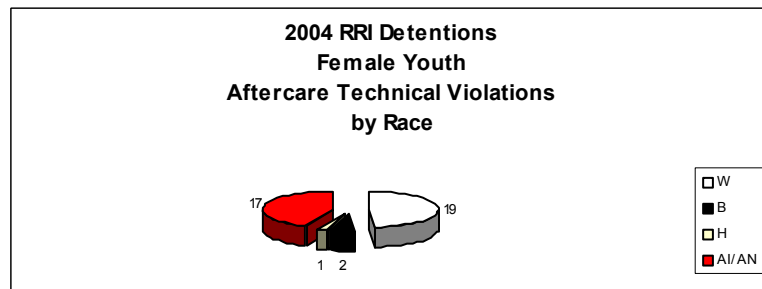
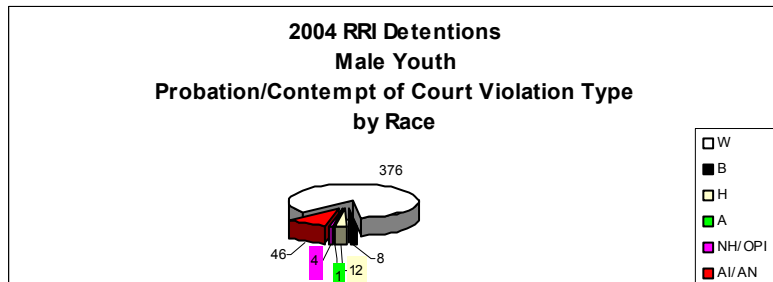
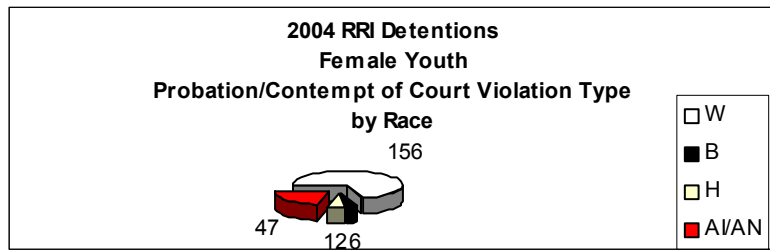
Of Hispanic youth released from detention, 32% of females and 69% of males were held for criminal type offenses. 68% of females and 31% of males were held for technical (probation or parole) violations.

Of American Indian/Alaskan Native releases 58% of female and 68% of male releases were for criminal type offenses, and 40% of girls and 32% of boys were released for technical violations. The following charts show the break out by gender and race for criminal type offenses.

This compares to White detentions where 59% of female and 60% of male releases from detention were for criminal type offenses and 41% female and 40% male held for technical violations.



The following charts show that for technical violations, female gender is impacted more than boys, especially for aftercare violations:



### 3. Analysis of Differential Offending

As the following tables show, the primary offense for which youth had been held in detention and released in 2004, regardless of gender or race/ethnicity was probation violation. This speaks loudly of a need for a system of graduated sanctions in the state. With the

exception of Hispanic females whose numbers were too small to be statistically reliable, it appears that minority youth were less likely to be detained for probation violations than were white youth.

Among American Indian/Alaskan Native youth, females were nearly three times and boys 1 ½ times as likely to be detained for Aftercare (parole) violations than were White youth. American Indian/Alaskan Native female youth were twice as likely as White girls to be detained for simple assault with minor injuries. Hispanic and American Indian/Alaskan Native males were 1 ½ times more likely to be detained for simple assault with minor injuries than were White males. Hispanic males were slightly more likely to be detained for Partner/Family Member Assault than were White males. American Indian/Alaskan Native males were slightly more likely to be detained for Disorderly Conduct than were White males. American Indian/Alaskan Native males were 1 ¼ times more likely than White males to be detained for burglary. American Indian/Alaskan Native youth were 3 ½ times as likely as White males to be detained for Obstruction of Justice.

No conclusions may be drawn from the fact that minority youth were likely to be detained at higher rates than White youth for similar crimes, as there is no requirement to use an objective culturally appropriate instrument for assessing risk prior to detention.

- a) The top five offenses for which 74% of White female youth were placed in detention were:

Rank	Offense	Count	%
1.	Probation violation/Contempt of Court	156/432	36%
2.	Partner/Family Member Assault	70/432	16%
3.	Theft	54/432	13%
4.	Disorderly Conduct	22/432	5%
5.	Aftercare (Parole) Violation	19/432	4%

- b) The top three offenses for which 74% of Hispanic female youth were placed in detention were:

1.	Probation violation/Contempt of Court	12/19	63%
2.	Partner/Family Member Assault	1/19	5%
3.	Theft	1/19	5%

- c) The top six offenses for which 76% of American Indian/Alaskan Native females were placed in detention were:

1.	Probation violation/Contempt of Court	47/160	29%
2.	Theft	21/160	13%

Rank	Offense	Count	%
3.	Partner/Family member assault	18/160	11%
4.	Aftercare (Parole) violation	17/160	11%
5.	Simple assault (Minor injuries)	11/160	7%
6.	Disorderly conduct	7/160	4%

d) The top eight offenses for which 76% of White males were placed in detention were:

1.	Probation violation/Contempt of Court	376/1179	32%
2.	Theft	113/1179	10%
3.	Partner/Family member assault	109/1179	9%
4.	Aftercare (Parole) violation	97/1179	8%
5.	Burglary	67/1179	6%
6.	Simple assault (minor injuries)	56/1179	5%
7.	Disorderly conduct	40/1179	3%
8.	Drug possession	38/1179	3%

e) The top ten offenses for which 75% of Hispanic males were placed in detention were:

