

Law and Justice Interim Committee
62nd Montana Legislature

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June 12, 2012

To: Law and Justice Interim Committee members
From: Jason Mohr, LSD *JM*
Re: HB142 review of advisory councils, reports

Please find a summary and review of advisory councils and reports from the Judicial Branch, Department of Corrections, Board of Pardons and Parole, and the Office of the State Public Defender.

This review is related to HB 142, which requires interim committees to review statutorily required agency reports and statutorily established advisory councils. The most-recent reports should also be attached.

Please note that only the table of contents and the executive summary have been attached for the Juvenile Delinquency Program report, as that report is 33 pages long. And the first four pages of the Report to the Public Defender Commission have been attached, as that report is 432 pages long. Please let me know if you need electronic access to complete versions of either report.

In addition, the last two medical parole reports have been attached, so the committee can see the difference in format and substance.

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HB 142 - Review of Advisory Councils and Reports

*Prepared by Jason Mohr, Legislative Research Analyst for the Law and Justice Interim committee
June, 2012*

House Bill 142 requires interim committees to review statutorily established advisory councils and required reports. The interim committee must recommend retention or elimination of these councils and reports.

This document reviews councils and reports from the Judicial Branch, Department of Corrections, Board of Pardons and Parole, and Office of the State Public Defender. The councils and reports under review are:

Judicial Branch

District Court Council

Annual report of the Judicial Standards Commission

Judicial Branch information technology status report

Juvenile Delinquency Program report

Report on expenditures authorized by annual attorney license tax

Department of Corrections

none

Board of Pardons and Parole

Report on health care costs for medical parolees

Office of the State Public Defender

Report to the Public Defender Commission

Judicial Branch

District Court Council

- Statutory authority: Section 3-1-1601, MCA, creates council. Council shall provide reports to the legislature and Supreme Court “upon request” (Section 3-1-1602, MCA)
- Initial enactment: Ch. 585, L. 2001
- Membership: Supreme Court chief justice or designee, four district court judges elected by district court judges, and four non-voting members appointed by Supreme Court (juvenile probation officer, district court clerk, county commissioner, court reporter). (Section 3-1-1602, MCA)
- Duties: Section 3-1-1601, MCA, defines council role to “adopt policies and procedures to administer the state-funded district court program.” Council policies and procedures must address: workload; resource allocation among district courts; hiring policies; court procedures; information technology; work schedules, transcript fees, and equipment for court reporters; and other issues regarding state funding of district courts. Council recommendations are subject to review by the Supreme Court.
- Meetings: Statute requires quarterly meetings
- Biennial cost: Travel expenses of council members
- Latest activities: The council met in January, when the council considered budget requests from the district courts for the next biennium. The council meets again July 20.
- Analysis: After the state assumed the costs of district courts, the District Court Council’s central role is to administer the system. Its 56 district courts – with 43 judges – handle more than 44,000 cases annually. Eliminating this council would likely produce the need to create similar centralized administrative function.

Judicial Branch

Annual report from Judicial Standards Commission

Statutory authority: Article VII, section 11 of the Montana Constitution establishes the commission. Section 3-1-1126, MC A, requires the commission to submit a report to the legislature.

Initial enactment: Ch. 441, L. 1981 (for reporting requirement)

Background: The five-member commission, which includes two district court judges, an attorney appointed by the Supreme Court, and two citizens who are neither attorneys nor judges (appointed by the governor) to investigate complaints about any state judicial officer. Complaints must be related to: disability that interferes with job performance, willful misconduct in office, failure to perform duties, breaking judicial ethics rules and "habitual intemperance" (Article VII, section 11, Montana Constitution). Commission makes recommendations to the Supreme Court for any further action. Commission must file an annual report to the legislature. Commission meets every other month; next meeting is in July.

Statutory language: The annual report must: identify each complaint, date of the complaint, nature of the complaint, previous complaints against the same judge, status of complaints, and final disposition of complaints.

Last report: Issued in January 2011.

Cost: No additional cost to produce report, as it would be produced for the Supreme Court and the commission.

Analysis: Montana Constitution established the commission. The legislature subsequently required reports from the commission. As the proceedings of commission meetings are confidential, these reports provide the legislature a measure of judicial branch oversight, specifically related to judicial misconduct. (Public access must be allowed to records related to hearings before the Supreme Court.)

Judicial Branch

Information technology status report

Statutory authority: Section 3-1-702, MCA

Initial enactment: Ch. 396, L. 1977 created court administrator duties

Amendments: Ch. 704, L. 1991 required court administrator to administer state funding for district courts
Ch. 585, L. 2001 added administration of judicial branch personnel plan
Ch. 445, L. 2005 added reporting requirement

Background: Section 3-1-702, MCA, outlines the duties of the court administrator. In addition to other duties, the court administrator must report annually to the LJIC and a House Appropriations subcommittee on “the status of development and procurement of information technology within the judicial branch.” This requirement came after the 2005 Legislature altered the funding mechanism for IT in the state’s 218 courts. In 2005, the Legislature changed the source of IT funding from a court surcharge to general fund dollars. Proponents said this would assure adequate, stable, long-term IT infrastructure funding for the courts.

Statutory language: Section 3-1-702, MCA, requires the information technology status report, including “any changes to the judicial branch information technology strategic plan and any problems encountered in deploying appropriate information technology...” This strategic plan must be coordinated and compatible with executive branch standards and goals, as possible.

Last report: The court administrator filed an information technology status report with the Joint Appropriations Subcommittee on Judicial Branch, Law Enforcement and Justice in January 2011. Two major projects are essentially completed – installation of modern case management system and improving courtroom technology, including sound, data and interactive video. The final major priority of an electronic filing system for all court documents is in its early stages. Work continues on electronic filing of citations, complaints and information from law enforcement and prosecutors, according to the last report.

Cost: No additional cost to produce, as report is created for appropriations committees and the branch’s Commission on Technology.

Analysis:

The question may be if the LJIC wants to continue receiving this report during the years a joint appropriations subcommittee does not. Branch staff indicated a report on their IT projects is integral to their appropriations process.

If this report is retained, statute may need to be altered to accurately reflect where the report is filed during the appropriations process. Current statute directs the report to the "house appropriations subcommittee that considers general government," when, in fact, it is heard by the Joint Appropriations Subcommittee on Judicial Branch, Law Enforcement and Justice.

Judicial Branch

Juvenile Delinquency Intervention Program evaluation report

Statutory authority: Section 41-5-2003, MCA

Initial enactment: Ch. 587, L. 2001

Amendments: Ch. 398, L. 2007 altered the development of the evaluation report

Background: Juvenile Delinquency Intervention Act (Part 41-5-20, MCA) was established in 2001 to: provide funding method for juvenile out-of-home placements, programs, and services; create early intervention and expanded community alternatives; control youth court costs; enhance community safety; hold youth accountable and promote youth development; use local resources for placement of troubled youth; reduce out-of-state placements; and use state youth correction facilities when appropriate. In 2007, the act was amended, primarily to give authority over the budget to the Office of the Court Administrator. The 2007 amendment also changed the evaluation process of juvenile delinquency intervention programs.

Statutory language: Section 41-5-2003, MCA, establishes the juvenile delinquency intervention program and outlines program duties. As part of this, the court administrator selects certain out-of-home placements, programs and services for an evaluation. The cost containment review panel recommends what is to be evaluated. (The cost containment panel is comprised of three members appointed by the Department of Corrections, three members appointed by the Supreme Court, and one mental health professional appointed by the administrator of the Department of Public Health and Human Services.) The District Court Council must approve this evaluation. A report on this evaluation must be reported to the LJIC, Department of Corrections, the cost containment review panel and the District Court Council.

