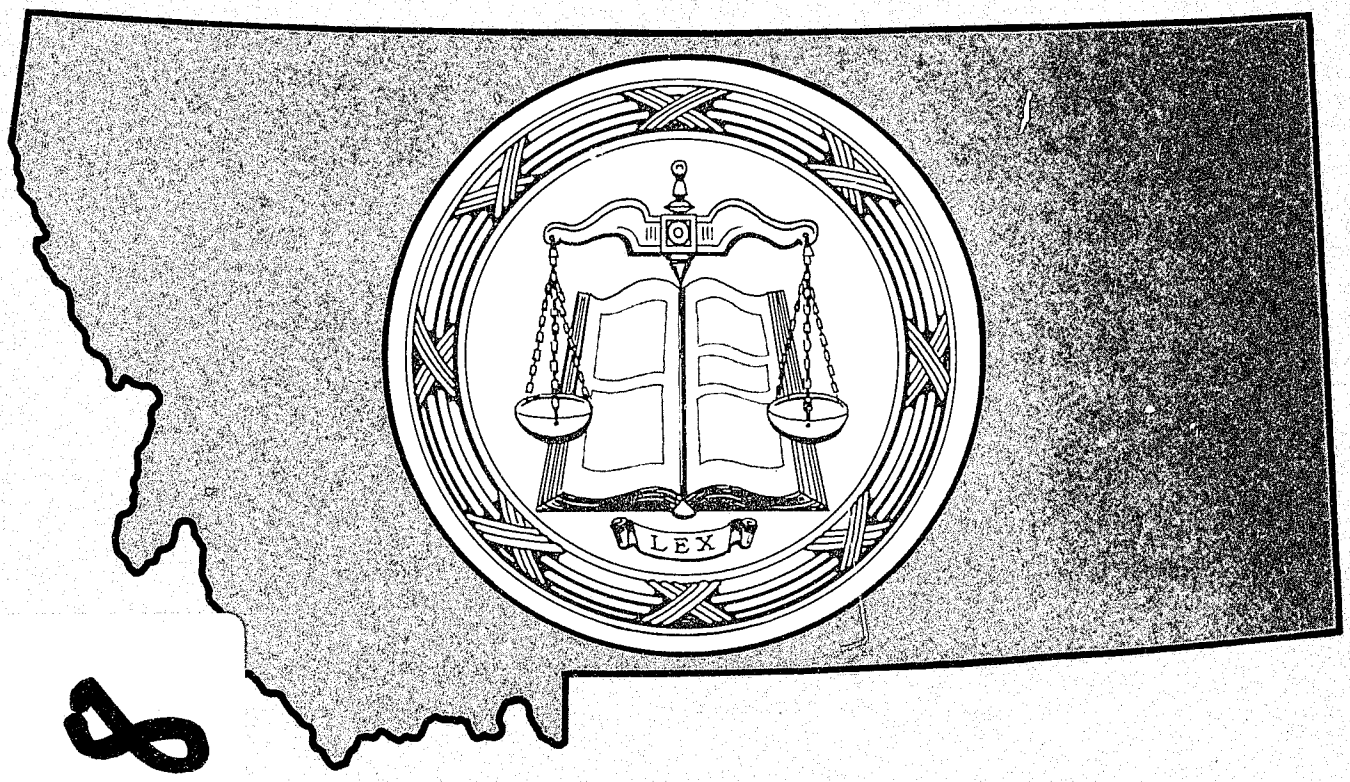
Criminal Justice Issues in Montana



Data Book
1988

126678

MBCC
MONTANA BOARD OF CRIME CONTROL

Criminal Justice Issues in Montana

Data Book 1988

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U.S. Department of Justice
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Department of Justice
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Mike Lavin
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assistance from Bureau of Justice Statistics
grant 87-BJ-CX-K075.

FOREWARD

The State Board of Crime Control is pleased to present this document on Montana's Criminal and Juvenile Justice System.

I am hopeful that this report will be of interest to and will help the general public, justice practitioners, students, and elected government officials to better appreciate and understand the complexity of the justice system.

Crime reduction goals and system improvement objectives must be quantified and can only be made based upon solid and verifiable data sources, coupled with close working relationships among criminal and juvenile justice agencies, the public, and policy-makers at all levels of government.

This document represents a positive step in that effort.

Mike Lavin
Administrator
Board of Crime Control

CRIMINAL JUSTICE ISSUES IN MONTANA 1980-1987
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DESCRIPTION AND RANKING OF MONTANA

Montana can be described as a large, sparsely populated state that depends on natural resources for much of its economic prosperity. Further economic characteristics can be defined by splitting the state into eastern and western halves. The open grass plains of eastern Montana support extensive grain fields and provide grazing for large herds of beef cattle. In recent years, the exploration and development of fossil fuels (oil, gas, and coal) has been an increasing activity and now a significant employment area. In the mountainous western part of the state, the major economic activities are metal mining, lumber and wood product manufacturing, and tourism.

Primary industries often determine the direction of a state or local economy. Industries considered primary in Montana include manufacturing, agriculture, mining, tourist-related, railroad, heavy construction (highways, electric power plants), and federal government.

Another influence on Montana's economic development is the small business. In the private, nonfarm wage and salary jobs, 43 percent of jobs are in firms with less than 20 employees and 77 percent of workers are with firms that have less than 100 employees.

MONTANA'S RANKING AMONG THE 50 STATES

Item	Rank	Montana	U.S.
Total Population, 1980	44th	786,690	226,545,805
1986 est.	44th	819,000	241,077,000
1988 est.		830,000	246,048,000
Land Area (square miles)	4th	145,392	3,539,295
Population per square mile, 1980	48th	5.4	64.0
Percent change in population, 1970-80	27th	13.3%	11.4%
Population 65 years & older, 1985	28th	98,000	28,530,000
Median Age, 1980	35th	29.0	30.0
1988, est.		32.0	31.8
Number of Households, 1985	44th	304,000	88,797,000
Homeownership rate, 1980	23rd	68.6%	64.4%
Percent high school graduates (25 years and older), 1980	8th	74.4%	66.5%
Motor Vehicles per 1,000 pop., 1985	13th	819	713
Per capita personal income, 1986	38th	$11,904	$14,461
Unemployment rate, 1986 *(four states tied at 8.1%)	16th*	8.1%	7.0%

Source: Annual Planning Information, CY 1988, Research and Analysis Bureau, Montana Dept. of Labor and Industry.

Introduction

CRIMINAL JUSTICE ISSUES IN MONTANA

This is Montana's first effort at a coordinated, shared criminal justice resource document. The overall goal of this document is to bring divergent resources together to give citizens of this state a broader picture of the criminal justice system. The three major objectives are:

1. To produce a quality document portraying the nature and extent of crime and victimization in Montana with a major emphasis on identifying data issues within the state. This document will serve as a tool for public education on the criminal justice system and to inform legislators of the potential policy changes reflected by the data analysis;
2. To establish a permanent network of data collection and analysis functions from various governmental disciplines, which could include the continuation of the Data User's Group, to the creation of a central data collection agency; and,
3. Development of a document to serve as a unique planning tool for the criminal justice system.

DATA USER'S GROUP

The major players in this effort were the Board of Crime Control, Highway Traffic Safety, and Department of Justice Bureaus; the Department of Institutions Research Office of the Corrections Division; and the office of the State Court Administrator. Research and data collection/analysis personnel from each of these state agencies have worked together in a Data User's Group to produce this document. After holding informal meetings to provide each other with the knowledge of the type of data each unit collected, the nature of the analysis, and what is done with the data, it became apparent that a series of problems stand out when examining the independent data collection efforts. Some of those problems include duplication of data collection, non-related data bases which make it difficult to share and compare data, and omissions in data.

The various agencies involved have found that data consistency is impossible without full coordination of all areas; leading to the conclusion that a single state entity should be provided the responsibility and the resources to serve as a central data depository and analytical arm of state government.

This document is the result of a concentrated effort on the part of these agencies, with the assistance of a grant from the Bureau of Justice Statistics, in order to contribute to a more manageable state-wide data collection system. This document contains a representation of the data that is being collected at the present time by the following members of the Data User's Group:

Don Crabbe, Research Analyst, Board of Crime Control, Department of Justice

Ed Hall, Management Analyst, Board of Crime Control, Department of Justice

Mary Carparelli, FARS Coordinator, Highway Traffic Safety, Department of Justice

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Jane Hayden, Data Control Clerk, Office of the Court Administrator, Judiciary

Mary Wright, Research Assistant, Office of the Court Administrator, Judiciary

Rich Petaja, Research Specialist, Corrections Division, Department of Institutions.

The members of the Data User's Group contributed the information from each of the following departments, divisions, and bureaus:

DEPARTMENT OF JUSTICE

CRIME CONTROL DIVISION

The mission statement adopted by the Board of Crime Control provides a summary outline of the Crime Control Division's role:

> "To promote public safety by strengthening the coordination and performance of both the criminal and juvenile justice system and by increasing citizen involvement in criminal justice."

The Board of Crime Control was created by section 2-15-2006, MCA. This Board, as appointed by the Governor, acts as the supervisory authority to the Division and staff. Under the supervision of the Board, the Crime Control Division provides support services and technical assistance to state and local criminal justice agencies. Technical assistance includes such areas as jail improvement, management training, statistical analysis, Crime-stoppers and crime prevention. Support services include: the Montana Uniform Crime Reporting system, which reports major offenses to the F.B.I. and provides management information for local law enforcement; Peace Officer Standards and Training, which promulgates standards and training for the certification of all peace officers; and the criminal justice data base, which provides an automated central repository for criminal justice data.

Statistical Analysis Center (SAC)

The Statistical Analysis Center is part of the Crime Control Division. The overall responsibility of the Crime Control Division, aside from administering Federal grants, is to provide centralized

technical assistance and aid to all elements of the criminal justice system.

The goal of the Statistical Analysis Center, which complements the Board's goal, is "to provide base data and statistics to improve the administration, efficiency, and effectiveness of juvenile and criminal justice agencies."

Jails

During the past year the Statistical Analysis Center has been involved in a comprehensive jail program, which has involved new legislation for the administration and operation of jails and, through the Montana Uniform Crime Reporting program, data collection on jail activities.

The jail legislation is aimed at a modern view of jail administration. Most existing laws relating to jails were passed in the late 1800's and many were based on antiquated philosophy.
The objective is to ask the 1988 legislature to review and enact a modern version of this legislation.

Montana Uniform Crime Reporting (MUCR)

The Statistical Analysis Center is responsible for the administration of the MUCR program. Montana operates this system as an incident-based reporting system. As of July 1986 the system includes data on jail activities, primarily capturing admission and release data per incident or arrest. The Statistical Analysis Center is now incorporating the FBI's enhanced Uniform Crime Reporting program into its existing system.

Police Officers Standards and Training (POST)

The 1973 Session of the Montana Legislature authorized the Montana Board of Crime Control to promulgate rules for minimum standards for the selection and training of peace officers.

Besides establishing these minimum standards, another objective of the POST effort is to create and maintain a career development program for peace officers. Following a task force study, the Board promulgated rules establishing categories and classifications for advanced training in the areas of skills, knowledge and job functions. These rules, effective December 6, 1973, established levels of certification for those peace officers who meet the requirements of training, education and experience in those categories. These included requirements for certification for the basic, intermediate, advanced and instructor levels. Later on, effective June 15, 1979, rules for certification requirements for the supervisory, command and administrative levels were established.

The POST Advisory Council operates as an advisory council to the Montana Board of Crime Control. Administrative rules for the POST program are recommended by the Council to the Board. The Board may accept, reject or amend the Council's recommendations. Those that are accepted or amended are then promulgated by the Board as Administrative Rules of Montana.

The POST Council staff conducts studies and surveys to determine the minimum selection and training standards necessary to select and train peace officers to perform their duties. Job task analyses are used to validate the selection tests and the training program.

The POST program has developed a microcomputer file of all training occurring throughout the State, profiling individual training by officer. A complete record of an officer's training is now available for present and future certification, enhancing personnel replacement. The inclusion of standards for training local jail detention officers is a separate component of the POST system initiated in 1987.

Criminal Justice Technical Assistance

The Board of Crime Control Staff provides statewide technical assistance to law enforcement. The assistance targets consolidation issues, new facility plans, record systems, and administrative and operational issues. The program, although relatively new, has met with a high degree of success and acceptance at the local law enforcement level.

JUVENILE JUSTICE BUREAU

The Juvenile Justice Bureau is the planning component of the Board which is responsible for reviewing activity in the Youth Courts and advising the Board on policy matters pertaining to youth. Personnel from this Bureau staff the Youth Service Advisory Council, a group of 18 individuals appointed by the Governor representing various professions dealing with youth. The duties of the Council are to administer the Federal Juvenile Justice and Delinquency Prevention Act in Montana which provides grant funds to carry out the mandates of the act. A recent example of this work is the recommendations the council is preparing for the legislature to help Montana comply with a federal requirement to remove all juveniles from adult jails by December 1988.

The Youth Service Advisory Council is also the group chosen by the Governor to advise the recently created Department of Family Services on policy development. This dual function of the council has allowed for a unique relationship between the staffs from the Bureau of Juvenile Justice and the Department of Family Services. The Department of Family Services was created following the recommendations made by the Governor's Council for the Reorganization of Youth Services which sought to resolve the "fragmentation" of youth services. It combined the administration of the juvenile correctional schools, aftercare services and protective services under one department with the

additional charge to localize the decision making and funding control. The Juvenile Justice Bureau has been intimately involved with the implementation of the new Department and has, through the funding provided by the Juvenile Justice Act, greatly assisted the planning efforts of both agencies.

Other activities which have historically been funded by Juvenile Justice grant funds are the shelter care program begun in Montana in the early 70's, juvenile sex offender treatment programs statewide, delinquency prevention programs, a comprehensive juvenile justice training program and dispositional alternative programs such as restitution and community youth work programs. The focus of those funds at present are to accomplish the removal of juveniles from adult jails through development of community based juvenile detention services.

Juvenile Probation Information System (JPIS)

A major effort of the Crime Control Staff has been the JPIS, an activity-recording system for Montana's Youth Court.

JPIS has operated on the State mainframe computer, with individual records from most of the 20 judicial districts being keypunched and processed by the State. The new direction for the JPIS is to become a microcomputer-based information system that will be operated at the local level with statistical information being provided to the State via computer modem or diskette. The local agencies will have a viable tool, and the State will have the necessary data to do statewide planning. System components will include case management, summary statistics, and a restitution accounting system. Three judicial districts are testing the program.

Juvenile Justice Training

During mid-1986, the Board of Crime Control initiated a statewide coordinated Juvenile Justice Training program. This effort began with a needs assessment by State and local juvenile justice personnel. The State training coordinator developed various goals and objectives to meet perceived needs and established training programs in response.

The long-term goal is to develop and maintain ongoing training criteria for each professional group involved in the program.

VICTIM'S ASSISTANCE PROGRAM

Since 1986, the Montana Board of Crime Control has administered the Victim's Assistance grant program made possible thorough the Victim's of Crime Office with the U.S. Department of Justice. Funding for this program is received from federal fines and forfeitures and is made available to aid the innocent victims of violent crime and restore balance to our system of justice.

Through this program, the Board of Crime Control has been able to provide on-going financial support to 11 programs located through-out the state who provide services to victims of domestic abuse, child physical and sexual abuse and sexual assault. A result of the additional funding to these programs has meant a better delivery of services, a greater understanding and awareness of the issues and an ever increasing level of identification of victims.

HIGHWAY TRAFFIC SAFETY

The Highway Traffic Safety Division is located in the Justice Department, but is administered by the Governor's Office through a Governor's appointee.

Funds administered by the division are derived primarily through the National Highway Traffic Safety Administration whose purpose is to provide an overall measure of highway safety; to help identify traffic safety problems and suggest solutions; to reduce deaths, injuries and property losses resulting from traffic accidents; and to provide funding for projects to meet those objectives. Each project is evaluated for effectiveness and future use.

Most projects are contracted to local agencies in the following areas:

* Public information and education.
* Seat belt promotion and enforcement training.
* Drug and alcohol prevention for teens.
* Drug and alcohol education for schools.
* Speed enforcement services, equipment and training.
* DUI reinstatement collections.
* Traffic engineering equipment and services.
* Emergency medical services, equipment and training.
* DUI court manual and training for courts.
* DUI training for alcohol counselors.
* DUI prevention task force for counties.
* DUI prevention enforcement services, equipment and training.

LAW ENFORCEMENT SERVICES DIVISION
IDENTIFICATION BUREAU

The identification program is responsible for collecting, preserving, and disseminating accurate criminal history record information in the state and providing latent print services and related training to criminal justice agencies.

MONTANA MISSING/UNIDENTIFIED
PERSONS CLEARINGHOUSE

The Montana Clearinghouse serves as a statewide repository for dental records, physical characteristic records and other identifiers of missing/unidentified persons and missing children.

Assistance is provided to law enforcement in locating missing persons and identifying deceased persons through comparison of dental records and other characteristics. In addition, statistics on the incidence of missing, unidentified persons and missing children are maintained. The Clearinghouse provides missing children information by:

* Establishing a system of intrastate communication on missing and exploited children for Montana;
* Providing a centralized file for the exchange of information on missing children within the state;
* Disseminating information on missing children programs, services and legislation;
* Providing technical assistance in the prevention, investigation and prosecution of missing children cases;
* Providing a list of missing children from Montana to the Office of Public Instruction which is sent to all schools in the state; and,
* Providing technical assistance in parental abduction cases.

DEPARTMENT OF INSTITUTIONS

The Department of Institutions was created by the Executive Reorganization Act of 1971. The department is responsible for correctional, mental health and residential services, and alcohol and chemical dependency programs. The department comprises three divisions: the Corrections Division, the Treatment Services Division and the Management Services Division. Institutions organized under the department include correctional facilities and facilities for the developmentally disabled, emotionally disturbed, aged, and Veteran populations. The Montana Board of Pardons also is attached to the department, for administrative purposes only.

CORRECTIONS DIVISION

The Corrections Division was formally established in 1975. The purpose of the Division is to develop and administer an integrated corrections program for adults. Special emphasis is placed on individual correctional supervision and programming whenever feasible, at the community and institutional levels. To this end, correctional services range from evaluation and probationary supervision in the community to incarceration in correctional institutions. Corrections Division staff provide leadership, direction and support for line and staff operations.

Specific programs within the Corrections Division include the following:

Adult Community-Based Services

1. Five pre-release centers, four for males and one for females, provide educational and work opportunities for offenders as well as necessary supervision. Three pre-release centers (in Butte, Billings, and Great Falls) are operated by non-profit corporations on contract to the state. The remaining two centers are state-operated and are located in Billings and Missoula.

2. Probation and parole officers, located in 17 communities, provide supervision and counseling to paroled felons, to those on supervised release, and to those serving probationary sentences. These offices also provide investigatory services to Montana's court system. These services are provided by 36 probation and parole officers who are supported by four regional supervisors and ten secretarial and clerical staff.

Adult Institutional Services

1. Montana State Prison provides confinement and rehabilitation of adult felons. Rehabilitative programs include chemical dependency counseling, sex-offender therapy, work opportunities at the prison ranch and industries programs, and educational programs.

2. Swan River Forest Camp provides confinement and rehabilitation of younger male felons who pose minimal security risks. Rehabilitative programs include chemical dependency counseling, education, and vocational training.

3. Women's Correctional Center provides confinement and rehabilitation of females. Rehabilitation programs include education, family counseling, vocational training, and chemical dependency counseling.

Central Office Services

The Central Office of the Corrections Division provides administrative direction and support to all division functions. These activities include training, research, administration of the interstate compact for adults, and special investigations.

JUDICIARY

OFFICE OF THE COURT ADMINISTRATOR

The office of the Court Administrator was established by the Legislature in 1977 (3-1-701, MCA). The Court Administrator is appointed by the Supreme Court and holds the position at the pleasure of the Court.

The Court Administrator is the administrative officer for the Court and prepares and presents the judicial budget requests to the Legislature. The Court Administrator also collects, compiles and reports statistical and other data relating to the business of the Courts and recommends to the Supreme Court improvements in the judiciary.

DISCUSSION & RECOMMENDATIONS

The group of individuals listed above and called ''The Data User's Group'' have individually and collectively looked at and analyzed the data collection effort of their individual Departments, Divisions or Bureaus in conjunction with the efforts of the others.

It is the recommendation of the Data User's Group that the state, it's Legislature and Departments of State Government work toward a common and systematic database. Within this recommendation is the fact that a common denominator is needed at each level to link the various components of the criminal justice system into a common network.

There are two major problems with data collection as it is now known within the various disciplines involved in the development of this document. First, there is a duplication of data collection at various levels. In other words, Departments are collecting the same or similar information from the same people at lower governmental levels. As an example, the Criminal Identification Bureau is collecting information on individuals arrested through fingerprint cards. The Board of Crime Control is collecting information on arrests at the local level which is basically the same information as is on the fingerprint card.

The second problem is that there is no common denominator to verify data or correlate data from one department to another. The fingerprint cards with all of its data has no correlation to the arrest information collected by the Board of Crime Control. The number of fingerprint cards submitted by local agencies for a specified time period will not equal the number of arrests reported from that jurisdiction. There are a number of reasons for this difference, but without common identifiers there is no way to identify corrective measures. There is also no common identifier to follow an offender from arrest through the courts and corrections systems.

It is because of these two major factors, which are common to all Departments, that the recommendation is being made to find a common data link between the various collection processes. Once a common link is identified and used, the state agencies involved can then sort out the duplicate data elements to ease the burden on those who collect, and those from whom the data is collected.

An ideal data collection effort would be a central data collection agency responsible for collection and distribution of all data relating to the criminal justice system. However, data collection within the criminal justice system is not unique since it is similar in form and problems to data collected by any state agency. A major role that could be played by the Legislature would be to study the entire scope of database management at the state level.

Since the ''ideal'' is probably also the impossible for state government over the next several years, the alternative is to continue working within the structure of the Data User's Group to further identify the crossover needs of each of the agencies. This informal group should attempt to grow in terms of bringing in others at the state level involved in data collection so that the true picture can be brought into proper perspective; working toward the end of reducing the duplication of data collection; and, narrowing the gap between the different areas so that basic correlations can be made. Standardizing definitions of data elements and defining process and procedure will go far to improve the compatibility between databases.

The Data User's Group encourages those administrators within state government to support this effort and allow a continuation to the dedicated efforts put forth by those that have been involved to this point in time.

There are three major questions posed and partially answered by the Data User's Group. These questions are the first step on a journey of many miles:

1) Where are the justice system information systems in Montana?
2) How isolated and insulated are they from one another? and,
3) How can we begin to integrate them to transform data into useful information?

The Data Users have primarily worked on the first question and in so doing, have begun answering the second question on the isolation and insulation of the various information systems from one another. Only very preliminary attention has been given to the third question.

The initial view of the third question seems so immense that one is tempted to avoid it. However, the integration of information poses the greatest challenge and reward. We should not assume a single answer to the complex question. The apparent solution of creating a single, huge database for the justice system is not necessarily the only solution nor even the better solution. The more realistic approach would be to have databases for various agencies, but develop them to be mutually accessible and based on standardization of definitions, use, and reporting.

OTHER CONTRIBUTORS

Other contributors to this data book include:

DEPARTMENT OF JUSTICE-
Attorney General-
Legal Services Division,
County Prosecutors Services Bureau-
Thanks to Marc Racicot, Bureau Chief, and John P. Connor, Jr., Assistant Attorney General.

Crime Control Division-
Crime Victims Unit- Thanks to Cheryl Bryant, Program Manager

Juvenile Justice Bureau- Thanks to Steve Nelsen, Bureau Chief, Candy Wimmer, Juvenile Planner, Mary Beth Garding, Statistical Clerk, and Dara Smith, Data Technician.