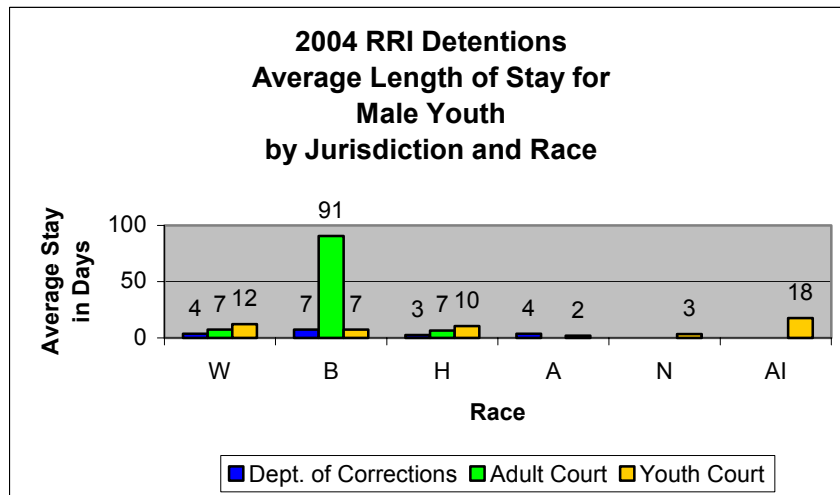
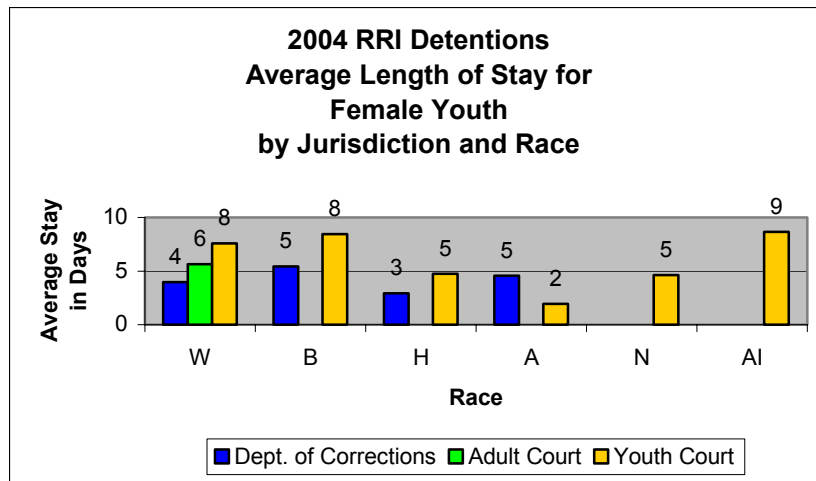
1.	Probation violation/Contempt of Court	12/48	25%
2.	Partner/Family member assault	5/48	10%
3.	Simple assault (minor injuries)	4/48	8%
4.	Aftercare (Parole) violation	3/48	6%
5.	Theft	2/48	4%
6.	Burglary	2/48	4%
7.	Assault with a weapon	2/48	4%
8.	Possession of precursors, dangerous drugs	2/48	4%
9.	Criminal possession of drugs w/ intent to sell	2/48	4%
10.	Robbery	2/48	4%

f) The top nine offenses for which 75% of American Indian/Alaskan Native males were placed in detention were:

1.	Probation violation/Contempt of Court	46/226	20%
2.	Aftercare (Parole) violation	26/226	12%
3.	Theft	22/226	10%
4.	Partner/Family member assault	20/226	9%

Rank	Offense	Count	%
5.	Burglary	17/226	8%
6.	Simple assault (minor injuries)	15/226	7%
7.	Disorderly conduct	9/226	4%
8.	Obstruction of justice	8/226	4%
9.	Criminal mischief (vandalism)	6/226	3%

#### 4. Analysis by Length of Stay



With the exception of Black male youth under the jurisdiction of District Adult Court who averaged 91 days, male and female American Indian/Alaskan Native youth under the jurisdiction of the Youth Court averaged the longest length of stay for youth of any race/ethnicity. American Indian boys averaged 18 days and American Indian females averaged 9 days. This compares to White boys who averaged 12 days and White girls who averaged 8 days. Both Hispanic girls and Hispanic boys had lower average stays than did their White counterparts.

5. *Recidivism analysis*

<b>2004 RRI Releases from Detention Female Youth Grouped by Number of Releases. Per Youth and Race/Ethnicity in Descending Order by No. of Detentions Per Youth</b>														
Releases. Per Youth	W Youth	B Youth	H Youth	A Youth	NH/OPI Youth	AI/AN Youth	Total Youth	W Releases	B Releases	H Releases	A Releases	NH/OPI Releases	AI/AN Releases	Total Releases
9	1	0	0	0	0	0	1	9	0	0	0	0	0	9
7	1	0	0	0	0	1	2	7	0	0	0	0	7	14
6	1	0	0	0	0	0	1	6	0	0	0	0	0	6
5	4	0	0	0	0	1	5	20	0	0	0	0	5	25
4	9	1	0	0	0	4	14	36	1	0	0	0	16	56
3	19	0	1	0	0	7	27	57	0	3	0	0	21	81
2	37	2	2	0	0	21	62	74	2	4	0	0	42	124
1	222	2	12	2	2	69	309	222	2	12	2	2	69	309
<b>Total</b>	<b>294</b>	<b>5</b>	<b>15</b>	<b>2</b>	<b>2</b>	<b>103</b>	<b>421</b>	<b>431</b>	<b>5</b>	<b>19</b>	<b>2</b>	<b>2</b>	<b>160</b>	<b>624</b>

<b>2004 RRI Releases from Detention Male Youth Grouped by Number of Releases. Per Youth and Race/Ethnicity in Descending Order by No. of Detentions Per Youth</b>														
Releases. Per Youth	W Youth	B Youth	H Youth	A Youth	NH/OPI Youth	AI/AN Youth	Total Youth	W Releases	B Releases	H Releases	A Releases	NH/OPI Releases	AI/AN Releases	Total Releases
14	1	0	0	0	0	0	1	14	0	0	0	0	0	14
11	1	0	0	0	0	0	1	11	0	0	0	0	0	11
9	1	0	0	0	0	0	1	9	0	0	0	0	0	9
7	2	0	0	0	0	0	2	14	0	0	0	0	0	14
6	4	0	0	0	0	1	5	24	0	0	0	0	6	30
5	5	0	0	0	0	2	7	25	0	0	0	0	10	35
4	24	0	0	1	0	5	30	96	0	0	4	0	20	120
3	58	0	1	0	0	8	67	174	0	3	0	0	24	201
2	129	8	5	0	0	24	166	258	16	10	0	0	48	332
1	554	16	35	1	6	118	730	554	16	35	1	6	118	730
<b>Total</b>	<b>779</b>	<b>24</b>	<b>41</b>	<b>2</b>	<b>6</b>	<b>158</b>	<b>1010</b>	<b>1179</b>	<b>32</b>	<b>48</b>	<b>5</b>	<b>6</b>	<b>226</b>	<b>1496</b>



91 (57%) of a total 160 detentions of American Indian/Native Alaskan girls in 2004 were the result of a single youth being detained more than once, with one girl being released from detention seven times in CY 2004. 108 (48%) of 226 American Indian/Alaskan Native male detentions were the result of a single youth being detained more than once, with one boy being released from detention six times in CY 2004. This compares to 209 (48%) of 431 White female and 625 (53%) of 1179 White male detentions were the result of a single youth being detained more than once. A White female was released from detention nine times in CY 2004 and a White male was released from detention fourteen times in CY 2004.

The high rates of recidivism for American Indian youth coupled with their high risk factors and low protective factors indicates they are in need of better access to screening for mental health/substance abuse issues and better access to related services.

### **6. Analysis by Locality**

The following tables demonstrate that the greatest impact can be made on DMC in detention by addressing the issue at the local level in the 4th, 8th, 12th, and 13<sup>th</sup> Judicial Districts.