Last report: This report was last issued in August 2009. The report stated that the data collected was sufficient to predict placement in residential treatment facilities, out-of-state placement, length of stay, and recidivism. The report also stated that continued data collection and analysis will make it possible to further analyze and predict the key outcome of recidivism.

In 2010, the evaluation was cut during voluntary budget reductions. In 2011, the legislature transferred \$25,000 each fiscal year from the youth court intervention and prevention account to the state general fund in lieu of conducting the evaluation in fiscal years 2011 and 2012.

Cost: \$25,000 annually. The evaluation is funded from the youth court intervention and prevention account. This account statutorily appropriated as a transfer of Department of Corrections' juvenile placement funds. The University of Montana School of Social work completed the research and evaluation for the 2009 report.

Analysis: This evaluation and report process will resume this fiscal year. Branch staff said this evaluation is necessary for them to determine what placements, programs or services work in the juvenile delinquency program.

Judicial Branch

Report on expenditures authorized by annual license tax on attorneys

Statutory authority: Section 37-61-211, MCA.

Initial enactment: Ch. 90, L. 1917

Amendments: Ch. 379, L. 1989 increased to \$25 annually
Ch. 420, L. 2005 added allocation and annual report

Background: Section 37-61-211, MCA, levies a \$25 license tax on attorneys. Amendments in 2005 to this section directed this collection to these Supreme Court commissions: Commission on Code of Judicial Conduct, Commission on Courts of Limited Jurisdiction, Commission on Practice, Commission on Technology, District Court Council, Judicial Nomination Commission, Sentence Review Division, and Uniform District Court Rules Commission. While debate during the 2005 session indicated there are Constitutional questions about the legislature's ability to levy this tax, the legislature specifically allocated the money to the above commissions and to receive an accounting of expenditures.

Statutory language: Section 37-61-211, MCA, requires an annual report on expenditures authorized by this section of law to the LJIC at that committee's first interim meeting after the end of each fiscal year.

Last report: August 2011 report reported \$113, 355 collected from attorney license tax in fiscal year 2011. Because no state special revenue account was created for deposit of tax, money was deposited into the general fund. "Therefore, no expenditures for the operation of judicial commissions were made directly from the tax revenue generated," according to the report. The commissions were funded by general fund and certain fees approved by the Commission on Courts of Limited Jurisdiction.

Cost: No additional cost to produce.

Analysis: This report does not appear to meet the standards anticipated in law, due to an inability to track the allocation of the license tax dollars. General fund dollars fund the commissions mentioned in Section 37-61-211, MCA.

Board of Pardons and Parole

Report on health care costs for medical parolees

Statutory authority: Section 46-23-210, MCA

Initial enactment: Ch. 248, L. 1991

Amendments: Ch. 250, L. 2007 revised criteria for medical parole and added reporting requirement
Ch. 102, L. 2011 added Department of Corrections role in reporting requirement

Background: Section 46-23-210, MCA, allows the Board of Pardons and Parole (BOPP) to release on medical parole anyone confined to state prison, an adult community corrections facility or a prerelease center due to a "medical condition requiring extensive medical attention" or "has been determined by a physician to have a medical condition that will likely cause death within 6 months or less." In certain instances, the sentencing judge must approve of the medical parole.

Statutory language: Section 46-23-210, MCA, required the BOPP and the Department of Corrections to report to the LJIC, the Children, Families, Health and Human Services Interim Committee "regarding the outcome related to any person released on medical parole since the last report, including health care costs and payment related to the care of the person released on medical parole." This report must be released before July 1; staff at BOPP said they are finishing the 2012 report.

Last report: The 2010 report detailed the health care condition and care for two inmates. This report also estimated health care costs.

Cost: BOPP staff estimates 3-4 hours of staff time. This would increase if the number of medical parolees increased.

Analysis: The legislature has received this report twice, in 2008 and 2010. The formats for each differ. The 2008 report summarized dispositions, outcomes the two persons released on medical parole, and a summary of health care costs and payments. Individuals were not identified by name. The 2010 report, which board staff labeled "confidential," identified individuals, their medical conditions, and specifics about health care costs. There may be privacy concerns regarding this information, according to LSD legal staff. The committee may wish to fine tune this report's final form if it chooses to retain this report.

Office of the State Public Defender

Public Defender Commission Report

Statutory authority: Section 47-1-105, MCA

Initial enactment: Ch. 449, L. 2005

Amendments: Ch. 24, L. 2011 and Ch. 344, L. 2011 added additional reporting requirements.

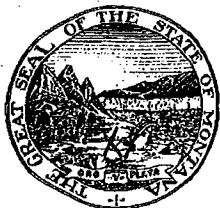
Background: MCA Title 47, Chapter 1 creates the statewide public defender system, whose primary goal is to “provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitle by law to assistance of counsel at public expense.” The 11-member Public Defender Commission appoints a chief public defender and a chief appellate defender; sets statewide standards for public defender services attorneys, regarding qualification and training; review and approve the chief public defender’s strategic plan and budget proposals; and establish other policies and procedures. The Office of the State Public Defender (OPD) is administratively attached to the Department of Administration. The commission must submit a biennial report to the governor, Supreme Court and the legislature. During the interim, the commission must report to the LJIC. The 2005 Legislature overhauled the state’s public defender system, assuming administration of the system from Montana’s cities and counties. The intent of the Public Defender Commission report is to give lawmakers and others a public accounting of the office’s policies, workload and costs.

Statutory language: Section 47-1-105, MCA, requires the following in reports: all policies and procedures in effect for the operation; all standards established or being considered by the commission; the number of deputy public defenders and the region supervised by each; the number of public defenders employed or contracted; the number of attorney and non-attorney staff supervised by each deputy public defender; the number of new cases; the number of persons represented; annual caseload and workload of each public defender; training programs; continuing education courses; detailed expenditure data by court and case type.

Last report: The last Public Defender Commission report was issued in January 2011. This 432-page report includes information required by statute, plus other data, such as commission membership, commission contact information, assessment and collection of legal fees, etc.

Cost: Much of the information is continually updated, so it is readily available without additional production costs. The major exception is "expenditure data by court and type." OPD hires temporary employees and spends \$7,000-\$15,000 to compile this information during the six months after the end of the fiscal year.

Analysis: This report is a primary document allowing legislative oversight of the state's extensive public defender system, which includes approximately 120 attorneys, 55 support staff, 20 investigators, and 200 contracted attorneys who handled an estimated 27,000 cases annually.



JUDICIAL STANDARDS COMMISSION

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March 21, 2011

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Jim Peterson, President of the Senate
Mike Milburn, Speaker of the House
State of Montana
Sixty-Second Legislature
State Capitol
Helena, Montana

Dear President Peterson and Speaker Milburn:

As required by §3-1-1126, MCA, the Montana Judicial Standards Commission (Commission) submits this report to the legislature for the preceding biennium covering calendar years 2009 and 2010.

Article VII, Section 11, of the 1972 Montana Constitution directs the legislature to create a five member Judicial Standards Commission to accept and consider complaints against Montana judicial officers. The 1973 legislature created the Commission and it is attached to the Montana Supreme Court for administrative purposes. The work, investigations, and recommendations of the Commission are independent of the Supreme Court. Access to Commission records is limited to the Commission and staff.