Peace Officers Standards and Training- Thanks to Clayton Bain, Executive Director

Grant Administration Bureau-
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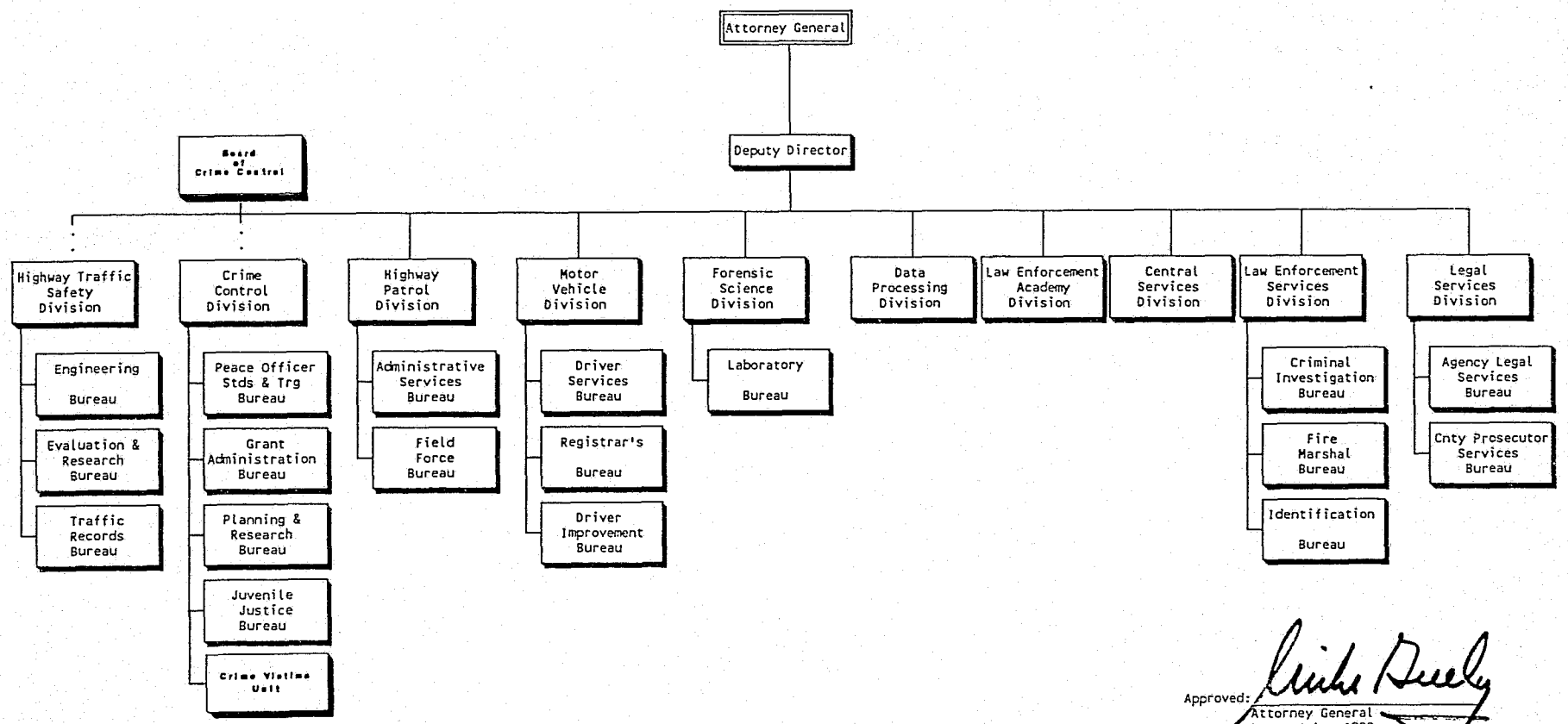
Criminal Investigation Bureau-
Thanks to Gary Carrell, Chief

BOARD OF PARDONS- Thanks to Craig Thomas, Administrative Officer

MONTANA STATE UNIVERSITY, Survey Research Center- Thanks to Lloyd Bender and Lee Faulkner

Department of Justice

MONTANA DEPARTMENT OF JUSTICE
ORGANIZATIONAL CHART
JULY, 1988



Approved: Mike Greely
Attorney General
Date: July, 1988

Crime

Crime in the 1980's
1980-1987

Over the past eight years (1980-1987) an average of 35,015.6 major crimes have occurred each year in Montana. These major crimes are recognized as being the most serious crimes in our society and the most likely to be reported to law enforcement. These are classified by the Federal Bureau of Investigations (FBI) as Part I crimes and are used for national level comparisons and analysis. The list includes:

Homicide
Rape
Robbery
Aggravated Assault
Burglary
Larceny
Motor Vehicle Theft

Most law enforcement agencies in the state report crimes, both offenses and arrests, to the Board of Crime Control. The following information is based on the number of reported crimes. Unreported crimes due to nonparticipating agencies could be as high as 5 percent for individual years and therefore, the figures provided should be viewed as minimums. Due to consistency of reporting agencies, the trends reflected can be considered very accurate.

The average number of crimes occurring in Montana during any year in the 80's is as follows:

Homicide	29.1
Rape	149.3
Robbery	213.1
Aggravated Assault	1,062.3
Burglary	6,595.6
Larceny	25,054.3
Motor Vehicle Theft	1,911.9

It should be noted that during 1986 and 1987 all crime categories were well below the average with the exception of larceny. Larceny has experienced a steady growth in reported offenses during the 1980's with a low of 24,225 in 1982 to a high of 25,990 in 1987. The other six crimes show a 10 percent decline from the first four year period of 1980-1983 to the second four year period of 1984-1987.

On the average:

One HOMICIDE occurs every 12 days, 13 hours.

One RAPE occurs every 2 days, 11 hours.

One ROBBERY occurs every 1 day, 17 hours.

One AGGRAVATED ASSAULT occurs every 8 hours, 15 minutes.

One BURGLARY occurs every 1 hour, 20 minutes.

One LARCENY occurs every 20 minutes, 58 seconds.

One MOTOR VEHICLE THEFT occurs every 4 hour, 35 minutes.

In summary of time occurence:
ONE MAJOR CRIME (PART I) OCCURS EVERY 15 MINUTES.

During the past eight years there were a total of 281,000 major crimes reported in Montana. If we assume there is a single victim for each event, almost 35 percent of the state total population was victimized. Extending this assumption even farther, it could be said that within a period of 20-24 years every person in the state of Montana would have been a victim of a major crime. Reducing this to a single lifetime, based on an 80 year lifespan, the odds of being a victim are:

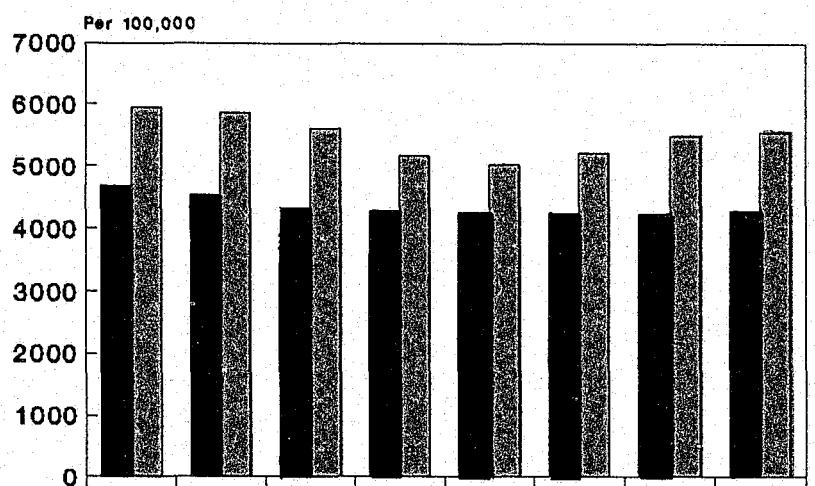
Homicide	1 in 348.00
Rape	1 in 68.00
Robbery	1 in 47.00
Aggravated Assault	1 in 10.00
Burglary	1 in 1.50
Larceny	1 in 0.40
Motor Vehicle Theft	1 in 0.50
TOTAL	1 in 0.29

Obviously, the smaller the number in the far right column above, the better your chances are that you could become a victim of a crime. As a matter of statistical fact based on the total above, you may be a victim of more than one crime during an 80 year period.

NATIONAL FIGURES
1980 - 1987

YEAR	CRIME INDEX	VIOLENT CRIME	PROPERTY CRIME	HOMI-CIDE	RAPE	ROBBERY	ASSAULT	BURGLARY	LARCENY	MOTOR VEHICLE THEFT
INDEX (Total Crimes Reported- in millions)										
1980	13.40	1.34	12.06	.023	.083	.57	.67	3.80	7.14	1.13
1981	13.42	1.36	12.06	.023	.083	.59	.66	3.78	7.19	1.09
1982	12.97	1.32	11.65	.021	.079	.55	.67	3.45	7.14	1.06
1983	12.11	1.26	10.85	.019	.079	.51	.65	3.13	6.71	1.01
1984	11.88	1.27	10.61	.019	.084	.48	.69	2.98	6.59	1.03
1985	12.43	1.33	11.10	.019	.089	.50	.72	3.07	6.93	1.10
1986	13.21	1.49	11.72	.021	.091	.54	.83	3.24	7.26	1.22
1987	13.51	1.48	12.02	.020	.091	.52	.86	3.24	7.50	1.29
RATE PER 100,000										
1980	5950.0	596.6	5353.3	10.2	36.8	251.1	298.5	1684.1	3167.0	502.2
1981	5858.2	594.3	5263.9	9.8	36.0	258.7	289.7	1649.5	3139.7	474.7
1982	5603.6	571.1	5032.5	9.1	34.0	238.9	289.2	1488.8	3084.8	458.8
1983	5175.0	537.7	4637.4	8.3	33.7	216.5	279.2	1337.7	2868.9	430.8
1984	5031.3	539.2	4492.1	7.9	35.7	205.4	290.2	1263.7	2791.3	437.1
1985	5207.1	556.6	4650.5	7.9	37.1	208.5	302.9	1287.3	2901.2	462.0
1986	5480.4	617.7	4862.6	8.6	37.9	225.1	346.1	1344.6	3010.3	507.8
1987	5550.0	609.7	4940.3	8.3	37.4	212.7	351.3	1329.6	3081.3	529.4

U.S. vs. MONTANA CRIME RATE
1980 - 1987



	'80	'81	'82	'83	'84	'85	'86	'87
Montana	4678.3	4529.3	4306.5	4281.5	4246.1	4231	4226.9	4270.8
U.S.	5950	5858.2	5603.6	5175	5031.3	5207.1	5480.4	5550

State Summary of Actual Offenses Reported to Law Enforcement

Part I	1980	1981	1982	1983	1984	1985	1986	1987
Homicide	30	40	27	26	36	28	22	28
Rape	166	186	128	153	156	148	130	136
Robbery	257	280	280	195	212	165	171	144
Agg Aslt	1243	1315	1335	1448	1392	1381	878	625
Burglary	7027	7144	6509	6817	6605	6484	6176	5944
Larceny	25749	24945	24225	24417	24553	24987	25568	26241
MVTheft	2319	1962	1991	1924	2034	1755	1673	1649
Total Part I	36791	35872	34495	34980	34988	34948	34618	34767
Part II								
Negl Hom	8	9	5	6	1	6	2	3
Other Aslts	2628	2707	2240	2544	3001	3504	4008	3812
Arson	182	186	135	157	133	172	178	143
Forgery	572	639	637	719	819	1085	1000	1167
Fraud	2042	1721	2033	1790	2322	2752	2299	1935
Embzlment	12	11	17	14	37	45	19	36
St Prop	171	189	108	97	73	82	87	98
Vandal	11973	10837	10237	11630	11045	11395	11182	11468
Weapons	222	313	366	525	531	404	392	329
Prostn	29	36	21	45	49	45	24	19
Sex Off	406	745	1070	1184	1422	1591	1415	1343
Drugs	917	963	835	815	1035	1163	1051	1024
Gambling	28	35	30	17	32	33	24	44
Off Fam	640	510	385	541	516	415	471	454
Total Part II	19830	18901	18118	20084	21016	22697	22152	21875
TOTAL	56621	54773	52613	55064	56004	57645	56770	56642

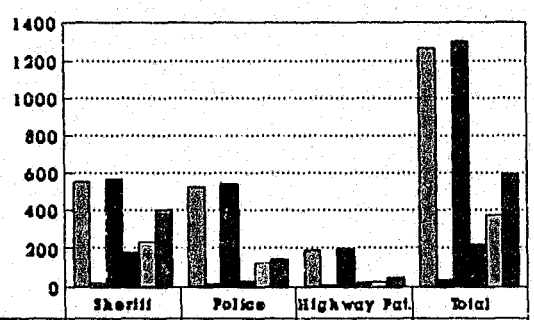
The state summary for offenses from 1980-1987 includes actual verified offenses reported to law enforcement. This summary includes Part I and Part II offenses which are categories used by the FBI in their Uniform Crime Reporting program. The Crime Control Division through the Montana Uniform Crime Reporting program collects this information on a voluntary basis from law enforcement agencies in the state. This represents 94.9% of the state's population.

The above crimes are not legal definitions but classifications of offenses formulated by the Uniform Crime Reporting Section of the FBI. The purpose of these classifications is to establish a uniform statewide and national system for classifying offenses even though legal definitions vary from state to state.

CRIME CONTROL DIVISION

Each year a law enforcement survey is taken to calculate the number of law enforcement employees in the State of Montana (see Figure 1). Law enforcement includes Police Departments, Sheriff Offices, and the Highway Patrol. Employees include civilians as well as sworn officers who are given the authority to make arrests.

FIGURE 1



	Sheriff	Police	Highway Pat.	Total
Male Sworn	553	523	192	1268
Female Sworn	15	13	5	33
Total Sworn	568	536	197	1301
Male Civilian	173	25	20	218
Female Civilian	230	119	28	377
Total Civilian	403	144	48	595

PEACE OFFICERS STANDARDS AND TRAINING

Employment Data for Montana Local and County Jails

County Jails- With 54 of 56 reporting as of (2-22-88).

There are 45 jails which employ 182 full-time detention officers and 65 part-time officers for a total of 247 total employees. There are 8 counties with temporary holding facilities and 3 counties with no jail.

Twenty-nine counties reported salaries of their full-time detention officers: the range was $800.00 per month to $1,291.20 per month, with an average of $995.92.

Of the 22 counties using part-time detention officers, 19 reported their salaries: the range was from $600.00 per month to $1,062.00 per month and the average salary was $848.27.

The turnover rate for full-time detention officers was 15.57 percent and for part-time detention officers was 9.2 percent. The combined turnover rate was 13.9 percent.

There are 74 detention officers who are sworn (given the authority to make arrests), 31 jail supervisors and ten jail administrators other than the sheriff and undersheriff acting as such.

Nine jails use dispatchers or deputy sheriffs as detention officers as part of their duties.

Local jails -6 reporting.

There are two city jails which employ 5 full-time detention officers and one jail supervisor.

There are 4 local 72-hour holding facilities.

MONTANA LAW ENFORCEMENT ACADEMY DIVISION

The purpose of the Montana Law Enforcement Academy is to enhance and improve the criminal justice profession in Montana through education and training.

Montana Law Enforcement academy programs enable all criminal justice personnel to keep abreast of changes, innovations and new techniques and procedures in their respective professions. Programs instill confidence and professionalism.

Participants in each Montana Law Enforcement academy course leave with an increased awareness and an improved level of knowledge, self-esteem, and mutual respect for themselves and their profession.

The Montana Law Enforcement Academy on-site courses include: basic courses for entry-level officers; career track training; and specialized courses in drug and accident investigation, firearms, surveillance, homicide investigations, coroners training, interview and interrogation techniques, post critical incident trauma, public safety communicators, and gambling. The MLEA also has an Executive Institute, administrative courses and regional training courses.

M.L.E.A.D. Student Attendance for FY80-88

Year	ON SITE	REGIONAL
1980	915	992
1981	601	1041
1982	561	1240
1983	691	1150
1984	942	848
1985	602	1122
1986	541	1065
1987	459	1110
1988	574	1015

Highway Traffic Safety

TABLE 1

US & MT ALCOHOL-RELATED TRAFFIC FATALITIES

	US FATALITIES	ALCOHOL RELATED	%	MONTANA FATALITIES	ALCOHOL RELATED	%
1980	51091	28610	56	325	187	58
1981	49268	43945	57	338	211	62
1982	43945	25170	54	254	159	63
1983	42584	23650	56	288	165	58
1984	44241	23760	54	238	111	47
1985	43795	22360	51	223	118	53
1986	46056	23949	52	222	109	49
1987	44479	22684	51	234	136	59
Percent Decrease From 80-87	12.9%		3%	28.0%		4%

FIGURE 1

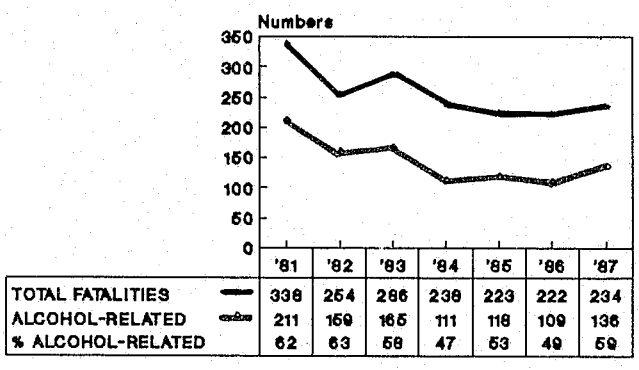
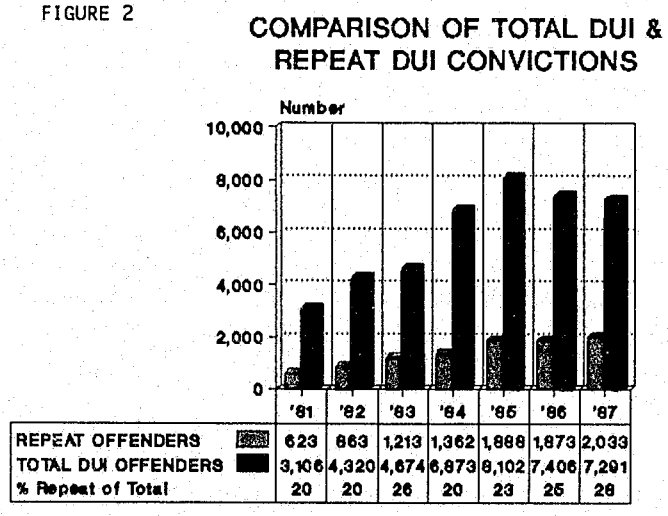


FIGURE 2



U.S. AND MONTANA ALCOHOL-RELATED TRAFFIC FATALITIES

Nationally and in Montana, fatalities and alcohol-related fatalities have dropped significantly from 1980 to 1987 (Table 1 and Figure 1). However, the rate of decrease in both fatalities and alcohol-related fatalities in Montana is even greater than the rate for the Unites States as a whole. In the United States, there are approximately two million alcohol-related traffic accidents annually that produce between 23,000 and 26,000 fatalities, and 300,000 seriously injured victims.

The increase of alcohol-related fatalities from 1986 to 1987 may be due in part to more investigating officers routinely requesting blood alcohol analysis on all fatalities.

COMPARISON OF TOTAL AND REPEAT DUI CONVICTIONS

Repeat DUIs have increased 49 percent from 1984 to 1987 (Figure 2). Repeat offenders with a third DUI or more have increased 92 percent from 1985 to 1987. The dramatic increases of offenders with three or more DUIs are an especially difficult problem because when they arrive at that stage they are usually alcoholic, and their lives may be complicated with unemployment, broken marriages, and other violations of the law. Many may show little concern whether they have a valid drivers license or not. The only long-range solution is to send those offenders to alcohol treatment programs.

In 1984, 23 counties established federally-funded DUI task forces which are administered by the Montana Highway Traffic Safety Division. The funds were used to increase law enforcement and community education. Task force counties represented 72 percent of the population in Montana. The program resulted in a marked increase in DUI convictions, which reached a high point in 1985 and have since stabilized at a slightly lower level.

A COMPARISON OF U.S. AND MONTANA FATALITY RATES

These figures (Figure 3) represent the number of persons killed on our highways per 100 million vehicle miles travelled. Traditionally, fatality rates in large rural states like Montana have been higher because of the vast stretches of roadway.

However, through the years we have made much progress in reducing the death rate on our highways. In our very mobile society, the progress is due primarily to the efforts of Highway Safety programs in the following areas:

1. Public information and education on all aspects of vehicle safety.
2. Child restraint and seat belt laws.
3. Stricter DUI legislation and enforcement.
4. Judicial training regarding traffic offenses, especially regarding DUIs.
5. Law enforcement training.
6. Advanced defensive driver training.
7. Emergency Medical Technician training.
8. Better designed and engineered roadways.
9. Improved vehicle safety standards.

For those interested in more in-depth information concerning fatal traffic accidents, see the annual reports of the U.S. Fatal Accident Reporting System published by National Highway Traffic Safety and the Montana Highway Patrol's annual reports.

FIGURE 3

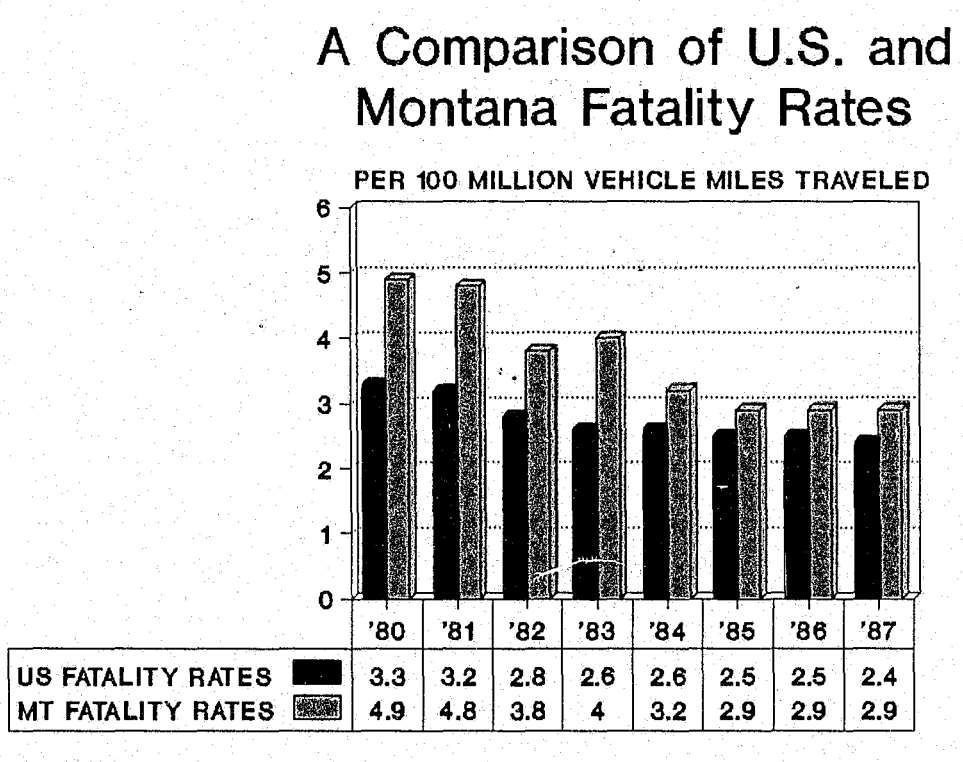


FIGURE 4

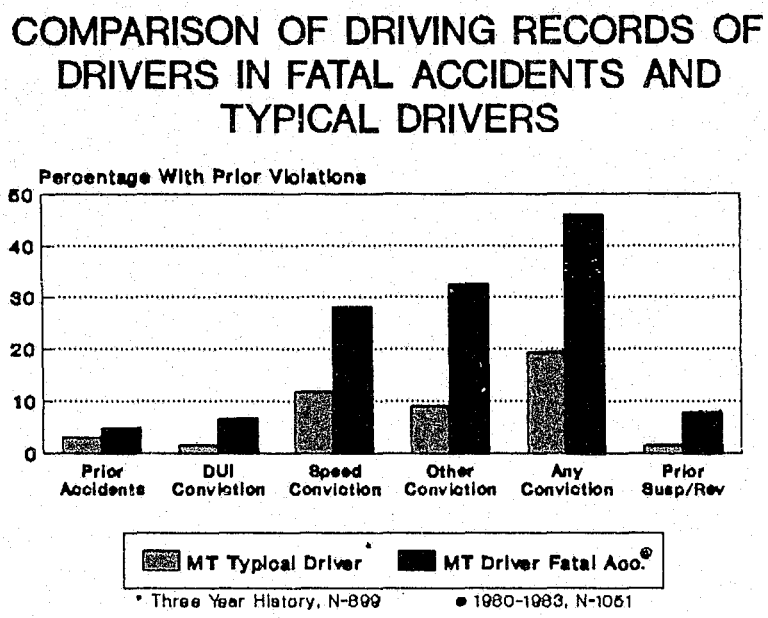
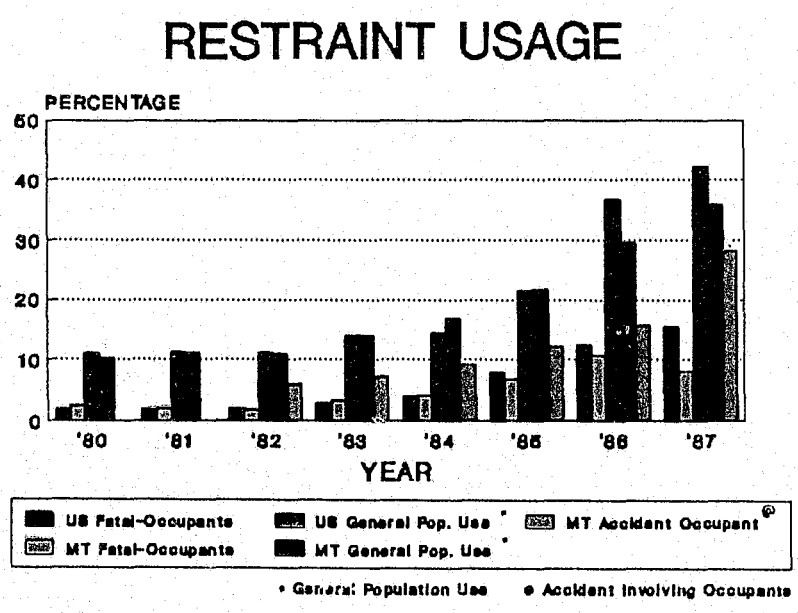


FIGURE 5



COMPARISON OF DRIVING RECORDS OF DRIVERS IN FATAL ACCIDENTS AND TYPICAL DRIVERS

The ''typical Montana driver'' represents a random sample of three-year driving histories of 900 licensed drivers. The graph (Figure 4) shows a significant difference in the percentage of prior violations in a three year period for a typical driver when compared to the prior violations of Montana drivers involved in fatal traffic accidents. This information seems to correlate with the fact that more law-abiding, cautious drivers are less likely to be involved in serious highway crashes. The typical driver is also more likely to use seat belts (Figure 5) again greatly reducing the likelihood of being seriously injured. This is shown as a percentage of Montana's general population use of restraints.