79% of White female youth were placed by the following Judicial Districts:

Judicial District	Count	Percentage
1. 4 <sup>th</sup> (Missoula and Mineral Counties)	97/431	23%
2. 8 <sup>th</sup> (Cascade County)	76/431	18%
3. 13 <sup>th</sup> (Yellowstone County)	71/431	16%
4. 11 <sup>th</sup> (Flathead County)	68/431	16%
5. 2 <sup>nd</sup> (Silver Bow County)	28/431	6%

80% of Black female youth were placed by the following Judicial Districts:

1. 4 <sup>th</sup> (Missoula and Mineral Counties)	5/10	50%
2. 8 <sup>th</sup> (Cascade County)	3/10	30%

89% of Hispanic female youth were placed by the following Judicial Districts:

1. 13 <sup>th</sup> (Yellowstone County)	14/19	74%
2. 8 <sup>th</sup> (Cascade County)	3/19	16%

81% of American Indian/Alaskan Native female youth were placed by the following Judicial Districts:

1. 8 <sup>th</sup> (Cascade County)	42/160	26%
2. 4 <sup>th</sup> (Missoula and Mineral Counties)	41/160	26%
3. 13 <sup>th</sup> (Yellowstone County)	30/160	19%
4. 12 <sup>th</sup> (Choteau, Hill, and Liberty Counties)	17/160	11%

82% of White male youth were placed by the following Judicial Districts:

1. 4 <sup>th</sup> (Missoula and Mineral Counties)	310/1179	26%
2. 8 <sup>th</sup> (Cascade County)	204/1179	17%
3. 11 <sup>th</sup> (Flathead County)	192/1179	16%
4. 13 <sup>th</sup> (Yellowstone County)	190/1179	16%
5. 1 <sup>st</sup> (Lewis & Clark County)	69/1179	6%

Judicial District	Count	Percentage
78% of Black male youth were placed by the following Judicial Districts:		
1. 13 <sup>th</sup> (Yellowstone County)	9/32	28%
2. 8 <sup>th</sup> (Cascade County)	8/32	25%
3. 4 <sup>th</sup> (Missoula and Mineral Counties)	8/32	25%
81% of Hispanic male youth were placed by the following Judicial Districts:		
1. 13 <sup>th</sup> (Yellowstone County)	33/48	69%
2. 8 <sup>th</sup> (Cascade County)	4/48	8%
3. 2 <sup>nd</sup> (Silver Bow County)	2/48	4%
82% of American Indian/Alaskan Native male youth were placed by the following Judicial Districts:		
1. 8th (Cascade County)	65/226	29%
2. 13th (Yellowstone County)	38/226	17%
3. 12th (Choteau, Hill, and Liberty Counties)	35/226	15%
4. 4th (Missoula and Mineral Counties)	23/226	10%
5. 17th (Blaine, Phillips & Valley Counties)	16/226	7%
6. 2nd (Silver Bow County)	9/226	4%

### III. Intervention and Performance Measures for 2006 - 2008

#### A. STATEWIDE INITIATIVES

##### 1. *Continue to have DMC Committee meet to plan, evaluate and monitor DMC.*

- a) Number of planning meetings held.

##### 2. *Continue Addressing the Data Barriers*

Beginning in 2006 Montana will implement the JIS integration plan developed with JABG funds. Short term output measures will be:

- a) Number of data improvement projects implemented
- b) Number of state agencies reporting improved data collection systems
- c) Number of local agencies reporting improved data collection systems

##### 3. *Continue Addressing Barriers to Relative Rate Assessment for Youth in the Deeper End of the JJ System.*

The Statistical Analysis Center will evaluate potential statistical models that can be used to assess relative rates for numbers of cases less than 60.

- a) Number of statistical models evaluated

- b) Number of statistical models implemented

#### **4. Continue Implementing Programs that Address the Contact Points of the System with DMC**

- a) Arrest and Referral to Juvenile Court

- (1) *Do a follow-up survey of law enforcement in MT to find out how many have implemented agency policies and procedures since MLEA's initial baseline survey and distribution of sample policies.*

- (a) Number of program/agency policies or procedures created, amended, or rescinded.

- (2) *Continue to make assessing and if necessary, addressing and monitoring of DMC with the RRI a requirement for local communities to receive Title II Formula grant funding.*

- (a) Number of applications reviewed that have completed local RRI's.

- (3) *Continue to make local programs that address DMC a funding priority for the Title II Formula grant funding.*

- (a) Number of programs funded

- (4) *Continue to make funding Native American Model and Best practice programs in excess of the JJDP pass through requirement a priority for the Title II Formula grant funding.*

- (a) Number of programs funded

- b) Detention

- (1) *Provide technical assistance for courts to use culturally appropriate screening tools such as MAYSI 2 (available in the JCATS case management program that was implemented by the Youth Courts in 2005) to identify youth that need to be referred for mental health or substance abuse evaluations.*

- (a) Technical assistance provided
- (b) Screening tools implemented

- (2) *Continue to make funding culturally appropriate and female gender specific alternatives to detention a priority for Title II Formula grant funding.*

- (a) Number of programs funded
- (3) *Request technical assistance to locate an objective and culturally appropriate public safety/flight risk assessment to be used with all youth prior to placement in secure detention (Perhaps JDAI)*
  - (a) Technical assistance requested
  - (b) Safety/flight risk assessment tool implemented
  - (c) Reduction in the number of youth detained.
- (4) *Request technical assistance to develop a sentencing matrix (graduated sanctions) for the purposes of implementing culturally appropriate and gender specific graduated sanctions for technical violators that provide alternatives to detention. (Perhaps JDAI)*
  - (a) Technical assistance requested
  - (b) System of graduated sanctions implemented
  - (c) Reduction in the number of youth detained.
- (5) *Request technical assistance to address the length of stay issue for youth under the jurisdiction of the Youth Court. (Perhaps JDAI).*
  - (a) Technical assistance requested
  - (b) Number of culturally and gender appropriate programs funded as alternatives to detention.
  - (c) Reduction in lengths of stay in detention

## **B. LOCAL INITIATIVES**

- 1. Continue funding 2 DMC programs in communities that have most potential for impacting statewide DMC.**
  - a) Number of programs funded
- 2. Continue funding Tribal Best or Model Practice program(s) that engage family in excess of the Native American pass-through requirement**
  - a) Number of programs funded
- 3. Identify a 3<sup>rd</sup> DMC Community program to fund that has the most potential for impacting statewide DMC.**
  - a) Number of programs funded

## **IV. Evaluation/Monitoring**

### **A. RESULTS OF TITLE II PROGRAM PERFORMANCE WAS REPORTED IN THE DCTAT PROGRAM. SHORT TERM PERFORMANCE RESULTS FOR 2005 FOR PROGRAMS NOT USING TITLE II FORMULA GRANT PASS THROUGH FUNDS WERE:**

#### **1. Data Barriers:**

- a) Planning activities conducted:
  - (1) *JABG funds were used to develop a plan to integrate Juvenile Information Systems.*
- b) Number of State agencies reporting improved data collection systems:
  - (1) *Montana's Statistical Analysis Unit (SAC) received notification that Montana's Incident Based Reporting was approved by the FBI and has improved data collection to represent law enforcement arrest and referral data for 95% of MT's population.*
  - (2) *State general funds were used to purchase and modify the Assessments.com program package into a user friendly and well planned case management information system for district youth courts called Juvenile Court Assessment and Tracking System (JCATS) that went online in May 2005.*
  - (3) *The Department of Corrections implemented the Montana Juvenile Information System(MJIS).*