The Commission's report to the sixty-first legislature (2009 session) showed that 11 complaints were still pending at the close of 2008. Of those pending complaints, seven were reviewed and dismissed, two were closed with letters of admonition, and two resulted in private reprimands.

As shown in the attached spreadsheet, 59 complaints were filed against judicial officers in calendar year 2009. After consideration and investigation, 39 of those complaints were dismissed, one resulted in the judge's voluntary resignation, and two resulted in letters of admonition. There were 17 complaints pending as of December 31, 2009.

Of those 17 pending complaints, 13 were dismissed, one complaint was withdrawn by the complainant, one resulted in a letter of admonition, and two resulted in private reprimands.



JUDICIAL STANDARDS COMMISSION

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For calendar year 2010, 66 complaints were filed against judicial officers. After consideration and investigation, 33 complaints were dismissed, two resulted in the judge's voluntary resignation, one resulted in a letter of admonition, and three resulted in private reprimands. There were 27 complaints pending as of December 31, 2010.

Should any member of the legislature, or staff, have questions or need additional information, they may contact Shauna Ryan, the Commission's executive secretary, or any member of the Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ed McLean".

Hon. Ed McLean, Chairman
JUDICIAL STANDARDS COMMISSION

/sr

Attachment

cc: Jeff Essmann, Senate Majority Leader
Carol Williams, Senate Minority Leader
Marilyn Miller, Secretary of the Senate
Tom McGillvray, House Republican Leader
Jon Sesso, House Democratic Leader
Beth Cargo, Chief Clerk of the House
Hon. Mike McGrath, Chief Justice of the Supreme Court
Sheri Heffelfinger, Lead Staff, Law and Justice Interim Committee

2009

<u>Case #</u>	<u>Date Filed</u>	<u>Type of Complaint</u>	<u>Disposition</u>	<u>Date of Disposition</u>
07-025	12/19/2007	Delay	Letter of Admonition	11/5/2009
08-030	7/31/2008	Delay	Letter of Admonition	11/6/2009
08-041	7/31/2008	Judicial Opinion	Dismissed	2/23/2009
08-042	8/11/2008	Judicial Opinion	Dismissed	2/23/2009
08-043	8/12/2008	Ex Parte Communication	Dismissed	2/23/2009
08-044	8/22/2008	Court Organization	Dismissed	2/23/2009
08-049	10/7/2008	Constitutional Obligation	Dismissed	5/8/2009
08-051	11/6/2008	Constitutional Obligation	Dismissed	8/17/2009
08-052	12/3/2008	Essential Conduct	Dismissed	2/23/2009
08-053	12/9/2008	Essential Conduct	Dismissed	2/23/2009
08-054	12/12/2008	Judicial Opinion	Dismissed	2/23/2009
09-001	1/22/2009	Constitutional Obligations	Dismissed	2/23/2009
09-002	2/4/2009	Judicial Opinion	Dismissed	2/23/2009
09-003	2/4/2009	Essential Conduct	Dismissed	5/8/2009
09-004	2/4/2009	Judicial Opinion	Dismissed	2/23/2009
09-005	2/6/2009	Judicial Opinion	Dismissed	5/8/2009
09-006	2/12/2009	Conflict of Interest	Dismissed	5/8/2009
09-007	2/12/2009	Delay	Dismissed	8/17/2009
09-008	2/7/2009	Judicial Opinion	Dismissed	5/8/2009
09-009	2/25/2009	Judicial Opinion	Dismissed	5/8/2009
09-010	2/27/2009	Conflict of Interest	Dismissed	8/17/2009
09-011	2/12/2009	Judicial Opinion	Dismissed	5/8/2009
09-012	3/5/2009	Judicial Opinion	Dismissed	5/8/2009
09-013	3/5/2009	Judicial Opinion	Dismissed	5/8/2009
09-014	3/9/2009	Judicial Opinion	Dismissed	5/8/2009
09-015	3/26/2009	Judicial Opinion	Dismissed	5/8/2009
09-016	3/30/2009	Judicial Opinion	Dismissed	5/8/2009
09-017	4/2/2009	Judicial Opinion	Dismissed	5/8/2009
09-018	3/10/2009	Constitutional Obligations	Dismissed	12/30/2010
09-019	5/8/2009	Conflict of Interest	Dismissed	8/17/2009
09-020	5/8/2009	Ex Parte Communication	Letter of Admonition	11/5/2009
09-021	5/12/2009	Judicial Opinion	Dismissed	8/17/2009
09-022	5/15/2009	Conflict of Interest	Dismissed	11/5/2009
09-023	5/15/2009	Conflict of Interest	Dismissed	11/5/2009
09-024	5/27/2009	Judicial Opinion	Dismissed	11/5/2009
09-025	5/29/2009	Delay	Private Reprimand	3/26/2010
09-026	6/19/2009	Avoidance of Impropriety	Letter of Admonition	11/5/2009
09-027	6/24/2009	Judicial Opinion	Dismissed	8/17/2009
09-028	7/20/2009	Judicial Opinion	Dismissed	8/17/2009
09-029	7/20/2009	Judicial Opinion	Dismissed	8/17/2009
09-030	6/25/2009	Judicial Opinion	Dismissed	8/17/2009
09-031	7/21/2009	Judicial Opinion	Dismissed	8/17/2009
09-032	7/27/2009	Judicial Opinion	Dismissed	11/5/2009
09-033	8/4/2009	Judicial Opinion	Dismissed	11/5/2009
09-034	8/6/2009	Judicial Opinion	Dismissed	11/5/2009

09-035	8/11/2009	Judicial Opinion	Dismissed	11/5/2009
09-036	8/14/2009	Judicial Opinion	Dismissed	11/5/2009
09-037	8/3/2009	Conflict of Interest	Dismissed	11/5/2009
09-038	8/24/2009	Essential Conduct	Dismissed	3/9/2010
09-039	8/25/2009	Judicial Opinion	Dismissed	11/5/2009
09-040	9/11/2009	Judicial Opinion	Dismissed	11/5/2009
09-041	9/8/2009	Judicial Opinion	Dismissed	11/5/2009
09-042	9/15/2009	Judicial Opinion	Dismissed	11/5/2009
09-043	9/29/2009	Judicial Opinion	Dismissed	11/5/2009
09-044	9/23/2009	Judicial Opinion	Dismissed	11/5/2009
09-045	9/23/2009	Judicial Opinion	Dismissed	3/9/2010
09-046	9/23/2009	Ensuring the Right to be Heard	Private Reprimand	3/30/2010
09-047	9/15/2009	Avoidance of Impropriety	Resigned	12/31/2009
09-048	10/7/2009	Judicial Opinion	Dismissed	3/9/2010
09-049	10/7/2009	Judicial Opinion	Dismissed	3/9/2010
09-050	10/27/2009	Judicial Opinion	Dismissed	3/26/2010
09-051	11/9/2009	Judicial Opinion	Dismissed	3/26/2010
09-052	11/24/2009	Judicial Opinion	Dismissed	3/26/2010
09-053	11/24/2009	Judicial Opinion	Dismissed	3/26/2010
09-054	11/30/2009	Delay	Dismissed	3/26/2010
09-055	12/1/2009	Judicial Opinion	Complaint Withdrawn	4/3/2010
09-056	12/10/2009	Judicial Opinion	Dismissed	3/26/2010
09-057	12/18/2009	Avoidance of Impropriety	Letter of Admonition	3/26/2010
09-058	12/22/2009	Judicial Opinion	Dismissed	3/26/2010
09-059	12/4/2009	Judicial Opinion	Dismissed	3/26/2010

