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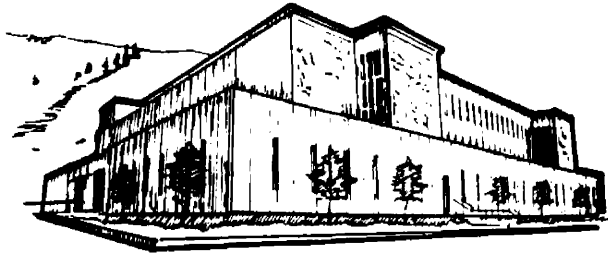
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PRETRIAL SERVICES IN MISSOULA COUNTY:
A FEASIBILITY STUDY

By

Jerrold G. Cooley

B.S. University of Montana 1985
Presented in Partial Fulfillment of the
Requirements for the Degree of
Master of Public Administration
University of Montana
1990

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TABLE OF CONTENTS

CHAPTER	Page
I. Jail Overcrowding	1
Problem Statement	1
Missoula County Jail Populations:	
Past and Future	4
Pretrial Detainees	5
Jail Budget	8
Responses to Overcrowding	9
II. Historical Perspective of Pretrial Release Programs	13
Bail Reform Act of 1984	16
Pretrial Program Practices	17
Bond Options	18
Screening Procedures	19
Release Options	20
Beta Alternatives of Billings, Montana	25
III. Pretrial Program Proposal	28
Legal Authority	28
Program Goals	29
Objectives	29
Budget	31
Budget Narrative	31
Operations	33
Implementation	35
IV. Political Climate	38
John Breuer, Jail Administrator	38
JP Michael Morris	39
Judge Ed McLean	41
County Attorney Dusty Deschamps	42
Sheriff Dan Magone	43
Adult Probation Supervisor, Ralph Fisher	43
County Commissioner Janet Stevens	44
Conclusions	45
V. Summary and Recommendations	46
Reduction in Jail Population	46
Verified Information	46
Provide a Safer Community	47
Provide Consistency	47
Provide Stronger Defense Against	
Civil Litigation	48
Efficient Transfer of Information	49
Planning for the Future	49
Cost Reduction	49
Costs	50
Goals	50

	Page
SOURCES CONSULTED	52
APPENDICES	54-63
Figure 1: Jail Population Chart	55
Figure 1A: Average Daily Population Figures	56
Figure 2: 1988 Average Daily Population vs. Pretrial Population	57
Figure 3: 1988 Average Daily Population/ Pretrial Percentages	57
Figure 4: 1988 Average Daily Population vs. Felony Population	58
Figure 5: 1988 Average Daily Population/ Felony Percentages	58
Figure 6: 1988 Average Daily Felony Population vs. Felony Pretrial Population	59
Figure 7: 1988 Average Daily Felony Population Percentages	59
Resume of Administrator/Screeners	60
Advice of Rights Form	61
Release Eligibility Assessment Form	62
Conditions of Release Form	63

CHAPTER 1
JAIL OVERCROWDING

Problem Statement

It is the intent of this paper to determine the feasibility of pretrial services in Missoula County. Pretrial services entails preparing a background report for the court on an arrestee prior to his first court appearance. Pretrial services, explained fully later, provides bond recommendations, bond supervision for those released, as well as monitoring of probationary-type release conditions. The jail overcrowding is becoming a crisis and a system is needed to not only reduce the jail population, but to stabilize it. Pretrial services have proven effective in the federal and local systems in regulating jail populations. Whether this program will be effective in Missoula is dependent on numerous variables including politics, personalities, governmental design, finance and legal issues. These issues will be addressed in this paper in determining the feasibility of such a program.

Jail populations will be analyzed for the years 1988 and 1989 to determine a target population and a method of screening. The jail budget will be scrutinized to determine

if pretrial services can produce a savings. Finally, political factors will be discussed by way of extensive interviews with all City/County officials affected by pretrial services. In conclusion, I will make recommendations concerning the feasibility of the program.

Missoula County Jail has a design capacity for eighty-eight prisoners. However, six of these beds are isolation cells and an inmate can only be incarcerated in the cell for a matter of hours before he has to be released, realistically reducing the usable bed space to eighty-two. In addition, there are eight cells for women and juveniles which must be separate from the general inmate population.

For the month of March, 1989, the average daily population was eighty prisoners, although there were days when the population exceeded ninety. For the jail to be within federal guidelines, the male population must be sixty-four or less; in order for the cells to be used for their designed purpose, e.g., drunk cells for drunks, the population must be fifty-one male prisoners.¹ Because the average daily population in the first four months of 1989 has averaged seventy-seven inmates, according to the jail administrator, jail overcrowding has resulted in a "crisis situation."

There are several factors that appear to have had an impact on the number of inmates. A review of the jail

¹Interview with John Breuer, 5/9/89.

population statistics for the calendar year 1988 shows that persons detained in the Missoula County Jail on a pretrial basis account for 67 percent of the total number of inmates. According to John DeVore, County Administrator, the Missoula County Jail is, in reality, a pretrial detention facility.

In 1988, the average daily population (ADP) was sixty-three inmates and 68 percent of that total population were inmates arrested on felony charges. Forty-eight percent of all those people held on felony charges were being detained on a pretrial basis. Ninety-three percent of the total jail population were incarcerated as a result of being charged with nonviolent crimes. In general then, the jail population was mostly inmates held on felony charges prior to conviction, and most of the inmates were charged with nonviolent crimes. This is different from the common wisdom that a jail houses convicted persons who are dangerous.

Given these statistics and a consensus that the facility is primarily used for pretrial detention, it seems prudent to examine the feasibility of pretrial services. The development of pretrial services will provide a useful tool with which administrators can regulate the jail population.

The problem to be addressed by this research can be summarized by the following statement: Can Missoula County reduce its pretrial detention population so as to (1) comply with budgetary and statutory requirements regarding jail populations, (2) maintain an acceptable level of public

safety, and (3) not increase the number of pretrial defendants who fail to appear?

Missoula County Jail Populations: Past and Future

In 1986, the National Institute of Corrections (NIC) provided a jail capacity forecast for the Missoula County detention facility. The NIC forecasted that, by the year 2010, the average daily jail population (adp) in Missoula County would range between eighty-one and eighty-eight. Peak jail population by this date would attain the ninety-six to 105 range. Bed space, if it is to be sufficient to meet peak population pressures and unusual classification situations, must rise to as high as 120 by the year 2010. Another study conducted in 1982 produced similar forecasts. Lynn Lund and Associates, "Needs Assessment and Master Plan," forecasted a maximum jail population of 107 by the year 2005.

The NIC report further indicated that in 1986 the release rate of pretrial prisoners in Missoula County was low at 62 percent. A rate of at least 70-75 percent is a minimally acceptable level, and the NIC recommended raising the release rate for misdemeanor offenders to 90 percent to have an impact on bed space.

Figure No. 1, in the Appendix, reveals a gradual trend in increased Missoula jail populations in the last three years. Although not shown on the chart, the average daily jail population in 1980 was thirty-five inmates. The average

daily population for the first four months in 1989 was seventy-seven. The first four months of 1989 indicate an alarming trend when compared to the first four months of previous years. In 1987, when the average daily population was sixty-eight, the first- four-months average daily population was sixty-three.

Out of the eighty-eight current bed spaces, six are reserved for isolation cells that have an hourly maximum stay, and eight of the cells are juvenile and female facilities. These special use designations are part of the jail's classification system in order to separate juvenile, female, dangerous, and intoxicated prisoners. For the strictly male population, there can be only sixty-four bed spaces available without exceeding federal guidelines that mandate minimum square feet per prisoner. In order to classify properly, the jail cannot exceed an average daily population of fifty-one. The jail administrator states that he needs 20 percent more bed space than the average daily population in order to classify properly.

Pretrial Detainees

This research on Missoula's jail population will try to identify a target group of inmates large enough to reduce the overcrowding yet reliable enough both to appear for future court dates and not jeopardize the safety of the community.

The following is a "breaking down" of the characteristics of the Missoula jail population for the calendar year 1988.

Figure No. 2, in the Appendix, indicates the average daily population of Missoula County Jail in 1988, and compares it to the average daily population of inmates held pending disposition of their cases. In 1988, the average daily population was sixty-three inmates and the average daily population of inmates held pending trial was forty-three inmates. Figure 2 clearly shows that the number of pretrial detainees each month is a large percentage of the average daily population and remains constant each month.

Figure No. 3, in the Appendix, breaks down in percentages the number of inmates held in Missoula County Jail in 1988 pending trial as compared to those serving their sentences. Sixty-three percent are awaiting trial and only 37 percent are serving sentences. As Figure No. 2 shows, this percentage remains constant on a monthly basis. Figure No. 3 illustrates nicely John DeVore's assertion that the Missoula jail facility is, in reality, more of a pretrial detention center than a lockup for those already convicted.

Figure No. 4, in the Appendix, illustrates the high population of inmates held on felony charges in relation to the average daily jail population. The felony population remains constant month to month in relation to the average daily jail population at the Missoula County facility. The average daily jail population in 1988 was sixty-three

inmates, and the average daily jail population of felony prisoners was forty-three. Figure No. 5, in the Appendix, presents this data in percentages and shows that, in 1988, 68 percent of the average daily jail population was being held on felony charges, while 32 percent were incarcerated for misdemeanor offenses.