#### **2. Assessing DMC**

- a) Number of assessment studies conducted
  - (1) *An analysis of 2004 youth released from detention was performed by the DMC Coordinator whose position is supported by Title II administrative funds.*
  - (2) *Montana Law Enforcement Academy (MLEA) conducted a survey of all law enforcement offices around the state and found that just over half had no policy on racial profiling.*
- b) Number of planning activities conducted
  - (1) *5 meetings of the DMC Committee (Three quarterly, 2 conference calls)*

### **3. Addressing DMC**

a) Number of programs implemented

(1) *August 18, 2005 the Peace Officers' Standards and Training (POST) Council of the Montana Board of Crime Control (MBCC) approved a Montana Law Enforcement Academy (MLEA) Lesson Plan for a 6 hour course entitled Cultural Awareness and Racial Profiling. The training goals of the course are to:*

1. Provide students an understanding of what racial profiling is and is not.
2. Provide students with the confidence they can do their jobs effectively by targeting behavior versus race.
3. Provide an understanding of the law pertaining to racial profiling.
4. Inform students that stereotyping any group of people can lead to racial profiling, or the practice of biased based policing.
5. Promote professional behavior in all police/citizen encounters.
6. Re-introduce students to the wide population diversity in Montana.

*The performance objectives are:*

1. Students should clearly understand the law on racial profiling.
2. Students should know the definition of racial profiling.
3. Students should be able to identify and assess the potential ramifications of racial profiling.
4. Students should gain a better understanding of their own biases through self-evaluation.
5. Students should gain a basic understanding of the history of the civil rights movement and the part law enforcement played in that history.
6. Students should be able to differentiate between criminal profiling and racial profiling.
7. Students should gain a basic understanding of the population diversity in Montana.

8. Students should have a better understanding of the Law Enforcement Code of Ethics and how it relates to racial profiling.

*The evaluation technique will be class discussion, class participation in case study, and scenario review, and written curriculum evaluations.*

*System impact will be evaluated in the short term by tracking the number of law enforcement officers receiving and being certified in the training. Long term evaluation will be measured by the reduction in the rate of annual RRI for arrests and referral to youth court.*

*35 special training sessions were conducted around the state in August, September and October for certified law enforcement officers. In August the training became a requirement for certification in basic law enforcement training.*

- (2) *Montana Correctional Association provided two sessions of training on cultural sensitivity to juvenile justice professionals in September 2005 with professional credit.*
- b) Number of non program personnel trained
    - (1) *1196 through Montana Law Enforcement Academy (MLEA)*
    - (2) *44 through Montana Corrections Association Conference (MCA)*
  - c) Number of hours training provided to non-program staff.
    - (1) *33 sessions x 6 hours = 198 hours training provided by (MLEA)*
    - (2) *2 sessions x 3.5 hours = 7 hours training provided by MCA Conference*
  - d) Number of program materials developed
    - (1) *MLEA developed and distributed sample racial profiling policies and procedures for law enforcement departments.*

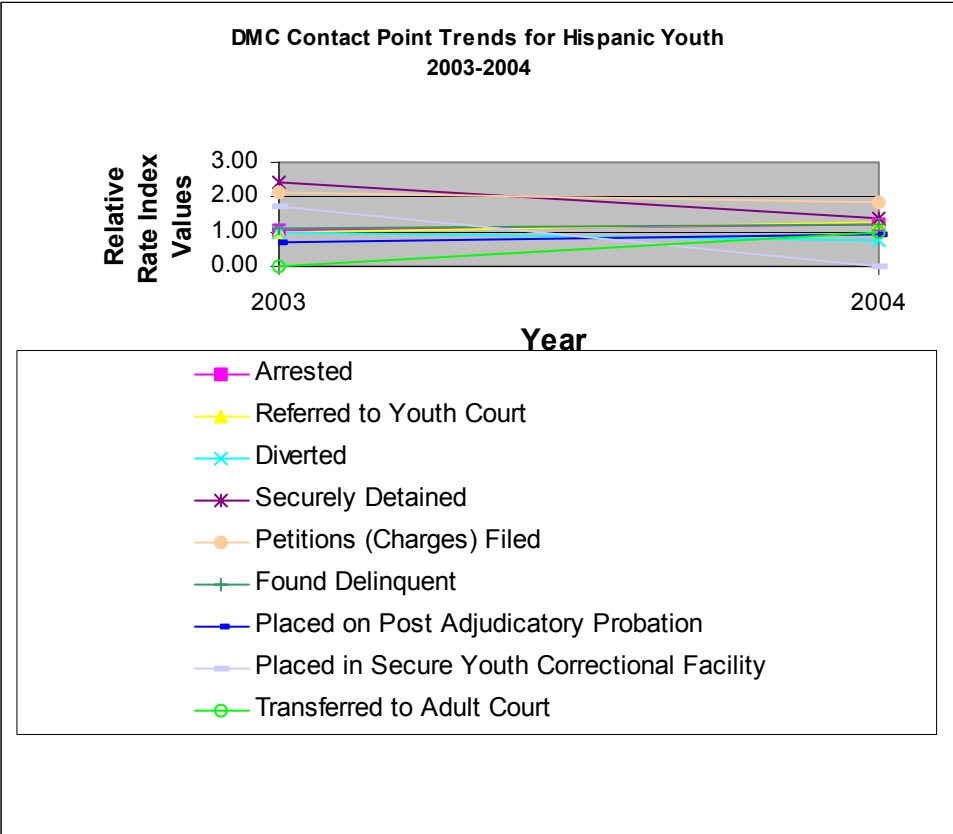
#### B. Long term Monitoring

No new minority groups were identified when updating the RRI for 2004. RRI 2003 – 2004 Trend Analysis indicates for:

**4. RRI Trend Analysis**

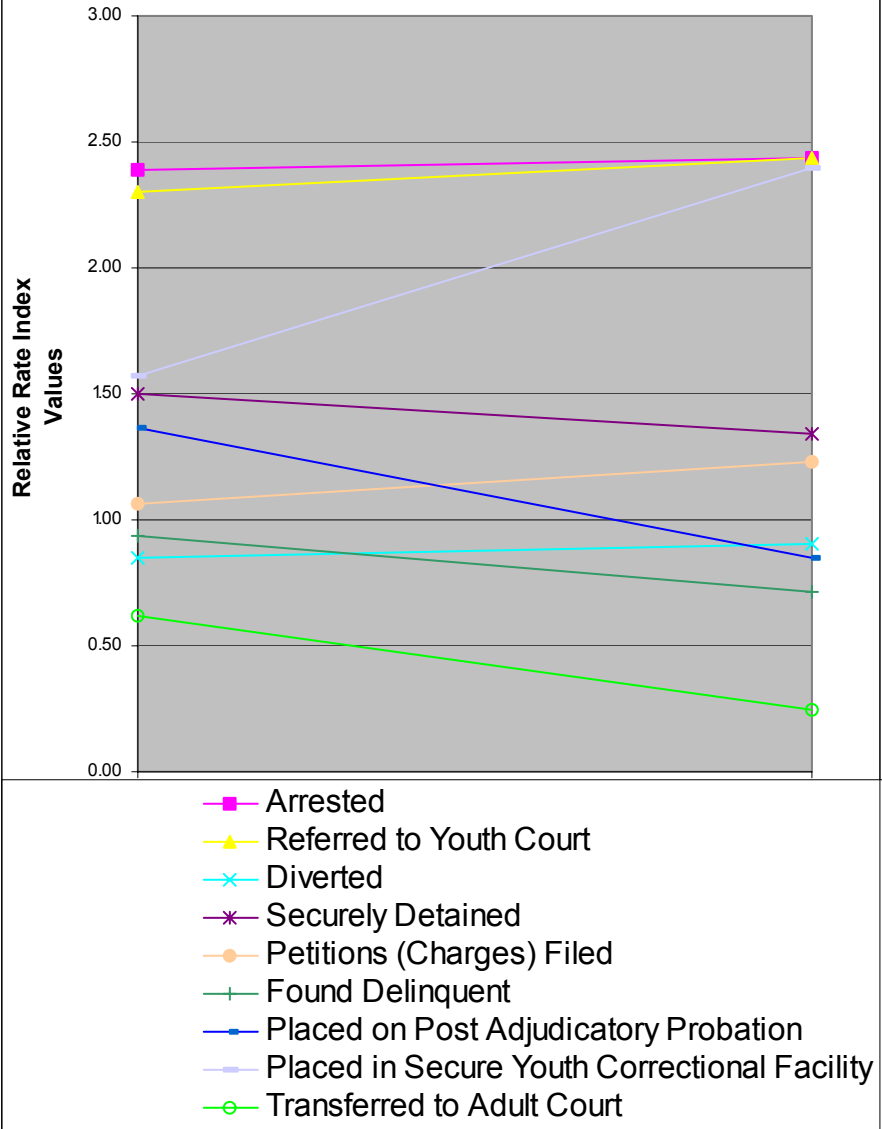
a) Statewide Hispanic youth (Reference Chart on following page)

- (1) *An increase in:*
  - (a) arrests,
  - (b) referrals,
  - (c) post-adjudicatory placements on probation,
  - (d) findings of delinquency, and
  - (e) transfers to adult court.
  
- (2) *Decreases were noted in:*
  - (a) diversion,
  - (b) detention,
  - (c) petitions (charges) filed, and
  - (d) placements in secure correctional facilities.





### DMC Contact Point Trends for American Indian Youth 2003-2004



b) Statewide American Indian/Alaskan Native youth (reference chart above)

(1) *Increases for:*

- (a) Arrests,
- (b) Referrals,
- (c) Diversions,
- (d) Petitions (charges) filed, and
- (e) Placements in secure youth correctional facilities.

(2) *Decreases for*

- (a) Detention
- (b) Post-adjudicatory probation placements
- (c) Delinquent findings, and
- (d) Transfers to adult court

c) Statewide Other Mixed (Reference chart on following page):

(1) *Increases for:*

- (a) Arrests
- (b) Referrals
- (c) Diversion
- (d) Secure Detention
- (e) Petitions filed
- (f) Placed on Post Adjudicatory Probation
- (g) Placed in Secure Youth Correctional Facilities