2010

<u>Case #</u>	<u>Date Filed</u>	<u>Type of Complaint</u>	<u>Disposition</u>	<u>Date of Disposition</u>
10-001	1/6/2010	Delay	Dismissed	3/26/2010
10-002	1/7/2010	Judicial Opinion	Dismissed	3/26/2010
10-003	1/12/2010	Ex-parte Comm./Conflict of Interest	Private Reprimand	3/22/2010
10-004	1/12/2010	Judicial Opinion	Dismissed	3/26/2010
10-005	1/14/2010	Judicial Opinion	Dismissed	3/26/2010
10-006	1/22/2010	Conflict of Interest	Private Reprimand	7/12/2010
10-007	2/11/2010	Avoidance of Impropriety	Letter of Admonition	7/12/2010
10-008	2/11/2010	Judicial Opinion	Dismissed	7/12/2010
10-009	2/22/2010	Judicial Opinion	Dismissed	3/26/2010
10-010	2/22/2010	Judicial Opinion	Dismissed	3/26/2010
10-011	2/24/2010	Judicial Opinion	Dismissed	3/26/2010
10-012	3/1/2010	Delay	Private Reprimand	7/12/2010
10-013	2/25/2010	Judicial Opinion	Dismissed	3/26/2010
10-014	2/25/2010	Judicial Opinion	Dismissed	3/26/2010
10-015	3/1/2010	Judicial Opinion	Dismissed	7/12/2010
10-016	3/8/2010	Essential Conduct	Dismissed	10/29/2010
10-017	3/8/2010	Essential Conduct	Dismissed	10/29/2010
10-018	3/8/2010	Judicial Opinion	Dismissed	7/12/2010
10-019	3/8/2010	Judicial Opinion	Dismissed	7/12/2010
10-020	1/7/2010	Judicial Opinion	Dismissed	7/15/2010
10-021	12/28/2009	Delay	Dismissed	7/12/2010
10-022	3/17/2010	Avoidance of Impropriety	Resigned	6/2/2010

10-023	3/25/2010	Judicial Opinion	Dismissed	
10-024	4/8/2010	Judicial Opinion	Dismissed	7/12/2010
10-025	4/12/2010	Judicial Opinion	Dismissed	7/12/2010
10-026	4/22/2010	Judicial Opinion	Dismissed	10/29/2010
10-027	4/23/2010	Judicial Opinion	Dismissed	7/12/2010
10-028	4/28/2010	Public Interest	Dismissed	7/12/2010
10-029	5/11/2010	Judicial Opinion	Dismissed	10/29/2010
10-030	5/24/2010	Judicial Opinion	Dismissed	7/12/2010
10-031	6/24/2010	Relations of the Judiciary	Dismissed	10/29/2010
10-032	6/25/2010	Political and Campaign Activity	Pending	10/29/2010
10-033	6/25/2010	Judicial Statements on Pending Cases	Pending	
10-034	7/9/2010	Avoidance of Impropriety	Resigned	
10-035	7/16/2010	Avoidance of Impropriety	Pending	9/3/2010
10-036	7/19/2010	Judicial Opinion	Dismissed	
10-037	7/26/2010	Essential Conduct	Pending	10/29/2010
10-038	8/3/2010	Judicial Opinion	Dismissed	
10-039	8/26/2010	Compliance with the law	Pending	10/29/2010
10-040	8/30/2010	Judicial Opinion	Dismissed	
10-041	9/20/2010	Avoidance of Impropriety	Pending	10/29/2010
10-042	9/20/2010	Judicial Opinion	Dismissed	
10-043	9/21/2010	Judicial Opinion	Dismissed	10/29/2010
10-044	9/21/2010	Compliance with the law	Pending	10/29/2010
10-045	9/21/2010	Judicial Opinion	Dismissed	
10-046	9/21/2010	Essential Conduct	Pending	10/29/2010
10-047	9/21/2010	Judicial Opinion	Dismissed	
10-048	9/24/2010	Essential Conduct	Pending	10/29/2010
10-049	9/30/2010	Delay	Pending	
10-050	10/7/2010	Constitutional Obligations	Pending	
10-051	10/12/2010	Constitutional Obligations	Pending	
10-052	10/12/2010	Judicial Opinion	Pending	
10-053	10/13/2010	Essential Conduct	Pending	
10-054	10/14/2010	Court Organization	Pending	
10-055	10/25/2010	Essential Conduct	Pending	
10-056	10/27/2010	Essential Conduct	Pending	
10-057	11/3/2010	Essential Conduct	Pending	
10-058	11/8/2010	Political and Campaign Activity	Pending	
10-059	11/12/2010	Ensuring the Right to Be Heard	Pending	
10-060	11/16/2010	Bias and prejudice	Pending	
10-061	12/1/2010	Ex-parte Communications	Pending	
10-062	12/8/2010	Ensuring the Right to Be Heard	Pending	
10-063	12/13/2010	Bias and prejudice	Pending	
10-064	12/13/2010	Giving Precedence to the Duties of Judicial Office	Pending	
10-065	12/23/2010	Ensuring the Right to Be Heard	Pending	
10-066	12/20/2010	Ensuring the Right to Be Heard	Pending	

JUDICIAL BRANCH INFORMATION TECHNOLOGY STATUS REPORT

**Submitted by Office of Court Administrator
Montana Supreme Court
February 2011**

This report is submitted in compliance with section 3-1-702, MCA, which requires the court administrator to report to the General Government and Transportation Subcommittee on the "status of development and procurement of information technology within the judicial branch." The report provides a Judicial Branch IT profile and a progress report on recent IT projects.

Judicial Branch IT Profile

The Office of Court Administrator (OCA) provides technology services through the Court Technology Program to 994 users within the Supreme Court, the Water Court, 56 District Courts, 7 Municipal Courts, 65 Justices Courts, and 90 City Courts. This support includes the purchase, installation, networking, and maintenance of computers and office software and the deployment, training, and maintenance of court case management systems. In addition, the OCA provides support for courtroom technology, including interactive video, court reporting and recording equipment, sound systems, and other technologies found in the courtroom.

The Supreme Court's Commission on Technology provides guidance and oversight to the court technology program. The Commission prepares the information technology strategic plan and monitors performance of the plan throughout the year. The current plan is available at: <http://www.courts.mt.gov/cao/technology/default.mcp.x>.

The following table lists the major IT projects for the Judicial Branch during the 2011 biennium.

Judicial Branch IT Projects and Accomplishments – 2011 Biennium

<p>strategic Goal Courtroom Technology & Interactive Video</p>	<p>The Judicial Branch added interactive video conferencing in the Chouteau, Big Horn, McCone, Judith Basin, Prairie, Sheridan, Powder River, Garfield, Carter and Wheatland County Courthouses. The new interactive video sites use the state's enhanced SummitNet II network allowing data and video to be transmitted over the same network. The Department of Administration greatly assisted in this effort.</p> <p>Sound systems were upgraded in three courtrooms in Dawson, Richland and Beaverhead Counties.</p> <p>Courtroom technology preparation for the new judges and support staff approved by the 2009 Legislature was completed in January 2011.</p>
<p>strategic Goal Justice Integration</p>	<p>Working together with the Departments of Justice, Corrections and Transportation, pilot projects were implemented to improve the electronic exchange of information (e.g., citations, dispositions, hearings and other court orders) between justice agencies.</p>
<p>strategic Goal Court Case Management</p>	<p>The initial rollout of the FullCourt case management system for courts of limited jurisdiction and district courts was completed in April 2009. Since that time, Court IT staff have worked with the Automation Committees of the Courts of Limited Jurisdiction and Clerks of District Court to improve and standardize jury, document, reporting and case management processes in Montana courts.</p> <p>A central reporting system was deployed for drug court personnel to report and conduct program evaluations.</p>
<p>strategic Goal Electronic Filing</p>	<p>The Electronic Filing Workgroups completed their functional requirement reports for the Electronic Filing Task Force. A request for proposals for implementing an e-filing system is being developing. Work continues on the electronic filing of citations, complaints and informations by law enforcement and prosecutors.</p>
<p>strategic Goal Public Access</p>	<p>The Clerk of the Supreme Court led an effort to provide public access to the Supreme Court's docket through the Judicial Branch website. The docket includes the full public docket and associated documents for Supreme Court cases dating back to 2006.</p> <p>The State Law Librarian was a lead member of the steering committee that created the Indian Law Portal (http://indianlaw.mt.gov), which provides electronic access to a wide range of information including tribal court opinions, constitutions, water rights and gaming compacts, fish and game regulations, and codes.</p>