In breaking down the jail population even further, Figure No. 6, in the Appendix, compares the average daily jail population of persons serving sentences for felony charges in 1988 with the average daily jail population of felony detainees held prior to trial. The average daily jail population of all inmates held on felony charges (both pretrial and sentenced) in 1988 was forty-three, while the average daily jail population of just the inmates held pending trial on felony charges was thirty-one. Figure No. 7, in the Appendix, breaks the above data into percentages and illustrates that, of the total felony detainees in 1988, 73 percent were held pretrial and 27 percent were serving sentences.

A National Institute of Corrections (NIC) study revealed that of those persons incarcerated in Missoula in 1986, 92.5 percent were charged with violent crimes. According to NIC, 70 percent of those individuals booked into the Missoula County Jail in 1986 had no prior criminal convictions. This data infers that defendants are being held prior to trial because of the felony status of the charge rather than

because of their prior record or the violent nature of the charge.

Several general statements can be made about this data. It is clear that the Missoula jail population is rising and that the Missoula jail facility is unable to meet federal guidelines for jail space at the present time. It is also clear that the majority of persons held are detained on a pretrial basis (63 percent in 1988). It is also clear that the majority of inmates are held on felony charges (68 percent in 1988), and that the majority of those are detained on a pretrial basis (73 percent in 1988). It seems clear, therefore, that the aim of this project should be determining the expediency of securing pretrial release for those charged with felonies.

Jail Budget

The total 1988 budget for the Missoula County jail was \$734,752.00, of which \$431,697.00 was appropriated for salaries for eighteen jail positions. The jail staff has three shifts of six individuals per shift; however, because of vacation, days off and sick leave, normally there are no more than four people on shift at any one time. Normally, four people monitor, feed, transport, book and care for an average daily jail population of seventy-seven inmates.

Although many areas of the jail's 1988 budget are excluded, the items that are germane to this report are as follows:

Prescription drugs	\$ 12,000
Hospital care	\$ 21,300
Physical services	\$ 7,000
Clothing	\$ 3,700
Food purchases	\$ 90,000
Laundry	<u>3,400</u>
TOTAL	\$137,400

Because the jail staff is a skeleton crew, the jail administrator advises that the average jail population would have to be reduced to thirty-five inmates in order to justify reduction of staff. However, any reduction in the jail's population could reduce money spent on medical supplies and treatment, transportation, laundry, and food. If a pretrial program could reduce the jail population by 10 percent, a budgetary savings of \$13,740.00 for clothing, medical, food, and laundry could be realized (10% of \$137,400.00).

The average daily cost in 1985 to house a prisoner in Missoula County for one day was \$35.00. In 1986, the cost rose to \$36.00. In 1988, the average daily cost was \$40.00 per day to house an inmate. This cost does not include lights, water, and maintenance of the building.

Responses to Overcrowding

Faced with overcrowding in the Missoula County jail facility, the jail administrator has taken the following actions:

1. The jail administrator notifies all police officers that the jail facility is full and requests that all police officers stop bringing people to jail unless they are dangerous.

2. The jail administrator additionally screens inmates at the gate, although he realizes he has no authority to do this. The jail administrator was advised several years ago by a district judge that he should allow no more inmates in the facility than it was designed to hold. Although he has no authority to refuse inmates, he has chosen to refuse inmates at the time of booking.

3. In situations where every isolation cell is filled and more inmates are being brought in, he has requested that the City Police Department Shift Commander come to the facility and release inmates previously arrested.

4. The jail administrator meets with the district judges each Friday in order to evaluate the jail population. The judges frequently release those individuals that pose little risk to society in order to prepare for the influx of inmates over the weekend.

5. During critical stages, the administrator has contacted each district and justice court judge, as well as the municipal court judge, to ask each one if he has any inmates he can or will release.

6. For long-term prisoners, the jail administrator has contacted the inmate's attorney and suggested the attorney

propose a work-release program for the inmate. If the inmate has behaved well in jail and has a job, the jail administrator will contact the county attorney and the judge to recommend the inmate for a work-release program.

7. The jail administrator has contacted the sentencing judge and recommended early release for inmates who are behaving well.

8. The jail administrator has contacted the Sheriff's Department and encouraged officers to cite and release offenders during critical situations.

9. The Sheriff's Department has increasingly used a third party to take a DUI offender home in lieu of incarceration. DUI offenders pose a special problem for the jail staff, because they must be segregated from the general population, thus limiting the amount of jail space available.

In general, these alternatives are reactionary rather than preventive. The jail administrator, at times, screens the jail population for those who might be released without causing a danger to the community, but there is no systematic program for screening potential inmates. In order to reduce the jail population, it would be wise to develop a pretrial release program with a long-term goal of regulating the size of the jail population rather than reacting to crisis overcrowding with short-term solutions.

To further complicate the issues, if the voters were to approve a bond issue for the construction of a new jail

facility, it is estimated that it would be five years before a new facility could be utilized. It seems prudent to initiate preventive measures in order to stabilize jail populations.

Jail overcrowding and the search for alternatives to incarceration are not unique to Missoula, Montana. Pretrial services first appeared in the criminal justice system in the 1960s and programs are being increasingly utilized to reduce and regulate the jail populations in localities in Montana and across the United States.

CHAPTER II

HISTORICAL PERSPECTIVE OF PRETRIAL RELEASE PROGRAMS

The intent of this chapter is to highlight the practice of pretrial release as it has developed in the United States over the last twenty-five years and to examine the advantages and disadvantages of specific program structures, alternatives, and policy decisions related to effective pretrial case management. Missoula County is not alone in examining the feasibility of pretrial services in an effort to reduce jail population and provide a safer community.

The Birth of Bail Reform

Bail reform efforts in the 1960s saw the emergence of pretrial release programs as a response to problems noted by critics of the commercial bail system, such as discrimination against indigent defendants and the effective transfer of the release decision to private bail bondsmen. In 1961, the first of these programs, the Manhattan Bail Project, was initiated in New York City as an experiment in selecting defendants to be released on their own recognizance. Pretrial staff provided information to judicial officers

concerning community ties, employment, and family stability. The program had a significant impact on reducing jail populations, and the success of the Manhattan Bail Project provided the major stimulus for bail reform across the country.²

Two other events had substantial impact on the growing bail reform movement. In 1966, federal legislative efforts culminated in the Bail Reform Act of 1966, which created a presumption in favor of release on personal recognizance, introduced the concept of conditional release, and authorized 10 percent of deposit bail with the court,³ returnable upon appearance, and emphasized the principle of release under the least restrictive method necessary to insure future court appearances. Although the law only applied to federal courts in the District of Columbia, at least a dozen states undertook bail law revisions within five years of its passage.

As bail reform moved into its second decade, it was confronted by intense public concern over reports of dramatic increases in crime. Thus, programs struggled to reconcile

²Pollack, Smith, Criminal Justice Overview 2nd (New York: Holt, Rinehart and Winston, 1980), p. 124-126.

³It for the first time allowed only 10 percent of the full bail amount to be paid at the time of arrest based on the defendant's promise to pay the full amount if he didn't appear at future hearings. It further allowed the 10 percent be returned to the defendant if he reappeared, thereby eliminating the need for a bondsman. There were many areas where corrupt bondsmen had weakened the bail system.

the goal of reducing inappropriate pretrial detention with the need to maintain public safety. Bail reform measures in the 1970s consisted of efforts to improve program practices by expanding the use of nonfinancial release options and establishing national standards to guide localities in day-to-day practices. Throughout the 1970s, standards were developed by the National Advisory Commission on Standards and Goals (1973), the National Conference of Commissioners and State Laws (1974), the National District Attorneys Association (1977), and the National Association of Pretrial Services Agency (NAPSA) 1978. The American Bar Association revised its standards in 1979.⁴

An important development in the 1970s was the passage of the District of Columbia Court Reform and Criminal Procedure Act of 1970, which amended the Bail Reform Act of 1966 and directed judges in the District of Columbia to consider community safety and the defendant's risk of flight in arriving at appropriate bail decisions. This was the first law that allowed for "preventive detention" of defendants thought likely to commit new crimes if released into the community.

⁴Goldkamp, John S., Two Classes of Accused, (Temple University Ballinger Pablo, 1979), p. 39-51.

The Bail Reform Act of 1984

At the federal level, the Bail Reform Act of 1966 was repealed by the Bail Reform Act of 1984, and many of its preventive detention provisions were based on the District of Columbia Act. The 1984 Act provided the following: (1) It allowed judicial officers to consider danger to the community in imposing both release and financial conditions. (2) It permitted the imposition of additional types of release conditions, including probationary-type supervision, and permitted the rejection of bail money if its source was illegal. (3) It allowed pretrial detention of a defendant if no condition of release would insure appearance or safety of the community. (4) It provided procedures for revoking the release of a defendant who violated a condition of his release. (5) It raised penalties for bail jumping and provided mandatory penalties for crimes committed while on pretrial release.

As a result of the Bail Reform Act of 1984, pretrial services were developed in the federal system on a nationwide level. Bond reports with bond recommendations are now prepared for federal judicial officers by pretrial service officers prior to any defendant's initial hearing. Pretrial supervision, with probationary-type conditions, is widely accepted by judicial officers as a means of assuring public safety and the defendant's reappearance. Partly as a result

of the Act, over three hundred pretrial services programs were in operation as of 1986.⁵

Pretrial Program Practices

Program practices are determined by legal requirements as well as the political needs of the specific governmental system. Three court-related issues which affect pretrial service practices are organizational placement, point of program intervention, and available release options.