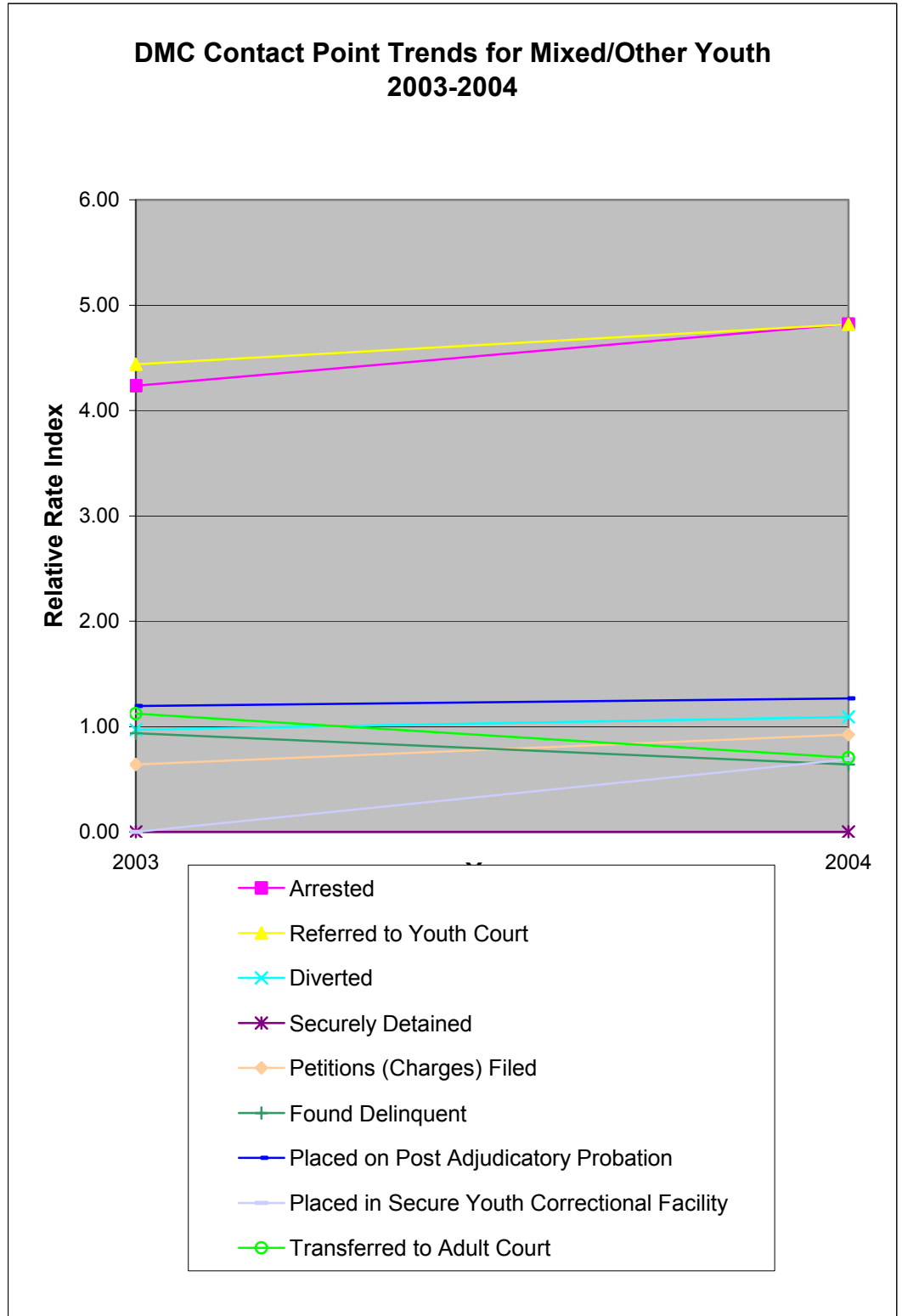
(2) *Decreases for:*

- (a) Found Delinquent
- (b) Transferred to Adult Court

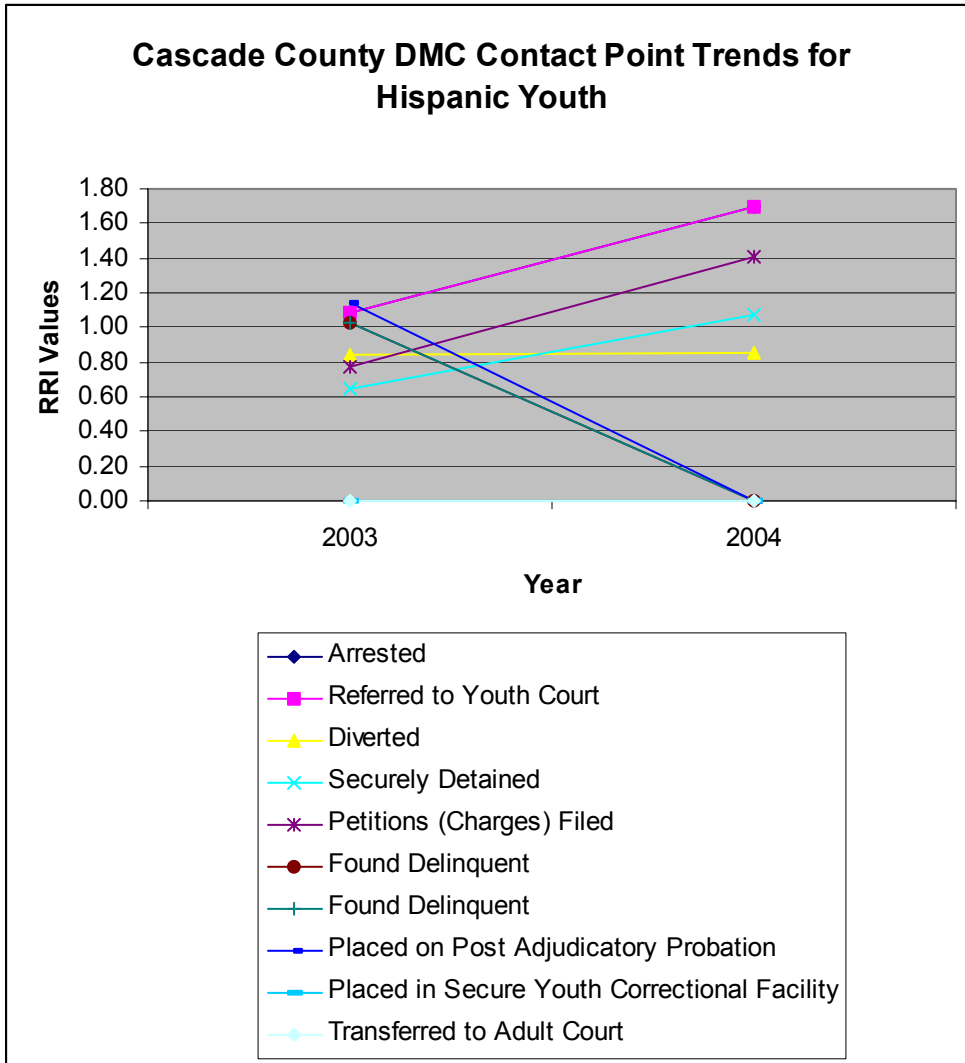
d) Statewide implications:

Due to improvements in data systems, increases at any point of contact in the RRI may be attributable to better data collection, as opposed to indicating an increase in DMC. There is sufficient anecdotal evidence to support the need for: more culturally and gender appropriate prevention and diversion programs for minority females that also engage the family; use of objective culturally and gender appropriate screening tools for early (at time of first referral to court) identification of mental health/substance abuse issues; greater use of graduated sanctions and alternatives to detention; and

improved geographic and economic access to culturally and gender appropriate services.



e) Cascade County Hispanics



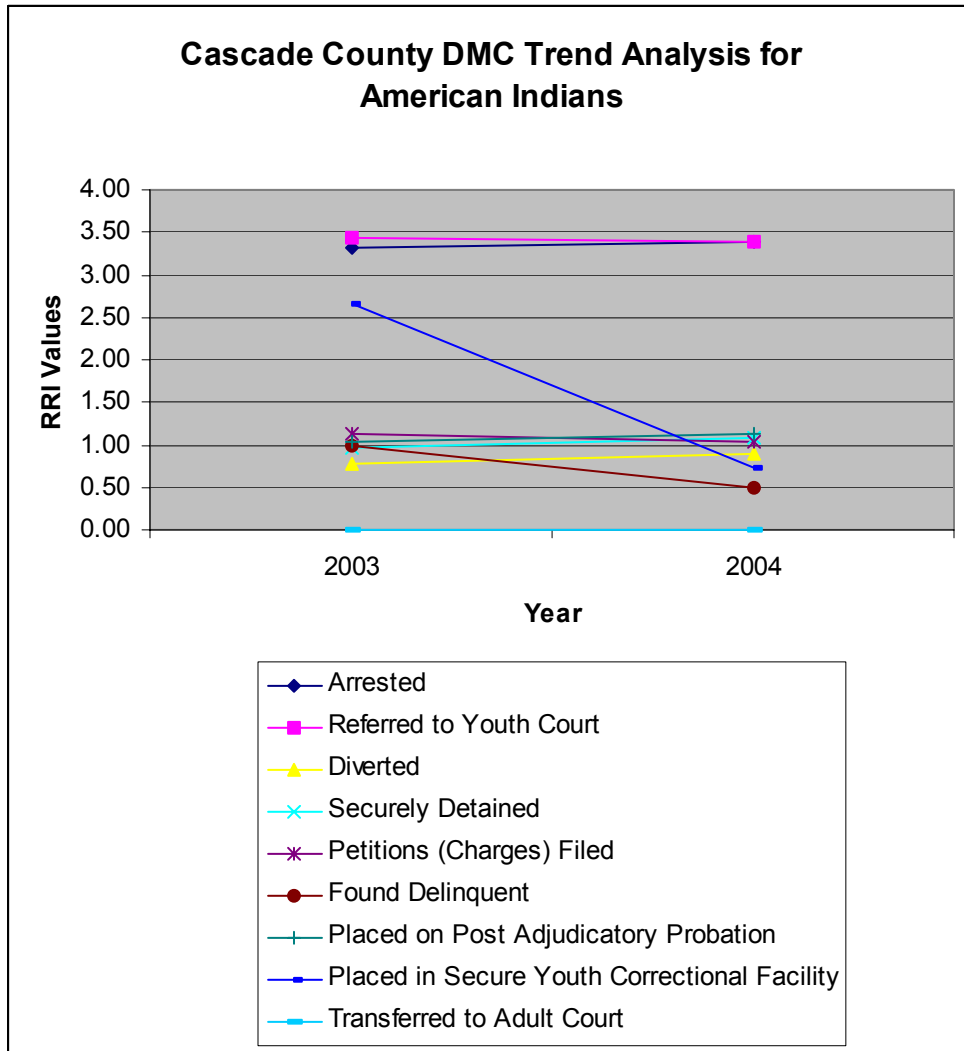
(1) *Increases for:*

- (a) Arrested
- (b) Referred
- (c) Diverted
- (d) Securely detained
- (e) Charges filed