RESTRAINT USAGE

Since alcohol is the largest contributing factor in fatal motor vehicle accidents in the United States, it follows that restraint use among alcohol involved drivers is half that of non-alcohol involved drivers. Even though we have seen a dramatic increase in the use of seat belts in the past eight years (Figure 5), those most at-risk are less likely to use seatbelts and 74 percent of the unrestrained vehicle occupants who are ejected are killed. Drivers between the ages of 16 and 24 are less likely to use restraints and have twice as many fatal traffic crashes per mile driven than older drivers. When alcohol is involved the crash rate is three times greater than that of older drivers. In fact, traffic accidents are the greatest cause of death for all young people between the ages of 5 and 34. You will notice that both U.S. and Montana fatal traffic accident victims are much less likely to be using seat belts.

MONTANA DUI CONVICTIONS BY COUNTY

Table 3 (following page) shows a wide variation in the rates of Driving Under the Influence (DUI) convictions from county to county. There is no simple reason for the variation; it can be affected by any combination of the following: the degree of law enforcement and prosecution, geographical isolation, nearness of a heavily used highway, community attitudes, cultural attitudes, and economic cycles.

The following is the percent of total convicted DUI offenders that were arrested by each law enforcement agency during the years of 1984 and 1987.

Highway Patrol	25.5%
City Police	48.0%
Sheriff	23.6%
BIA	2.9%

Approximately 1 percent of the licensed drivers in Montana were convicted of a DUI in 1987. At that conviction rate, the chances of a person being arrested for driving drunk is 1 in 280. This suggests that most people have driven drunk many times before getting their first DUI. (See Table 2 at right.)

Other Montana DUI Facts

-the average age of those convicted of a DUI is 33. The age group with the largest percent of DUIs is 21 to 25.

-of those convicted of a DUI, 83% are male and 17% are female.

-70% of DUI arrests take place in the hours of 10 P.M. to 3 A.M.

-over 85% of all DUI arrests result in a conviction.

-all DUI offenders are required to attend an alcohol information course, called the ACT program (see box at right), but only 76% actually enroll in the course, and 86% of those enrolled in the course finish. The net result is that only 56% of DUI offenders finish the mandatory ACT program.

Table 2

BAC

The following chart is a guide to determine various blood alcohol percentages. Use the weight closest to yours.

BAC CHART

After hours	1 Drink				2 Drinks				3 Drinks				4 Drinks			
	4	3	2	1	4	3	2	1	4	3	2	1	4	3	2	1
Weight pounds																
80	—	—	—	.02	—	—	.05	.08	.07	.10	.10	.10	.12	.12	.15	.15
100	—	—	—	.02	—	—	.04	.06	.05	.07	.08	.09	.09	.10	.12	.13
120	—	—	—	.02	—	—	.03	.04	.03	.04	.06	.08	.06	.08	.09	.11
140	—	—	—	.01	—	—	.02	.04	.02	.03	.05	.06	.04	.06	.08	.09
160	—	—	—	.01	—	—	.02	.03	.01	.02	.04	.05	.03	.04	.06	.08
180	—	—	—	.01	—	—	.01	.03	—	.02	.03	.04	.02	.04	.05	.07
200	—	—	—	—	—	—	.01	.02	—	.01	.03	.04	.01	.03	.04	.06

After hours	5 Drinks				6 Drinks				7 Drinks				8 Drinks			
	4	3	2	1	4	3	2	1	4	3	2	1	4	3	2	1
Weight pounds																
80	.17	.17	.19	.20	.19	.22	.22	.25	.25	.27	.27	30	.29	30	.32	.33
100	.13	.14	.16	.17	.16	.18	.19	.21	.20	.22	.23	.25	24	.25	.27	.28
120	.09	.11	.13	.14	.13	.14	.16	.17	.15	.17	.19	.20	.19	.20	.22	.23
140	.07	.09	.10	.12	.10	.12	.13	.15	.13	.14	.16	.17	.15	.17	.18	.20
160	.06	.07	.09	.10	.08	.09	.11	.13	.10	.12	.13	.15	.13	.14	.16	.17
180	.04	.06	.07	.09	.06	.08	.09	.11	.09	.10	.12	.13	.11	12	.14	.15
200	.03	.04	.06	.08	.05	.07	.08	.09	.07	.09	.10	.12	.09	.10	.12	.13

Numbers equal the percentage of alcohol in the blood. Dash (—) = a trace of alcohol.

Example: A 180 pound person who has consumed 4 drinks in 3 hours will have a BAC level of .04%.

For more in-depth information concerning blood alcohol concentration (BAC) call or write: Montana Highway Traffic Safety Division, 303 N. Roberts, Helena, MT 59620, (406) 444-3412.

The amount of alcohol in a person's blood is expressed as a percent of alcohol in a given quantity of blood. This is called the BLOOD ALCOHOL CONTENT or BAC.

In Montana a person must have a BAC of .10 percent (same as 1/10th of one percent) to be considered legally intoxicated. Using Table 3, a 160 pound person would need seven normal drinks in a four hour period to reach a BAC of .10 percent.

The average BAC for those convicted of a DUI in Montana and nationally is approximately .19 percent which is nearly twice the BAC needed to be declared legally intoxicated. This represents very heavy drinking, for example a 160 pound person would have to have 10 normal alcoholic drinks within 4 hours to reach a BAC of .19 percent. The above Table only shows the results of a maximum 8 drinks. A high BAC can be an indication of tolerance to alcohol which can signify a drinking problem.

ACT PROGRAM

Part of the mandatory sentence for all DUI offenders is to attend an alcohol information course at their own expense. The program is called ACT which stands for Assessment, Course, Treatment. The assessment determines the degree that the person is involved with alcohol.

If the chemical dependency counselor, who conducts the course and assessment, determines that the person is alcoholic and in need of treatment, this recommendation is given to the offender. If the offender decides to cooperate with that decision, the counselor assists the person in finding appropriate treatment. If, on the other hand, the offender disagrees with the decision, the counselor will refer the offender back to the sentencing court where the judge will make the final decision. Approximately 30 percent of all people who attend the ACT program are recommended for treatment.

TABLE 3

MONTANA DUI CONVICTIONS BY COUNTY

	DUI Convictions				Rate per 1000 Population			
County	1984	1985	1986	1987	1984	1985	1986	1987
Beaverhead	89	38	39	42	10.2	4.4	4.5	4.9
Big Horn	184	210	255	165	16.0	17.9	21.7	14.1
Blaine	59	94	74	57	8.3	13.6	10.7	8.2
Broadwater	18	15	18	33	5.3	4.2	5.1	9.4
Carbon	85	69	62	66	9.8	8.1	7.2	7.7
Carter	2	0	5	1	1.1	0.0	2.9	.5
Cascade	546	668	628	645	6.6	8.4	7.9	8.1
Choteau	40	39	49	38	6.4	6.6	8.3	6.4
Custer	77	127	71	89	5.7	9.6	5.3	6.7
Daniels	5	8	12	6	1.7	3.0	4.6	2.3
Dawson	135	182	69	124	10.6	15.9	6.0	10.8
Deer Lodge	40	43	59	78	3.5	4.0	5.5	7.2
Fallon	14	20	19	13	3.6	5.5	5.2	3.6
Fergus	41	52	55	55	3.1	4.1	4.4	4.4
Flathead	488	452	448	499	9.0	7.8	7.7	8.6
Gallatin	443	390	379	321	9.3	8.1	7.9	6.7
Garfield	2	1	4	3	1.1	0.5	2.3	1.7
Glacier	69	359	283	284	6.1	33.7	25.2	25.3
Golden Valley	1	4	3	15	0.9	3.6	2.7	13.6
Granite	18	17	23	13	6.4	6.2	8.5	4.8
Hill	134	164	142	155	7.2	9.1	7.8	8.6
Jefferson	69	54	57	53	8.6	6.6	7.0	4.0
Judith Basin	10	7	7	11	3.7	2.6	2.6	4.2
Lake	294	403	440	395	14.2	21.1	21.3	23.1
Lewis & Clark	233	453	457	477	5.0	9.7	9.8	10.2
Liberty	1	7	3	4	0.4	2.9	1.2	1.6
Lincoln	192	150	127	99	10.2	8.0	6.8	5.3
Madison	36	34	37	68	6.2	5.9	6.4	11.9
McCone	16	6	5	5	5.9	2.4	2.0	2.0
Meagher	11	14	24	5	5.0	6.3	10.9	2.2
Mineral	21	27	20	48	5.6	7.2	5.4	12.9
Missoula	563	765	569	548	7.3	9.8	7.3	7.0
Musselshell	40	65	40	35	8.5	14.1	8.6	7.6
Park	129	120	124	70	9.6	9.0	9.3	5.3
Petroleum	0	0	0	1	0.0	0.0	0.0	1.6
Phillips	17	41	40	50	2.9	7.0	7.2	9.0
Pondera	30	57	77	53	4.2	8.5	11.4	7.9
Powder River	12	22	13	12	4.8	9.1	5.4	5.0
Powell	24	24	32	24	3.4	3.4	4.6	3.4
Prairie	5	8	1	1	2.6	4.7	0.5	0.5
Ravalli	176	133	99	161	7.0	5.3	3.9	6.4
Richland	220	133	145	82	15.2	9.3	10.8	6.1
Roosevelt	70	54	40	58	6.0	5.1	3.4	4.9
Rosebud	67	88	92	82	5.0	6.5	7.4	6.6
Sanders	54	83	87	74	5.8	9.0	9.7	8.3
Sheridan	35	57	43	23	5.9	9.8	7.5	4.0
Silver Bow	104	162	144	359	2.9	4.7	4.2	10.5
Stillwater	32	62	69	56	5.3	10.0	11.1	9.0
Sweet Grass	26	34	20	29	7.9	10.3	6.0	8.7
Teton	20	19	13	17	3.1	2.9	2.0	2.6
Toole	83	76	56	75	14.5	13.3	10.1	13.6
Treasure	8	21	18	16	8.0	21.0	8.0	16.0
Valley	55	55	47	40	5.5	5.7	5.0	4.3
Wheatland	5	3	9	13	2.1	1.3	0.9	5.9
Wibaux	6	6	14	8	4.0	4.2	6.3	6.1
Yellowstone	801	1156	960	778	6.7	9.5	7.3	6.4
No Desig. Co.	0	172	75	112				
TOTAL	5955	7522	6701	6644				

Identification Bureau

MONTANA IDENTIFICATION BUREAU

Fingerprint card submissions, as shown in Figure 1, have doubled from 1980 to 1984 and have remained at steady levels for the last three years. The reason for the increase in misdemeanor fingerprint card submissions is nearly all law enforcement agencies are now fingerprinting misdemeanor arrests. The increase in applicant submissions is attributed to the one-time fingerprinting of persons involved in the new state lottery.

MISSING AND UNIDENTIFIED PERSONS CLEARINGHOUSE

Data collected by the Clearinghouse for the years 1986 and 1987 indicates that teenaged runaways are a significant portion of the total number of missing persons in Montana (See Figure 2). The fact that the majority of missing persons are juveniles results in their being the primary focus.

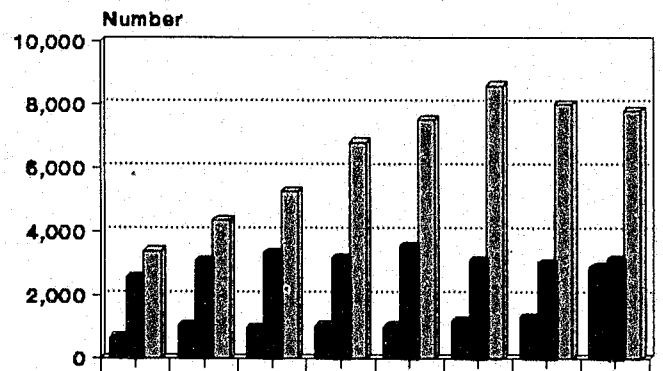
During 1986, 243 incidents of missing persons were reported and entered into NCIC (National Crime Information Center) by Montana law enforcement agencies. Of those reported, 177 were juveniles and accounted for 74 percent of the total missing persons. Other categories of missing persons consist of endangered 10 percent, involuntary 5 percent, and disability 11 percent.

A total of 249 incidents of missing persons were reported in 1987. As shown in Figure 2, 190 were juveniles which accounted for 76 percent of the total missing persons. Other categories of missing persons were endangered 8 percent, involuntary 7 percent, and disability 9 percent.

The juvenile category is the largest, and is further broken down into categories of custody 6 percent, other 29 percent (usually unknown), and 65 percent runaway. The custody category involves parental abductions and kidnapping by the non-custodial parent.

FIGURE 1

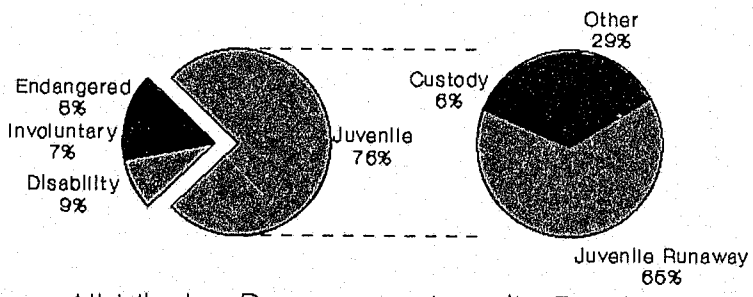
Fingerprint Card Submissions



	'80	'81	'82	'83	'84	'85	'86	'87
Applicant	676	1,061	987	1,043	1,002	1,178	1,298	2,902
Felony	2,586	3,114	3,350	3,185	3,554	3,116	3,013	3,150
Misdemeanor	3,418	4,369	5,277	6,801	7,527	8,600	8,015	7,804
Total	6,680	8,544	9,614	11,029	12,083	12,894	12,326	13,856

FIGURE 2

Missing Persons
By Category, 1987



All Missing Persons Juvenile Breakdown

FIGURE 3

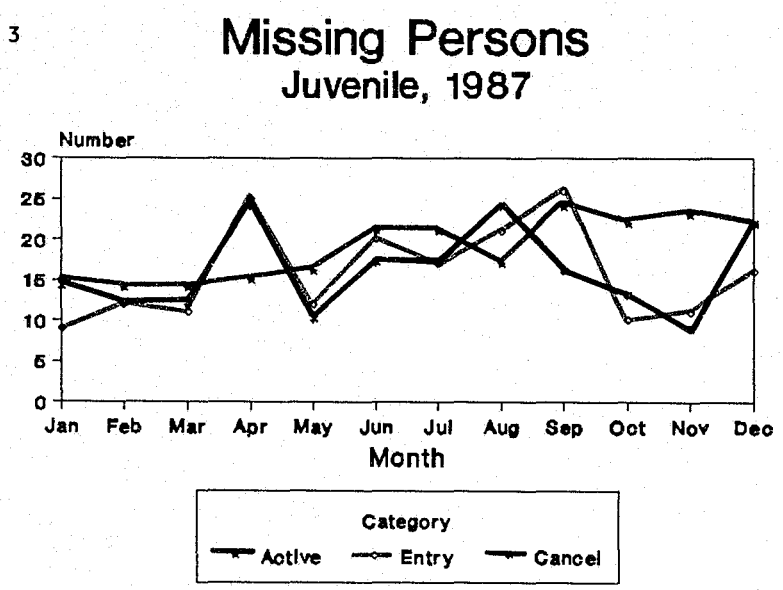
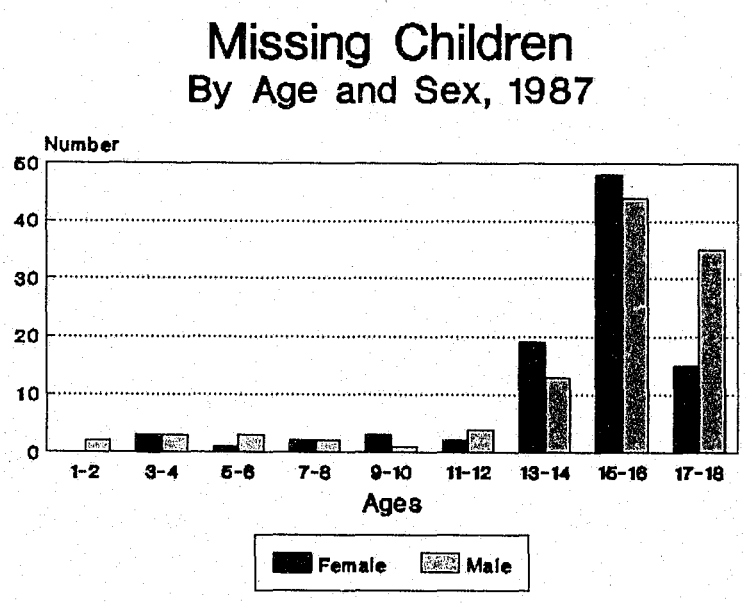


Figure 3 shows the months of April and September as the highest months for juvenile runaways.

Figure 4 shows juveniles aged 13 through 18 years as the group with the highest incidence reported missing: males account for 53 percent and females for 47 percent, and the age group 15-16 years shows the highest incidence of reported missing.

All missing juveniles were calculated on the ''entry'' category. Other categories are ''active'' and ''cancel''. The entry category demonstrates activity in the missing children category. Active entries remain in the system for an extended period of time which could be up to ten years. Cancels are entries that are removed from the active file because they have been located.

FIGURE 4



UNIDENTIFIED PERSONS

There is a total of ten unidentified persons on record in Montana:

SEX	COUNTY	DISCOVERY DATE
Male	Dawson	July '78
Male	Mineral	July '78
Male	Silverbow	Sept '79
Male	Lewis & Clark	Sept '82
Male	Flathead	Sept '82
Female	Missoula	Dec '84
Female	Missoula	Sept '85
Male	Hill	Oct '85
Male	Mineral	April '87
Male	Yellowstone	March '88

Juvenile-- A missing person who is 17 years of age or younger.

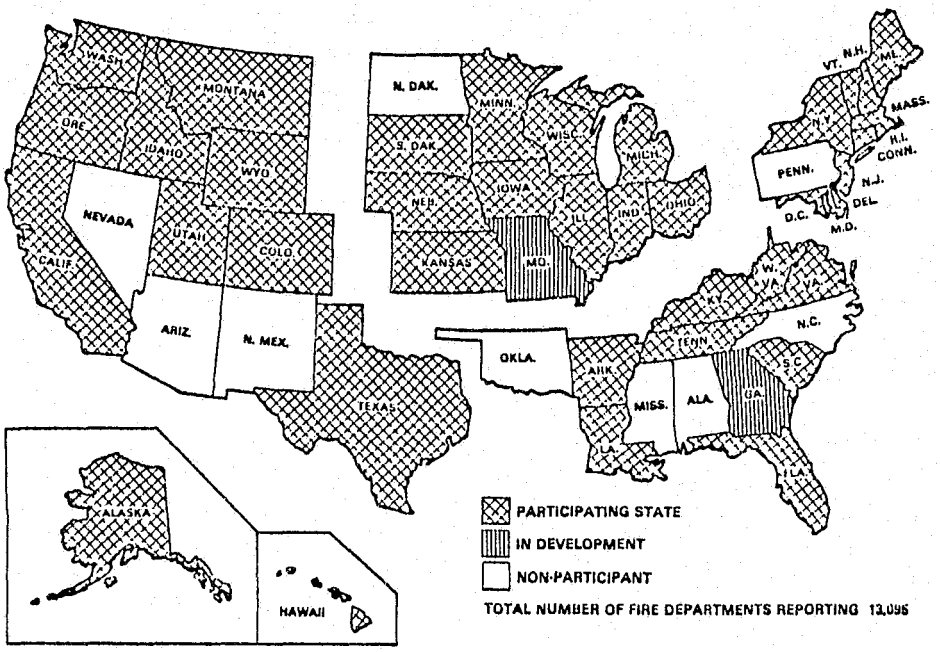
Endangered-- A missing person who may be in danger.

Involuntary-- A missing person who may have been abducted or kidnapped.

Disability-- A missing person who is thought to be disabled.

Law Enforcement Services Division
Highway Patrol Division
Division of Forensic Science

MEMBER STATES OF THE NATIONAL FIRE INFORMATION COUNCIL 1986 — 1987



LAW ENFORCEMENT SERVICES DIVISION

FIRE MARSHAL BUREAU

The Fire Marshal Bureau has statutory responsibility for safeguarding life and property from the hazards of fire and explosion, keeping a record of all fires occurring in the state, regulating installers of fire protection equipment, providing supervision of fire chiefs and county sheriffs for the inspection of public buildings, investigation of fires and adopting necessary rules to carry into effect the fire prevention laws of this state.

To carry out these responsibilities, the Fire Marshal Bureau adopts the Uniform Fire Code, promulgates administrative rules, trains law enforcement and fire personnel, maintains the Montana Fire Information Reporting System, investigates fires, coordinates arson investigations, and inspects public buildings and facilitates for conformity to statutes and rules. The Bureau also maintains liaisons with state, national and federal fire service organizations and respective government agencies.

The authority and responsibility for the investigation of fires is defined in Chapter 63 of Title 50 of the state codes (MCA). The Fire Chief of the municipality, or fire district, or the county sheriff in areas not part of a city or district, is charged with determining cause, origin and circumstances of each fire in which property has been destroyed. If it appears the fire was suspicious or there was a loss of human life, the State Fire Marshal is to be notified within 24 hours. If further investigation is necessary, a Deputy State Fire Marshal will be assigned to investigate. All fires are to be reported on the forms supplied by the State Fire Marshal on a weekly basis.

MONTANA FIRE INFORMATION REPORTING SYSTEM (MFIRS)

The Bureau's MFIRS program is part of the National Fire Information Reporting System (see map above). Information gathered by the Bureau creates a data base for in-state use and contributes data to the national system.

By law, each official responsible for investigating fires is required to submit a report on the forms provided by the Bureau. Several fire departments in the state submit data on floppy disks and others use hard copy forms.

AIMS PROJECT (Arson Information Management System)

The Fire Marshal Bureau has an on-going project to develop the use of computers and statistical analysis software for the management of criminal investigations of arson and other fire-related crimes. National statistics suggest that one dollar of every four is lost in structure fires due to arson or suspicious origin. This would indicate that our detection rate for arson is lower that it should be. To counteract this problem, the Bureau presents basic and advanced investigation courses and has been working to implement the Arson Information Management System. It is hoped that further development will add software which will solve multi-class pattern recognition problems and give a

tool to predict the resolution of arson cases by arrest.

A series of graphs is presented that compares fire death statistics, property losses, incendiary and suspicious fires for years 1981 through 1987. This information has been compiled from local agencies' reports.

Figure 1 shows the number of total calls received for years 1981 through 1987. Structure fires consist of residences, hotels, motels, commercial structures, etc. Vehicle responses include automobiles, trucks, trains, etc. The largest category, "other", includes grass, range, forest, dumpster fires, etc. Rescue, hazardous conditions and false calls usually did not involve fires but were responded to and reported. Rescue calls are primarily emergency medical calls (EMS).

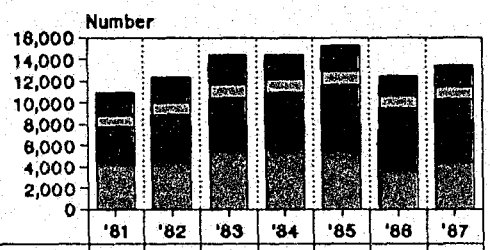
Figure 2 indicates the estimated dollar loss that is attributed to incendiary and suspicious fires. While the graph illustrates the total estimated dollar loss, it is not indicative of the number of reported incidents.

Figure 3 illustrates a comparison of the incendiary and suspicious fires and average dollar loss per year. There was a notable increase each year from 1982 through 1985 and then a leveling off in 1986 and 1987.

* The statistical aberration in 1985 is attributable to one major incendiary warehouse fire. This creates an abnormality and should be considered an irregular reporting period.