Organizational placement refers to the location of the pretrial program with regard to administrative authority and accountability. According to a 1980 survey of pretrial release programs, almost half were directly accountable to some branch of the courts. Equally important is the point of intervention. Most programs are in accord with national standards which prescribe that interviews be conducted expeditiously in order to make the information available at the first court appearance, where the initial release decision is usually made.

The range of release options available in a jurisdiction can also affect pretrial release program practices. These options usually range from financial to nonfinancial release. Among nonfinancial release methods, there are various levels of supervision provided.

⁵Report to the Nation on Crime and Justice, (Washington, D.C.: U.S. Department of Justice, 1988), p. 76.

Bond Options

The judicial officer has four types of nonfinancial release, including release on own recognizance (ROR), conditional release, supervised release, and third-party release. There are six types of financial conditions which the court may impose, including secured bail, privately secured bail, property bail, deposit bail, surety bail, and cash bail.

The practice of allowing commercial bondsmen to post bail for release of defendants prior to trial has created a commercial business enterprise within the courts. The bail bondsman can frequently determine whether or not defendants required to post surety bail are released or detained. Many states, including Illinois and Kentucky, have virtually eliminated the need for commercial bail bond services, while local systems in states such as Georgia, Texas and California still rely to a large extent on the use of surety bail.⁶ Surety bail expands on the cash bail system by allowing a defendant, or a third party, to sign a promissory note to pay if a defendant fails to appear.

Increasingly, community social service agencies are being called on to provide services to the courts so that more defendants can be released with supervision under nonfinancial release conditions. Pretrial release agencies

⁶Special Report, (Rockville, Maryland: Justice Statistics Clearinghouse NCJRS, 1988), p. 6.

may serve as catalysts in this process through development of relationships with various agencies and their identification of defendants who can be assisted by such programs.

Screening Procedures

A pretrial release program must identify the categories of defendants it will screen, then identify the population it will recommend for release. Definition of target populations can have a tremendous impact on the number of reports written, agents needed, and subsequent reduction in jail population. Defining the target population is accomplished through the use of screening for eligibility. This screening procedure involves three steps: obtaining background information; verifying that information; and determining the appropriate recommendation.

After the screening process, there are three assessment mechanisms available to pretrial release programs: objective schemes, subjective schemes, and a combination of both. Objective schemes use some type of "point scale" to determine a defendant's eligibility for "Release on Own Recognizance." This scheme allows for consistency and it may result in higher rates of nonfinancial release. Disadvantages include a lack of flexibility.

Subjective schemes capitalize on the knowledge and experience of trained investigative staff and allow interviewers a greater responsibility for release

recommendations. They provide some flexibility in changing release criteria to respond to individual defendants. However, the disadvantages of subjective schemes include possibility of personal bias, a requirement for an experienced staff at the initial interview, and a lack of consistency in the application of recommendations. Concerns over the weaknesses of the two approaches have led many programs to combine subjective judgment with objective point scales to determine release recommendations.

Following the recommendation determination, most programs prepare written reports which detail the release recommendation and the supporting background information, with copies provided to the prosecutor, the defense counsel, and the court. Some programs present only "Release on Own Recognizance" recommendations, while others present a variety of recommendations including conditional release, supervised release, and money bail amounts.⁷

Release Options

Conditional release is an option utilized by the courts when they believe the accused is not a good risk to return to court, but the court does not want to detain the individual. Through the use of conditional release, the courts seek to expand the number of defendants who are eligible for

⁷Armstrong, David, Beta Proposal to Yellowstone County, (1989), p. 10.

nonfinancial release, without jeopardizing failure to appear or re-arrest rates. Conditional release without supervision entails four categories: (1) status-quo, (2) restrictive conditions, (3) contact conditions, and (4) problem oriented conditions. Examples of conditions imposed include travel restrictions, periodic telephone contact with the pretrial service officer, and restricting association with certain individuals.

Supervised release provides direct personal contact between the releasee and the pretrial service officer. Monitoring offers several potential benefits to the court: adequately monitoring conditions can provide an early warning of non-appearance; information to the court on pretrial performance of supervised defendants can assist the court in determining the appropriate sentence for convicted defendants; and a defendant's record of pretrial behavior can provide an indication of likely behavior if probationary sentence is considered.

The population of defendants eligible for conditional release in part depends on the point of intervention selected by the program and the procedures for obtaining referrals. Screening before the initial court appearance may enable defendants to secure release more quickly and save both the system and the defendant the cost of unnecessary incarceration. Some programs have responded to this concern by presenting a general recommendation for conditional

release at the initial court appearance, with specific conditions to be determined later after another interview. Care must be taken in designing programs to guard against "widening the net." This can occur when judges assign conditions to defendants who may have obtained release without them.

In determining specific conditions of release, programs should strive to meet two criteria. First, conditions should be individualized to the particular circumstances of each defendant and must be reasonably related to minimizing the risk of flight and rearrest. Second, the least restrictive set of conditions should be imposed. This pertains not only to the number but also the type of conditions.

There are a number of follow-up activities of release programs for those releasees after arraignment. Though some of these services are not directly related to the pretrial release decision, they are often provided to other criminal justice agencies by pretrial service agencies. Many release programs interview defendants immediately following release in order to review court proceedings, court dates, attorney information, program requirements, and answer any questions. Release programs may also act to notify defendants, by phone or mail, of some or all court dates. Recent research on the impact of program notification shows that the practice may

reduce failure to appear (FTA) rates by as much as half in certain charge categories.⁸

Response to violations of release conditions is an important part of pretrial program activity. Professional standards suggest some discretion in reporting noncompliance; however, there are three types of sanctions for noncompliance: remedial, restrictive, and punitive. In the event of failure to appear, especially in felony cases, a large percentage of release agencies take action to return the defendant to court.

Supplemental services may include services to the accused or to other system agencies, such as information sharing. Pretrial programs often provide social service referrals to defendants who need help in obtaining employment, alcohol or drug abuse treatment, or other services. The maintenance of referral agency listings has become an important part of the work of pretrial programs. Since it is beneficial for the probation department working and preparing presentence investigations to complete the investigations quickly, pretrial services programs are often involved in supplying appropriate background data and important supplemental services in many jurisdictions. The probation department prepares a thorough background report on defendants, and pretrial services can provide much of the

⁸Ibid., pp. 12-13.

basic information, including criminal history, to shorten the time needed to prepare the report.

With the problem of jail crowding reaching crisis proportions, pretrial agencies are increasingly being recognized as crucial to jail population monitoring and as a bridge to cooperation between the courts and jail administrators. A high quality pretrial program is in an excellent position to contribute key facts to the analysis of jail populations and to help devise population reduction plans. In addition to providing data, many programs are directly involved in special population management groups and task forces designed to reduce jail populations.

Public relations is another important responsibility of pretrial release programs. Programs must prepare materials which describe program goals and operations and how they benefit the public. These materials should be available to three special audiences: (1) local criminal justice agencies; (2) community organizations; and (3) elected officials such as legislators and, particularly, county officials.

Critical to pretrial services is the management information system (MIS). It allows the program administrators to identify difficulties within the organization by examining statistics and periodic reports. Data to be examined may involve release or failure to appear rates, defendant characteristics, disposition information,

and other data so that questions concerning the program's effect on the criminal justice system can be answered. A carefully devised MIS is critical to the development of a program's "impact evaluation."

Determining if pretrial services programs can help solve the problems of jail crowding is affected by numerous variables in program structure. It is clear that criminal justice agencies, especially the courts, are looking to pretrial service agencies for the necessary expertise to reduce jail population levels while ensuring community safety and the integrity of the court process. This has been done in the state of Montana with positive results.

Beta Alternatives of Billings Montana

Beta is a multi-faceted organization that began as a pre-release program for Montana State Prison inmates. The program houses inmates, integrating them back into society through employment, counseling, and monitoring. The program then expanded to provide a community service program for Yellowstone County. This program, where individuals are sentenced to perform free community service work as an alternative to jail, has proven successful.

Beta has successfully implemented a pretrial service program beginning in February of 1989. Over 300 inmates have been screened in the first two months, and this has resulted

in an average population reduction at Yellowstone County Detention Facility (YCDF) of 20 percent.⁹

Previous to the program's inception, the population at YCDF began to soar. In October, November, and December, 1988, and January, 1989, the average daily population was 127 inmates. In February, the average daily population was reduced to 114 and to 118 for March. In April, the average daily population was 110 inmates. A large portion of the inmates were screened to alternative programs. Pretrial supervision such as office check-in, drug and alcohol testing, drug and alcohol assessment, etc., has successfully kept all but one referral out of jail. The population at the time of this writing stood at 100.

Beta Alternatives provides the following supervision services: (1) assignment of a volunteer supervisor to monitor release conditions; (2) telephone contact to verify whereabouts; (3) referral to treatment services such as alcohol and drug counseling and mental health counseling; (4) breath testing and urinalysis; and (5) written contact with clients to remind them of court appearances.¹⁰

All the judicial officers in Billings and Yellowstone County courts have reported that the information was helpful

⁹Interview with Mike Shaffer, Yellowstone County Sheriff, 5-17-89.

