



MONTANA STATE PUBLIC DEFENDER

17 West Galena, Butte, MT 59701
T: 406.496.6080 F: 406.496.6098
publicdefender.mt.gov

Pursuant to the request of Chairman Mercer in the Office of State Public Defender's (OPD) Joint Appropriations Subcommittee – Section D hearing, following are the recommendations from OPD for increased efficiencies in Montana's Criminal Justice System:

A Statewide Criminal Justice Data Exchange/Integration

We strongly believe the implementation of a statewide data warehouse would serve the Legislature by allowing for evidence-based and data-driven public policy analysis and decision making. It would also serve all stakeholders by:

- decreasing duplicative information each agency enters (i.e. name, DOB, case-related information such as charge, disposition, sentencing, etc.)
- increasing data integrity and real-time access to information
- eliminating manual processes for comparing data between agencies or courts
- increasing accountability and transparency of each stakeholder

Since the late 1990s, numerous criminal justice stakeholders nationwide have expressed the need for integrated data amongst entities all largely working with the same populations (law enforcement, courts, prosecutors and defense counsel, corrections agencies, etc.). Pursuing a data exchange was also a recommendation to OPD from the Legislative Audit Division to improve data access and reduce manual entry.

As OPD previously indicated to the committee, the new case management system recently purchased by OPD will enable our agency to be able to integrate easily with such a data exchange and we look forward to more discussions on how we can move this idea forward.

Clarification re: Absconding in MCA Title 46-18-203(11)(a)

In District Court cases, revocations are consistently one of the most common case types OPD is appointed to represent. In an effort to reduce unnecessary revocations and the broad impacts they have on clients and the system, OPD suggests the following change in this statute:

“Absconding” means when an offender deliberately makes the offender’s whereabouts unknown to a probation and parole officer ~~or fails to report for the purposes of avoiding supervision,~~ and ~~reasonable~~ efforts by the probation and parole officer to locate the offender, **in compliance with DOC policy,** have been unsuccessful.”

We suggest this change to clarify what constitutes ‘reasonable efforts’ on behalf of the

We provide effective professional legal services with equal access to quality client-centered representation.



MONTANA STATE PUBLIC DEFENDER

17 West Galena, Butte, MT 59701
T: 406.496.6080 F: 406.496.6098
publicdefender.mt.gov

Department of Corrections as they have already indicated in their Operational Procedure 6.1.203 in section E – Compliance Monitoring what contact is expected for Probation and Parole Officers:

- a) P&P Officers shall use a combination of ways to have contact with the offender for effective supervision:
 - i. contacts that take place in the community are the preferred method of contact;
 - ii. all contacts **must** be documented in the offender's OMIS chronological history; and
 - iii. when, in an attempt to contact the offender at his/her home and the offender is not present, but another person is present, the contact will be documented as a collateral contact.
- b) For all offenders under supervision, P&P Officer must verify an offender's residence within 30 business days of initial sign-up, transfer, or any reported change of address by contacting the offender at the residence. This contact will be documented as a home contact.

Incarcerated Client Access – Phone, Video, Email

Montana law was amended in 2017 to ensure that inmates at detention centers could call their attorneys for free.

MCA 7-32-2255. Inmate phone calls to attorney. As needed and subject to policies adopted by the local government that operates or contracts for the lease or operation of a detention center, the detention center administrator shall allow an inmate to speak on the telephone with the inmate's attorney without charge.

Access to legal counsel is a constitutional issue, one that is currently problematic in Montana. State institutions, including the Montana State Prison, have taken the position that this law does not apply to their facilities, and OPD is still charged for these calls. Adding state institutions to this statute would reduce costs to OPD and most importantly, remove barriers to access to counsel.

Encouraging detention centers and prisons to allow inmates to access counsel via video and email, again without charge, would also help the agency by reducing travel time and increasing client engagement. OPD's new case management system will allow clients to access their information remotely and electronically, and we would like incarcerated clients to be able to access their information in a similar way.

Respectfully,

Rhonda Lindquist, Director