FIGURE 1

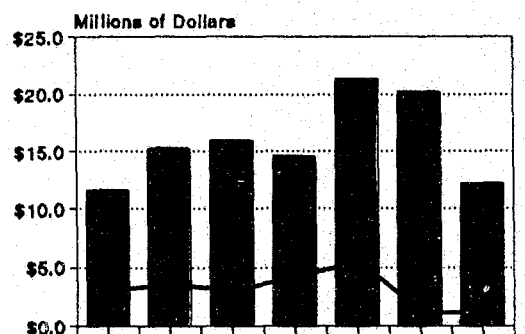
TOTAL CALLS RECEIVED BY TYPE



	'81	'82	'83	'84	'85	'86	'87
Vehicles	601	726	731	686	755	695	715
Hazardous Conditions	1,394	1,632	1,979	1,458	1,552	1,142	1,220
False Calls	1,158	1,121	1,355	1,369	1,409	1,166	1,261
Structures	1,569	2,032	2,129	1,935	2,074	1,836	1,892
Rescue	1,822	2,379	2,770	3,276	4,053	3,828	3,832
Other	4,294	4,467	5,488	5,619	5,452	3,768	4,515
TOTAL	10,838	12,357	14,452	14,343	15,295	12,453	13,435

FIGURE 2

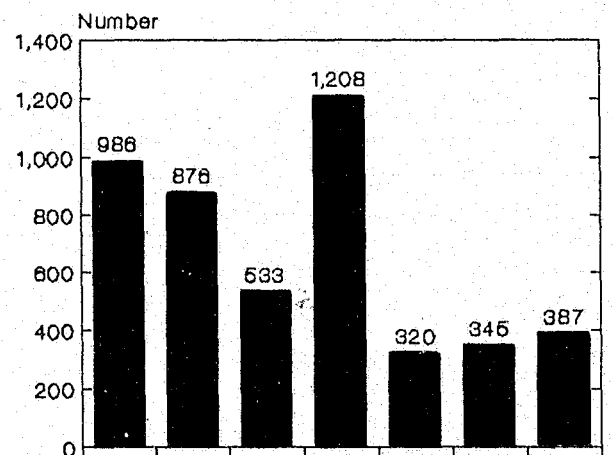
INCENDIARY & SUSPICIOUS DOLLAR LOSS



	'81	'82	'83	'84	'85	'86	'87
Incendiary/Susp.	$3.0	$3.5	$3.2	$4.2	$5.5	$1.2	$1.1
Total Loss	$11.8	$15.2	$15.9	$14.5	$21.3	$20.2	$12.2

FIGURE 3

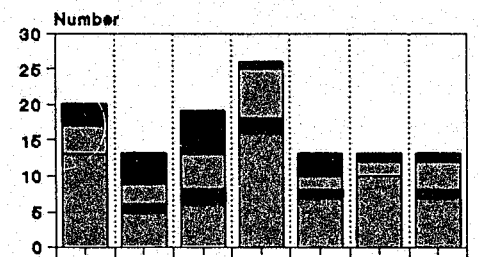
INCENDIARY AND SUSPICIOUS FIRES
Number of Incidents and Average Loss



	'81	'82	'83	'84	'85	'86	'87
Average Loss	$3,028	$4,007	$5,950	$3,478	$17,073*	$3,422	$2,938

FIGURE 4

FIRE FATALITIES BY CAUSE



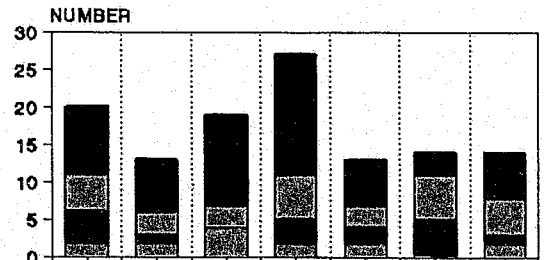
	'81	'82	'83	'84	'85	'86	'87
Chimney/Oil/Wood	3	4	6	1	3	1	1
Smoking	4	3	5	7	2	2	4
Incendiary/Susp.	0	1	2	2	1	0	1
Other	13	5	6	16	7	10	7
Total	20	13	19	26	13	13	13

Figures 4, 5, and 6 deal with fire fatalities.

Fire fatalities, by cause, (Figure 4) show the largest category to be "other." Many incidental deaths fall into this and are too numerous to section out. Some of the causes include electrical malfunctions, cooking fires, explosions and any other incident deemed accidental.

FIGURE 5

FIRE FATALITIES BY OCCUPANCY

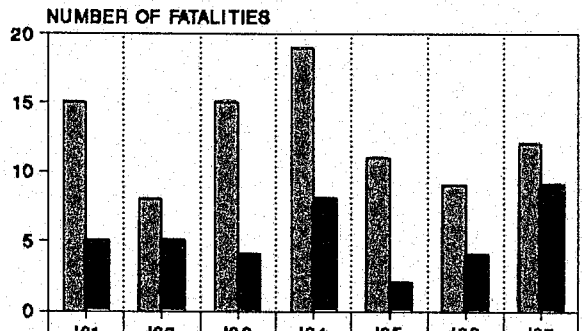


	'81	'82	'83	'84	'85	'86	'87
Residence	9	7	12	16	8	3	8
Mobile Home	5	3	3	6	3	6	5
Vehicle	4	1	0	3	2	5	1
Other	2	2	4	2	2	0	2
Total	20	13	19	27	13	14	14

Figure 5 shows fire fatalities by class of occupancy. Included under the category of "other" would be deaths in multiple dwelling units, explosions and wildland fires.

FIGURE 6

FIRE FATALITIES BY SEX OF VICTIM



	'81	'82	'83	'84	'85	'86	'87
Males	15	8	15	19	11	9	12
Females	5	5	4	8	2	4	9
Total	20	13	19	27	13	13	21

CRIMINAL INVESTIGATION BUREAU

The bureau is responsible for 1) assisting city, county, state and federal law enforcement agencies at their request by providing expert and immediate aid in investigation and solution of felonies committed in Montana, 2) investigation of any apparent violation of criminal statutes disclosed by an audit of a state agency, 3) establishing and maintaining a statewide criminal intelligence information system, and 4) providing training to law enforcement officers regarding specialized criminal investigations.

The bureau is headquartered in Helena and is comprised of three sections. (1) The General Investigation Section (GIS), in Helena, employs four experienced agents who conduct investigations on homicide, fraud, robbery, assault, corruption, organized crime and dangerous drug conspiracy cases at the request of city, county, state or federal law enforcement agencies. The GIS also conducts investigations of state agencies and maintains the criminal intelligence information system.

(2) The Western Special Investigation Section (WSIS), located in Missoula, and (3) the Eastern Special Investigation Section (ESIS), located in Billings, provide specialized investigative services in the form of undercover investigative teams, equipment, and ''buy money'' to conduct investigations primarily related to illegal drugs and stolen property.

Since 1980, the numbers of requests for assistance resulting in major cases initiated by MCIB-GIS has remained relatively stable. Table 1 shows the number and type of major cases investigated by the General Investigation Section by category and calendar year from 1980 through 1987.

The MCIB-ESIS began operation in 1982. Four (4) million dollars worth of marijuana (4 tons) was seized in 1986. Over $450,000 worth of cocaine, methamphetamine and other illegal drugs were seized from 1982 to 1987. Table 2 reflects those statistics by calendar year.

The MCIB-WSIS began operation in the fall of 1987. Agents assigned to that section seized over $800,000 worth of illegal drugs from October 1987 through March 1988. Table 3 reflects those statistics by category.

The MCIB-ESIS and WSIS undercover teams attempt to maintain a balance between occasionally addressing individuals who sell small amounts of illegal drugs and concentrating on organizations that regularly distribute illegal drugs for financial profit. Marijuana continues to be the illegal drug most in demand and is readily available. Although there were several large seizures of both growing and packaged marijuana, relatively few cases involving sale or possession of marijuana were made by the investigative teams. The teams concentrate more on developing criminal cases involving distribution of cocaine and methamphetamine (speed). The quantity and quality of cocaine available throughout the state and the numbers of meth labs located increased dramatically during the '80's. The availability of hallucinogens remains relatively stable and, although some ''crack'' is available it has not yet become a significant problem in comparison with inner cities. Heroin continues to remain practically nonexistent in Montana. The availability of illegal prescription drugs is perceived as a significant problem but is a category that the teams do not concentrate on.

Table 1

GENERAL INVESTIGATION SECTION
FUNDED FROM THE GENERAL FUND
Major Cases Investigated

Date	Narcotics	Death Invest.	Burglary Theft, Fraud	Miscon.	Assaults, Robbery, Sex Crimes And Other	# of Different Agencies Assisted Co/State/Fed			Total
'80	7	4	10	7	2	11	7	2	30
'81	10	9	10	5	5	16	10	1	39
'82	20	3	6	4	4	15	3	2	37
'83	34	3	8	1	16	17	7	4	62
'84	20	4	6	4	7	13	5	4	41
'85	22	9	8	4	2	24	2	1	45
'86	24	6	11	10	2	20	3	2	53
'87	19	7	13	3	7	19	4	4	49

Table 2

EASTERN SPECIAL INVESTIGATION BUREAU
FUNDED BY COAL BOARD

Calendar Year	No. Agents	No. Major Cases Initiated	Property Recovered	Drug Seized
'82*	4	28	$ 500	$ 5,012
'83	4	94	$ 5,950	$ 10,000
'84	4	62	$27,600	$ 55,716
'85	4	63	$19,280	$163,673
'86	5	101	$62,898	$ 98,400**
'87	5	95	$24,000	$126,700

* 1982 includes July through December
** Does not include $4 million worth of marijuana seized with Federal Drug Enforcement Agency.

The County Prosecutor Services Bureau reports that since 1986, CPS attorneys have filed 131 cases and had no dismissals, no losses, no reversals and no suppressions.

Table 3

WESTERN SPECIAL INVESTIGATION SECTION
FUNDED BY FEDERAL MONEY FROM MBCC AND STATE MOTOR VEHICLE FUND
OCTOBER 1987 TO MARCH 1988

	Quarter Total	Project Total
Total Cases Opened	29	41
Number of arrests	15	24
Federal	11	
State	4	
Number of potential defendants in addition to those arrested	49	49
Number charged	15	24
Number convicted	5	5
Average length of sentences	7 years	7 years
Amount of illegal drugs seized		
Cocaine	174 oz.	174 oz.
Marijuana plants	250,000	250,000

	Quarter Total	Project Total
Amounts of illegal drugs purchased		
Cocaine	64 ounces	74 ounces
Marijuana	2 ounces	8 ounces
Methamphetamine (speed)	4 grams	5 grams
LSD	98 doses	98 doses
Approximate street value of drugs seized and purchased		$1.4 million
Approximate wholesale value of illegal drugs seized and purchased	$805,000	$826,000
Value of property seized by MCIB	0	$9,860

HIGHWAY PATROL DIVISION

The Montana Highway Patrol is a Division of the Department of Justice and operates under the direction of the Attorney General.

The Highway Patrol is a State law enforcement agency with its primary responsibilities being that of highway traffic safety education, enforcement, and accident investigation. The highway patrol consists of 200 uniformed Officers and 43 support personnel stationed at 68 different locations throughout the State.

The Montana Highway Patrol was first organized in 1935 with 24 uniformed Officers to insure the safe and smooth movement of traffic on our highways. Although the Patrol's mission remains much the same as it did 53 years ago, the Division is currently involved in numerous programs to meet the increasing demands for additional enforcement in important areas such as drug interdiction and motor carrier safety.

It is the goal of the Highway Patrol to continue to address the law enforcement needs of the people of Montana and to assist any agency in need of our services.

On March 20, 1988, the Montana Highway Patrol became the first nationally accredited Highway Patrol in the nation. National accreditation demands a law enforcement agency to attain and be held accountable to the highest standards of excellence.

DIVISION OF FORENSIC SCIENCE

The Division of Forensic Science, administered by the Chief Medical Examiner of the State of Montana includes the Medical Examiner System and the Laboratory of Criminalistics, commonly referred to as the State Crime Lab. The Division serves Montana criminal justice agencies with a forensic laboratory and provides a statewide system of death investigation.

The Crime Lab has several sections which analyze evidence submitted by all law enforcement agencies in the state. Individual sections and capabilities are:

1) SEROLOGY

A) Typing of biological fluids (blood, saliva, semen, vaginal fluids) in cases involving homicide, suicide, rape, etc., to identify secretions of suspects and victims.

B) Identification of human versus non-human fluids.

C) Species identification (special request).

2) FIREARMS/TOOLMARKS

A) Matching firearms in felony cases

B) Bullet comparisons

C) Cartridge comparisons

D) Distance determinations

E) Gunshot residue

F) Proper function of weapons

G) Toolmark identification (i.e. burglary, theft)

H) Serial number restorations

I) Shoeprint comparisons

J) Tiremark examinations

3) CHEMISTRY

The analyses and identification of controlled and noncontrolled substances from solid tablets, unknown powders, plant materials and suspect liquids.

4) DUI SECTION

A) Analysis of blood specimens for the presence of ethanol in DUI and motor vehicle accident cases.

B) Provide training, installation, calibration and maintenance of breath analysis instruments located in field stations throughout the State.

5) TOXICOLOGY

Identification of drugs in biological fluids and tissue from cases involving possible homicide, suicide, motor vehicle accidents and traffic enforcement.

6) TRACE

A) Hair and fiber comparisons

B) Arson analysis

C) Paint comparisons

D) Glass examinations

MEDICAL EXAMINER SYSTEM

Provides on-going and up-to-date training to:

A) Law enforcement agencies in the proper collection, preservation and submission of physical evidence to the laboratory.

B) Associate Medical Examiners in conducting medical-legal autopsies.

C) Coroners in proper death investigations.

Victims

DEPARTMENT OF JUSTICE

CRIME CONTROL DIVISION

CRIME VICTIMS UNIT

The Crime Victims Compensation Act was sponsored by Representative Joe Quilici in the 1977 Legislature. The bill was signed by Governor Tom Judge on April 28, 1977. Part of the statute was effective on July 1, 1977 to collect funds, hire personnel and formulate procedures to process claims. The administration and responsibility of the program was put under the Workers' Compensation Division. The benefit portion of the statute was effective on January 1, 1978, to cover criminally injurious conduct which occured on or after that date.

In 1987, the legislature removed the Crime Victims program from the Workers' Compensation Division and gave all authority and responsibilty for the program to the Crime Control Division. The appeal court was also changed from the Workers' Compensation Court to the district court of Lewis and Clark County or the county where the victim resides.

Benefits are paid to innocent victims who are injured or the families of those killed as a direct result of criminally injurious conduct. Medical expenses, including psychological counseling, wage loss compensation and funeral expenses are paid. Dependents may receive wage loss compensation when the innocent victim is killed. Certain family members may receive payment for mental health counseling when the victim is killed or is a minor victim of sexual abuse. Victims must apply for compensation and applications are screened for acceptability.

The original funding for the program was 6 percent of all state, county, and city traffic fines, excluding parking violations. This funding source was changed in 1983 to 18 percent of highway patrol fines and bail forfeitures. The funding source was changed again in 1987 to 16.9 percent of 50 percent (8.45%) of the fines and forfeitures in the justice of the peace courts.

CRIME VICTIMS UNIT

COMPARISON REPORT

	FY86	FY87
Files Created	453	439
Claims Received	394	390
Awards	260	229
Denied	94	171
No claim filed in one year*	54	61
Held over to following year:		
pending eligibility decision	82	72
pending receipt of claim	69	54
Awards Paid (net)	$332,029.86	$327,776.87
Administration Cost		
direct cost @WCD	$32,604.16	$31,380.66
indirect cost @WCD	$24,473.07	$23,556.00
TOTAL	$57,077.23	$54,936.66
Restitution from offenders	$4,279.29	$10,420.69
Average Payment	$1,207.48	$1,057.72
Processing time	47 days	55 days
VICTIMS		
Male	164	170
Female	230	220
Average age		
Male	26	25
Female	18	18

*This means that an inquiry was received, and a claim sent out but none returned during that year.

For more information, contact the Crime Victims Unit of the Board of Crime Control, 303 N. Roberts, Helena, MT 59624.

CRIME VICTIM SURVEY

The Board of Crime Control contracted with the Survey Research Center, Montana State University, during the early part of 1988 to conduct a telephone survey of Montana residents. The survey had four main objectives. First, to request opinions on major political issues facing the public today. Second, to determine which crime holds the greatest concern for the general public. Third, to determine from those contacted whether they had been victims of a crime, and whether it was reported to law enforcement officials. Fourth, to solicit general opinions regarding the attitude of the public to various components of the criminal justice system.

The Survey Research Center is a corporate part of Montana State University providing applied research focusing on statewide social, economic and policy issues throughout the State. The Survey Research Center maintains a full service mail and telephone survey research facility, including data management and analysis, on a fee basis. The center is capable of providing: 1) mail, telephone and personal interviews; 2) questionnaire construction; 3) expertise in sampling and sample frame construction; 4) statistical consulting; 5) research design assistance; 6) data analysis on main frame or microcomputing facilities; 7) report preparation; 8) faculty expertise in the social, economic and statistical sciences; and, 9) trained interviewing staff.

The Board of Crime Control's contract specified that a random sample of Montana households was to be developed, and those included on the sample would then be contacted and interviewed by the Research Center staff using questions originally designed by the Board of Crime Control and ultimately designed cooperatively by the Board and the Research Center.

The sample used in the survey included 1,400 telephone numbers generated from data on Montana telephone exchanges and households, stratified to all counties in proportion to each county's share of telephone households in the state. Unique telephone numbers were selected by systematic sampling from among all working blocks of numbers for all telephone exchanges assigned to the county. Business listings were deleted and replaced with other random numbers. The sample was geographically drawn so that each successive set of 100 numbers was representative of the state as a whole. Interviewers from the Research Center called the 1,400 numbers exhaustively during the course of the survey.

Interviewing was done primarily during the hours of 6:30 to 9:00 p.m. during the weeks of May 16 through June 3, 1988. Interviewers asked to speak with adult Montana residents. Out of more than 2,500 phone calls during the three weeks of interviewing 658 interviews were completed.

GENERAL SURVEY FINDINGS

The first general issue relates to what the general public thinks is the most significant issue facing the state. The majority of responses were: 1) unemployment/lack of jobs; 2) economy; and, 3) high taxes. These three responses accounted for 54.2 percent of all responses.

The second issue was how the respondent ranked crime in relation to the general issues stated in the first section. Almost 31 percent identified crime as serious a problem as the major issues. However, it should be noted that only 2.8 percent of the respondents identified crime as a problem in the first question. Since drug abuse and drug and drug-related crimes appear to be a national concern the survey included a specific question as to how serious a problem drug abuse was as related to other general issues. About 53 percent of the responders indicated that the drug problem was as serious as any other problem facing our state.

The third area of concern in the survey was directed at the publics' perception of the criminal justice system. Two specific areas were addressed in the survey. First, the perception of the court system and second the law enforcement system. The primary question asked was how effective the person felt each system was as compared to five years ago. In the court system 10 percent of the responders felt that the court system is more effective today, with 34.6 percent indicating that it is less effective today. 29.4 percent of the individuals surveyed said that law enforcement is more effective today, while 19.9 percent said that is it less effective that five years ago.

The final issue in the survey solicited information about whether a person had been a victim of a crime during the past 12 months, and specifics about that victimization, if there was one. The people responding to the survey showed an 11.1 percent victim rate. In other words, of the 658 people interviewed, 73 were victims of a crime. Sixty (60) of the victims reported that crime to law enforcement. The survey would then indicate that almost 18 percent of crimes are unreported by the victim. A similar survey in 1982 indicated that 15 percent of crimes are unreported.

The following questions and responses were part of the survey and are provided to show the specific issues presented to the general public.

SPECIFIC ISSUES/RESPONSES

General

1. QUESTION: What are the two most serious problems facing Montana today? (The following is only a partial list of responses)

Unemployment/Lack of jobs	378
Economy	214
High Taxes	100
Environment	85
Education	64
Government	50
Drug Abuse	48
Agricultural problems	41
Quality of life	26
Low-wage jobs	25
Lack of industry	21
Crime	18
Alcohol abuse	14

Crime

2. QUESTION: How big a problem is crime compared to the problems mentioned above?

As serious as	192
Not as serious as	325
Not serious	96
Other	6
Don't know	7

3. QUESTION: How big a problem is drug abuse compared to the problems mentioned above?

As serious as	311
Not as serious as	197
Not serious	33
Other	20
Don't know	27

4. QUESTION: What two crimes are you most concerned about in your community? (The following is only a partial listing)

Drug offenses	237
Burglary	144
Larceny/theft	131
Homicide	114
DUI	112
Robbery	88
Rape	84
Vandalism	81
Offenses against family	70
Assault	30
Alcohol related (Not DUI)	10

5. QUESTION: What two crimes are you most concerned about in Montana? (The following is only a partial listing)

Homicide	266
Drug offenses	250
DUI	109
Rape	106
Offenses against family	83
Larceny/Theft	79
Burglary	76
Robbery	76
Assault	34
Vandalism	32
White-collar crime	11
Juvenile offenses	10

Courts

6. QUESTION: Compared to five years ago, how effective do you feel the court system is in Montana today?

More effective	65
Less effective	225
About the same	292
Don't know	68

7. QUESTION: Do Judges give appropriate sentences to most criminals?

Strongly agree	9
Agree	269
Disagree	261
Strongly disagree	100
Don't know	19

Restitution

8. QUESTION: Criminal offenders should be required to make financial reimbursement to their victims or their victim's family?

Strongly agree	390
Agree	233
Disagree	23
Strongly disagree	3
Don't know	8

Drug Abuse

9. QUESTION: Drug abuse has been identified as a national concern. If Federal money becomes available to help deal with this problem, what do you think it would best be spent for? (The following is only a partial list)

Prevention	305
Enforcement	162
Treatment	93
All three of above	41
Education	10
Other	11

DUI

10. QUESTION: If a person drives while intoxicated in your community, what are the chances of being arrested?

Probably arrested	123
50-50 Chance	244
Slight chance	260
No chance	16
Don't know	13

11. QUESTION: In your opinion, should repeat DUI offenders be required to prove they are not presently addicted to alcohol or drugs before being allowed to drive again?

Yes	561
No	47
Other	16
No way to prove	11
Never let them drive again	10
Don't know	11

Law Enforcement

12. QUESTION: Compared to five years ago, how effective do you feel law enforcement agencies are in Montana today?

More effective	191
Less effective	129
About the same	288
Don't know	41

Victims

13. QUESTION: In the past twelve months, were you a victim of a crime?

Yes	73
No	584
No response	1

14. QUESTION: On how many separate occasions were you victimized?

One	42
Two	11
Three	12
Four	3
Five	3
Six	1
Nine	1

15. QUESTION: What type of crime was this? (The following is a partial list)

Larceny/theft	27
Burglary	20
Vandalism	9
Traffic crime	6
All other crimes	4
Offenses against family	3

16. QUESTION: Was this crime reported to a law enforcement agency?

Yes	60
No	13

17. QUESTION: In the last twelve months, was any other member of your household the victim of a crime?

Yes	44
No	611
Don't know	2

18. QUESTION: What type of crime was this? (The following is a partial list)

Larceny/theft	15
Vandalism	7
Traffic crime	7
Burglary	5
Victim of DUI	2
All other crimes	2
Aggravated assault	2

19. QUESTION: Was this crime reported to a law enforcement agency?

Yes	36
No	8

20. QUESTION: Is there a local victim assistance program in your area?

Yes	180
No	160
Don't know	317

21. QUESTION: Are you aware that there is a State Victim compensation program?

Yes	241
No	414

For more information on your local victim/witness assistance program, contact your local county attorney's office. (See also Victims in the chapter on Prosecution Services.)

For more information on the State Victim Compensation Program contact the Crime Victims Unit of the Board of Crime Control, 303 N. Roberts, Helena, MT 59620.

Prosecution

PROSECUTION SERVICES IN MONTANA AN OVERVIEW

Prosecution services in Montana are delivered by county attorneys, city attorneys and, to a limited degree, by the Attorney General's office.

COUNTY ATTORNEY

The county attorney is the primary prosecutor of criminal offenses in Montana. He or she is responsible for prosecuting all felony offenses occurring in the county as well as misdemeanor offenses handled in justice court. This latter function may involve the prosecution of traffic offenses initiated by the county sheriff's office, the Montana Highway Patrol and the Department of Highways, GVW Division. Additionally, the county attorney handles justice court offenses initiated by a number of departments serving regulatory functions within the executive branch of the government, including the Departments of Fish, Wildlife and Parks, Revenue, Health and Environmental Sciences, Livestock and Natural Resources and Conservation.

The county attorney also functions as prosecutor of juvenile offenses in district court and, in a sort of quasi-prosecutorial sense, handles the disposition of cases involving child welfare.

County attorneys serve each of Montana's 56 counties. They are elected on a partisan basis to 4 year terms. Occasionally, a county attorney is appointed when no other candidates are available to fill the position.