¹⁰Beta Alternatives, (Public Relations Handout), 1989.

in release decisions.¹¹ For example, on March 10, 1989, Judge Eschler called Beta Alternatives and requested eighteen inmates be screened for possible release. The inmates had been in jail for a long duration and by March 14, 1989, sixteen of the screened inmates had been released. The Yellowstone County Sheriff, as well as the justices of the peace in Yellowstone County, have provided written support of the program.

David Armstrong, Administrator of Beta Alternatives, was in a somewhat favorable position because the Yellowstone County Commissioners came to him seeking his help in developing pretrial services. This was predicated on the general consensus that even with the construction of a new facility, all beds would soon be filled. To control the population, the Commissioners felt that a program should be implemented to stabilize the jail population. Beta Alternatives had already established credibility with Yellowstone County with other alternative programs.

¹¹Ibid., pp. 8, 10, 12.

CHAPTER III
PRETRIAL PROGRAM PROPOSAL

Legal Authority

Section 46-9-501 of the Montana Code Annotated enumerates the conditions of bail and states in part that the conditions of bail shall be "any other conditions that the court may reasonably prescribe to assure his appearance as required and to protect any person from bodily injury, including but not limited to a condition that the person admitted to bail:

- (i) remain in the custody of a designated person...
- (ii) maintain employment or, ...actively seek employment;
- (iii) maintain or commence an educational program;
- (iv) abide by specified restrictions on travel;
- (v) avoid all contact with an alleged victim of the crime or limit contact with a potential witness;
- (vi) report on a regular basis to a designated law enforcement agency or other pretrial services agency;
- (vii) comply with a specified curfew;
- (viii) refrain from possessing a firearm ...or other dangerous weapon;
- (ix) refrain from the use of alcohol or a dangerous drug without a prescription ...
- (x) undergo available medical or psychiatric treatment, including treatment for drug or alcohol dependency...."¹²

¹²Mont. Code Ann. § 46-9-501 (1989).

The law seems clear that the county has statutory authority to develop a pretrial services agency and that the courts are allowed by statute to place an individual on pretrial supervision to insure the individual meets the conditions of bond supervision enumerated above.

PROGRAM GOALS

The pretrial services project is intended to decrease the time served by defendants prior to trial through the adoption of the following measures:

1. Provide the court with verified, relevant background information on pretrial defendants in a more expedient fashion enabling the release decision to be made sooner.
2. Broadening the release options available to the courts in terms of supervision given to defendants, enabling more defendants to qualify for release.
3. Insure community safety by providing the following services in appropriate bond supervision cases: personal and telephone contact, urinalysis, alcohol testing, employment, schooling, and chemical and mental treatment monitoring.

OBJECTIVES

The project will strive to achieve the following goals in order to provide accurate data for interested parties:

1. Establishment of a pretrial and release assessment methodology.

(a) Review 100 percent of all bookings during one-year pilot project;

(b) Perform screening services for all felony arrestees, and, depending on securement of volunteer staff, for 50 to 100 percent of all misdemeanor arrestees booked into Missoula County Jail;

(c) Make bond recommendations at the initial appearance to the judicial officer; and

(d) Within sixty days of project approval, develop and implement a screening grid form to be used to release offenders on project personnel's judgment.

2. Development of appropriate supervision options.

(a) Within sixty days of the start of the project, a three-phase release supervision system will be defined and implemented with the court's advice and approval (release on recognizance, conditional, and supervised).

3. Measurement of program effectiveness and program modification.

(a) During the project period, statistics will be maintained on the following: appearance rates for persons in the project; the rate at which program participants re-offend prior to appearance; the number of program participants and number of days of detention saved; and jail population statistics.

(b) Beginning sixty days from the initiating of

the project, monthly reports will be distributed providing program statistics and summaries.

BUDGET 1990-1991

PERSONNEL

Salaries and Wages:	
1.0 screener/program manager:	\$20,000
fringe benefits	5,000
1.0 clerical administrative support:	10,000
fringe benefits	<u>2,500</u>
TOTAL Personnel Expense	\$37,500

OPERATIONS

Copying Service	300
Communications	700
1 outside telephone line/2 extensions (600)	
Postage (100)	
Insurance and bonding	500
Mileage (personal vehicle for volunteer staff)	1,000
Office supplies	100
Printing (descriptive materials)	250
Rent (\$6.27/sq.ft. which includes utilities and maintenance)	
2 offices, 1 reception area, 1 storage area	<u>3,288</u>
TOTAL Operations Expense:	\$ 6,138

CAPITAL EXPENDITURES

Desks (3), Chairs (7) (from surplus supplies)	-0-
Telephone Set	395
Calculator	<u>45</u>
TOTAL Capital Expenditures:	440

TOTAL - ALL EXPENSES	\$44,078
Less Board of Crime Control Grant:	(22,039)
NET PROJECT COST TO COUNTY	\$22,039

BUDGET NARRATIVE

The total cost of the project for a one-year period is estimated to be \$44,078.00. I expect that one-half of the estimated cost is to be met through a grant from the Board of Crime Control. Unfortunately, matching funds may or may not

be available for subsequent years, and the county may then have to bear the full cost. However, it is anticipated that the savings will justify future financing of the program. The net cost of the project in Missoula County will be \$22,039.00 annually, broken down as follows:

Personnel

This is a labor intensive project, requiring the service of a full-time employee available to screen inmates for release, at least five days each week. As the program requires development as well as implementation, clerical and administrative support will be required during this time period to insure its success. Clerical support staff will be essential to the program's operation to receive calls, monitor releasees' reporting, both personal and by telephone, and staff the office when the administrator/screener is conducting interviews or in the field. It is anticipated that volunteer assistants can be selected and trained through internships at the University of Montana.

1. Administrator/Screeners: \$25,000

As this is a relatively sophisticated project, utilization of an experienced person to manage the program is warranted. Because credibility is the heart of pretrial services, a qualified individual with a combination of relevant education and correctional experience in supervision and management of criminal offenders is vital to this program. The administrator/screener will be responsible for

overall coordination of this project, on-site screening activities, verification of screening information, making release recommendations to the courts, and further development of program practices. The above figure includes fringe benefits.

2. Clerical and Administrative Support: \$12,500

The development of this program will require clerical time to type and develop daily forms as well as public relations material. It is anticipated that the clerical person will assist with the verification of screening information and delivery of information to the courts. Clerical support will be used to insure that there is someone available each day to answer questions and serve as a contact point for the courts. Wages are based on \$6.51 per hour on a full-time basis for one year and includes \$2,500 in fringe benefits.

Operations

1. Copy Service: \$300.00

Although the program will have free access to a copier in the State Probation Office, a supply of paper is required. In addition, there will be times when a professional copying service is needed.

2. Communications: \$700.00

One outside telephone line at \$50.00 per month with two extensions is required. Postage will allow for 400 first

class mailings to clients to inform them of appearance dates and times.

3. Insurance and Bonding: \$500.00

It is estimated that general and professional liability insurance on the project's operations will be required.

4. Mileage: \$1,000.00

Personal vehicle mileage reimbursement is for the Screener traveling between Missoula County Jail, the courts, and the office and on field investigations (reimbursed at \$.22 per mile). This figure includes a per diem stipend of \$35.00 for voluntary assistants and for interns for those rare occasions when out-of-town travel is required. It is felt justified in light of the fact that the interns will receive no recompense, other than mileage.

5. Office Supplies: \$100.00

It is anticipated that this office will need pens, staples, file holders and general office supplies.

6. Printing: \$250.00

The forms required to transfer information to the courts, jail facility and inmates, will cost approximately \$200.00. To provide knowledge and an understanding of program operations, manuals and descriptive materials will be printed and distributed (\$50.00).

7. Rent/Utilities: \$3,288.00.

Two offices, one reception area and one storage area, will be required to have an estimated cost of \$6.27 per

square foot annually. The cost also represents utilities and maintenance. The proposed office space is directly adjacent to the Montana State Parole and Probation Bureau at 127 East Main, Missoula, Montana. This is a direct benefit to the project in the light of the fact that State Probation has offered access to their computer for immediate record checks, and access to their copy machine and other services. The Probation Office location allows for a fluid transfer of information concerning releasees between the Probation Department and pretrial services agency.

Capital Expenditures

The office equipment, including desks and chairs, can be secured from surplus supplies from the County, City, courts, State Probation, and Sheriff's Office. Three telephones will have to be either purchased or leased, as well as one calculator for the office.

IMPLEMENTATION

During the first week of the project, the administrator will orient the assigned staff person to responsibilities and project goals and objectives. Concurrently, approval will be sought from the lower courts for eligibility assessment criteria and conditions of release. Once this approval is received, a meeting will be held between project personnel and jail administrators to determine the optimal times for screenings to occur. A process will be arranged whereby the

screeners are notified by jail personnel of release candidates.

By the end of the second week of operations, the screening procedure will be implemented; results and recommendations will be made to the courts throughout the remainder of the project. As the target population will be primarily felony pretrial detainees, a meeting must be held between the district court judges to agree on screening procedures. By the end of week two, screening will be available for all felony defendants at their first appearance before justice court. By the end of the first thirty days of program development, screening information will be provided to the district court judges for arraignments (second appearance).

During weeks two through four, the project administrator will develop a grid to be used as a guideline for release recommendations. The grid will utilize salient factors that help determine whether a defendant is a good candidate for bond release. This grid will be implemented by the screeners no later than the eighth week of the program's operations. Should the grid gain acceptance, the project administrator will request authority to release offenders prior to arraignment according to this guideline.

