



## CRIMINAL JUSTICE OVERSIGHT COUNCIL 67th Montana Legislature

### SENATE MEMBERS

Ryan Lynch  
Keith Regier

### HOUSE MEMBERS

Kathy Kelker  
Barry Usher

### COMMITTEE STAFF

Milly Allen – Lead Researcher  
Daniel Collins - Secretary

### PUBLIC MEMBERS

Georgette Boggio  
Ross Canen  
Brian Gootkin  
Rachel Guernsey  
Melissa Kelly  
Kurt Krueger  
Rhonda Lindquist  
Keegan Medrano  
Jimmy Patelis  
Amy Tenney  
Scott Twito  
Cynthia Wolken

# MINUTES LOG

October 27, 2021  
Capitol Room 152 and Zoom  
Helena, Montana

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <https://leg.mt.gov>. From the home page, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu for the date of the meeting. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From there, use the calendar to select the date of the meeting you wish to view/listen to. The written Minutes Log, along with links to the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed. Please contact the Legislative Services Division at 406-444-3064 for more information.

### **MEMBERS PRESENT:**

Rep. Barry Usher, Presiding Officer (R)  
Jimmy Patelis, Vice Presiding Officer  
Georgette Boggio  
Ross Canen  
Brian Gootkin  
Rachel Guernsey  
Rep. Kathy Kelker (D)  
Melissa Kelly  
Kurt Krueger  
Rhonda Lindquist  
Sen. Keith Regier (R)  
Amy Tenney  
Scott Twito

### **MEMBERS EXCUSED:**

Sen. Ryan Lynch (D)

Keegan Medrano  
Cynthia Wolken

**STAFF PRESENT:**

Milly Allen, Lead Researcher  
Daniel Collins, Secretary

**AGENDA ([Attachment 1](#))**

**VISITORS' LIST ([Attachment 2](#))**

**COMMITTEE ACTION**

**CALL TO ORDER/ROLL CALL**

09:06:18 Sen. Barry Usher – (R) called the meeting to order at 9:06 AM. The committee secretary took roll.

**PRESENTATION**

**Pre-Trial Diversion Programs in the United States**

09:08:13 Amber Widgery with Criminal Justice Program Principal of the National Conference of State Legislatures presented on Pre-trial diversion. ([Exhibit 1](#))  
09:15:19 Wolken has arrived  
09:43:24 Robin Wosje, Senior Program Manager of the Justice Management Institute presented on Pre-trial diversion. ([Exhibit 2](#))

**Committee Questions/Discussion**

10:02:06 Rep. Kelker asked about studies regarding prosecutors' offices ability to take on this process.  
10:06:59 Sen. Regier asked about deflection/diversion programs being voluntary.  
10:08:49 Council Member Boggio asked about tools developed to help with evaluation for deflection/diversion.  
10:13:32 Rep. Usher asked to have the McArthur situation explained for the council.  
10:16:07 Council Member Twito asked about data regarding tools for prosecutor-led diversion on drug cases.  
10:19:12 Council Member Twito asked about a risk assessment as part of prosecutor-led diversion.  
10:21:26 Director Gootkin asked about data collecting on funding in other states.  
10:27:42 Council Member Patelis asked if pre-trial diversion systems should be independent or uniform across state counties.  
10:28:35 Council Member Twito has left.  
10:31:59 Council Member Patelis stated that diversion program guidelines should have been completed with the introduction of the bill.  
10:32:36 Rep. Kelker asked about any state using telehealth for assessments.

**BREAK**

10:45:44 Rep. Usher called on Robin Wosje to share some slides. (See Exhibit 2)  
10:55:53 Rep. Usher stated we do have crisis intervention teams, and we don't have a Criminal Justice coordinating council.  
10:57:38 Council Member Twito has arrived.

- 10:58:26 Sheriff Canen asked about liability protection.
- 11:04:52 Rep. Kelker asked about links in exhibits.
- 11:05:17 Council Member Guernsey asked about rate of follow through versus fall out, and how long process takes to complete.
- 11:11:10 Council Member Twito asked about duration being dependent upon the assessment.

**Public Comment on the Agenda Item**

- 11:13:54 May Simmons, Polson
- 11:15:53 Sheriff Canen has left.
- 11:17:05 Nanette Gilbertson, Montana County Attorneys' Association and Sheriffs and Peace Officers' Association.
- 11:19:43 Josh Butterfly, Let Them Come Home
- 11:25:29 Rep. Usher closing statements on Pre-Trial Diversion and mentioned action items to be addressed during the work session.
- 11:26:41 Rep. Kelker asked about budgets for pilot programs.

**LUNCH**

**PANEL: OFFENDER HOUSING IN MONTANA**

**Department of Corrections**

- 13:07:29 Deputy Director Wolken, Megan Coy, and Kim Lahiff with Department of Corrections conducted presentation on offender housing. ([Exhibit 3](#))

**Department of Health and Human Services**

- 13:23:05 Ki-Ai McBride with Department of Health and Human Services conducted presentation. ([Exhibit 4](#))

**Local Re-Entry Task Force**

- 13:30:08 Jana Staton with Re-Entry Task Force spoke on offender housing.

**Board of Pardons and Parole**

- 13:36:46 Chairman Steve Hurd with Board of Pardons and Parole spoke on offender housing.