County attorneys in counties with populations in excess of 30,000 are required to serve as full-time public officials, being prohibited by statute from engaging in private law practice. In those counties with a lesser population, the county attorney and the board of county commissioners may agree jointly to make the position full-time. If this option is exercised, the county attorney is paid the same as other full-time county attorneys no matter what the size of the population. There are 23 full-time county attorneys in Montana.

The county attorney's salary is set by statute. The current base salary for full-time county attorneys is established at $36,500 by section 7-4-2503, MCA which also contains provisions for factoring in cost of living increases. Part-time county attorneys are paid a percentage of the full-time salary based on the classification of the county.

Deputy county attorneys are authorized by statute. In many of the smaller, rural counties, the county attorney has no deputy, while in counties with substantially higher populations, the county attorney may employ a number of deputies limited only by budget constraints.

CITY ATTORNEY

City attorneys are appointed by the mayor with the approval of the city council unless otherwise provided in a charter form of government. The city attorney is responsible for prosecuting in city courts all misdemeanor offenses filed in such courts, including violations of city ordinances. He or she also prosecutes the appeal of such cases in district court.

Although the city attorney is authorized by section 3-11-102, MCA to file a complaint in city court charging a felony committed within the city limits, he or she is limited to handling only the preliminary aspects of the procedure and, as a practical matter, virtually all felonies are initially filed through the county attorney's office.

City attorneys may either be full-time or part-time, depending on the size of the city or town for which services are being provided. As with the office of county attorney, assistants may be employed in the city attorney's office depending on budget limitations.

ATTORNEY GENERAL -COUNTY PROSECUTOR SERVICES BUREAU

Virtually all of the criminal prosecution accomplished through the Attorney General's office is done by the County Prosecutor Services Bureau. In 1973, the legislature established the position of training coordinator for county attorneys within the Department of Justice. As originally conceived, the coordinator's function was to provide training and research assistance to county attorneys. However, in 1977 the concept was expanded to allow the coordinator to provide trial assistance to the counties in those instances where assistance was requested due to a local conflict of interest or a lack of trial resources. The coordinator often assumes responsibility for major homicides or other violent crime prosecutions. This expansion was legislatively recognized in 1983 when the statutory provisions delineating the coordinator's responsibilities were expanded to allow the coordinator to serve as special counsel in any county upon request of the county attorney and approval by the county commissioners. Services are billed to the county on an hourly basis at a relatively modest rate. Funds received for such services are deposited with the state general fund.

The coordinator's functions have been organized internally into the County Prosecutor Services Bureau which is staffed by a bureau chief, two attorneys and a paralegal/secretary. Other cases prosecuted by the bureau include dangerous drug cases developed by the Montana Criminal Investigation Bureau. Two special investigation sections devoted exclusively to dangerous drug investigations are operated by the Department of Justice (see Criminal Investigation Bureau).

The attorney general's office also handles criminal appeals before the Montana Supreme Court as well as various post conviction relief (see Sentence Review Board) and habeas corpus actions in state and federal court.

PROSECUTION OF A CRIMINAL ACTION

Prosecution of a criminal action is initiated by one of three methods. A complaint may be filed in justice court or city court, an information may be filed in district court in felony actions, or an indictment may be drawn upon a finding by a grand jury.

The complaint and the information are the most common methods utilized to commence prosecutions. Grand jury proceedings have been rare in recent years.

The decision to charge a criminal offense rests within the sound discretion of the prosecutor. The prosecutor must be convinced that probable cause exists to believe that a criminal offense has occurred and that, once filed, he or she can obtain a conviction beyond a reasonable doubt. Within the exercise of that discretion, the prosecutor must choose the method by which prosecution is to be commenced. If the prosecutor determines that the filing of an offense is not warranted, he or she may also decide to defer prosecution for a period of time pursuant to some type of contractual agreement with the defendant, the effect of which is to secure certain commitments from the defendant, such as treatment, in exchange for deferring prosecution.

If the defendant violates such an agreement, the prosecution may be carried forward. This so-called deferred prosecution agreement is utilized in some counties and rejected completely in others.

If the prosecution is initiated by complaint in justice or city court, it is handled through disposition in that court. If the complaint involves a felony charge, the justice or city court jurisdiction extends only to a determination of probable cause. This is made following preliminary examination. If insufficient probable cause is found, the case is dismissed. If, not, it is bound over to district court for further proceedings.

If the action begins with an information, a finding of probable cause must first be made by the district judge, on the basis of an affidavit presented by the county attorney and such other evidence as the court may require.

After a charge is filed, the defendant must make an initial appearance before the charging court. The appearance is made following the issuance of an arrest warrant or, in less serious cases, by summons or notice to appear. Although it is within the jurisdiction and discretion of a judicial officer to issue a warrant of arrest, as a practical matter the court normally acts upon the recommendation of the prosecutor.

At the initial appearance, the defendant is advised of the right to counsel and the right to remain silent. The charge is also read and, if not already set, the court establishes a bail for the defendant.

DEFENSE COUNSEL

Legal counsel for criminal defendants are either retained or appointed. A defendant in a criminal case has a constitutional right to counsel. If he or she is unable to retain his own, and the Court is satisfied to that effect, counsel will be appointed.

Most criminal defendants are represented by appointed counsel. These attorneys may serve under contract with the county as public defenders or, in some areas of the state, are appointed on a case by case rotation basis from among local practitioners. One county operates a full time public defender office.[1] The more common practice is for the county or the courts to enter into an agreement with an attorney which allows him to function as an independent contractor at a specified monthly or annual salary.

BAIL

Article II, Section 21 of Montana's Constitution provides that a criminal defendant is entitled to have bail set except in those cases where a capital offense is charged and the presumption that it was committed by the defendant is great.

Bail is required to be set at a reasonable amount to ensure the presence of the defendant, and is based primarily upon the nature of the offense, the character and criminal history of the defendant and his financial capabilities.

The methods by which bail can be furnished are also regulated by statute. It may be posted with the clerk of court in cash, stocks, bonds in the amount set, by real estate with an unencumbered equity double the amount of bail established by the court, by written undertaking posted by two sureties and the defendant, or by use of a commercial surety or bail bond company. The latter is the most frequent method utilized in felony offenses. In misdemeanor traffic cases it has become fairly common practice throughout most of the state to allow disposition of a case by bail forfeiture.

ARRAIGNMENT

In justice and city court prosecutions, the defendant normally enters a plea to the charge at the time of initial appearance. Entry of plea is reserved in felony offenses until the defendant appears for arraignment in district court. The arraignment is defined by statute as "...the formal act of calling the defendant into open court to answer the charge against him."[2]

When a plea has been entered the court is able to make some determinations on the procedural aspects of the case. If the plea is guilty, the court will either pronounce sentence or set a subsequent sentencing date.

TRIAL

If the defendant pleads not guilty, the case is scheduled for trial. In felony cases, and to a lesser degree in most misdemeanors, trial is preceded by procedural processes designed primarily to allow discovery of information from the opposing party and an opportunity to challenge legal positions.

The vast majority of criminal cases are resolved by pleas of guilty either at the time of arraignment or during the pretrial process. Guilty pleas are either made outright by the defendant or as a result of some negotiations between the state and the defendant. These negotiations, or plea bargains, generally involve an agreement between the parties that the defendant will plead guilty rather than go to trial in exchange for some commitment from the prosecution relative to sentence recommendation or charge reduction. Although often criticized, such agreements serve a valid function in the criminal justice system and have received favorable recognition for the United States Supreme Court.[3] They afford the prosecution the opportunity to obtain conviction where proof at trial may be difficult and they serve the interests of judicial economy.

If the case is not settled by plea, it is tried either before a jury or before the court. Jury trials are the most common method of trying criminal cases since a defendant is entitled to such procedure as a matter of constitutional and statutory right.[4] However, the jury may be waived in favor of a bench trial by mutual consent of the parties.

A jury in misdemeanor cases is composed of six persons and a felony jury of twelve. However, the parties may agree upon a lesser number in either case. A verdict must be unanimous for both misdemeanor and felony offenses.

SENTENCING

If a defendant is found not guilty he is discharged. If the verdict is one of guilt the court schedules a sentencing date. In felony cases, the court usually requests preparation of a presentence investigation report, prepared by an officer of the Probation and Parole Bureau of the Department of Institutions. This report provides basic data to the court relative to the defendant's social, criminal, educational and military history. This information provides the court a better understanding of the defendant at the time of his sentencing. The report also contains some conclusions concerning the defendant's prospects for successful supervision and/or rehabilitation.

At the time of sentencing, most judges allow both sides to present arguments in the form of recommendations relative to disposition. Testimony is sometimes presented in mitigating or aggravating circumstances. If the sentencing occurs following a negotiated plea, the recommendations and evidentiary presentations tend to be more abbreviated.

The ultimate sentencing decision rests with the court and the judge may reject the recommendations of counsel or the terms of the plea bargain agreement and sentence the defendant within the statutory penalty for the offense. However, the judge is required to articulate his or her reasons for imposition of sentence in the judgment.

APPEAL

Convicted criminal defendants in Montana have an absolute right of appeal. Appeal is common in those cases in which a defendant is sentenced to prison after a trial. The appeals usually are handled for the state by the Attorney General's office with the assistance and cooperation of the local prosecutor. The defendant is generally represented on appeal by the attorney who was either appointed or retained to represent him or her at the trial court level. If there are allegations of incompetent representation in the lower court, new counsel will be involved, again either by appointment or retention depending upon the defendant's financial situation.

Criminal appeals most frequently involve issues addressed to the legal propriety of lower court rulings. The majority of these appeals result in decisions by the Montana Supreme Court upholding the actions of the trial court and the validity of the conviction. However, if the court determines that there was error substantially affecting the rights of the defendant, the case is reversed and returned to the district court for retrial.

VICTIMS

Montana has followed a growing movement in this country relating to a greater recognition of victims rights in criminal cases. In 1985, the legislature enacted statutes affording deferential treatment to victims and witnesses in criminal cases.[5] The legislation requires provision of training and education for law enforcement officers and prosecutors in the area of victim assistance with responsibilities in this regard given to the attorney general and the Department of Justice. Prosecutors are required to keep victims apprised of developments in the case and consult with them on possibilities of disposition.

This legislation has resulted in the establishment of victim-witness' assistance programs in most county attorney's offices. In some larger jurisdictions a victim-witness advocate has been added to the prosecutor's staff and in any smaller offices, an existing staff member has assumed these responsibilities. Publications for distribution to victims and witnesses have been prepared on the

state and local level and are disseminated by local prosecutors and law enforcement agencies.

The Board of Crime Control has established several Victim Assistance offices throughout the state with the support of Federal Victims of Crime funding. (See also chapter on Victims.)

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[1] In approximately October, 1986, Missoula County established a full time public defenders office staffed and paid by the county with state funded assistance.

[2] Section 46-12-101, MCA.

[3] Brady v. United States, 397 U.S. 742 (1970)

[4] Section 46-16-102, MCA; Article II, Section 26, Constitution of Montana.

[5] Chapter 554, Laws of 1985, now codified as Title 46, Ch. 24, MCA.

Courts

SUMMARY OF JURISDICTION EXERCISED BY MONTANA COURTS

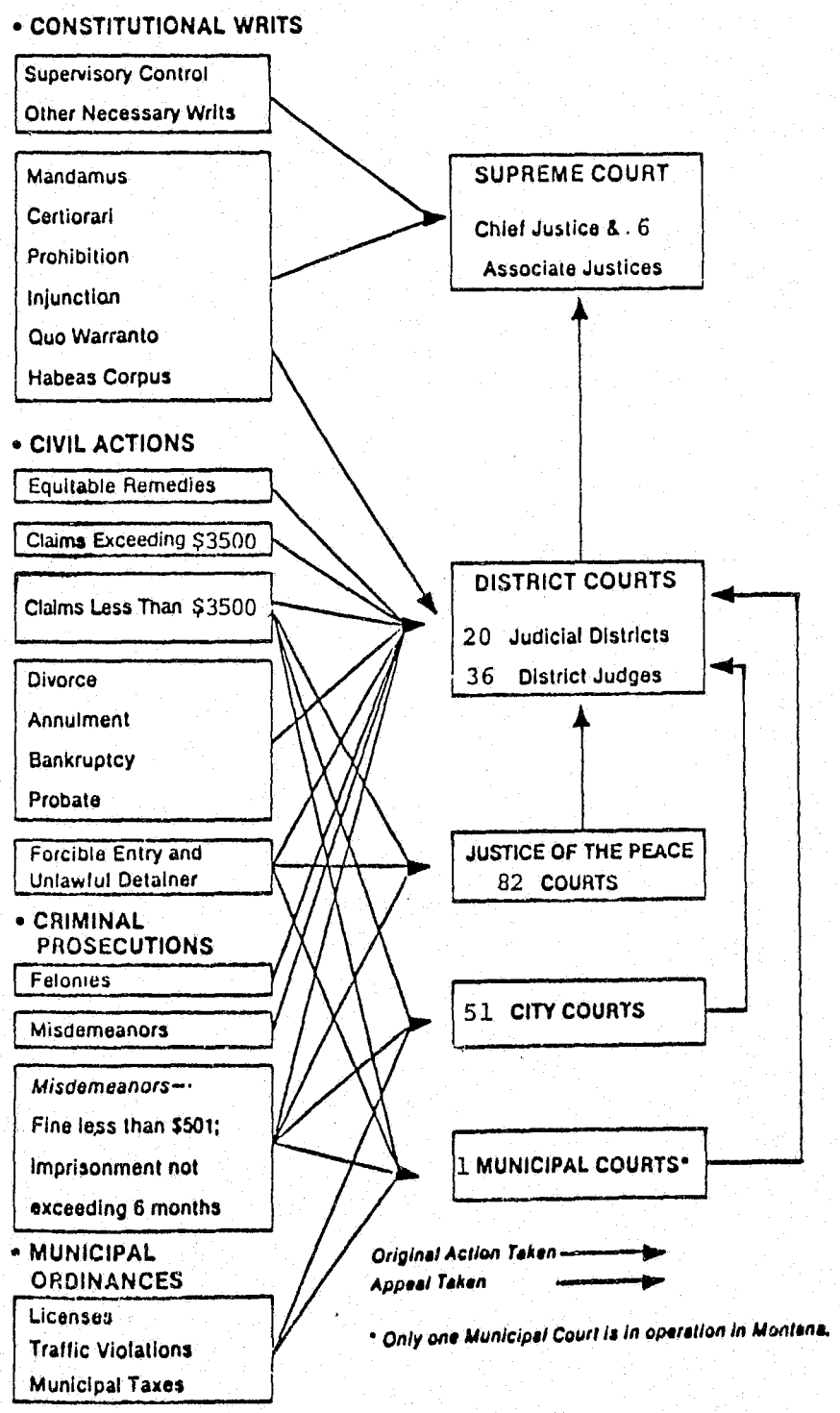


TABLE 1
MONTANA SUPREME COURT

NAME	TITLE	ORIGINAL TERM BEGAN
J.A. Turnage	Chief Justice	1985
L.C. Gulbrandson	Associate Justice	1983
John C. Harrison	Associate Justice	1961
William E. Hunt, Sr.	Associate Justice	1985
R.C. McDonough	Associate Justice	1987
John C. Sheehy	Associate Justice	1978
Fred J. Weber	Associate Justice	1981

MONTANA COURT STRUCTURE

The judicial power of Montana is vested in a three-tiered structure of Appellate, General, and Limited Jurisdiction Courts represented respectively by the Supreme Court, the District Courts, and Justice of the Peace and City Courts.

SUPREME COURT

The Supreme Court functions both as an Appellate Court (Court of Review), and as a Court of Original Jurisdiction. The Supreme Court has original and concurrent jurisdiction over extraordinary writs. Trials, with or without a jury, are conducted in all courts, except the Supreme Court. No trials are held by the Supreme Court, and witnesses are seldom presented or questioned there.

The Supreme Court's administrative authority over bench and bar is broad and includes: supervisory control over all courts, the power to make all rules of practice and procedure subject to disapproval by the Legislature; and the authority to regulate admission to the bar and the conduct of bar members.

At present the Court consists of a Chief Justice and six Associate Justices (See Table 1). In the event of disqualification or disability of the Chief Justice or any Associate Justice, a District Court Judge may be substituted. The District Judge's opinion has the full effect of that of a Justice.

The Chief Justice and the other Justices are elected to eight-year terms. To be eligible to hold the office of Chief Justice or Justice of the Supreme Court, one must be a citizen of the United States and have resided in Montana two years immediately before taking office. In addition, one must have been admitted to practice law in Montana for at least five years prior to the date of appointment or election.

Whenever a vacancy occurs in the office of Chief Justice or Justice, the Governor appoints a successor from a list of nominees submitted by the Judicial Nomination Commission.

The Supreme Court calendar is divided into 'terms'. Four such terms must be held each year at the seat of government, commencing on the first Tuesday of March, June, October and December. The Chief Justice presides at all sessions of the Supreme Court, and in the case of his absence, the Justice having the shortest term remaining to be served presides.

In calendar year 1986, 602 cases were filed and 374 cases were handed down by full opinion. In 1987, 571 cases were filed and 358 cases were handed down by full opinion.

DISTRICT COURTS

District Courts are Montana's Courts of General Jurisdiction. The District Courts of Montana exercise original and exclusive jurisdiction over all felonies; original jurisdiction over all cases in law and equity;

TABLE 2
DISTRICTS OF MONTANA: THEIR POPULATIONS AND NUMBER OF COUNTIES

District	Population*	# of Counties in District	# of Judges in District
1st	49,200	2	3
2nd	35,200	1	2
3rd	20,900	3	1
4th	105,000	3	4
5th	22,500	3	1
6th	16,600	2	1
7th	33,200	5	2
8th	81,800	1	3
9th	30,500	4	1
10th	16,300	3	1
11th	53,900	1	2
12th	27,200	3	1
13th	144,900	4	5
14th	10,300	4	1
15th	20,300	3	1
16th	37,500	7	2
17th	22,800	3	1
18th	47,600	1	2
19th	18,700	1	1
20th	29,600	2	1
Totals: 20	824,000	56	36

*These figures are from Table 1. Provisional Estimates of the Population of Counties: July 1, 1984; provided by the Census and Economic Information Center, Montana Department of Commerce, Helena, MT 59620.

and the power to issue such writs as are appropriate to their jurisdiction. Appeals from Courts of Limited Jurisdiction to District Courts must be trials "de novo" which is a completely new trial as if the original trial had never taken place.

Article VII, Section 6, of the Constitution of the State of Montana grants the Legislature the authority to establish judicial districts and to provide for the number of judges in each district. Currently there are 36 District Court Judges in Montana.

In 1983, the Legislature made changes in seven judicial districts and created one new judicial district. At the present time, there are 20 judicial districts. See Tables 2 and 3 and the map on the following page.

District Judges are elected for six-year terms. Requirements for the office of district judge are United States citizenship, residency of the State for two years and being admitted to the practice of law in Montana for at least five years prior to the date of appointment or election. In the event of a vacancy in the office of district judge, the Governor appoints a successor from a list of nominees submitted by the Judicial Nomination Commission.

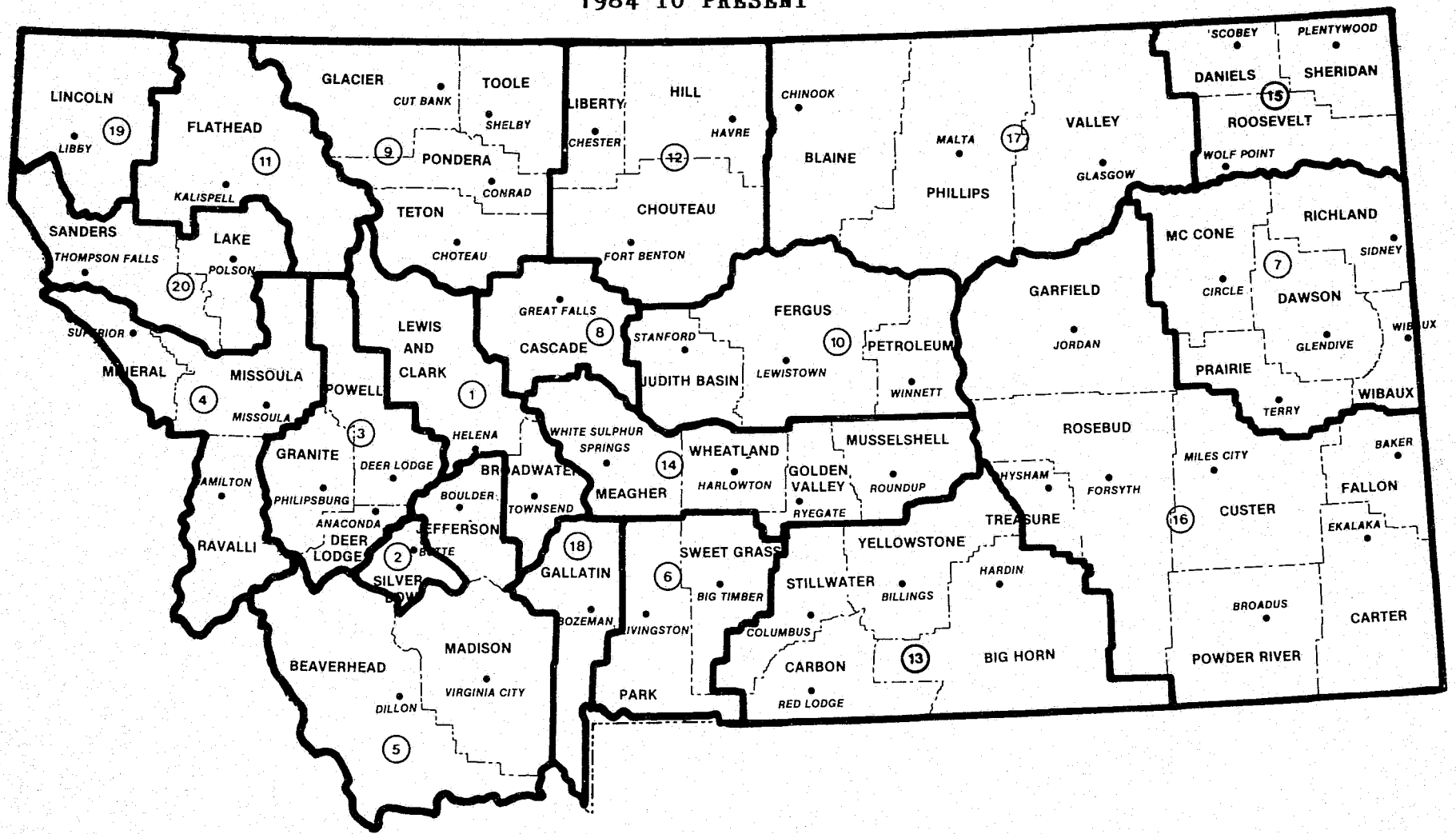
TABLE 3

DISTRICTS OF MONTANA AND THEIR COUNTIES

1st District	Broadwater Lewis & Clark
2nd District:	Silver Bow
3rd District:	Deer Lodge Granite Powell
4th District:	Mineral Missoula Ravalli
5th District:	Beaverhead Jefferson Madison
6th District:	Park Sweet Grass
7th District:	Dawson McCone Prairie Richland Wibaux
8th District:	Cascade
9th District:	Glacier Pondera Teton Toole
10th District:	Fergus Judith Basin Petroleum
11th District:	Flathead
12th District:	Chouteau Hill Liberty
13th District:	Big Horn Carbon Stillwater Yellowstone
14th District:	Golden Valley Meagher Musselshell Wheatland
15th District:	Daniels Roosevelt Sheridan
16th District:	Carter Custer Fallon Garfield Powder River Rosebud Treasure
17th District:	Blaine Phillips Valley
18th District:	Gallatin
19th District:	Lincoln
20th District:	Lake Sanders

MONTANA
JUDICIAL DISTRICTS

1984 TO PRESENT



COURTS OF LIMITED JURISDICTION

JUSTICE COURTS

Justice of the Peace Courts are Montana's major Courts of Limited Jurisdiction. Their original jurisdiction presently includes most civil cases where a recovery will not exceed $3,500; all misdemeanors punishable by a fine not exceeding $500 or imprisonment not exceeding six months; and the disposition of all arrests made by the Highway Patrol. These courts also exercise concurrent jurisdiction with the District Courts in actions of forcible entry, unlawful detainer, and residential-landlord disputes. They do not have jurisdiction over felonies except for initial appearances and preliminary hearings.

By law, there must be at least one Justice of the Peace Court in each of Montana's 56 counties, located at the county seat. A Justice of the Peace may be appointed by a town council to serve as City Judge. At present, there are 82 Justices of the Peace with 37 of these also serving as City Judges.

Justices of the Peace are elected for a four-year term. Requirements for the office of Justice of the Peace include United States citizenship and residency of one year in the county where the court is held. Each elected or appointed Justice of the Peace is required to attend two annual training sessions supervised by the Supreme Court. Failure to attend the training sessions disqualifies the Justice of the Peace from office and creates a vacancy in that office. When a vacancy occurs, a successor is appointed by the Board of County Commissioners.