By the end of the first sixty days, the Administrator/ Screener will complete an initial written program description and operating procedure. This written procedure will be made

available by the Administrator to interested parties in the judicial correctional system to promote understanding, critique, and revision of the program. The Screener will be assisted in production of the screening forms and operations manual by the clerical assistant.

Typically, pretrial release programs limit screening procedures to three or four levels of release supervision. These supervision options include release on own recognizance (ROR), conditional release, supervised release, and release to a third party. Concerning supervisory conditions, the following options will be utilized by the Missoula program: (1) assignment of interns to assist in monitoring release conditions; (2) telephonic contact with release clients to verify whereabouts; (3) referral to treatment services such as alcohol and drug abuse counseling and mental health counseling; (4) urinalysis and breath tests to determine whether alcohol or drug usage occurs; (5) written and telephone contact with the client to promote court appearance and answer questions; and (6) electronic monitoring (home detention; although not to be used in the first year of operation, it will be an option held open for the future).

These services will be coordinated by the Administrator so that a full range of release options is available to the courts. Within ninety days these release services will be available, and a minimum of 300 persons will be released during the project's first year.

CHAPTER IV
POLITICAL CLIMATE

For the purpose of this paper, all parties who are directly involved and affected by pretrial services were contacted personally in order to ascertain their support or determine problems with the implementation of pretrial services. Their views are summarized below:

1. John Breuer, Jail Administrator

Mr. Breuer, after having the pretrial program explained to him, stated that he would absolutely support pretrial services and has supported such proposals in the past. He is aware of the Billings Beta Program and its success in reducing jail populations and would give his total support to the implementation of this project in Missoula. He is convinced that pretrial services would reduce the jail population; however, he is hesitant to comment on how significant the reduction of jail population would be because of the extremely high jail populations in recent years. He is in agreement that pretrial programs need to be developed to hold down and stabilize the inmate population. However, pretrial services must be administered from outside the Sheriff's office and jail, preferably at the

court's direction rather than from within his department. Mr. Breuer felt that almost any project administered from within the department would be subject to the influence of incarceration-minded individuals in the department.

Mr. Breuer explained that the high percentage of felony inmates is in part due to the court's present emphasis on reducing misdemeanor offenders' jail time. The average length of stay for a misdemeanor offense is less than three days. The overpopulation is in a "crisis" stage, and Mr. Breuer is frustrated with the overpopulation problem and eager for a system to manage the jail population sensibly.

2. Justice of the Peace Michael Morris

Judge Morris stated that he would support a pretrial service program and feels the need for county probation because the courts have no way to follow up on individuals meeting the required conditions of release. He did qualify that statement by expressing support for an independent program with a close relationship to the courts; however, he would not support a program directly tied into the Sheriff's Department or jail facility. He felt confident after the program was explained to him that pretrial services would be a useful program and would save jail days. Additionally, he felt that pretrial services would have a greater impact on reducing jail population on felony cases than misdemeanors.

At the present time a public defender is not appointed on the first appearance, and he would feel very uncomfortable

if the individual is not in some way "plugged into the system." At the present time he sets a high bond at the initial appearance, and after a three- to five-day lag time a public defender is appointed. The judge then lowers the bond and releases the individual after he is "in the system." The judge is convinced that pretrial services would eliminate that three- to five-day lag time in those cases where an individual does not have permanent employment.

Judge Morris is very concerned about DUI offenders and the danger to the community that they pose. He explained that the chance of a DUI pretrial releasee killing someone is increasing each day. He would like to target the DUI offender, supervise these offenders with breath tests, and stress the dire need for monitoring this caseload. Concerning this specific population, he feels that the community will be much safer as a result of pretrial bond supervision.

The primary problem, as explained by Judge Morris, is the majority of information he uses to determine bond is unverified and, in many cases, there is no information available to determine the bond status. The County Attorney supplies him with some information, which he assumes comes from the Sheriff's Department. The information usually gets to the judge after the defendant's first appearance, which is "no good to him after the fact."

3. District Court Judge Ed McLean

Judge McLean would utilize pretrial services if they were available and feels that it would be a useful tool of his court. Additionally, he believes that pretrial services would result in a definite reduction in jail population. He further elaborated that pretrial services should be used in each judicial district and offered strong support for a pilot program.

Judge McLean stated that if there is no attorney at the time of a defendant's initial appearance, he will usually hold a defendant until the next law and motion day and discuss bond at that time. He now has to rely primarily on the defense attorney for information concerning a defendant. If a pretrial bond report from pretrial services were available, it would carry much more weight in his eyes than the defense attorney's information. Presently he is unsure if the information he receives from an attorney is verified.

Judge McLean felt that the pretrial services would insure that the dangerous offender would be detained and that others could be released without danger to the community. It was very important, he said, that the screening officer have probation experience. There would be a "significant number of cases" where he would release defendants if he could place an individual into a supervision system with conditions. He felt that prosecutors often abuse the bond system, requesting high bonds in view of political ramifications rather than

dealing with the germane issues of community safety and flight risk. He felt that pretrial services would eliminate the prosecution considering political issues when recommending bond.

4. County Attorney Dusty Deschamps

Mr. Deschamps stated that he would support a pretrial services project; however, he did have one condition. He would not support a program unless he could see that it paid for itself and reduced the need for a new jail, or somehow directly saved money. He felt that the system would be useful in providing bond information to the courts, but he was unsure if it would have a dramatic effect on the jail population. This was predicated on the fact that he feels that most people in the jail facility "need to be there."

Mr. Deschamps felt that pretrial services would "absolutely" assist him in making bond recommendations because the County Attorney's staff is constantly making bond decisions with little or no information. Often the staff do not even have the criminal histories of the defendants when making these recommendations.

Presently the County Attorney sends out notices to appear on approximately 30 to 40 percent of the cases if the defendant is charged with a nonviolent crime, has a local address, and there is no information stating that he is a flight risk. However, in the rest of the cases, a warrant is issued rather than a summons. The County Attorney does not

utilize any written criteria for a bond determination and has no policy guidelines. Mr. Deschamps said that bond recommendations are at the discretion of the Deputy County Attorney in each individual case. He felt that pretrial supervision would be a useful tool for his office and would provide for a safer community.

5. Sheriff Dan Magone

The Sheriff stated that he would support the implementation of a pilot project and felt that the reduction in jail population would reduce the cost of food, clothing, laundry, medical expenses and would especially free up time spent by jail staff in transporting prisoners. If the jail population were reduced, he feels that the staff could perform more services with the same amount of money.

The Sheriff felt that the pretrial services program would pose no conflicts with his agency and would, in fact, be to his office's advantage. He feels the project would reduce the jail population significantly, especially because there are a great many felony defendants in jail that are not dangerous and could be safely returned to the community.

6. Adult Probation and Parole
Ralph Fisher, Regional Supervisor

Mr. Fisher felt that pretrial services were definitely needed in the community and that the program would reduce the population in the Missoula jail facility. More important to his department would be the elimination of duplicated information, especially of verified criminal histories. The

availability of verified residence, employment, and community ties would reduce his staff's time in preparation of sentencing reports for the courts. He further felt that the pretrial services would provide needed supervision for pretrial releasees.

Mr. Fisher was very generous in offering his assistance and providing access to his computer for criminal history record checks. The office space mentioned in the Budget section of this report would be made available.

7. County Commissioner Janet Stevens

Janet Stevens related that in her past experience as a justice of the peace she had numerous occasions to view the jail facilities and those who were placed in the facility. Further, in her role as County Commissioner, she provides quarterly inspection of jail facilities and sees numerous people incarcerated in the jail that are not a threat to the community nor a flight risk. She felt that verified bond information and pretrial supervision would be a valuable asset to the judicial officer.

In discussing possible funding alternatives, Ms. Stevens suggested that the most feasible alternative is to request all agencies who would receive direct benefit from the program to contribute a portion of their budget to implement the project. She further provided several recommendations for matching funds and grant money from agencies in the Missoula area.

Conclusions

Generally, all parties felt pretrial services would reduce the jail population and all felt the need for verified background information for the judicial officer at the initial hearing. There was positive support for bond supervision and an agreement that the target group should be those charged with felonies. Judicial officers verified that three to five days of incarceration can be saved with bond reports submitted at initial hearings. Additional jail days can be saved by a fluid transfer of information, thus shortening the time needed to prepare a presentence report. Based on the interviews I feel this service would be welcomed.

CHAPTER V
SUMMARY AND RECOMMENDATIONS

Reduction in Jail Population

Pretrial services can effectively reduce jail populations. The primary target group will be felony detainees held on a pretrial basis. In both justice courts and district courts, pretrial services can effectively eliminate the three- to five-day lag between the initial appearance and the time when a defendant is appointed an attorney and reappears before the court. Both a justice of the peace and a district court judge stated they are hesitant to release an individual until they have received some information concerning the defendant's background, even if unverified. All interested agencies in Missoula feel that pretrial services will reduce jail populations in the future.

Verified Information

The heart of pretrial services is its credibility. Above all, efforts by the screeners will be focused on providing verified, accurate, and thorough information to the judicial office in order to make bond determination. If need be, the quantity of reports will be reduced in order to provide high quality reports; if the information is not

accurate, the program is useless. Once this information has been provided to judicial offices, as has been the experience in the courts of Billings, as well as in the federal courts in Montana, judges have come to rely on the information to assist them in their bond decisions.