The University of
Montana

JUVENILES ON PROBATION IN MONTANA:
ASSESSING FACTORS ASSOCIATED WITH THE USE OF
THERAPEUTIC TREATMENT FACILITIES
Fiscal Year 2008

Timothy B. Conley, Ph.D.
Megan Dunlavey, M.S.W. Candidate
Elisabeth Stoeckel, M.S.W.
Meghan Gallagher, M.S.W.



Montana Supreme Court
Office of the Court Administrator

August 31, 2009

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Executive Summary

INTRODUCTION

This report is the result of a contract between the Montana Supreme Court Office of the Court Administrator (OCA), Youth and District Court Services, and The University of Montana (UM) School of Social Work. UM provided the services of Dr. Tim Conley and his graduate student research assistants, Megan Dunlavey, Elisabeth Stoeckel and Meghan Gallagher to complete research and evaluation pertaining to certain OCA records. Specifically, Dr. Conley and his assistants utilized quantitative research and program evaluation methods to analyze the electronic records of juvenile offenders who were referred to and used residential treatment facilities (RTF), therapeutic group homes (TGH), chemical dependency facilities (CDF) and therapeutic foster homes (TFH), both within and outside of the state of Montana, during the 2008 fiscal year (July 1, 2007 through June 30, 2008).

Ultimately, the researchers sought to establish predictor models regarding youth placed in therapeutic treatment facilities. The primary purpose of this study was to determine what predicts placement in RTF, the highest level of therapeutic care for juvenile offenders with primarily psychological disorders. The researchers also investigated what predicts placement in an out-of-state facility, length of stay and recidivism. Four predictor models were constructed for this study to determine which demographic, diagnostic, service-related and offense-related variables predict these outcomes. All collected variables were explored as predictors for these models and subjected to statistical testing in order to establish a more quantitative basis for understanding patterns of placement in therapeutic treatment facilities among juvenile offenders in Montana. This work was approved by the OCA and UM's Institutional Review Board for the Protection of Human Subjects (UM IRB Proposal 116-08).

This study included 251 juvenile offenders who were placed in therapeutic treatment facilities during the fiscal year 2008. These youth had a total of 367 admissions to facilities, representing 367 "cases" for the purposes of this study. Since a single case in this study was defined as an admission to a facility, a single youth may have constituted more than one case, having been admitted more than once during the fiscal year. Throughout this report, unless otherwise noted, the term "case" refers to an admission rather than an offender. Of the 367 cases in the study, 48.0 percent had only one placement during the fiscal year; 25.0 percent had two placements; 18.0 percent had three placements; and 9.0 percent had four or five placements (Figure 1). Of the juvenile offenders who constituted more than one case in RTF and/or TGH, 26.3 percent had one or more placements in RTF before being placed once or more in TGH and 23.1 percent had one or more placements in TGH before being placed once or more in RTF.

In fiscal year 2008, juvenile offenders with mental health and/or substance dependence issues were placed across 72 different therapeutic treatment facilities. Table 1 lists the facilities that received the majority of placements in this study; each type of facility includes an "other" category which is composed of the remaining facilities. The facilities in the "other" category received only one to three placements each. The percentage of cases within each facility type is also presented. TFH placements represented only eight cases and are not listed in Table 1.

Figure 1. Number of Placements

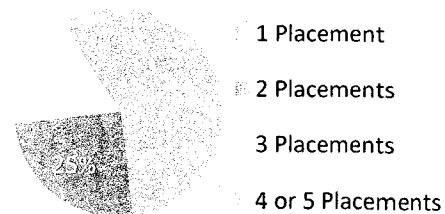


Table 1	Percentage of Cases in Facility	Number of Cases in Facility	Location: In-state or out-of-state
FACILITY NAME BY TYPE			
RTF			
Shodair Children's Hospital	43.7%	62	In-state
Acadia	26.8%	38	In-state
Other (19 facilities with 1-3 cases)	29.6%	42	Varies
TGH			
Normative Services	18.1%	27	Out-of-state, WY
Alternative Youth Adventures, Journey Boys Group Home	8.1%	12	In-state
YDI Rivers Edge	6.0%	9	In-state
New Day Unit 1	5.4%	8	In-state
Sinopah Group Home	5.4%	8	In-state
A.W.A.R.E. Alpine Group Home	4.0%	6	In-state
Kairos Youth Services, Portage Place Group Home	4.0%	6	In-state
Other (32 facilities with 1-3 cases)	49.0%	73	Varies
CDF			
Teen Recovery Center	41.2%	28	In-state
Rimrock Foundation	22.1%	15	In-state
Other (10 facilities with 1-3 cases)	36.8%	25	Varies

KEY FINDINGS

Juvenile offenders identifying as White were overrepresented in RTF, and American Indians were significantly overrepresented in CDF relative to other programs. There was a slight difference between the average age of cases in RTF (14.1 years) and cases in TGH (14.4 years). Cases in CDF and TFH initially appeared older but this was not a significant difference. Cases with a learning disability represented 35.4 percent of the sample.

With regards to diagnostic variables, bipolar disorder was significantly associated with placement in RTF, and oppositional defiant disorder was significantly associated with placement in TGH. Nearly 30 percent of cases in RTF and TGH had a primary diagnosis of bipolar disorder (Table 2), almost twice as many as the next most frequent diagnosis (oppositional defiant disorder). In a statistical model simultaneously considering several potential predictors of placement in RTF, bipolar disorder emerged as a significant predictor; cases with this disorder were

Table 2	Number of cases with diagnosis	Percent of cases with diagnosis
DIAGNOSTIC VARIABLES		
Bipolar Disorder	83	27.8%
Oppositional Defiant Disorder	47	15.7%
Major Depressive Disorder	41	13.7%
Dysthymic Disorder	29	9.7%
Posttraumatic Stress Disorder	29	9.7%
ADHD	19	6.4%
Other	15	5.0%
Intermittent Explosive Disorder	12	4.0%
Reactive Attachment Disorder	7	2.3%
Substance Use Disorder	6	2.0%
Mood Disorder	6	2.0%
Conduct Disorder	5	1.7%

2.96 times more likely to be placed in RTF than in TGH. A diagnosis of bipolar disorder was also a significant predictor of shorter length of stay relative to all other possible diagnoses.

Across the board, RTF and TGH populations in this study differed very little with regards to most variables. There were no statistically significant differences between the following variables with regards to placement in RTF versus TGH: average total number of prior placements; average number of prior therapeutic placements; average number of prior non-therapeutic placements; average number of offenses prior to placement; average number of intakes prior to placement; average number of services received prior to placement; and average score for the most recent Back On Track (BOT) assessment prior to placement. However, the average length of stay (number of days in placement) differed significantly between RTF (104 days) and TGH (228 days).