MUNICIPAL COURTS

Montana statute allows for the creation of Municipal Courts for those cities with a population of 10,000 or more. A Municipal Court may be established by city ordinance passed by a two-thirds vote of the governing body. In cities where a Municipal Court is established the office of City Judge is abolished. Presently, there is one Municipal Court in operation in the State of Montana, in Missoula.

A Municipal Court Judge must meet the same qualifications as a District Court Judge, but has the same jurisdiction as a Justice of the Peace. A Municipal Court Judge is elected for a four-year term. Training requirements for a Municipal Judge are identical to those for City Judge and Justice of the Peace. A vacancy is filled by appointment by the governing body of the city.

CITY COURTS

Montana statute allows for the creation of City Courts. These Courts have concurrent jurisdiction with Justice Courts for all misdemeanors punishable by a fine not exceeding $500 nor exceeding six months imprisonment. City Courts exercise exclusive jurisdiction over municipal ordinances. In a town or a third-class city, the governing body may designate a Justice Court of the county to act as City Court. There are 37 City Judges who also serve as Justices of the Peace.

A City Judge is elected to a four-year term and must have the same qualifications as those required of a Justice of the Peace. They are also required to attend two annual training sessions. Failure to attend the training sessions disqualifies the Judge and creates a vacancy in the office. When a vacancy occurs, the position is filled by the governing body of the city or town.

WATER COURTS

Montana's Water Courts were created by the 1979 Legislature in response to concerns that the existing programs of adjudication, which were set up under the 1973 Water Use Act, would take hundreds of years to complete. The newly created Water Courts were designated to "expedite and facilitate" the adjudication of existing water rights - those rights that were in existence prior to 1973. Funding for Water Courts is derived from various revenue sources which include coal tax money, resource indemnity trust money and various other sources of bond and income revenue.

Water Court Judges are designated for each of the four water divisions in the state by a majority vote of a committee composed of the District Judge from each single- judge District, and the Chief District Judge from each multiple judge District within the division. The Water Judge divisions are: Upper Missouri Division, Clark Fork Division, Lower Missouri Division and the Yellowstone Division.

WORKERS' COMPENSATION COURT

The 44th Legislative Assembly created the Office of Workers' Compensation Court in 1975. The Workers' Compensation Judge is appointed by the Governor from a list of nominees submitted by the Judicial Nomination Commission, and serves a six-year term. The Workers' Compensation Judge must have the same qualifications as a District Court Judge.

The Workers' Compensation Judge adjudicates disputes arising out of workers' compensation benefits granted under Title 39, Chapter 71, MCA, and has exclusive jurisdiction to make determinations concerning disputes arising under this Title.

SUPREME COURT BOARDS AND COMMISSIONS

The Supreme Court has a number of Boards and Commissions under its supervision which help the Court to carry out the various Constitutional duties of general supervisory control over all other courts, establishing rules governing the practice and admission to the bar, and other legislatively mandated functions. The role of each Board or Commission is highlighted below.

Commission on Practice of the Supreme Court of Montana - It is this Commission's duty to receive and investigate complaints of alleged misconduct committed by lawyers in the State of Montana.

Judicial Nomination Commission - This Commission is charged with the responsibility of providing the Governor with a list of candidates for appointment to fill any vacancy on the Supreme Court or any District Court and to provide the Chief Justice of the Supreme Court with a list of candidates for appointment to fill any term or vacancy for the position of Chief Water Judge.

Commission on Unauthorized Practice - It is this Commission's duty to investigate complaints involving the unauthorized practice of law.

Commission on Courts of Limited Jurisdiction - This Commission was formed to design and implement a plan for continuing education for lower court judges, to use the plan to develop the most effective use of uniform rules, forms and procedures and propose refinements and improvements.

Commission Concerning Rules of Admission to the Practice of Law in Montana - This Commission was formed to study the Court's existing rules on admission to the practice of law and to make recommendations to the Supreme Court as the Commission deems appropriate.

Commission on Rules of Evidence - This Commission was formed to study the present Code of Evidence and the practice thereunder, together with other developments and proposals in the field of evidentiary law and to make recommendations for appropriate revision of the Code of Evidence.

Advisory Commission on Rules of Civil and Appellate Procedure - This Commission was formed to analyze changes in the Federal Rules of Civil Procedure to determine whether further modifications of the Montana Rules of Civil Procedure should be adopted.

Judicial Standards Commission - The Constitution empowers the Commission to investigate complaints against judicial officers. Upon recommendation of the Commission, the Supreme Court may: 1) retire any justice or judge for a permanent disability that seriously interferes with the performance of his duties; or 2) censure, suspend, or remove any justice or judge for willful misconduct in office, willful and persistent failure to perform his duties, violations of canons of judicial ethics adopted by the Supreme Court of the State of Montana, or habitual intemperance.

Board of Bar Examiners - The Board assists in conducting the examination of applications for admission to the Bar.

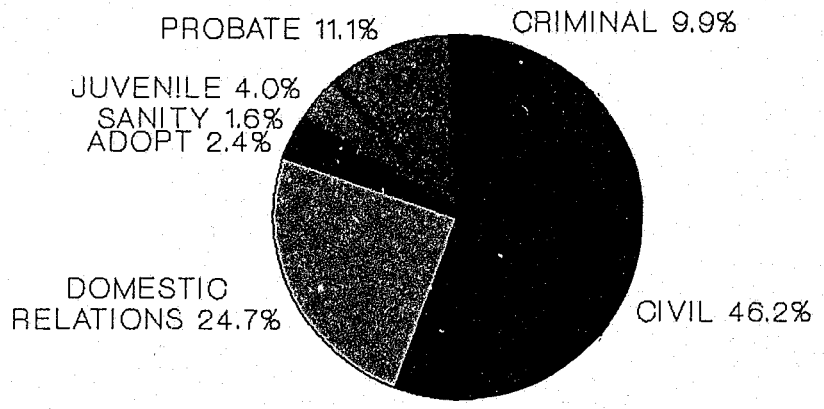
Commission on the Use of Appropriate Technology in the Montana Judiciary - An eleven-member Commission was appointed for a two-year term to study the use of appropriate technology in the Montana judiciary. The Commission was directed to comprehensively review the current and future uses of appropriate technology within the Montana Judiciary and to recommend to the Supreme Court those changes and alternatives that it considers necessary to improve the operation of the judicial system. This Commission is funded by a grant from the Montana Board of Crime Control.

Sentence Review Division - Any person sentenced to a term of one year or more in the state prison by any court of competent jurisdiction may within sixty days from the date the sentence was imposed, file with the Clerk of the District Court in the County in which the judgement was rendered an application for review of sentence by the Sentence Review Division. Upon imposition of sentence, the Clerk of the District Court shall give written notice to the person sentenced of the right to make such a request. The notice shall include a statement that review of the sentence may result in decrease or increase of the sentence within limits fixed by law. Cases filed: 101 (1985); 128 (1986); 140 (1987).

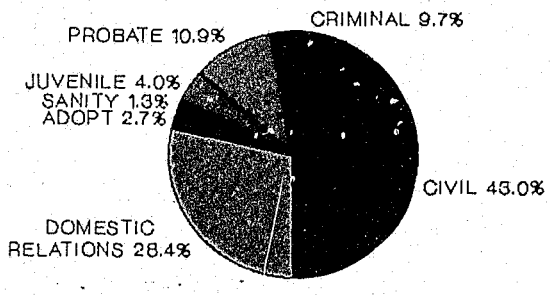
For additional information on any of the Supreme Court Boards and Commissions, contact the Office of the Court Administrator, Room 315, Justice Building, 215 Sanders, Helena, MT 59620.

DISTRICT COURT
TOTAL CASES FILED STATEWIDE
1979-1987

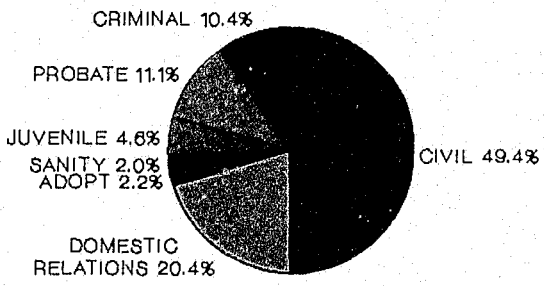
AVERAGE CASES FILED
1979 - 1987



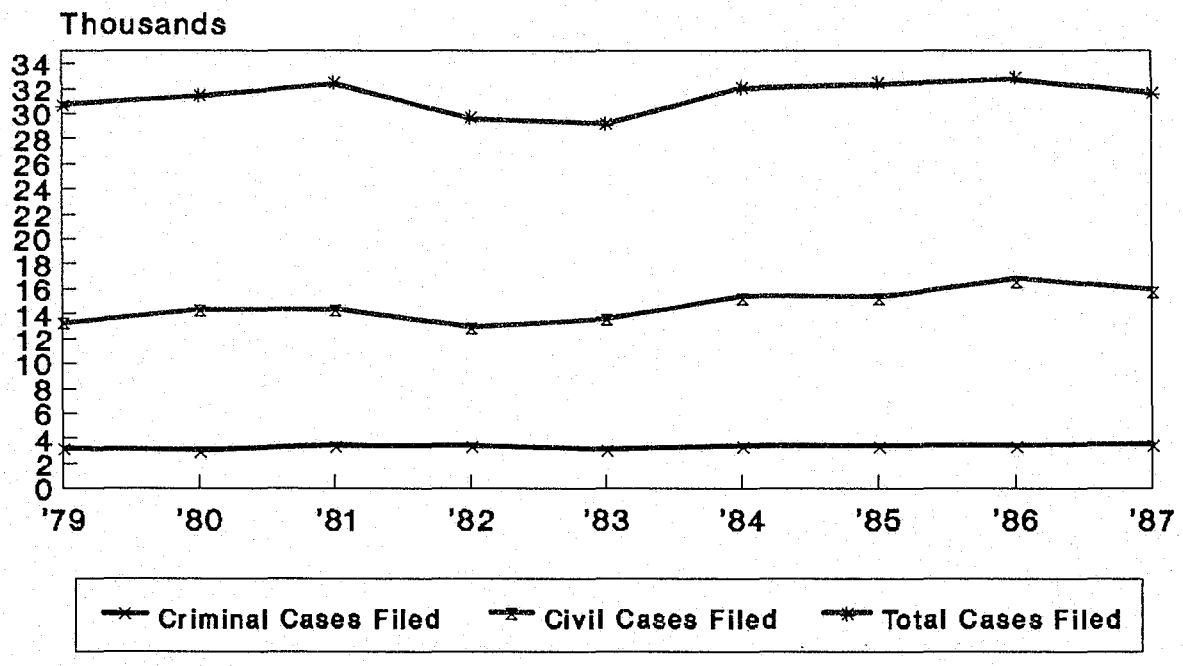
TOTAL CASES FILED
1979



TOTAL CASES FILED
1987



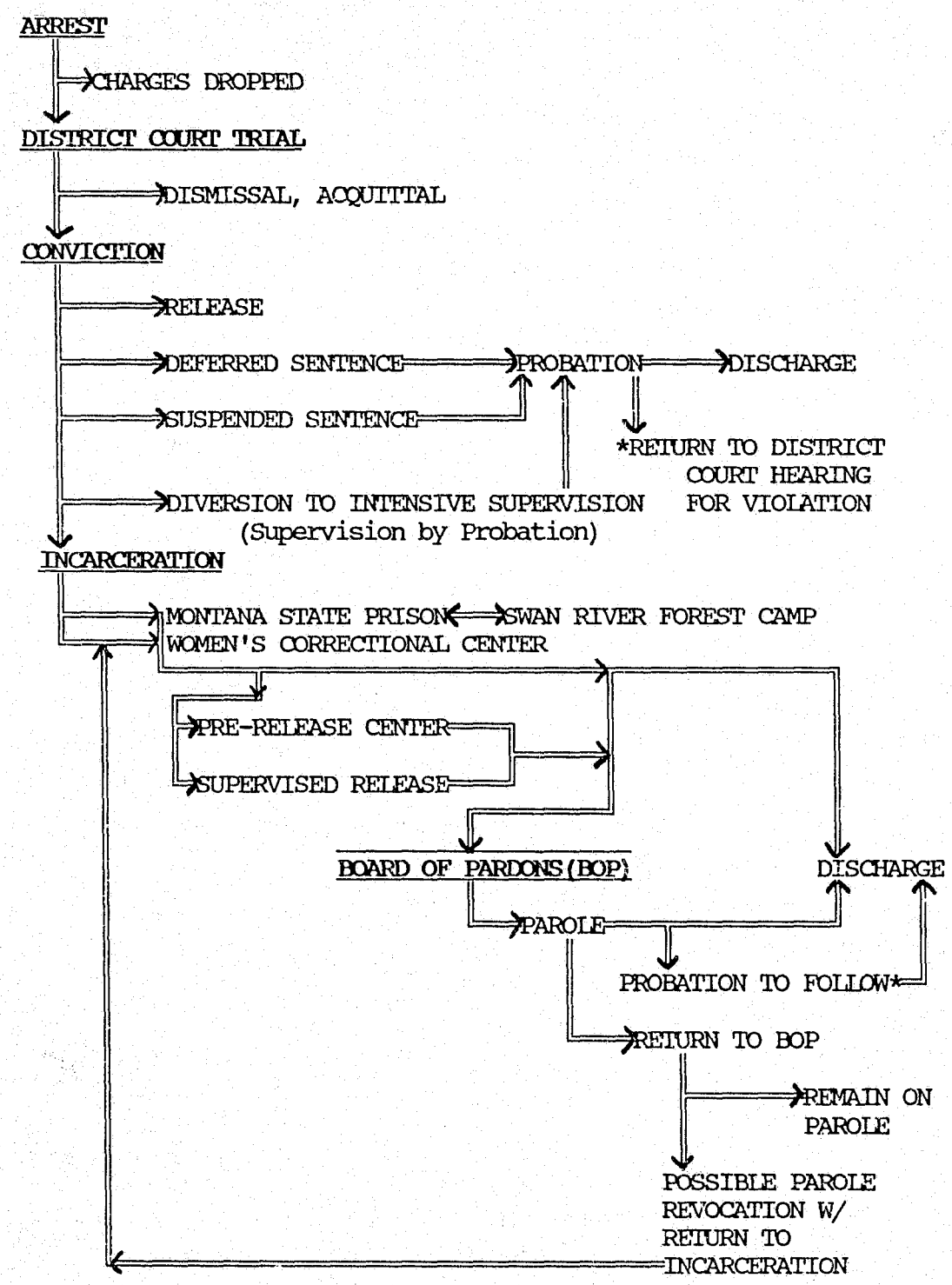
TOTAL DISTRICT COURT CASES FILED STATEWIDE 1979-1987



This table does not include juvenile, probate, sanity or adoption cases.

Institutions

FLOWCHART: DISPOSITION OF ALLEGED OFFENDER



*Probation is imposed by District Court, and a violation may return the offender to District Court for a hearing. Probation may be 1) continued; or 2) revoked with a sentence to prison to serve out the remainder, or to serve a new sentence if found guilty of a new crime; or 3) probation may be revoked with imposition of a new suspended or deferred sentence.

DISPOSITION OF AN OFFENDER

The flowchart on the preceding page illustrates the process of the disposition of an offender from arrest to incarceration.

Arrest/District Court Trial

Persons arrested for alleged commission of a felony offense may be charged and tried in state District Court at the discretion of the County Attorney (see chapter on Prosecution). Those found guilty of felony offenses are known as offenders and receive a sentence from the judge presiding in the court of the jurisdiction in which the offender is convicted (see chapter on Judiciary).

Conviction

Several sentencing alternatives are available to District Court Judges. Sentences can include: a deferred imposition of sentence which may include conditions or restrictions such as jail, probation, fines and fees (for a maximum period of up to three years); a suspended sentence which may include the above conditions and restrictions (up to the maximum period of the sentence allowed by law); fines, costs of prosecution and/or court-appointed counsel; and commitment to a correctional institution which is imprisonment for a specified period of years, a life sentence or imprisonment prior to the execution of a death sentence. Offenders sentenced to death may be executed by lethal injection or hanging; the choice of method is left to the offender.

The condition of probation on a deferred or suspended sentence allows the offender to remain in the community under the supervision of a probation and parole officer. The sentence states the period of time the offender must remain under supervision and identifies other conditions to be met. A failure to abide by the conditions of the sentence may result in a revocation of the original deferred or suspended sentence. Probation and parole officers are responsible for informing the court that an offender has violated the conditions of the sentence. A probation revocation hearing may be held at the discretion of the District Court. An offender subject to a revocation hearing may have the original sentence sustained or may be revoked and receive a new sentence. A sentence issued upon revocation may result in a new probationary sentence under more stringent conditions or in a sentence to prison.

Some offender's may receive initial sentences to Montana's Intensive Supervision Program, a very strict probationary sentence. Offenders enrolled in this program are specifically diverted from prison on the order of the sentencing judge. Enrollees are allowed to remain in their communities, but are required to account for their whereabouts and activities 24 hours a day. An offender's failure to abide by the conditions of this program results in a prison term specified by the court.

Probation also often follows a prison sentence in the form of a suspended portion of the sentence. If the probation is violated the above procedure is followed and may result in a return to prison.

Incarceration

Admissions to and releases from Montana's corrections programs are controlled by the state's District Courts and by the Montana Board of Pardons. These offices of state government are independent of one another and of the Department of Institutions. In short, the size and composition of populations committed to Montana's correctional programs are determined by agencies that are not responsible for those programs.

Montana correctional programs were established by law "to protect society by preventing crime through punishment and rehabilitation of the convicted" (46-18-101, MCA). Montana corrections programs include three prisons, five pre-release centers and 17 probation and parole offices staffed by 38 officers, four supervisors and clerical support staff.

Probation and parole offices provide supervision and counseling of offenders in the community, collect fines and restitution payments as ordered by sentencing courts, and prepare presentence investigations (PSI) of offenders at court command. Prisons exist to confine and rehabilitate convicted offenders for the period of time specified in their sentences. Education, training, work experience, counseling and therapy programs are provided in Montana prisons.

Male offenders sentenced to prison are received at Montana State Prison at Deer Lodge. Female offenders receiving prison terms are sent to the Women's Correctional Center. An offender's custody level (minimum or maximum), housing, and access to programs and other institutions is determined by age, crime, sentence, treatment needs, and institutional behavior. Male offenders aged 25 or less and receiving minimum custody status may be sent to the Swan River Forest Camp. These offenders must be physically fit, capable of work, have no escape history or history of violent crimes, and must have committed no major disciplinary offense at Montana State Prison for a period of six months. Chemically dependent offenders who have received minimum custody status may be transferred to other institutions for treatment.

Some offenders may be transferred to a pre-release center. Admission to a pre-release center requires approval by institutional and local pre-release screening committees. Offenders who apply for pre-release placement must be within 12 months of parole eligibility (see Parole) or sentence discharge and have achieved minimum custody status. Five pre-release centers exist to provide less restrictive confinement of those qualifying offenders at the community level, prior to the offender's release to parole or sentence expiration. Enrollees are required to work or attend school, pay a portion of the cost of their residency, and spend all free time at the pre-release center.

Discharge

Offenders sentenced to prison may leave confinement in several ways. An offender's sentence may expire, at which time the offender is released or discharged. An offender may receive a commutation of sentence or executive clemency from the Governor and be released. Such releases require preliminary screening and approval from the Montana Board of Pardons. An offender may have to complete the suspended portion of a sentence as a probationer, under the supervision of a probation and parole officer. An offender may also be enrolled in the supervised release program, and in which case will be supervised in the community by a probation and parole officer. Candidates for supervised release must be within 15 months of parole eligibility or discharge, have achieved minimum custody and be approved by an institutional officer and by the Montana Board of Pardons. Finally, an offender may receive a parole from the Montana Board of Pardons.

Parole

An offender sentenced to imprisonment is eligible for parole unless designated parole ineligible by the sentencing judge. The time to parole eligibility is determined by conditions of the offender's sentence and institutional behavior. An offender designated a non-dangerous offender must serve one-quarter of the full term less good time, and a dangerous offender must serve one-half less good time. Time to parole eligibility and discharge is shortened by the award of "good time", wherein offenders earn extra time against their sentences for good behavior and enrollment in prison programs. An offender may earn up to 30 days of good time per month in prison.

A parole is a release from imprisonment before sentence expiration and may be granted only by the Montana Board of Pardons. Parolees must agree to abide by the conditions of release set by the Board and are supervised in the community by probation and parole officers. Offenders may be paroled from prisons, special treatment programs, or from pre-release centers.

Parolees who violate the conditions of their paroles are subject to preliminary hearings held by the regional probation and parole office. Violators may be returned to prison pending a formal hearing by the Board of Pardons. The Board may restore the parole or revoke it. Parole revocations result in a return to prison until expiration of sentence or until the Board decides to reparole the violator. Parole is not automatic in Montana, although the Board of Pardons must state reasons for parole denial. Successful parolees remain under community supervision for the balance of the time they would have remained in prison and are discharged on sentence expiration. Some parolees may be subject to probationary supervision after successful completion of parole. This circumstance is determined by the original order issued by the sentencing judge.

POPULATIONS AND ADMISSIONS

Correctional institution populations have risen steadily during this decade, increasing 40 percent between 1980 and 1987 (See Figure 1). This includes Montana State Prison (MSP), Swan River Forest Camp (SRFC), the Women's Correctional Center (WCC), and pre-release centers (PRC). This substantial increase is lower than that experienced nationwide. For example, the federal prison system alone experienced a 76 percent increase in population in the same period. Admissions also have risen, but neither as consistently nor as dramatically. Although the number of convicted female offenders has doubled during this decade, females constitute less than 4 percent of Montana's correctional population.

Institutional population size is determined by admissions and length of their institutional stay. Much of Montana's institutional population increase can be attributed to an increase in length of stay. Information provided by the Department of Institutions indicates that the length of stay in correctional institutions has risen steadily since 1980, from 23.7 months to 30.5 months, a 29 percent increase.

Length of stay in correctional institutions is influenced by several factors. Length of court-imposed sentence, parole practices, and the offender's "good time" earning rate are the primary factors. The average sentence length of Montana's incarcerated population has increased 20.4 months since 1980. Imprisoned offenders generally serve 22 percent of their sentences prior to release, given the availability of parole and "good time." Twenty-two percent of the increase in average sentence length is about 4.5 months, which is two-thirds of the observed increase in average length of stay.

Parole data provided by the Montana Board of Pardons indicates that the proportion of the inmate population screened for parole has remained relatively constant during this decade (See Figure 2). The proportion of offenders actually receiving parole, however, declined steadily from 1981 to 1985. An increased proportion of inmates paroled since 1985 still has not equalled the level of the early 1980s. Further, the proportion of inmates whose paroles have been revoked has increased overall since 1980, reaching a high in 1985 - the same year that the proportion of inmates paroled reached its lowest level. This information suggests that parole practices also have increased length of stay.

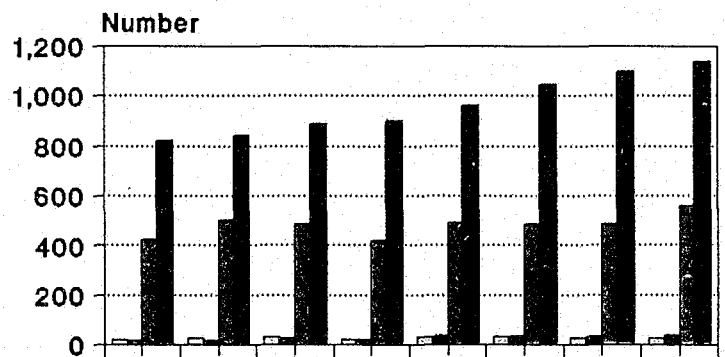
No changes restricting the award of ''good time'' have been enacted since 1981; award of ''good time'' has been made slightly more liberal since that time. Department of Institutions data indicate a decline in the total loss of good time (for disciplinary purposes) in the institutional population during the last five years.

Information presented elsewhere in this report indicates that the rate of serious crime in Montana has been in decline since 1980. Increased admissions in prison programs do not account for the observed increase in imprisoned offender populations. That increase is attributable to public policy changes reflected in the state's sentencing and parole practices.

A history of the Board of Pardons can be found in Table 1.