Provide a Safer Community

Although the primary benefit of pretrial services is reduction in jail population, it should also be emphasized that pretrial services places verified information in the hands of the judicial officer in order to detain those individuals who are a danger to the community or pose a flight risk. Hence, those individuals who have been released because the judicial officer did not know of their flight risk or danger to others cannot be released when a pretrial service program is in place.

In addition, with the implementation of bond supervision, defendants will be required to report to the pretrial services officer and be subject to probationary-type conditions to assure community safety. In addition, the project will provide urinalysis testing and breath tests to insure the defendants are not continuing to break the law or constituting a danger to the community.

Provide Consistency

One of the benefits of pretrial services is that the project will provide consistency in bond criteria among the

city, justice and state courts and will limit the political factors in bond decisions. As a corollary, pretrial services can increase cooperation between the courts, law enforcement agencies and jail facility staff by involving all of them in determining bond criteria and the implementation process. If all parties' interests are taken into consideration for the purpose of obtaining a common goal, this team approach can strengthen the lines of communication between agencies.

Provide a Stronger Defense Against Civil Litigation

As a result of the jail facility's structure and overcrowded conditions, Missoula County has approximately 40 civil suits pending against them at this time. Ninety percent of those suits are based on overcrowding conditions,¹³ and to date, Missoula County has not lost any of these suits. This is in part due to Missoula County's efforts to eliminate the overcrowding conditions by submitting bond proposals to the voters for construction of a new facility. Certainly pretrial services would serve to convince the courts that the County is making an honest effort to reduce jail populations and live within federal guidelines. Even if the bond issue for the new jail facilities were to pass, it would be approximately five years before construction would be completed. Since Missoula County will have to utilize the existing facility for at

¹³Interview with John DeVore, 5-10-89.

least five years, it seems prudent for the County to deal with stabilizing the jail population at the present time.

Efficient Transfer of Information

Pretrial services would effectively eliminate duplication of information concerning criminal background, and social, employment, education and mental health backgrounds. If defendants in pretrial services were convicted, pretrial reports could be made available to the probation department for the purpose of preparing a presentence report. Furnishing of this information would eliminate duplication and effectively reduce presentence preparation time by approximately two weeks.

Planning for the Future

Implementation of a pretrial services program is essentially a plan for the future. Pretrial services will, as they have in other areas similar to Missoula, naturally evolve into quick release programs, community services programs, and county probation. Pretrial services could effectively meet the needs of the jail facility in the future.

Cost Reduction

Pretrial services can, based on a moderate estimate of 10 percent reduction in jail population, reduce costs of food, transportation, laundry, medical expenses and civil litigation by \$13,740 over a period of one year. Admittedly,

Missoula County will not be able to save the average cost per prisoner of \$40 per day because the jail staff will not be decreased with a reduction in population because they are presently understaffed. However, after one year, concrete savings can be realized as a result of reduction in jail population and that savings can be dedicated to subsequent years' program funding.

Costs

A grant proposal could be submitted to the Board of Crime Control for matching funds for one-half of the project's total budget. The other half of the budget could be split between the justice courts, district courts, Sheriff's Office, Missoula City and County Attorneys' Office in equal proportions. Savings in cost must be reviewed after the first year of operation. The Sheriff's Office may see substantial savings as a result of the program and be in a better position to contribute more in subsequent years.

Goals

The short-term goal of the project is to be operational for one year. Statistics will be reviewed to determine the impact of the project. Should the impact be significant in reducing jail populations and the service be deemed useful by interested parties, it is recommended that the program be continued.

In terms of long-range goals, the project has a tremendous growth potential to meet the demand of the overcrowding problems of the jail facility. This program could very easily grow into a work release program, community service program, DUI offenders' program, as well as a County probation program. Once the project develops credibility with the courts and law enforcement, it can be a useful tool in stabilizing the jail population.

In summary, I feel pretrial services in Missoula County is not only feasible, but would be welcomed by the courts, jail staff and law enforcement. Not only is this service palatable politically, it will undoubtedly pay for itself with savings in the current jail budget.

SOURCES CONSULTED

- Armstrong, David, Pretrial Screening Proposal, Jan. 1989.
- Armstrong, David, Personal Interview, Missoula, Montana, 5/10/89 and 5/15/89.
- Board of County Commissioners, Draft of Correctional Master Plan, unpublished, 1989.
- Breuer, John, Personal Interview, Missoula, Montana, 5/9/89.
- Deschamps, Dusty, Personal Interview, Missoula, Montana, 5/10/89.
- DeVore, John, Personal Interview, Missoula, Montana, 5/8/89.
- Federal Judicial Center, The Crime Control and Fine Enforcement Acts of 1984: A Synopsis, Washington, D.C., 1985.
- Fisher, Ralph, Personal Interview, Missoula, Montana, 5/16/89.
- Goldkamp, John S., Two Classes of Accused, A Study of Bail and Detention in Amercian Justice, Ballenger Publishers, Cambridge, MA, copyright 1979.
- Kentucky Pretrial Services, An Overview, unpublished, 1988.
- Magone, Dan, Personal Interview, Missoula, Montana, 5/10/89.
- McLean, Ed, Personal Interview, Missoula, Montana, 5/11/89.
- Morris, J. P., Personal Interview, Missoula, Montana, 5/9/89.
- National Institute of Law Enforcement and Criminal Justice, National Evaluation Program Phase I, Pretrial Release Programs, Washington, D.C., 1977.
- Shaffer, Mac, Alternatives to Incarceration Study for Missoula County, unpublished, 1987.
- Shaffer, Mike, Personal Interview, Missoula, Montana, 5/17/89.
- Smith, Pollack, Criminal Justice: An Overview, 2nd Ed., Xerox College Publications, Waltham, Mass., 1980.

Stevens, Janet, Personal Interview, Missoula, Montana,
5/15/89.

Thomas, Wayne H., Jr., Bail Reform in America, University of
California Press, Berkeley, California, 1980.

Tobort, Mary A., Pretrial Release: A National Evaluation of
Practices and Outcomes, Pretrial Clearinghouse, Washing,
D.C., Oct., 1981.

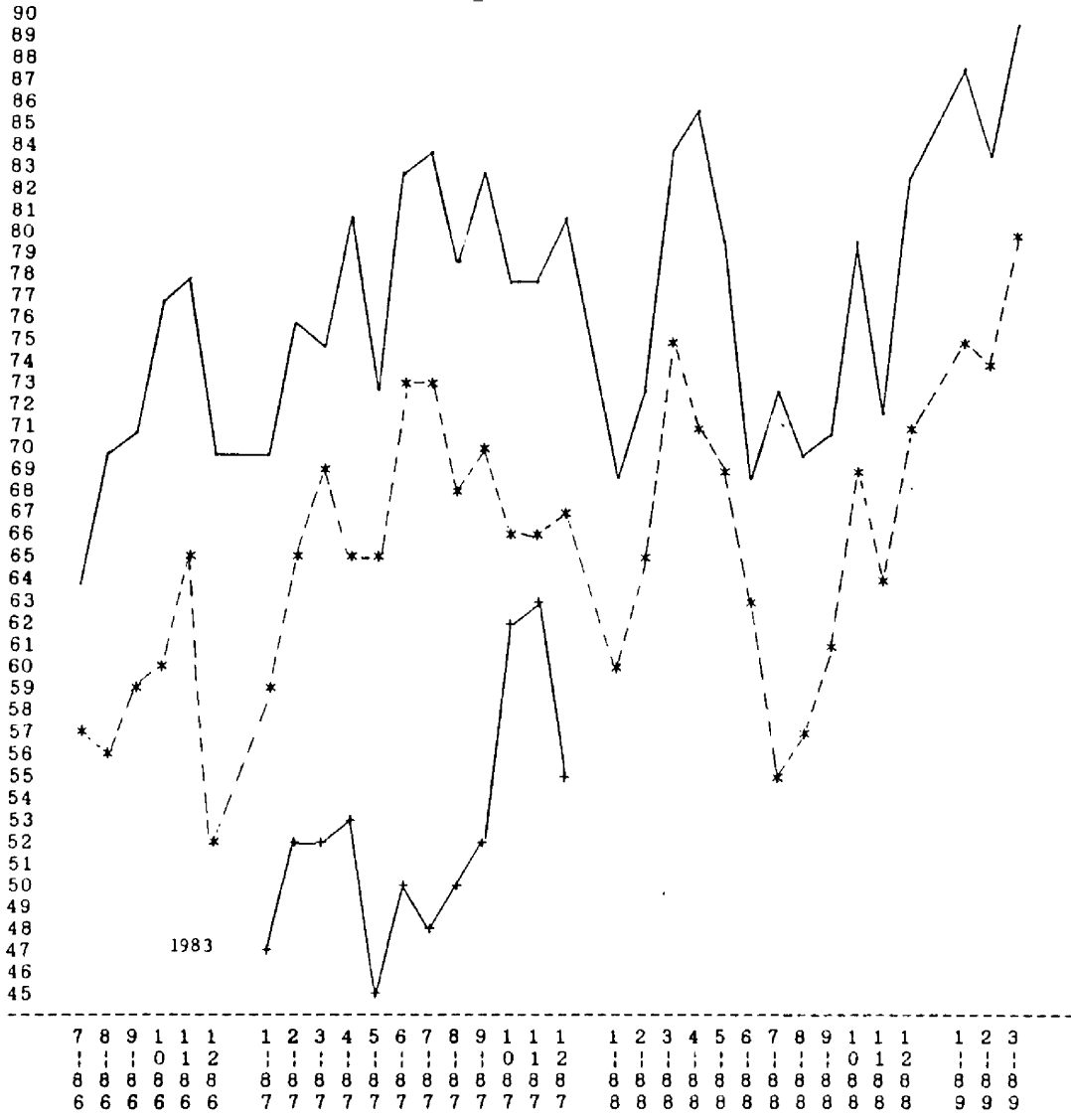
U.S. Department of Justice Handbook on Comprehensive Crime
Control Act of 1984, Rockville, MD, December, 1984.