The risk of being placed in RTF was 3.33 times higher for juvenile offenders whose most serious offense was partner or family member assault.

Cases placed in CDF had significantly fewer prior therapeutic placements than those placed in either RTF or TGH. Cases placed in CDF also committed significantly more offenses prior to placement, had significantly more intakes prior to placement, and received significantly more services prior to placement than those placed in RTF.

The researchers found that type of offense significantly predicted placement in RTF; the risk of being placed in RTF was 3.33 times higher for juvenile offenders whose most serious offense was partner or family member assault (PFMA) than for those with another most serious offense. Cases where the most serious offense was assault were 2.90 times more likely to be placed in RTF than those with another most serious offense. Those convicted of burglary were 2.89 times more likely to be placed in RTF than those with a different most serious offense.

Juvenile sex offenders were 4.69 times more likely to be placed in an out-of-state facility.

Type of offense also predicted out-of-state placement. The researchers found that the risk of being placed out of state was 4.69 times higher for cases where the most serious offense was sexual in nature than for those with a non-sexual crime. For further discussion of this finding, see Appendix 4. Forty-two total cases reported a conviction for a sex-related crime. The percentage of cases with a sex crime as the most serious offense that were placed in out-of-state facilities was 38.1 percent (16 of the 42 cases). Of those 16 cases placed out of state, 68.8 percent (11 cases) were placed at Normative Services in Wyoming.

With regards to predicting days in placement, the researchers found that sex offense, number of prior therapeutic placements, out-of-state placement and bipolar disorder significantly predicted number of days in placement.

What predicts days in placement?

- * Sex offense
- * Number of prior therapeutic placements
- * Out-of-state placement
- * Bipolar disorder diagnosis

For the purposes of this study, recidivism is defined as an offense committed by a juvenile offender after the most recent discharge from a therapeutic treatment facility. Preliminary testing showed statistically significant differences with regards to recidivism. At the time this data was extracted from the Juvenile Court Assessment and Tracking System (JCATS), on February 23, 2009, 335 cases had been discharged from the facilities in which they had been placed. Of these, 53.7 percent had re-offended, or recidivated (Table 3). The recidivism rate for RTF (60.4%) was significantly

higher than that for TGH (43.3%). The highest recidivism rate was for CDF cases in which 65.7 percent of the 67 discharged cases had re-offended. Of primary concern, however, was understanding recidivism for RTF and TGH cases. For these cases, 136 of 268 discharged cases recidivated (50.7%). The average number of days between discharge and re-offense was 104 days with 25 percent of these cases recidivating within one month of discharge (29 days). Fifty percent of cases that recidivated did so at 77 days or less.

Table 3	RTF	TGH	CDF	TFH	Total
RECIDIVISM					
Yes	81 60.4%	55 43.3%	44 65.7%	0 0.0%	180 53.7%
No	53 39.6%	72 56.7%	23 34.3%	7 100.0%	155 46.3%

The recidivism rate for RTF (60.4%) was significantly higher than that for TGH (43.3%).

Number of youth court intakes prior to placement significantly predicted recidivism for all cases in this study. The researchers found that each additional intake increased the likelihood of recidivism 1.24 times. In addition, a case with fewer days in placement had a slight, but significant, increase in risk for recidivism. A more powerful finding, however, was that cases that were placed in RTF were 2.10 times more likely to recidivate than those placed in TGH. Considered together, these findings indicate that cases with a higher number of intakes, a shorter number of days in placement and placement in RTF were at highest risk to recidivate. Cases whose most serious offense prior to placement was assault were at higher risk to commit an assault when they recidivated. Of the eight cases that recidivated by committing a PFMA, seven had committed the same crime as the most serious offense prior to placement. A diagnosis of oppositional defiant disorder was significantly associated with a post-placement assault offense, and these youth must also be considered at increased risk.

25% of RTF & TGH cases who recidivated did so within one month of discharge.

IMPLICATIONS FOR PRACTICE AND POLICY

Of the youth placed in therapeutic treatment facilities, those at risk for the highest level of care (RTF) are those with a diagnosis of bipolar disorder who commit crimes consistent with conduct disorder, such as assault, aggravated assault or PFMA; they are also more likely to recidivate. The primary reason for referring a youth to RTF is the presence of a mental illness, however, the connection between specific mental health diagnoses and specific criminal behaviors is less clear. Bipolar disorder, oppositional defiant disorder, major depressive disorder and most other diagnoses, as described in the Diagnostic and Statistical Manual of the American Psychological Association, do not list symptoms consistent with the level of aggression or violence evident in the criminal history of this population. Therefore, it is apparent from this study that these juvenile offenders are not only mentally ill, but are also prone to assaultive, sexually-offending, anti-social behaviors more consistent with a diagnosis of conduct disorder (see Appendix 8). It is highly unlikely that only 1.7 percent of any subset of juvenile offenders would be diagnosed with conduct disorder (Shufelt & Cocozza, 2006), yet that is the case in this study. Medicaid reimbursement policy in Montana may be complicit in this, as conduct disorder is not a reimbursable diagnosis. At the very least, it seems that conduct

It is highly unlikely that only 1.7% of any subset of juvenile offenders would be diagnosed with conduct disorder.

disorder should apply as a secondary diagnosis to all youth with this behavioral history. The OCA is advised to consider and further explore reasons why this diagnosis is apparently being avoided.

Key decision-makers must consider the degree to which a youth's assaultive behavior is being interpreted as mental illness. There may be a tendency on the part of mental health professionals to inaccurately attribute behaviors consistent with conduct disorder to a different mental illness. If a significant percentage of the population exhibits symptoms consistent with conduct disorder but are not diagnosed with that disorder, then it is likely they are receiving inappropriate treatment. Evidence-based treatment utilizing best practices for conduct disorder differs substantially from treatment for disorders such as bipolar disorder, depression or post traumatic stress disorder (PTSD). It is conceivable that treatment recidivism (the multiple placements seen in 52 percent of the cases studied) is at least, in part, attributable to the dearth of conduct disorder diagnoses and related treatment.

The possibility that conduct disorder cases are being misdiagnosed as bipolar and sent to the more restrictive level of care (RTF) should be further examined. Inappropriate treatment based on an inappropriate mental health diagnosis may cause recidivism both to another treatment facility and/or to additional criminal behavior. The degree to which conduct disorder and its treatment or non-treatment impact the overall criminal recidivism rate (53.7 percent of the cases in this study) should be explored. RTF cases have a higher criminal recidivism rate (60.4%) than TGH cases (43.3%), and those placed in RTF who did recidivate had shorter lengths of stay. We interpret the high recidivism rate as an indication that RTF treatment is not sufficiently mitigating future conduct-disordered behavior. Examining treatment practices and medication protocols in RTF was beyond the scope of this study; it should be included in future research efforts.

Corroborating a diagnosis of bipolar disorder, the most prevalent diagnosis in this sample, could be accomplished by reviewing the details of the certificates of need for these cases to

"Bipolar" is not a unitary disorder; it is a complex and multifaceted category of related diagnoses with many sub-types.

determine whether specific criteria for the diagnosis are met and, if so, which criteria are most frequent. It would also be useful to determine whether juvenile offenders with a preadmission diagnosis of bipolar disorder are being discharged with the same diagnosis. Additionally, there is a fairly narrow formulary of medications used to treat this mood disorder. To further differentiate true mood disorders from conduct disorders, one could examine the medication history of these cases to see if, in fact, their pharmacotherapy is consistent with their diagnosis.