FIGURE 1

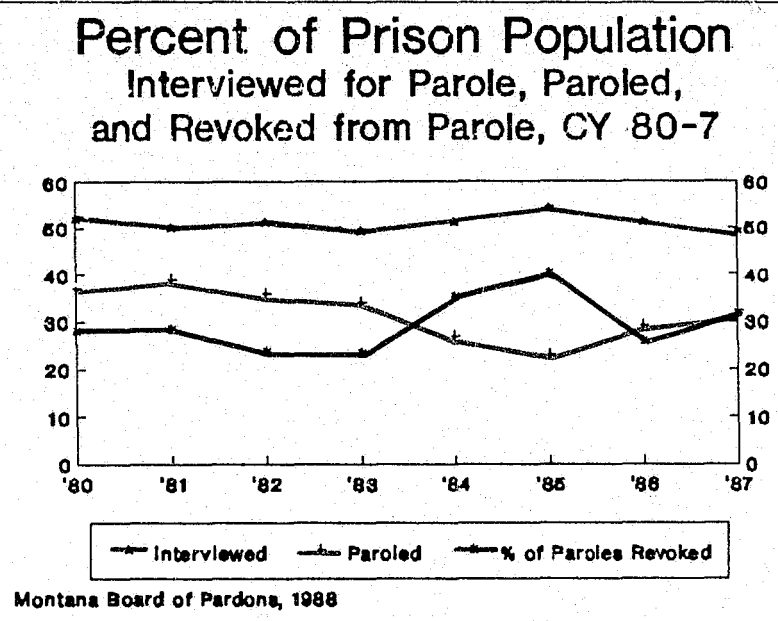
Correctional Institutions*
Admissions and Population, by Sex
Calendar Years 1980-1987



	'80	'81	'82	'83	'84	'85	'86	'87
Female Admissions	22	26	33	22	32	34	27	27
Female Population	18	17	28	23	34	33	33	37
Male Admissions	422	503	486	420	493	487	486	559
Male Population	817	841	887	895	960	1,045	1,096	1,135

*MSP,SRFC,WCC,Pre-release

FIGURE 2



Montana Board of Pardons, 1988

TABLE 1

Summary of Statutory History of Board of Pardons
and Parole Eligibility Provisions

1889	Constitution provides for Board of Pardons to advise Governor on executive clemency matters.
1891	Legislature defines composition and duties of Board of Pardons; limited to advising the governor on exercising the constitutional power to grant pardons, remit fines and forfeitures and commute punishments.
1907	State Board of Prison Commissioners authorized to grant paroles.
1955	Functions of Board of Pardons and State Board of Prison Commissioners transferred to reconstituted Board of Pardons. Functions included administering laws governing parole and executive clemency and supervising probations.
1971	Board of Pardons administratively attached to Department of Institutions.
1975	Legislature sets qualifications for Board of Pardons members, and transfers responsibility for the probation and parole field services from the Board to the Department of Institutions. Persistent felony offender designation created for parole-eligibility purposes.
1977	Persistent felony offender law repealed and non-dangerous offender designation created which permits parole after serving one-quarter of full term less good time; without this designation an inmate must serve one-half of full term less good time. District judges permitted to sentence felons to prison with no possibility of parole.
1979	Auxiliary member added to Board of Pardons.
1983	Temporary early parole mechanism enacted.
1985	Early parole mechanism revised and made permanent.

The Board of Pardons is composed of three members and one auxiliary member appointed by the Governor with the advice and consent of the Senate. Members serve four-year terms and may be removed from office by the Governor for cause only. Because the Board is quasi-judicial, at least one member must be an attorney. In addition, at least one member must have a particular knowledge of Indian culture and problems. Also, each member must possess academic training that qualifies for professional practice in a field such as criminology, education, psychiatry, psychology, law, social work, sociology, or guidance and counseling. Related work experience in these areas may be substituted for the educational requirements.

Taken from: An Overview of Parole in Montana: A Report prepared for the Criminal Justice and Corrections Advisory Council, by Lois Menzies, Project Director, 1/88.

AGE

Corrections experts consider males aged 18 to 35 to comprise the primary source of serious criminal behavior. Figure 3 illustrates the trend in the average (mean) age of Montana's correctional institution populations and admissions. The average age of admissions declined slightly through 1983 and began to rise slowly after that date. The average age of admissions in 1987 was just over 30, close to that of 1980. The average age of the institutional population rose steadily after 1981, to equal 32.5 in 1987. Information about the age composition of correctional institution populations is presented in Table 2. The data in that table indicate that the younger age groups within the population have decreased and the older age groups have increased in size since 1980. These data are encouraging in that they suggest that the criminal population is not being fully ''replaced'' by younger offenders. This trend may foretell gradual decrease in admissions in future years. As the population aged 18 to 35 decreases in relative size, it can be argued that future admissions may decrease.

These age data also are consistent with state and national trends. The population is aging. The Montana population aged 18 to 35 is declining in relative size. Data reported elsewhere in this report also indicates an overall decline in Montana's population and rate of serious crime.

FIGURE 3

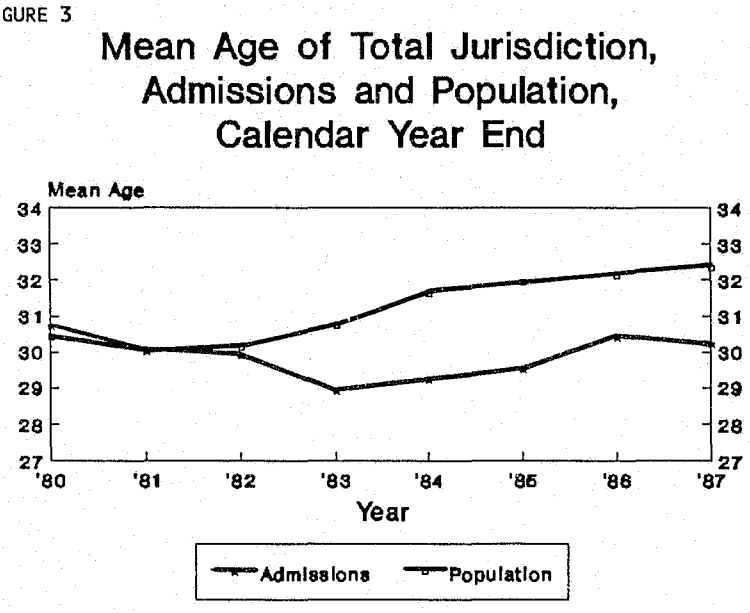


TABLE 2

Age Distribution of Total Jurisdiction Population
Percent Total Population By Age Cohort

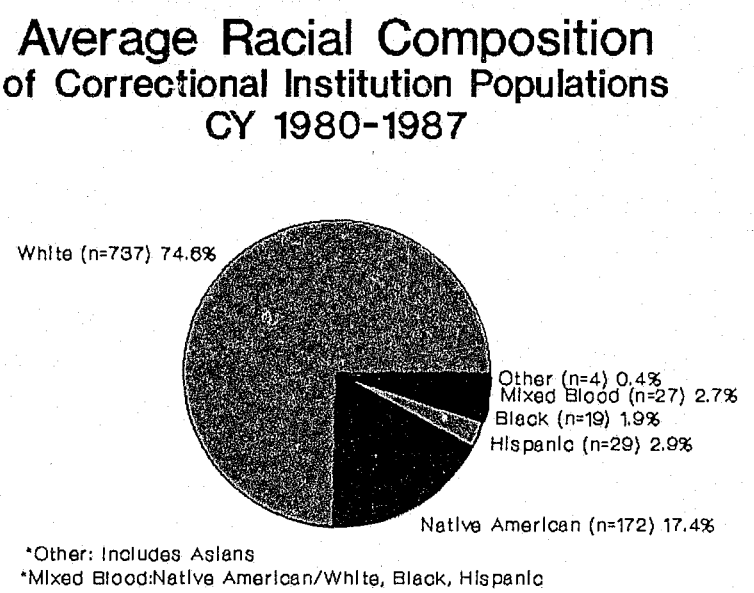
CY	18-19	20-24	25-29	30-34	35-39	40-44	45-49	50+
'80	5.1	29.3	23.3	17.1	7.8	6.9	3.0	7.5
'81	6.4	29.1	22.4	17.5	9.2	6.2	3.2	6.0
'82	5.2	30.4	21.3	17.2	11.5	6.1	3.3	5.2
'83	4.7	26.8	24.0	15.7	13.2	6.6	3.2	5.9
'84	2.8	24.5	22.3	19.0	13.7	7.9	3.9	5.9
'85	2.4	23.7	23.4	17.5	15.4	7.5	4.0	6.1
'86	2.3	24.0	21.2	18.6	15.3	7.9	4.7	6.1
'87	2.6	21.5	22.7	18.8	14.3	8.5	5.3	6.2

Total jurisdiction population includes Montana State Prison, Women's Correctional Center, Swan River Forest Camp and 5 pre-release centers.

RACE

The racial composition of Montana's correctional institution population remained virtually constant during the 1980s. Figure 4 displays the average racial/ethnic composition of that population from 1980 to 1987. Whites comprise about 75 percent of the corrections population and Native Americans just over 17 percent. The category ''Mixed Blood'' refers to offenders of Native American and some other racial or ethnic heritage. If the latter two categories are combined, ''Native American'' offenders comprised just over 20 percent of the offender population during the 1980s to date. Native Americans comprised 4.8% of the Montana population in 1980. Clearly this group is over represented in the offender population.

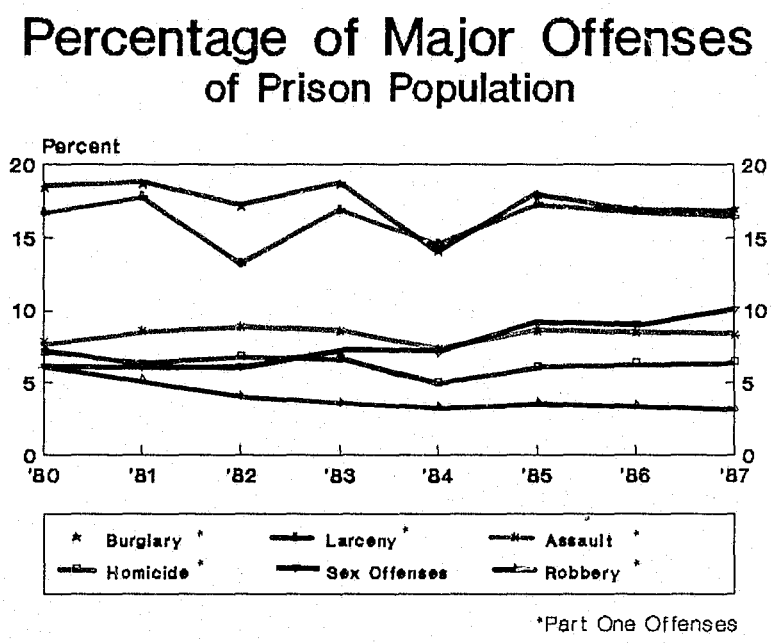
FIGURE 4



OFFENSE TRENDS OF THE PRISON POPULATION

The trends of selected crimes committed by Montana's incarcerated offenders during this decade is illustrated in Figure 5. Burglary and larceny were the most common crimes of convicted offenders, together comprising over 30 percent of all crimes resulting in incarceration. These two crimes often are committed by the same offenders, as the similarity of the trend lines suggests. Offenders convicted of assault and homicide have comprised a relatively stable, and parallel, proportion of the prison population. The proportion of inmates convicted of robbery has declined about 50 percent since 1980. Offenders convicted of sex crimes have increased steadily in proportion to the total population - the only offender group to do so. A program of intensive training in the investigation and prosecution of sexual crimes was initiated by the Department of Justice in 1985 and continues at the present date. This may account, in part, for the increase in the proportion of prisoners convicted of sex offenses from 1985 to date.

FIGURE 5



OFFENSE TRENDS OF THE PRISON POPULATION (CONT.)

Figure 6 displays the trends on the proportions of individuals sentenced to prison for one or more felony offenses. Offenders sentenced to prison for a single felony have declined markedly since 1980 in proportion to the total prison population. This group's decline during this period is nearly 45 percent. In contrast, the proportion of offenders incarcerated for four or five or more felony offenses has increased a combined total of nearly 71 percent. The proportions of offenders convicted of two or three felonies varied considerably during the 1980s, but exhibited little net gain - both groups increased three percent in relative size between 1980 and 1987.

FIGURE 6

Percent of Prison Population Sentenced for Multiple Offenses, By Number of Offenses Committed

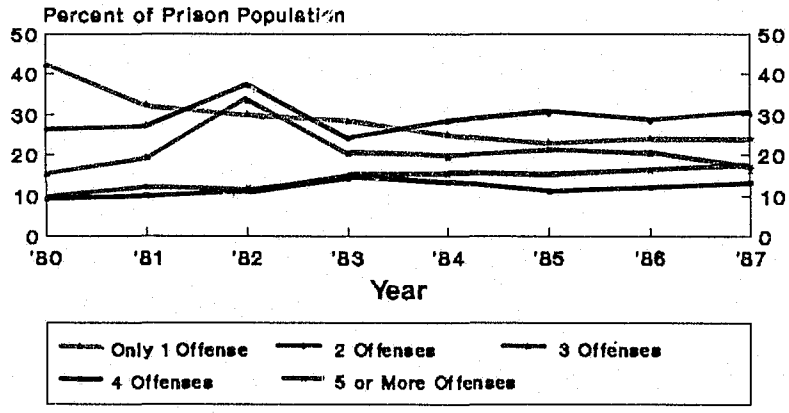
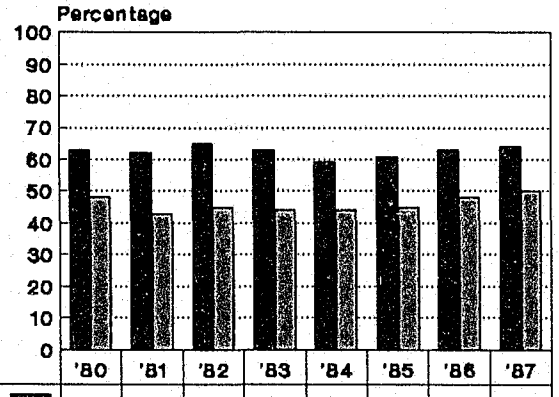


FIGURE 7

First Montana Incarceration and Felony Conviction as a Percent of Total MT Prison Population



	'80	'81	'82	'83	'84	'85	'86	'87
% 1st Incarceration	63	62	65	63	59	61	63	64
% 1st Conviction	48	43	45	44	44	45	48	50

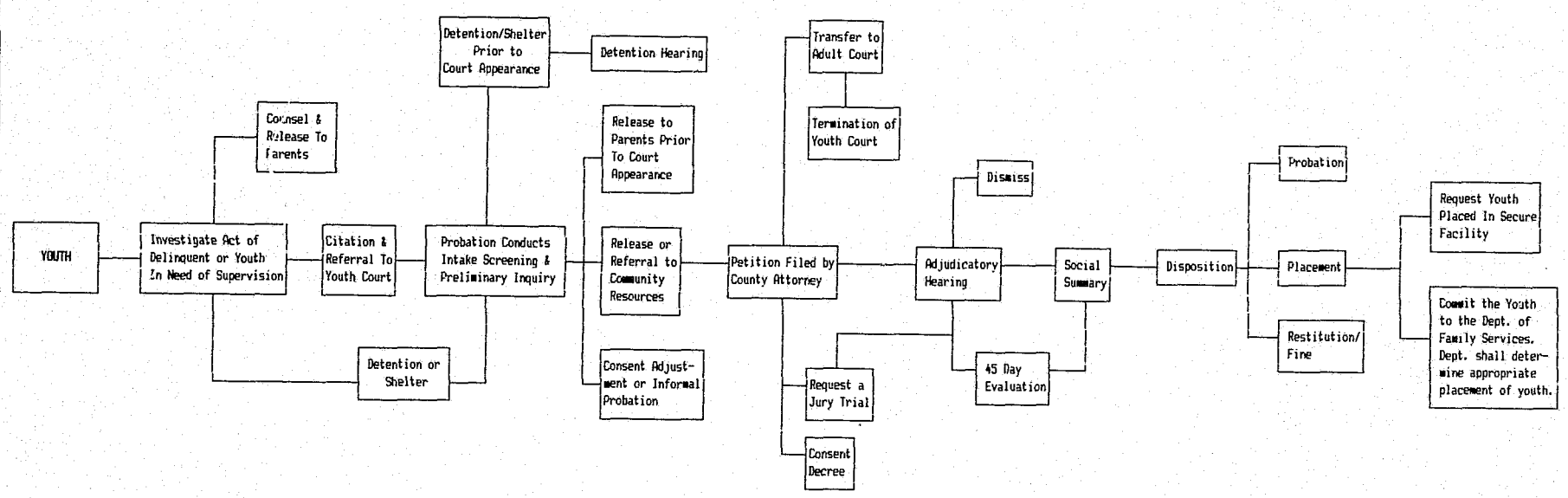
The latter data may suggest that Montana's judges are exploring alternatives to incarceration in sentencing offenders who have been convicted of a single felony offense. The data also indicate that the number of offenders convicted of multiple crimes has increased throughout the decade. Assuming that experienced criminals are more likely to commit multiple crimes, these data also are consistent with an aging prison population.

Data concerning first incarcerations and first felony convictions in Montana are presented in Figure 7. These data are expressed as the percent of the total Montana prison population each group comprises. The terms "first conviction" and "first incarceration" apply only to Montana convictions and incarcerations. Some offenders in these categories will have had convictions and incarcerations in other states. A recent study of 1988 admissions to Montana State Prison, conducted by the Criminal Justice and Corrections Advisory Council, suggests that the latter groups may be of appreciable size. About 23 percent of first incarcerations and 37 percent of first convictions among prison admissions in the first half of 1988 had prior incarcerations and convictions in other states.

The trend in these prison population groups has been quite stable since 1980. The size difference between the two groups indicates the presence of offenders who had been convicted of some prior felony offense and who had received sentences that did not involve incarceration. The proportion of offenders incarcerated for their first felony convictions includes those incarcerated after revocations of deferred or suspended sentences. Preliminary research suggests that the latter group may constitute about 13 percent of the prison population who were incarcerated upon their first Montana felony conviction. Finally, the data suggest that the number of repeat incarcerations also has been relatively constant, at about 40 percent of the population, during the decade.

Juvenile Justice

JUVENILE JUSTICE SYSTEM FLOW CHART



JUVENILE JUSTICE

BACKGROUND

Montana's juvenile justice system has its origins in the social reform era of the early 1900's when legislation was passed that gave government the responsibility to intervene in the lives of wayward youth. This movement was based on the premise that youth should be given special consideration and resources in order to prevent them from becoming adult criminals. In the early 1940's legislation created the Juvenile Court as a part of each Judicial District in the State. This led to the establishment of Youth Court Probation Offices and the basic structure which roots our juvenile justice system currently. The Juvenile Court was renamed Youth Court when the code was overhauled in 1974.

While the Youth Court is part of the District Court it is not a criminal process. The Youth Court is a civil proceeding based in the concept of Parens Patriae, which loosely means that the court will act as a parent of the child. These principles are very important to understanding the juvenile justice system because they allow youth to be given consideration not available to adults, but also deny some of the constitutional rights which adults have. Youth are found to be "delinquent" or "in need of supervision" but are not "convicted" of specific crimes in these proceedings.

A youth may be found to be delinquent only if he has committed an act which is criminal for an adult, however, he is not "convicted" of a specific crime. This means that there is no distinction between the type of crime the youth has committed. Burglary, assault, or shoplifting can all lead to finding the youth delinquent.

Youth In Need of Supervision are those youth who have committed non-criminal acts such as runaway, incorrigibility, or truancy. These are only "crimes" because of the youths status by virtue of his age. They are commonly referred to as "status offenses".

ENTRY

The most common door to the juvenile justice system is through a law enforcement agency. While some youth (less than 10%) are referred to the Youth Court by school authorities, other courts, or parents, most are taken into custody by a law enforcement officer because he has reasonable grounds to believe that the youth has committed a delinquent or status offense. Upon taking a youth into custody the officer will usually turn the youth over to a parent or guardian after serving him notice to appear in Youth Court. A small number of youth (less than 5%) must be detained because they represent a danger to society or have indicated they will not make their appearance at the Probation Office. If a youth's parents cannot be located or are unavailable, or if the family situation is unstable the youth is placed in a shelter until the court can deal with the matter.

INTAKE

The Youth Court Probation Office conducts the preliminary inquiry when the youth appears. The purpose of this inquiry is to determine if there is sufficient reason to continue proceedings against the youth. The youth's parents or guardians must be present at this proceeding, and the youth is afforded constitutional protections offered to adults. There are four basic options available at this point. 1) The case may be dismissed because of a lack of evidence or simply because the probation officer feels the family will deal with the problem. 2) The youth may be referred to the Department of Family Services if the officer believes he is dependent or neglected. 3) The Officer may refer the case to the County Attorney to file a formal petition alleging the youth is delinquent or in need of supervision. 4) The officer may proceed with the case and handle it informally.

INFORMAL PROBATION

If the probation officer elects to handle the case informally he may place the youth on probation through the use of a consent adjustment. The consent adjustment is a contractual arrangement signed by the youth, his parents or guardians and the probation officer, citing specific conditions which must be abided for a set period of time. This may include periodic contacts with the probation office, restitution, chemical dependency counseling or any other conditions the parties involved agree upon.

FORMAL PROCESSING

If the case is referred to the County Attorney for filing a petition the County Attorney can request the case be transferred to criminal court if the youth is 12 years old and has committed rape or murder, or if he is 16 and is accused of committing specific serious crimes. Once the case is transferred to criminal court the youth court no longer has any jurisdiction in the matter. This is an exceptional process reserved for a small number of serious offenders.

After the petition is filed, the youth has one more chance of avoiding court He may agree to a consent decree which is similar to a consent adjustment in terms of the conditions which may be imposed. However, the Consent Decree is approved by the Judge of the Youth Court. Failure to adhere to the conditions of the Decree constitutes a violation of a court order which is a delinquent offense.

If the Consent Decree is not an option, the petition is filed and a date is set for the Court hearing. The petition must specify whether the youth is alleged to be delinquent or in need of supervision.

The youth may request a jury trial at this stage of the proceedings. The jury trial is a rare occurrance in Montana's Youth Court.

The youth, his parent or guardian, and his defense attorney must be present at the formal hearing. If the Judge feels the interests of the youth and the parents are conflicting, he may appoint separate attorneys for both.

The Formal Hearing has two parts. The first stage is the adjudicatory phase. Evidence is presented to prove the youth has committed acts which cause him to be adjudicated as a delinquent youth or a youth in need of supervision. If the judge rules the evidence presented is inadequate, the case is dismissed. If the judge rules the evidence is adequate, the youth is adjudicated. The second phase of the hearing is the dispositional phase. In this phase evidence is presented to document the most appropriate disposition that will benefit the youth while protecting society. This evidence is presented in a social summary prepared by the probation officer with the help of mental health professionals and other appropriate individuals. The judge may retain custody of the youth by placing him in a community setting under the formal supervision of the probation office, or he may remand custody to the State Department of Family Services for placement in an appropriate setting. The Department may place the youth in a group home, a private child care facility, or a correctional facility. If the judge feels the youth represents a danger to society, he may request a secure setting for the youth.

GENERAL ACTIVITY

The general activity of the Juvenile Probation offices (a part of the Youth Court), is measured in four component parts: number of cases, number of referrals, number of offenses, and number of detentions. Cases may be thought of as individual youth who become involved with the juvenile justice system for some reason, criminal or not. In 1987 5,568 cases were reported on JPIS (see Figure 1) which is down 33 cases from 1986. The 5,568 cases were referred to the probation office 7,194 times throughout the year. In other words, some of the 5,568 youth were involved with the probation office more than once during the year. The 5,568 cases incorporated 9,742 offenses, down 183 from the prior year. It is important to note, though, that the majority of cases are referred but once and commit but one offense. It is the repetitive cases which tend to be defined as the more serious offenders. Detentions, the final measure, totaled 323 youth held in jail in 1987, which is 4.4 percent of the referrals to Juvenile Probation. Detentions for 1987 were down 3.8 percent from the prior year. In August, 1987 Yellowstone County opened Montana's first secure detention facilities for youth, the Youth Service Center in Billings. The chart below indicates the general activity of the Youth Courts throughout the state and this pattern is little changed from 1986. As in the past, the bulk of the general activity is with males.