U.S. Department of Justice, Special Report: Pretrial Release
and Detention: The Bail Reform Act of 1984, Rockville,
MD, February, 1988.

U.S. Department of Justice, Report to the Nation on Crime and
Justice, Rockville, MD, March, 1988.

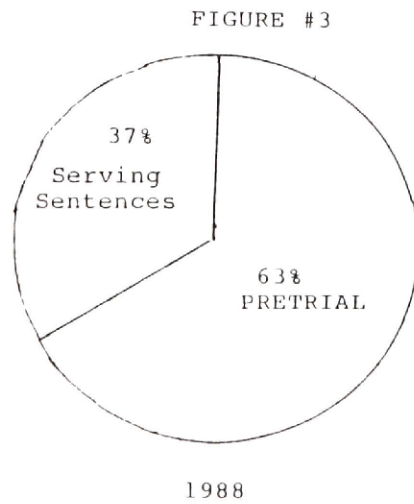
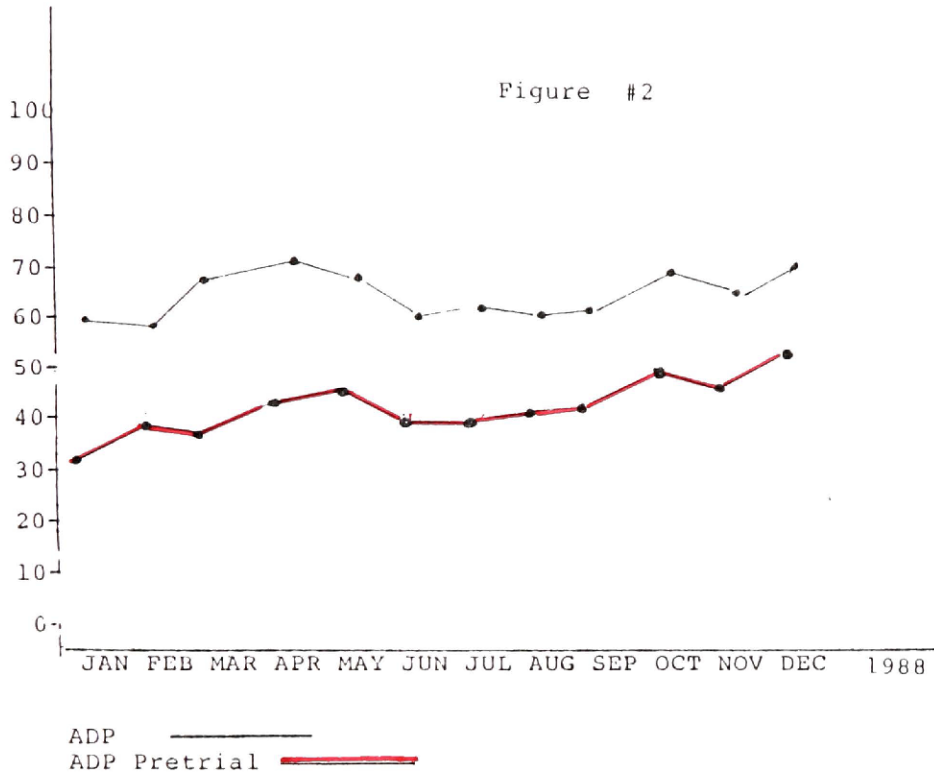
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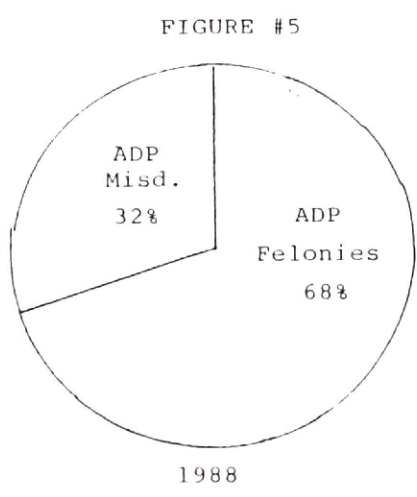
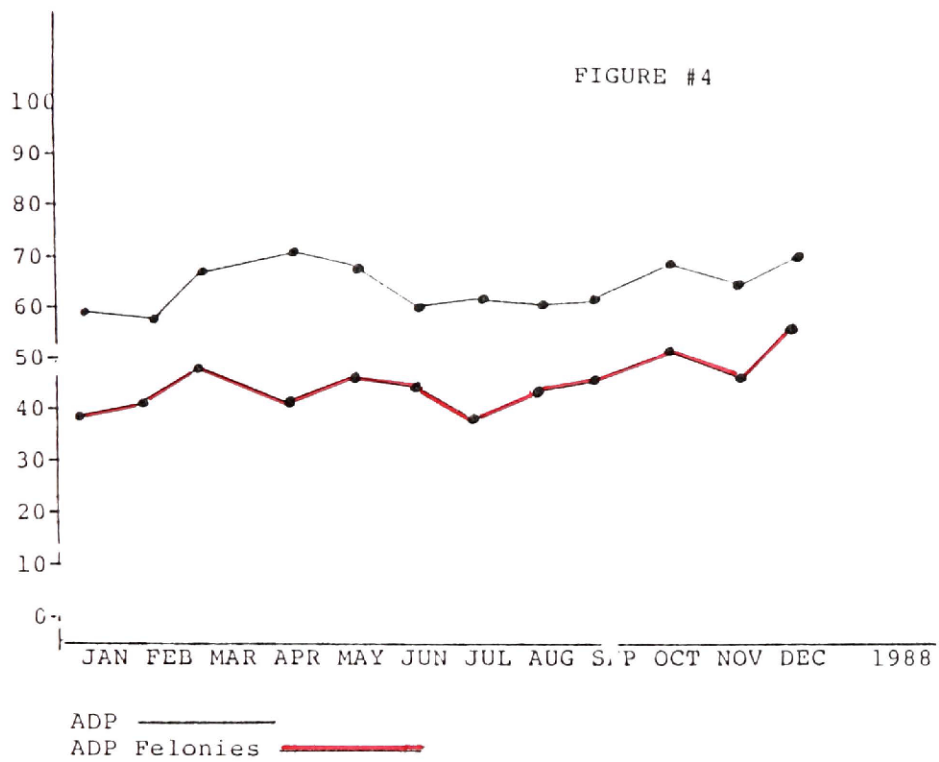
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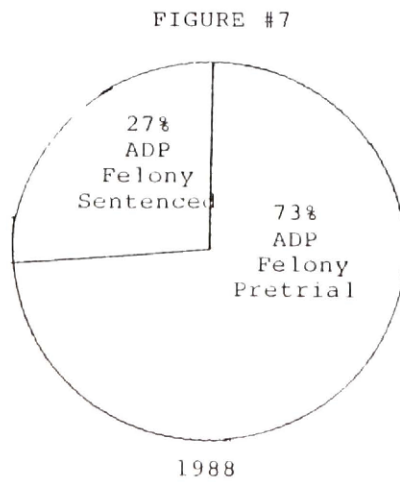
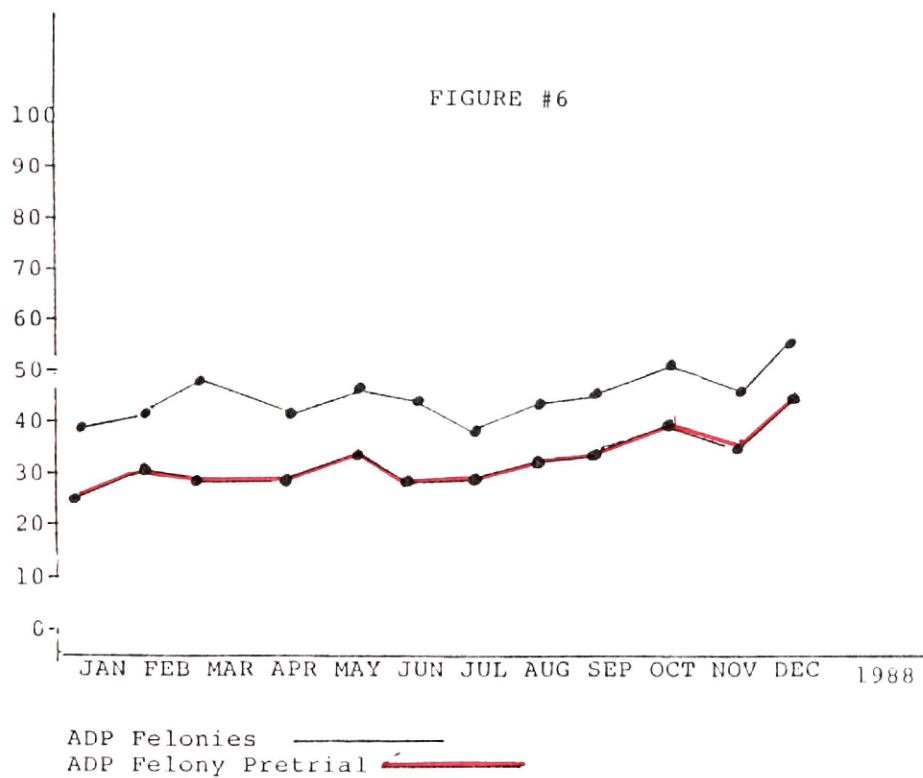