(2) *Decreases for:*

- (a) Found Delinquent
- (b) Placed on Post Adjudicatory Probation

f) Cascade County American Indians:



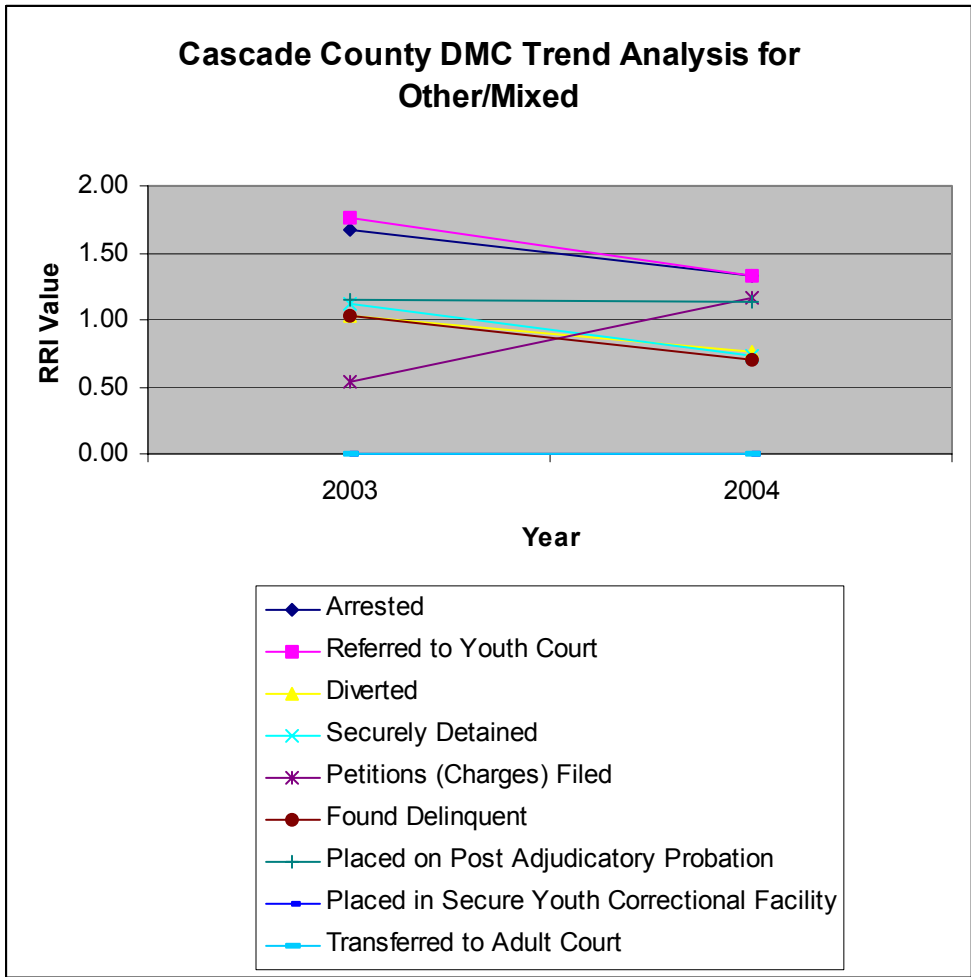
(1) *Increases for:*

- (a) Arrested
- (b) Diverted
- (c) Detained
- (d) Placed on post adjudicatory probation

(2) *Decreases for:*

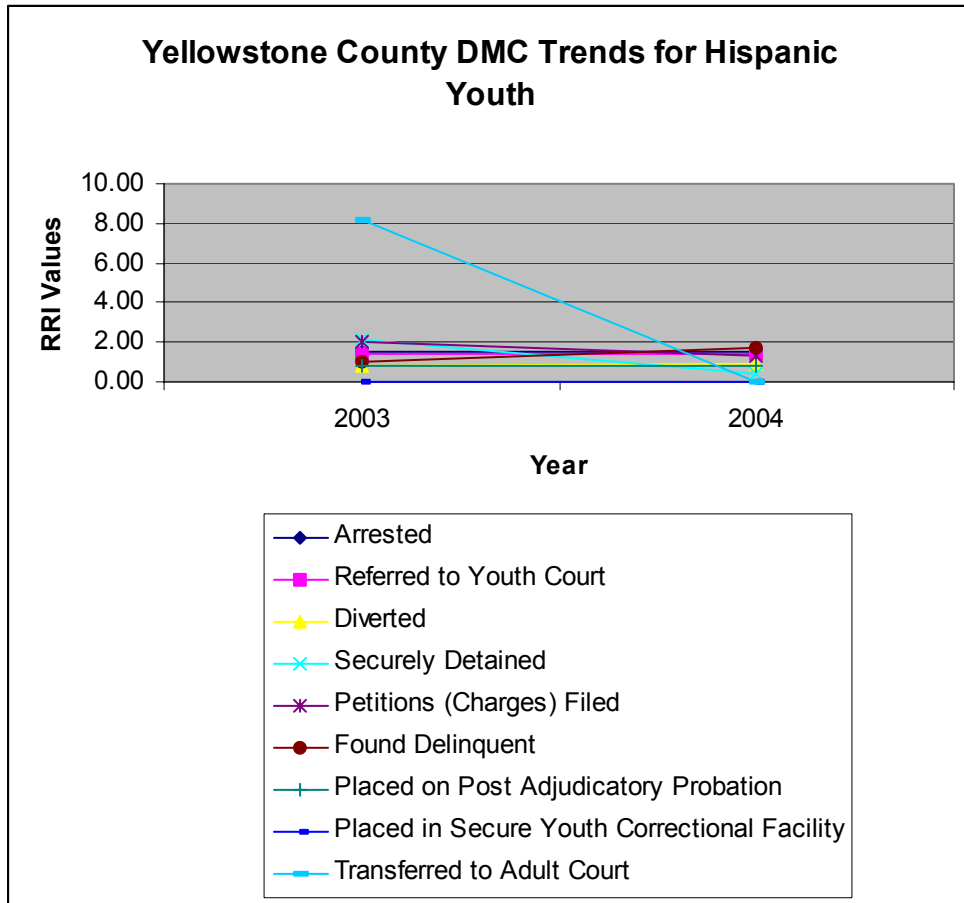
- (a) Referred
- (b) Petitions (Charges) filed
- (c) Found delinquent
- (d) Placed in secure youth correctional facility

g) Cascade County Other/Mixed:



- (1) *Increases for:*
  - (a) Petitions (Charges) filed
- (2) *Decreases for:*
  - (a) Arrested
  - (b) Referred
  - (c) Diverted
  - (d) Securely detained
  - (e) Found delinquent
  - (f) Placed on post adjudicatory probation

h) Yellowstone County Hispanics



(1) *Increase for:*

- (a) Arrested
- (b) Referred
- (c) Found delinquent

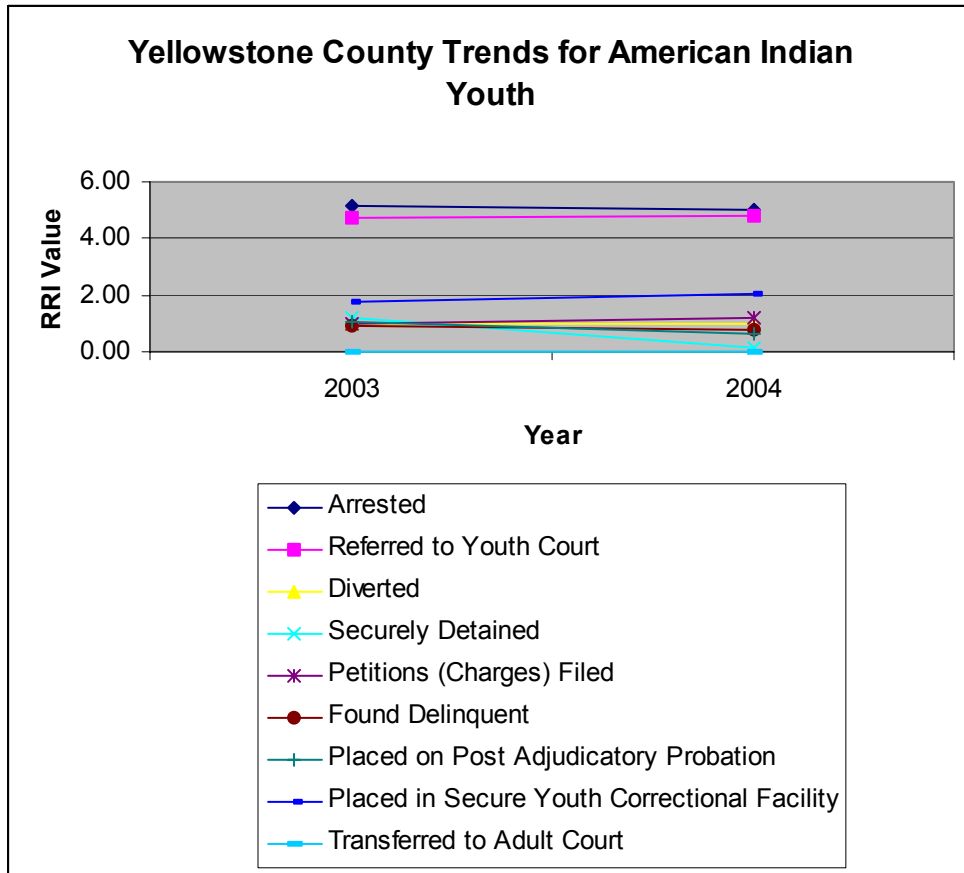
(2) *Decrease for:*

- (a) Securely detained
- (b) Petitions (Charges) filed
- (c) Placed on post adjudicatory probation
- (d) Transferred to adult court

(3) *No change for:*

- (a) Diverted

i) Yellowstone County American Indians



(1) *Increases for:*

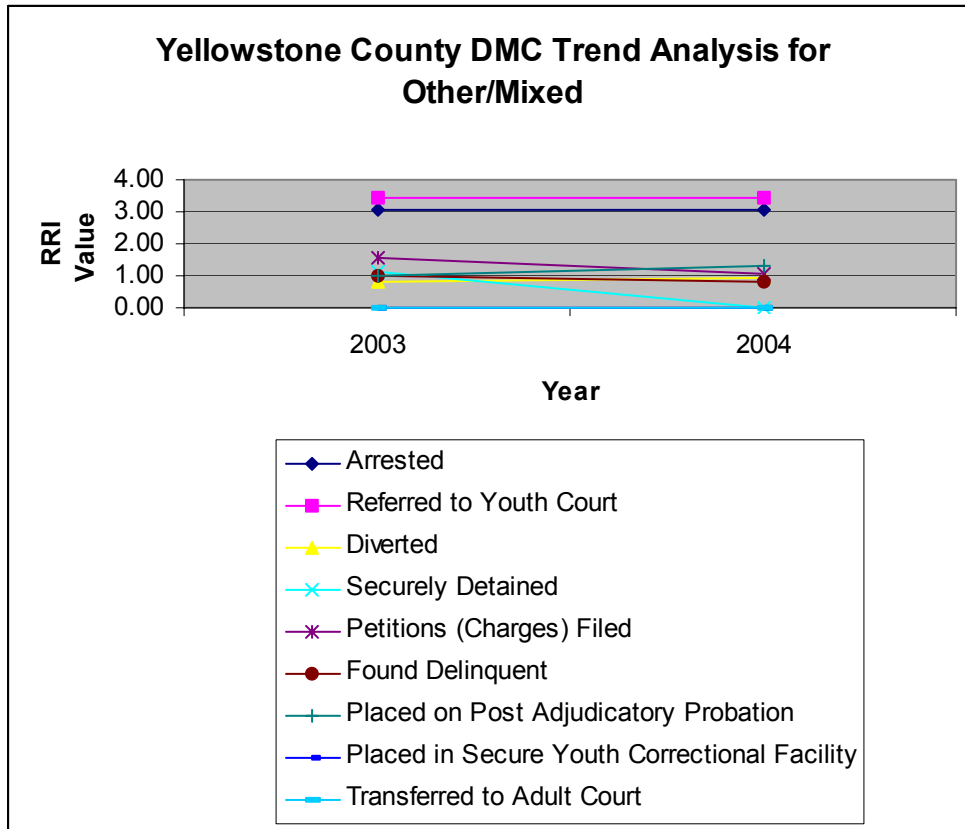
- (a) Referred to youth court
- (b) Diverted
- (c) Petitions (Charges) filed
- (d) Placed on post adjudicatory probation
- (e) Placed in secure correctional facility

(2) *Decreases for:*

- (a) Arrested
- (b) Securely detained
- (c) Found delinquent



j) Yellowstone County Other/Mixed



- (1) *Increases for:*
  - (a) Arrested
  - (b) Diverted
  - (c) Placed on post adjudicatory probation
  
- (2) *Decreases for:*
  - (a) Securely detained
  - (b) Petitions (Charges) filed
  - (c) Found delinquent
  
- (3) *No change for:*
  - (a) Referred