Resolving complex questions about youth on probation with a mental health diagnosis requires accurate and detailed data. "Bipolar" is not a unitary disorder; it is a complex and multifaceted category of related diagnoses with many sub-types and different features. More diagnostic detail would be beneficial for further study.

Given that a large percentage of this population likely has both conduct disorder and another mental illness, it is concerning that Medicaid and/or other payers do not reimburse for inpatient therapeutic treatment for juvenile offenders with a primary diagnosis of conduct disorder. De-stigmatization of conduct disorder is necessary for effecting positive, systemic change. Diagnosing a juvenile offender with bipolar disorder when their actual diagnosis should be conduct disorder is doing them a disservice, as well. A diagnosis of bipolar disorder provides them a treatment opportunity, though not the appropriate type, potentially victimizing the youth as well as their family and society. Moreover, it is an inefficient use of Medicaid funds to treat a youth with an inappropriate diagnosis of bipolar disorder. It is advised that the OCA consider collaborating

with Medicaid administrators in the state to reform policy and facilitate the most prudent disbursement of treatment funds.

With a violent juvenile offender, the first consideration for the courts is the protection of society. For safety concerns, some of these offenders cannot be allowed to reside in the community, but *they must be placed somewhere*. At present, only four percent of Montana's 6,244 juvenile offenders are placed in therapeutic treatment facilities (see Appendix 7). Currently, the

Montana Department of Corrections may not incarcerate a severely mentally-ill juvenile offender. Therefore, many of these youth are placed in a therapeutic treatment facility where, without a conduct disorder diagnosis, they likely receive no treatment designed to prevent further criminal behavior. A juvenile offender who is placed in RTF and "acts out" (i.e., exhibits violent, aggressive and/or assaultive behavior) may be discharged due to an inability by that facility to deal with such behavior. However, a diagnosis of a severe mental illness, like bipolar disorder, will prevent their admission to a correctional facility. At this time, there is a need for either a mental health treatment facility or correctional facility that Montana may rely on to properly treat criminal, severely mentally-ill youth.

At this time, there is a need for either a mental health treatment facility or correctional facility that Montana may rely on to properly treat criminal, severely mentally-ill youth.

DATA CONSIDERATIONS

In general, the quality of the information retrieved from the JCATS system was very good, though there is room for improvement. The system is capable of tracking every form of treatment in a juvenile offender's case history leading up to placement in a therapeutic treatment facility; however, not all information is being tracked consistently, and electronic documentation does not always support the assumption that all juvenile offenders receive treatment at a lower level of care prior to placement in RTF, TGH or TFH. Probation should be required to document pre-intake

For half of the juvenile offenders, there was no record of the number of services received prior to placement in a therapeutic treatment facility.

treatment history, particularly RTF history. To have been admitted to RTF or TGH, juvenile offenders must have been issued a formal certificate of need signed by a licensed professional, mental health case manager and medical doctor. An appropriate prior authorization form must also be completed and approved by First Health Services of Montana, a healthcare management company that assists with utilization management and prior authorization of services as required by the Medicaid program. This certificate is not needed in order for juvenile offenders to enter CDF, though a diagnostic report by a licensed professional is required. In this

study, for half of the sample of juvenile offenders, there was no record of the number of services received prior to placement in a therapeutic treatment facility. It is unlikely that this large group of juvenile offenders received no services, but with no record in JCATS, there was no way to capture this data, rendering the variable inconclusive. This also affected the researchers' ability to fully understand the case histories leading up to placement in RTF. While this is clearly not indicative of a widespread data collection problem, the OCA is advised to continue insuring that quality, accurate data is recorded in JCATS by individual officers.

JCATS includes a risk assessment system called "Back on Track" (BOT), which may currently be underutilized. BOT measures a youth's risk and protective factors in ten domains, including

alcohol, drugs and mental health. It is currently unknown if this instrument is valid with rural youth and further validation study should be considered. BOT holds a potential wealth of information that could be of more use to the OCA.

RECOMMENDATIONS FOR FURTHER STUDY

Several areas of further study would enhance the findings of the initial research effort and provide useful information to the OCA. Comparing juvenile offenders placed in therapeutic treatment facilities to the rest of the juvenile offender population in the state would better determine if this is a unique group. This would require extracting data from JCATS on a representative sample of all juvenile offenders in the state against which youth placed in therapeutic treatment facilities could be compared across a series of variables. This would establish whether or not juvenile offenders placed in therapeutic treatment facilities have a different criminal profile than the rest of the population of juvenile offenders. Moreover, it would determine if those placed in therapeutic treatment facilities (4% of all juvenile offenders in the state) are more prone to violent, aggressive and/or assaultive behaviors than those who are not placed in this level of care. Exploring similarities and differences across a wide range of variables would inform policy and practice decisions throughout the OCA juvenile probation system.

Creating a data set representative of all juvenile offenders in the state would allow for further examination of the placement practices of judicial districts. Appendix 7 illustrates both the total number of juvenile offenders in each district and the number and percentage of juvenile offenders in each district placed in therapeutic treatment facilities. Districts that appear to refer a disproportionately high percentage of juvenile offenders to therapeutic treatment facilities should be further compared to districts that appear to refer a disproportionately low percentage of juvenile offenders. For example, what are district 19 (11.0%) and district 6 (1.5%) doing differently with regards to generating referrals for therapeutic placement? It may be that those districts with fewer therapeutic treatment facility referrals are under-identifying mental health issues in their juvenile population, or it may be that their communities are richer in alternative programs such as intensive outpatient treatment. Similarly, explanations should be sought concerning those districts that are referring more juvenile offenders than average for therapeutic placement. The significant differences between districts should be viewed with caution as these findings relied on a single univariate statistic; more complex analysis is needed.

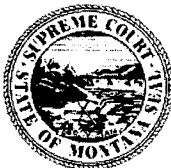
Further study should also explore whether or not juvenile offenders are discharged because they have successfully completed treatment. Reason for discharge was not explicit in the data available to the researchers for the purposes of this study. Other factors may contribute to discharge, such as funding, "aging out" (i.e., turning 18) or disciplinary reasons. Exploring the discharge status of both recidivists and non-recidivists would be useful for informing further predictive models.

CONCLUSION

This report prepared by UM for the OCA clearly demonstrates that the data collection capacity of the OCA is sufficient to use quantitative methods to predict placement in RTF, out-of-state placement, length of stay and recidivism. Useful information was available for demographic, diagnostic, service-related and offense-related variables. Determining the need for placement is infinitely complex; this study relied primarily on quantitative methods and provides answers for select research questions. It certainly does not answer all questions about the process of placing juvenile offenders in therapeutic treatment facilities, and further research efforts are encouraged.

The Supreme Court of Montana
Office of Court Administrator

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TO: Members of the Law and Justice Interim Committee

FROM: Beth McLaughlin, Court Administrator
Montana Supreme Court

DATE: August 29, 2011

SUBJECT: Report on Annual License Tax on Attorneys

Section 37-61-211, MCA, requires that an attorney admitted by the Montana Supreme Court to practice law within the state pay a license tax of \$25 a year. Upon receipt of the tax revenue, the Clerk of the Supreme Court deposits the revenue into the general fund.

In 2005, section 37-61-211, MCA, was amended to require that revenue from the attorney license tax be allocated to the Supreme Court for the operations of certain commissions and entities (e.g., Commission on Practice, Commission on Courts of Limited Jurisdiction). The 2005 legislation further required the court administrator to report annually on expenditures authorized in section 37-61-211, MCA, to the Law and Justice Interim Committee.