**Committee Questions/Discussion**

- 13:40:41 Council Member Tenney commented on the difference between licensed and unlicensed centers. She asked why the survey didn't include licensed homes.
- 13:42:55 Rep. Kelker asked about housing vouchers needed but not given.
- 13:43:56 Judge Krueger asked how many individuals are in a release situation.
- 13:44:56 Judge Krueger commented on sober living home standards.
- 13:45:52 Council Member Patelis stated that he has found the same information as Judge Krueger.
- 13:46:47 Council Member Twito asked how many unlicensed homes are in Yellowstone county and when were the unlicensed homes were established.
- 13:48:40 Rep. Kelker asked how often vouchers are used with sobriety homes.
- 13:49:31 Sen. Regier asked why sober living homes are being paid in excess of releasees' residence.
- 13:51:00 Sen. Regier asked about contracts in place.
- 13:51:26 Sen. Lynch has arrived
- 13:52:03 Sen. Regier asked why contracts aren't in place.

13:54:11 Council Member Guernsey asked why the data doesn't reflect her firsthand experience.  
13:55:22 Council Member Twito asked when unlicensed recovery homes began.  
13:56:20 Council Member Twito asked how many new entities are have initiated.  
13:57:12 Council Member Patelis asked how many offenders setup unlicensed sober living homes.  
13:57:55 Rep. Usher asked how many questions were on the survey, and if the council can receive the survey.  
13:58:40 Judge Krueger about the transitional fund.  
13:59:16 Rep. Usher asked about pardon and parole officer investigations.  
14:00:20 Rep. Usher asked if background checks are performed on the other residents of release homes.  
14:01:15 Rep. Usher asked about background checks that have been made on residents in a home before a new member is introduced.  
14:02:38 Council Member Twito asked how a sober living house is deemed safe.  
14:03:41 Council Member Patelis asked about clarity on releasees' eligibility for housing before release.  
14:05:09 Rep. Usher asked what she was citing during her previous comments.  
14:06:18 Sen. Lynch has left  
14:07:52 Rep. Usher asked about the average amount of cases per year on western half of Montana.  
14:08:13 Council Member Patelis asked how probation and parole officers discern whether a sober living home is appropriate or not.  
14:11:39 Council Member Patelis asked why we use unlicensed sober living homes.

### **Public Comment**

14:13:16 May Simmons, Polson  
14:17:34 Josh Butterfly, Let Them Come Home  
14:18:19 Sen. Lynch has arrived  
14:19:52 Rep. Kelker asked about a list of licensed and unlicensed homes during the work session.  
14:21:03 Ki-Ai McBride followed up on Rep. Kelker's request.  
14:22:53 Council Member Guernsey asked if we can get a list of beds in the home, and co-ed living situations.

### **BREAK**

### **PRESENTATION**

#### **Community Corrections in Montana**

14:30:51 Council Member Tenney presented on Community Corrections in Montana (Exhibit 4)  
14:45:13 Council Member Kelly assisted with presentation. (See Exhibit 4)  
14:59:32 Council Member Tenney continued presentation. (See Exhibit 4)

### **Committee Questions/Discussion**

15:04:12 Council Member Lindquist asked about the impact of COVID on bed availability.  
15:05:49 Council Member Kelly concurred with Council Member Tenney.  
15:06:49 Council Member Lindquist asked about bed availability for veterans.  
15:07:58 Council Member Patelis asked for clarity on the different programs.  
15:11:07 Council Member Patelis asked about a dispute between parole availability and treatment center levels.

- 15:13:01 Council Member Patelis asked what to do with an endorsed inmate with no location available.
- 15:14:05 Council Member Patelis stated that endorsed inmates are waiting for an indeterminate amount of time for placement.
- 15:15:28 Rep. Kelker asked about aftercare at the conclusion of the programs.
- 15:20:08 Rep. Kelker asked about mentoring and aftercare options
- 15:22:27 Council Member Kelly commented on facility accountability.
- 15:23:27 Rep. Usher asked about state paying on full versus empty beds.
- 15:24:59 Rep. Usher asked about assistance gained due to COVID.

**Public Comment on the Agenda Item**

- 15:26:01 Erin McGowan, Executive Director of Montana Community Corrections Association
- 15:29:51 May Simmons, Polson
- 15:33:14 Josh Butterfly, Let Them Come Home
- 15:36:36 Council Member Lindquist asked about the screening process.

**PUBLIC COMMENT ON ANY MATTER UNDER THE JURISDICTION OF THE CRIMINAL JUSTICE OVERSIGHT COUNCIL THAT IS NOT MENTIONED ON THIS AGENDA**

- 15:37:39 May Simmons, Polson

**WORK SESSION**

**Next Meeting Dates**

- 15:40:49 Milly Allen went over next meeting dates. ([Exhibit 5](#))

**Overview of Topics for Next Meeting**

- 15:41:52 Milly Allen discussed next meeting topics.
- 15:42:55 Rep. Usher talked about meeting topics proposed during this meeting.

**Council Requests for Future Meeting Research and Agenda Items**

- 15:44:13 Rep. Usher and Milly Allen discussed future meeting research and agenda items.
- 15:46:23 Council discussion on action items asked previously.
- 15:54:37 Rep. Kelker spoke on the assessment process.
- 15:56:37 Council discussion on the assessment process.
- 16:00:29 Judge Krueger commented on treatment.
- 16:02:01 Council Member Wolken spoke on the Justice Reinvestment Policy of peer support.
- 16:02:58 Rep. Usher commented on reciprocity of licenses.
- 16:03:49 Sen. Lynch asked about pre-trial diversion.
- 16:04:17 Sen. Regier asked about release without treatment.
- 16:05:45 Council Member Patelis commented on 3.5.
- 16:08:16 Council Member Twito on conditional discharge.
- 16:11:39 Council Member Gootkin concurred with Council Member Twito.
- 16:12:10 Council Member Guernsey talked about working on a tour.
- 16:14:12 Sen. Lynch talked about Department of Corrections data and simplification.
- 16:14:55 Council Member Patelis commended Department of Corrections on the violation reports.

**ADJOURNMENT**

Adjournment: 16:17:25