* AVERAGE DAILY POPULATION 1-86 TO 3-89
 . HIGH POPULATION DAY FOR THAT MONTH (1-86 TO 3-89)
 + AVERAGE DAILY POPULATION 1983

MONTH	ADP	HIGH DAY	FIGURE # 1A
1/83	46.9		
2/83	51.8		
3/83	51.5		
4/83	53.2		
5/83	45.3		
6/83	49.6		
7/83	48.1		
8/83	50.1		
9/83	52.0		
10/83	62.4		
11/83	62.8		
12/83	55.4		
7/86	56.5	64	
8/86	56.4	70	
9/86	58.8	71	
10/86	60.0	77	
11/86	64.9	78	
12/86	52.1	70	
1/87	58.9	70	
2/87	64.8	76	
3/87	68.9	75	
4/87	64.8	81	
5/87	65.0	73	
6/87	72.7	83	
7/87	72.7	84	
8/87	67.7	79	
9/87	69.8	83	
10/87	65.5	78	
11/87	66.2	78	
12/87	66.7	81	
1/88	60.0	69	
2/88	65.1	73	
3/88	74.7	84	
4/88	71.1	86	
5/88	68.7	80	
6/88	62.4	69	
7/88	54.7	73	
8/88	57.2	70	
9/88	60.8	71	
10/88	69.0	80	
11/88	63.7	72	
12/88	70.6	83	
1/89	75.2	88	
2/89	73.9	84	
3/89	79.9	90	







RESUME OF ADMINISTRATOR/SCREENER

POSITION TITLE: Administrator/Screeneer
POSITION LOCATION: Missoula, Montana
SALARY RANGE: \$18,000

DUTIES OF ADMINISTRATOR/SCREENER:

The Administrator/Screeneer will be responsible for administration and operations of a pretrial services program in Missoula, Montana, including development and continuance of referral mechanisms with the courts, bond recommendations, screening interviews, day-to-day supervision of interns and support staff, development of standard operating procedures, program audits, development of volunteer programs, drug and alcohol assessments, tracking management, and public relations.

QUALIFICATIONS REQUIREMENTS:

Four year degree from an accredited university with specialization in one or more social sciences appropriate to the position. An advance degree is preferred.

Three years of personnel work for the welfare of others, with at least one year of experience in the corrections field gained at the federal, state or local level. Appropriate experience should include participation in the management process by directing the work of an organization, setting or monitoring the progress or goals, and making periodic evaluations and adjustments. This experience must be current and applicants must demonstrate a knowledge in all leadership qualities necessary to administer the affairs of a small office. Applicants must further demonstrate an ability to work independently and as a team member, have effective communication skills, work well under pressure, and be resourceful and self-confidant. Applicants must further demonstrate organizational skills in chart keeping and record documentation and have a history of sound judgment and reasoning.

PSA 1
(Rev. 4/88)

PRETRIAL SERVICES

ADVICE OF RIGHTS

I, _____,
Print Name (First, Middle, Last)

understand that I am being requested to give information about myself to a U.S. Pre-trial Services Officer.

I also understand the following:

I will not be questioned about the alleged offense(s) and I should avoid discussing the charges at this time.

I am under no obligation to provide information and may decline to answer any and all questions.

I may speak to an attorney before answering any questions. If I am unable to afford the services of an attorney, I understand that I may request that the court appoint one on my behalf at no expense to me.

Information which I provide will be used by the court to determine whether I will be released or detained pending trial and under what conditions. The information contained in the pretrial services report will be made available in court to my attorney and the prosecuting attorney.

Information which I provide may not be used against me on the issue of guilt in any judicial proceeding, except with respect to prosecution for perjury or false statements allegedly made in the course of obtaining my release or a prosecution for failure to appear for the criminal judicial proceeding with respect to which pretrial release is granted.

In the event I am found guilty, the information I provide will be made available to a U.S. Probation Officer for the purpose of preparing a pre-sentence report and may affect my sentence.

I have read the above form, or had it read to me, and I understand my rights.

DATE

AM
PM

DEFENDANT'S SIGNATURE

PRETRIAL SERVICES OFFICER

NOTES: _____

DRAFT
YELLOWSTONE COUNTY RELEASE ELIGIBILITY ASSESSMENT

Name _____
 Last First Middle
 D.O.B. _____ / _____ SSN _____ Sex _____ DL # _____
 Age _____
 Address _____ Telephone # _____
 Arresting Officer _____ Agency _____ Arrest Rep # _____ / _____
 Date
 Charges 1 _____ 2 _____ 3 _____

I. Residence		Data/Verification	Score
1	LOCATION 1=Yellowstone Co 0=Outside Co		
2	CHANGE OF RESIDENCE PAST 12 MOS 2=None 1=1 0=2 or more		
3	RENT OR OWN 2=Owner 0=Renter		
4	TELEPHONE 2=Yes 0=No		
			(Maximum 7)

II. Family Ties		Data/Verification	Score
5	MARITAL STATUS 2=Married 0=Single		
6	CHILDREN 2=Children/School 1=Children 0=None		
7	RELATIVES 2=Lives with 1=In Co 0=None		
			(Maximum 6)

III. Employment		Data/Verification	Score										
8	EMPLOYMENT/SCHOOL 2=Yes 0=No												
9	LENGTH EMPLOYMENT/SCHOOL ABSENCE PAST 12 MONTHS <table border="0"> <tr> <td>Employed</td> <td>School Absences</td> </tr> <tr> <td>0=2 mos or less</td> <td>0=26 days +</td> </tr> <tr> <td>1=3-6</td> <td>1=14-25</td> </tr> <tr> <td>2=6-9</td> <td>2=11-14</td> </tr> <tr> <td>3=9+</td> <td>3=10 or less</td> </tr> </table>	Employed	School Absences	0=2 mos or less	0=26 days +	1=3-6	1=14-25	2=6-9	2=11-14	3=9+	3=10 or less		
Employed	School Absences												
0=2 mos or less	0=26 days +												
1=3-6	1=14-25												
2=6-9	2=11-14												
3=9+	3=10 or less												
10	EMPLOYMENT OR SCHOOL REFERENCE 2=Strong 1=Moderate 0=None												
			(Maximum 7)										

IV. Prior Convictions		Data/Verification	Score
11	NUMBER OF PRIOR CONVICTIONS 0=None -1=1 -2=2 or more		
12	FELONY OR MSDR 0=Msdr. Traff. -1=Msdr. -2=Felony		
13	VIOLENCE/NONVIOLENCE (LAST 5 YEARS) 0=Nonviolent -3=Violent		
			(Maximum -7)

V. Other		Data/Verification	Score
14	FAILURE TO APPEAR PREVIOUSLY -1=Once -3=2 or more		
15	ESCAPES JAIL/PRISON/PRC -3=1 or more		
16	CURRENTLY ON PROBATION & PAROLE -3=Yes		
17	CURRENTLY AWAITING TRIAL (OTHER CHARGES) -3=Yes		
			(Maximum -12)

VI. Urinalysis		Data/Verification	Score
18	DRUGS ALL IN SYSTEM AT ARREST 5=No -5=Yes		
			(Maximum 5)

Assessed by: _____ Date Assessed _____

Total Score: _____ Grid: _____

Recommendation: _____

IN THE _____ COURT OF _____

 Plaintiff
 vs. _____
 Defendant

NO. _____

CONDITIONS OF RELEASE FOR DEFENDANT

_____ Pending Trial _____

It appearing to the Court that the defendant herein qualifies for the Pretrial Release Program. It is therefore considered and ordered that the defendant be released from custody subject to the following conditions:

1) You are to appear in the _____ when notified by Beta Alternatives. The notice will be sent to you at: _____

If you change your mailing address you are required to notify Beta Alternatives at 3109 1st Avenue North, Billings, MT 59101 or Phone: (406) 259-9695. Failure to notify Beta Alternatives of your new address prior to changing it could result in a bench warrant being issued for your arrest.

- 2) You are to report to Beta Alternatives as directed by the conditional release of said agency.
- 3) You are not to change your present place of residence, move outside of the jurisdiction of the Court, or leave the State for any period of time without permission of a Beta Alternatives staff member.
- 4) You are to maintain your present employment or school placement.
- 5) You are to be of general good behavior and not to violate local, state or federal law.
- 6) You are to avoid places and associations of an undesirable nature.
- 7) You are to avoid use of narcotics, dangerous or illegal drugs, and excessive use of alcoholic drinks.
- 8) You are to support any legal dependants to the best of your ability.
- 9) Other special conditions ordered by the Court as follows:

It is the further order of this Court that any violation of a condition of the release shall subject the defendant to a fine or imprisonment for contempt of court and result in revocation of the release.

SO ORDERED this _____ day of _____, 19____