For fiscal year 2011, \$113,355 was collected from the attorney license tax. Because the 2005 legislation did not create a state special revenue account for deposit of the attorney license tax revenue, this money was deposited into the general fund, as it had been in prior years. Therefore, no expenditures for the operation of judicial commissions were made directly from the tax revenue in fiscal year 2011. The commissions were funded through a general fund appropriation and an appropriation from a state special revenue account for certain fees approved by the Commission on Courts of Limited Jurisdiction.

Please let me know if you have any questions or need additional information.

STATE OF MONTANA BOARD OF PARDONS AND PAROLE

Medical Parole Report July 2008 (Section 46-23-210, MCA)

Dispositions

- (7) medical parole applications were heard at Montana State Prison in FY 2008
- (4) applications were approved (57.1%)
- (3) applications were denied (42.9%)
- (1) medical parole applicant that was denied in FY 08 was granted standard parole at his initial appearance in June 2008

Outcome of Offenders Released on Medical Parole

- (2) offenders were released on medical parole in January 2008
- (1) offender was released on medical parole in February 2008
- (1) offender was released June 2008
- (2) offenders remain on active supervision in Montana
- (2) offenders remain on active supervision and have been transferred in accordance interstate compact agreement to the states of North Dakota and Washington
- No violations of the rules of supervision have been reported

Healthcare Costs and Payments Related to the Care of the Offender

- (1) offender is covered by Medicare and his wife's private insurance. The Medicare premium has been \$126.00 per month beginning January 2008. The Humano Program supplements the cost.
- (1) offender
- No reports were received to date regarding costs and payments from the interstate cases.

Montana Public Defender Commission
Fiscal Year 2011 Report
to the Governor, Supreme Court and
Legislature
December, 2011

- Letter from Chairman Richard E. "Fritz" Gillespie
- Commission Membership
- Mission Statement
- Assessments and Collections
- FTE vs. Contractor Hourly Rates
- Regional Statistics
- Required Reports
 - Staffing Report
 - Training Report
 - Case Counts
 - Caseload and Workload
 - Expenditure Data
 - Legislative Finance Committee Reporting
 - Policies and Procedures
 - Standards

MONTANA PUBLIC DEFENDER COMMISSION



BRIAN SCHWEITZER
GOVERNOR

RICHARD E. GILLESPIE
CHAIR

STATE OF MONTANA

(406) 496-6080
Fax: (406) 496-6098

44 WEST PARK STREET
BUTTE, MONTANA 59701

December 1, 2011

Governor Brian Schweitzer
P.O. Box 200801
Helena, MT 59620-0801

The Montana Supreme Court
P.O. Box 203001
Helena, MT 59620-3001

The Montana Legislature
c/o Kevin Hayes
Legislative Services Division
P.O. Box 201706
Helena, MT 59620-1706

Dear Governor Schweitzer, Supreme Court Justices, and Legislators:

RE: Montana Public Defender Commission Report
to the Governor, Supreme Court and Legislature

Pursuant to 47-1-105 (9), MCA, the Montana Public Defender Commission must provide a biennial report to the Governor, Supreme Court and Legislature. Each interim, the Commission also specifically reports to the Law and Justice Interim Committee.

Description of Report

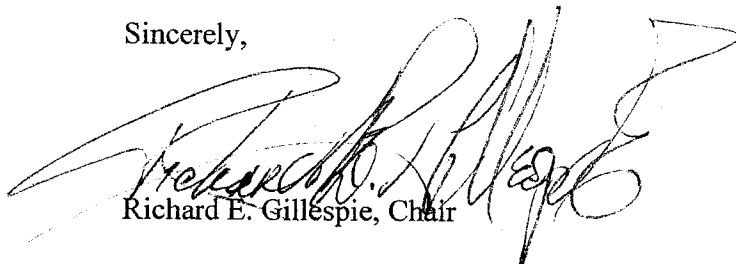
1. All policies and procedures in effect for the operation and administration of the statewide public defender system and all standards established or being considered by the Commission or the chief public defender.
2. The number of deputy public defenders and the region supervised by each; the number of public defenders employed or contracted within the system, identified

- by region; and the number of attorney and non attorney staff supervised by each deputy public defender.
3. The number of new cases in which counsel was assigned to represent a party, identified by region, court and case type; and the total number of persons represented by the office, identified by region, court and case type.
 4. The annual caseload and workload of each public defender, identified by region, court and case type.
 5. The training programs conducted by the office and the number of attorney and non-attorney staff who attended each program; and the continuing education courses on criminal defense or criminal procedure attended by each public defender employed or contracted within the system.
 6. Detailed expenditure data by court and case type.

This report is also available at
<http://www.publicdefender.mt.gov/2011GovReport/TOC.asp>.

Please feel free to contact our Administrative Director, Harry Freebourn, if you have any questions regarding the information in this report. Mr. Freebourn can be reached at 496-6084, or hfreebourn@mt.gov.

Sincerely,



Richard E. Gillespie, Chair

cc: Montana Public Defender Commission
Dave Stenerson, Interim Chief Public Defender
Harry Freebourn, Administrative Director

Public Defender Commission Membership

as of December, 2011

Richard "Fritz" Gillespie, Chair

P.O. Box 598
Helena, MT 59624
(406) 442-0230
REGillespie@kellerlawmt.com

Term ends July 1, 2013

Qualification: attorney nominated by State Bar, who represents criminal defense lawyers

Kenneth R. Olson, Vice-Chair

417 Central Ave. #4
Great Falls, MT 59401
(406) 727-6263
olsonlaw@mt.net or tish@kenolsonlaw.com

Term ends July 1, 2014

Qualification: attorney nominated by the Montana Supreme Court

Alfred F. Avignone

504 W Main St.
Bozeman, MT 59715
(406) 582-8822
avignone@qwestoffice.net

Term ends July 1, 2013

Qualification: attorney nominated by the Supreme Court

Christopher Daem

(406) 656-6621

Term ends July 1, 2014

Qualification: member of organization advocating on behalf of people with mental illness and developmental disabilities

Caroline Fleming

jackncaroline@yahoo.com

Term ends: July 1, 2011

Qualification: public representative nominated by House Speaker

Terry Jessee

TJessee@co.yellowstone.mt.gov

Term ends July 1, 2012

Qualification: public representative nominated by Senate President

Margaret Novak

P.O. Box 720
Chester, MT 59522
margaretmnovak@gmail.com

Term ends July 1, 2013

Qualification: member of organization advocating on behalf of indigent persons

Charles Petaja

615 S. Oaks
Helena MT 59601
(406) 442-3625
haloffices@qwestoffice.net

Term ends July 1, 2012

Qualification: attorney nominated by State Bar, experienced in felony defense with one year as full-time public defender

Majel Russell

Mrussell@elkrivierlaw.com

Term ends July 1, 2012

Qualification: member of organization advocating on behalf of racial minorities

Ann Sherwood

P.O. Box 278
Pablo, MT 59855
(406) 675-2700 ext. 1125
annsherwood@hotmail.com

Term ends July 1, 2014

Qualification: attorney nominated by State Bar, experienced in defense of juvenile delinquency and federal Indian Child Welfare Act

William F. Snell Jr.

3122 Brayton St.
Billings MT 59102
(406) 652-3640
psf@180com.net

Term ends July 1, 2013

Qualification: employee of organization providing addictive behavior counseling