FIGURE 1

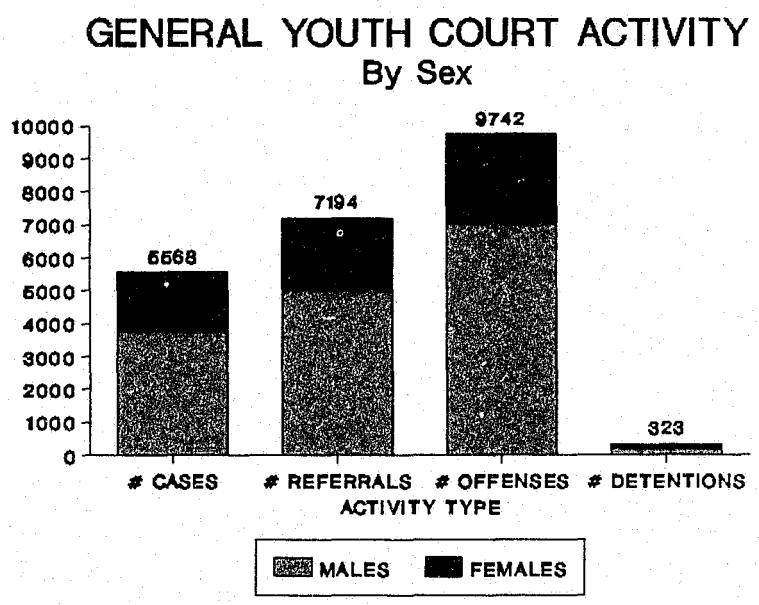
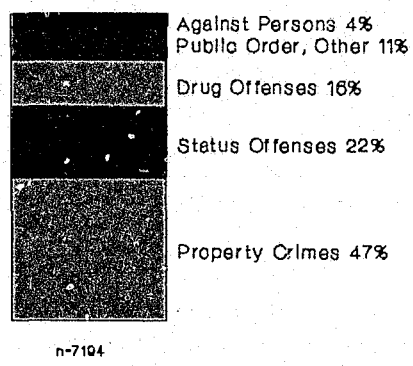
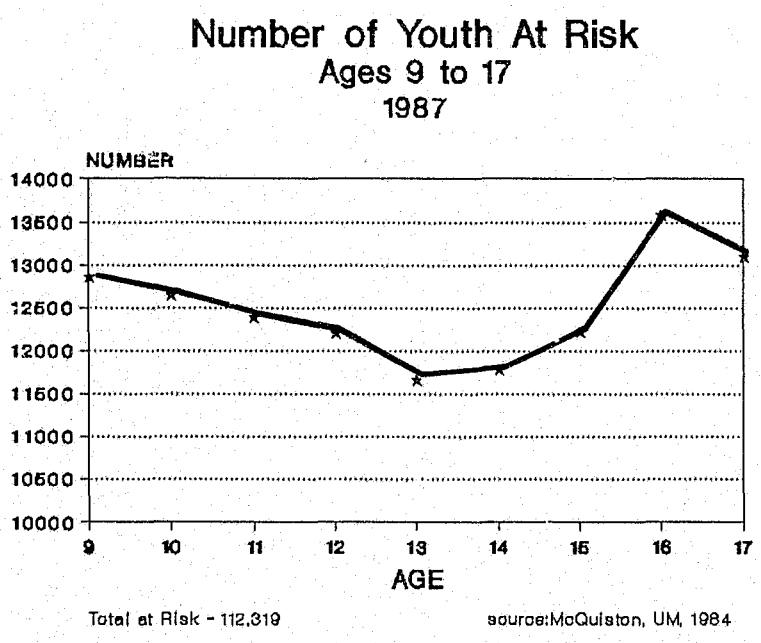


FIGURE 2



Drug Offenses Include Some Liquor Offenses

FIGURE 3



REASON FOR REFERRAL

Four major categories or reasons for referral (see Figure 2) constitute the 7,194 referrals: 1) 47 percent are for property crimes such as theft, burglary, or larceny; 2) 22 percent of the referrals are for status offenses such as truancy, curfew, or runaway; 3) 11 percent of the referrals are for offenses against the public order such as disturbing the peace, or traffic violations; 4) 4 percent, of the referrals are for crimes against persons such as robbery, assault, rape, or homicide. Crimes against persons command the most attention yet these make up the least referrals. Crimes against persons seldom fluctuate as a percentage of the total referrals and the percentage is unchanged from 1986. In 1986, 12 percent of all referrals were drug offenses, increasing to 16 percent in 1987. The column chart at right shows the percentage of referrals in each category.

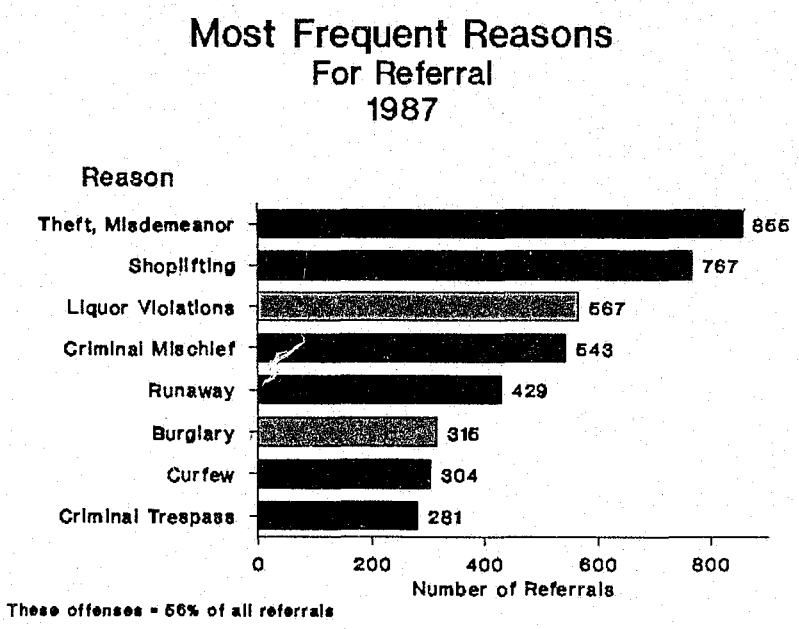
NUMBER OF YOUTH AT RISK

Consideration of the number of future referrals to juvenile probation should be in context of the total number of children in Montana who are ''at risk'', or, how many children are in the state who may potentially be referred for an offense of some type (see Figure 3). During 1987 there were an estimated 112,319 children ages 9 through 17 at risk and most were 16 and 17 years old. There is, thus, a potential for increased rates of referral, offenses and detentions in 1988 for the 16 and 17 year old group based on the size of the 1987 ''at risk'' age group alone. After 1989, the size of the at risk group will begin to decrease and the number of referrals may reflect the change in population structure. The total number of youth at risk increased slightly (by 413) in 1987, due mainly to an increase in the number of younger children, age 9-10. This slight ''bulge'' or increase in the number of younger children will represent an increased at risk group of 15-17 years old in 7-9 years.

MOST FREQUENT REASON FOR REFERRAL

FIGURE 4

Figure 4 illustrates the four major reasons for referral to the Youth Court. Here we see the top eight specific reasons for the referral. As expected, property offenses predominate, especially misdemeanor thefts. Liquor violations moved from second to the third most frequent reason for referral in 1987. The chart shows a mixture of criminal offenses with status offenses among the 8 major reasons. Curfew violations, runaways and some of the liquor law violations are all offenses only for minors and are of special concern to juvenile justice. The high number of larcenies is also of concern and represents a pattern consistent with prior years.



COMPARISON OF REFERRALS

FIGURE 5

Referrals to juvenile probation are often broken into the criminal offense (delinquent) and the status offense (sometimes called YINS for Youth in Need of Supervision). This chart (Figure 5) compares these referrals over a five year span. The percentage of status offenses had remained fairly consistent over past years (about 30%) but during 1986 the percentage of status offenses dropped a little to about 28% and declined again in 1987 to 22 percent. The chart illustrates the consistent pattern of referrals for both criminal and status offenses over the years.

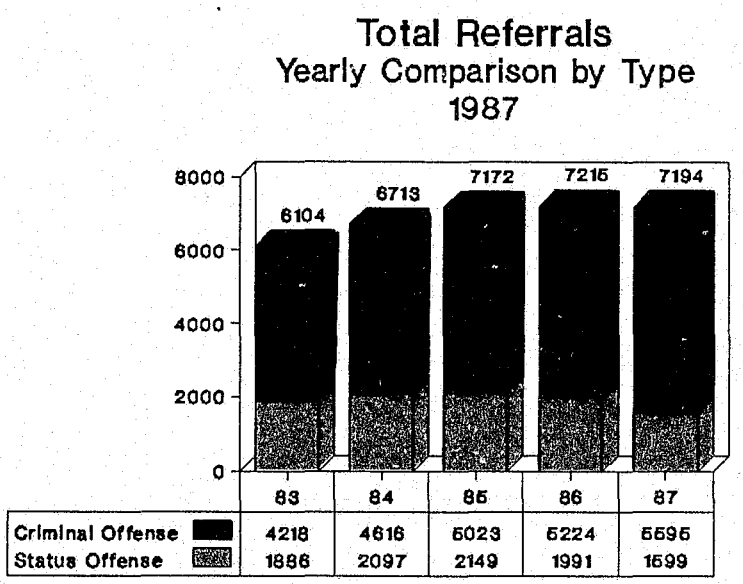
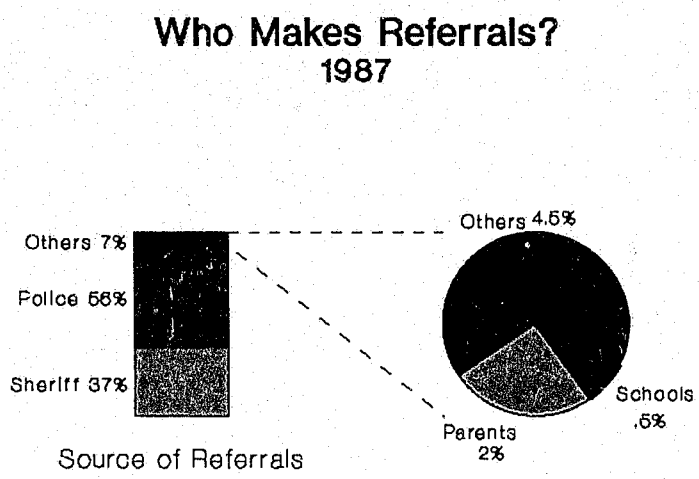


FIGURE 6



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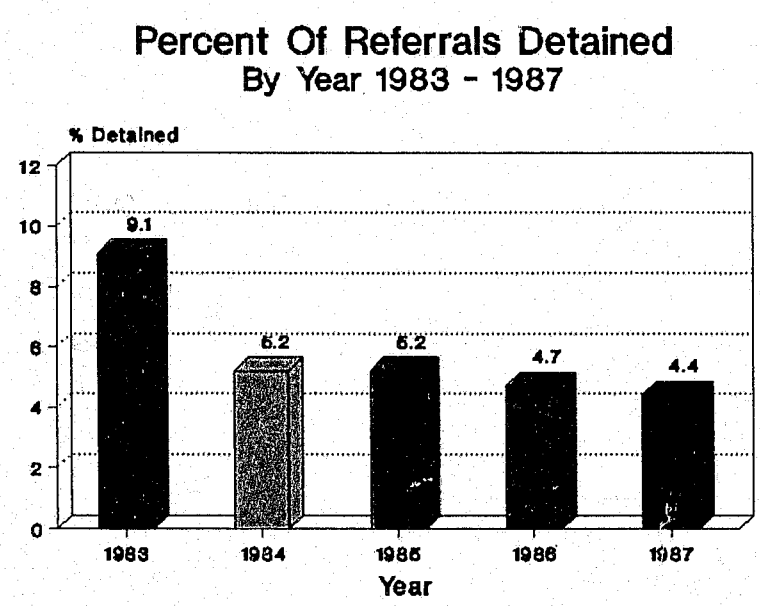
WHO MAKES REFERRALS?

It is clear that law enforcement agencies are the prime referral source. In 1987, the Police departments and Sheriff's offices accounted for 93 percent of all referrals (see Figure 6). The remaining 7 percent is composed of a wide variety of referral sources including Fish, Wildlife and Parks, tribal courts, parents, or school officials. The ''Other'' category is further broken down into its three major components. With 9 of 10 referrals involving law enforcement agencies, programs aimed at early intervention, diversion, and reduction of secure detentions should also address law enforcement needs and problems. The percentage of law enforcement referrals increased 3 percent since 1985.

FIGURE 7



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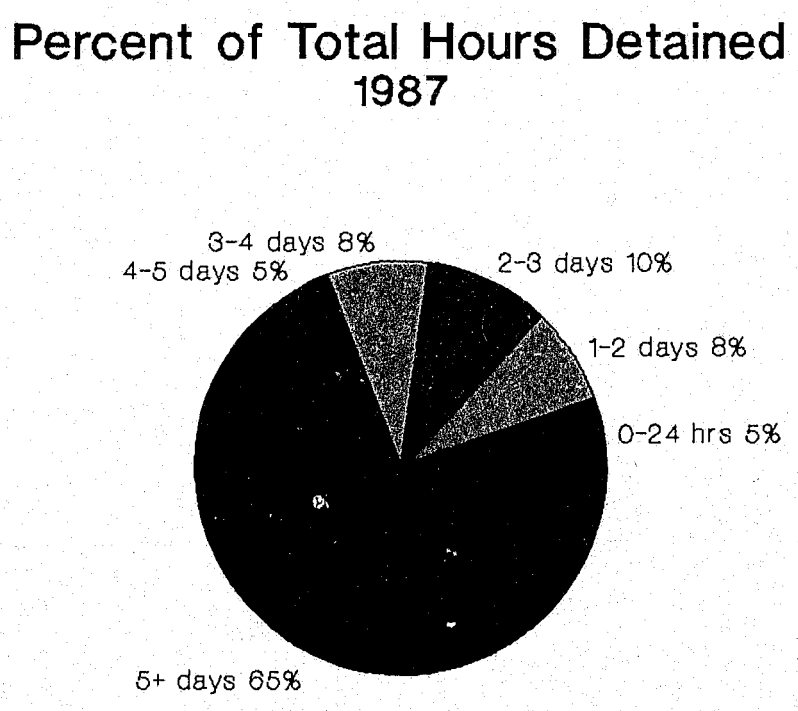
PERCENT OF REFERRALS DETAINED

The percentage of all referrals resulting in secure detention (jail), affects planning for the removal of all juveniles from adult jails and Montana's efforts to meet the mandates of the Juvenile Justice and Delinquency Prevention Act. The reduction of the number of youth placed in adult jails remains a primary goal of the State Youth Services Advisory Council. Over the years a substantial reduction in the percentage of referrals detained has been evidenced (See Figure 7). In the past, 25 to 27 percent of the referrals were detained. Over the last 4 year period, the percentage of referrals detained remained near 5 percent. For the second time, 1987 saw the percentage of referrals detained fall below 5 percent. In future years, neither continued drops nor great increases are anticipated.

TOTAL HOURS DETAINED

The 323 youth detained in 1987 amassed 26,554 hours in detention across the state (which is 1,106 days or 3 years of accumulated time). The total time accumulated is about 6 percent less than the total time accumulated in 1986. Thus, fewer youth in 1987 accumulated less time in secure detention than in prior year. The pie chart (Figure 8) shows how the total hours accumulated were distributed by the length of time detained. A key point is, the youth who are detained long term, over 5 days, account for over two-thirds (65%) of all the time accumulated by all detainees. This means that the 80 long term detainees accumulated a total of 17,136 hours in jail (which equals 714 days or 1.9 years). On the average, then, these 80 youth were held 214 hours. By addressing the long term detainee issue, the major factor in the amount of time spent in adult jails will also be addressed. The average daily population of long term detainees for 1987 would have been about 2 youth per day, the same as 1986.

FIGURE 8



THE GRADUATING CLASS OF 1988

How many youth really get into trouble?

One way of looking at the problem of juvenile delinquency is to take a glance at the aberrant tendencies of one specific age group. To achieve this perspective let us examine the recently graduated high school class of 1988. How many of them walked through the doors of the youth court on their way to adulthood? It is not possible to probe the delinquent history of each youth but we do know that last year in Montana 12,714 youth turned 18 (see Figure 9). Looking at the records of youth courts that reflect 80 percent of the states population we find the files of 3,628 youth who turned 18 during that period. Understanding that it is not possible to control for variables such as youth moving in or out of the state the data still offers some interesting revelations. You could conclude that 29 percent of Montana's youth turning 18 last year had been to visit the youth court at some point in their adolescence. Males dominate the youth court files representing 64 percent of the cases. The 2338 males with youth court experience reflects 36 percent of the male population. By contrast only 21 percent of the females have been referred to court. If all things are constant you could conclude that the odds are one in three that a Montana boy will visit the youth court by his 18th birthday, and the odds are one in five for girls.

FIGURE 9

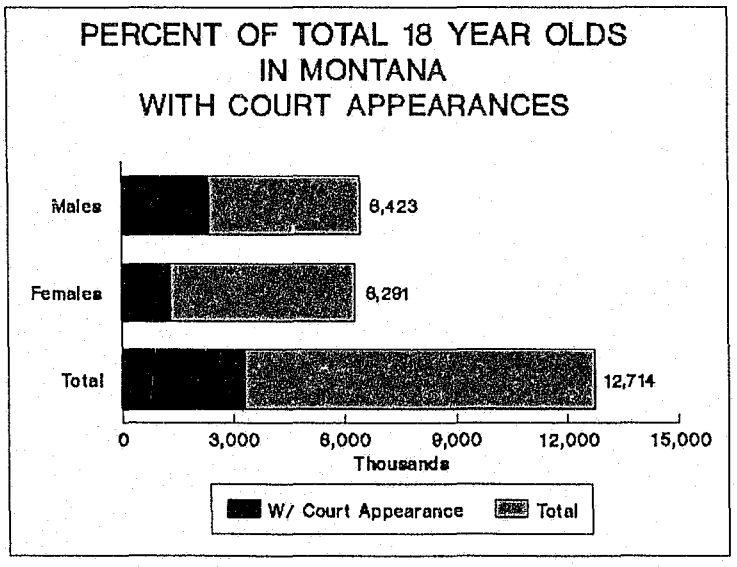
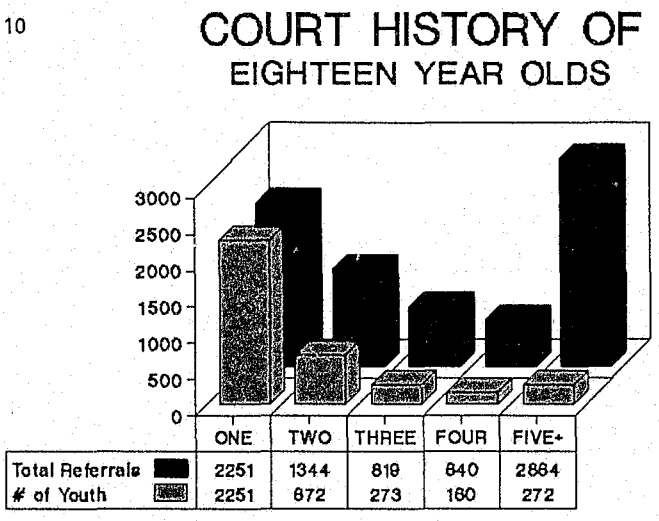


FIGURE 10



How delinquent are these youth?

For most youth (62%) only one visit to the Youth Court is sufficient. A Majority (53%) only have one offense on their entire record (see Figure 10). Another 19 percent have only two referrals. It is somewhat reassuring to know that over 80 percent of the youth referred to court have delinquent careers which consist of only one or two referrals. However, there are a chosen few who find themselves frequenting the justice system. 272 youth (7.5%) have five or more referrals. In fact, this elite group accounts for over 1/3 (2864) of the referrals recorded by the 18 year olds. This verifies the commonly held assumption that a small number of youth account for a large portion of the youth crime.

While status offenses accounted for a little less than one fifth of the referrals alcohol violations were the singular most common offense. Most (71%) of the referrals are for criminal (delinquent) acts. The most common criminal offense reported was misdemeanor theft followed by criminal mischief, shoplifting, burglary, and criminal trespass. This frequency of offenses is very similar to the distribution we see for the total youth court population as seen in another section of this report (Figure 4-Most Frequent Reason for Referral) . When looking at violent crimes we see this group accounts for 7 homicides and 32 rapes.

A little less than 10 percent of these youth spent time in a county jail.

Glossary

GLOSSARY

A

active- An active entry in the Identification Bureau Missing Persons file.

affidavit- A sworn statement in writing made especially under oath or on affirmation before an officer legally empowered to administer it.

aggravated assault- An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm (FBI-Uniform Crime Reports).

annulment- A judicial pronouncement declaring a marriage invalid.

appellate jurisdiction- Having the power to review the judgment of another court.

applicant- An entry into the Identification Bureau of fingerprints which are taken for certain applicants to the criminal justice system.

arrest- Taking a person into custody in the manner authorized by law.

B

bankruptcy- The procedure by which a person is relieved of all debts once the person has placed all property and money under the court's supervision or by which an organization in financial trouble is either restructured by the court or ended and turned into cash to pay creditors and owners.

bar- The body of lawyers permitted to practice in a jurisdiction.

bench- The office of judge and the place where justice is administered.

Board of Pardons- An executive-appointed board responsible for recommendations on executive clemency and administering paroles.

burglary- The unlawful entry of a structure to commit a felony or theft (FBI-Uniform Crime Reports).

C

cancel- An entry that is removed from the active file in the Identification Bureau Missing Persons file because the missing person has been located.

case- An individual youth who became involved with the juvenile justice system for some reason, criminal or not (JPIS).

catastrophe victim- A person of any age who is missing after a catastrophe (NCIC).

certiori- A writ of a superior court to call up the records of an inferior court or a body acting in a quasi-judicial capacity.

complaint- A formal allegation against a party.

conditional discharge- A sentence of conditional and revocable release without probation supervision, but under such conditions as may be imposed by court.

conviction- A plea, finding, or verdict of guilt.

correctional programs- Montana correctional programs' purpose is to protect society and prevent crime through punishment and rehabilitation. They include three prisons, five pre-release centers, and 38 probation and parole officers.

crime index- The crimes of willful homicide, rape, robbery, aggravated assault, burglary, larceny/theft, and motor vehicle theft were selected for use as an index on the basis of their serious nature, their frequency of occurrence and the reliability of reporting from citizens to law enforcement agencies. The crime index is the total number of these offense that come to the attention of law enforcement agencies (FBI-Uniform Crime Reports).

crime rate- The crime rate indicates the number of Index Crimes per unit of population, generally per 100,000 population. It should be noted that the rate only takes into consideration the numerical factor of population and does not incorporate any of the other elements which contribute to the amount of crime in a given community (FBI-Uniform Crime Reports).

D

death penalty- The penalty of death may be imposed for the offenses of deliberate homicide and aggravated kidnapping (MCA, 46-18-220) if the court finds one or more aggravating circumstances (MCA, 46-18-303) and finds that there are no mitigating factors (MCA, 46-18-304).

deferred imposition of sentence- The imposition of a sentence for a conviction is deferred for an amount of time (usually up to 3 years) with reasonable restrictions such as jail time, restitution or probation (M.C.A. 46-18-201).

deferred prosecution- A program in certain counties where the prosecutor has the discretion to defer prosecution of an offense for a certain period of time under certain conditions i.e. restitution, no further arrests, etc. If the conditions are met, the charges may be dismissed and there will be no record.

detention- A juvenile referral in which the end result is custody in an adult jail or secure detention facility (JPIS).

disability- A person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting himself/herself or others to personal and immediate danger (NCIC).

discharge- To serve one's sentence to completion and be released from supervision.

disposition- Final settlement of a case.

district court- Montana's courts of general jurisdiction.

divorce- A legal dissolution of marriage.

DUI- Driving under the influence of alcohol or drugs.

E

endangered- A person of any age who is missing and in the company of another person under circumstances indicating that his/her physical safety may be in danger (NCIC).

entry- An entry into the Missing Persons file of the Identification Bureau.

F

felony- A crime for which the punishment may be death or imprisonment for more than one year. More serious than a misdemeanor.

G

general jurisdiction- The power of a court to hear and decide any type of case (felonies and misdemeanors) that comes up within its geographical area (i.e. district court).

good time- A term commonly used to describe credits (usually measured in days) awarded to an inmate for good conduct and/or satisfactory performance of an assignment.

grand jury- A jury that examines accusations against persons charged with a crime and if the evidence warrants, makes formal charges on which the accused is later tried.

H

habeas corpus- A writ for inquiring into the lawfulness of the restraint of a person who is being imprisoned or detained in another's custody.

homicide- The willful killing of one human being by another (FBI-Uniform Crime Reports).

I

imprisonment- Confinement in a prison.

incarceration- Confinement in a prison or jail.

incendiary- a. Referring to a fire believed to have been set deliberately. b. A flammable material or device used to set a fire, such as a flame thrower or fire bomb.

index crime- see crime index

indictment- A formal written statement framed by a prosecuting authority and found by a grand jury charging a person with an offense.

information- A formal accusation of a crime made by a prosecuting officer as distinguished from an indictment presented by a grand jury.

injunction- A writ granted by a court of equity whereby one is required to do or refrain from doing a specified act.

intensive supervision- Generally, the confinement of convicted felons at their place of residence in the community, under supervision of a probation and parole officer, in which a felon may normally leave the residence only to go to work or attend treatment programs. Depending on the type of intensive supervision, the felon may also be electrically monitored.

involuntary- A person of any age who is missing under circumstances indicating that the disappearance may not have been voluntary, i.e., abduction or kidnapping (NCIC).

J

judiciary- The branch of government which deals with courts in which judicial power is vested. A system of courts of law and the judges of these courts.

jury- A body of persons legally selected and sworn to inquire into any matter of fact and to give their verdict according to the evidence.

juvenile- 1) not yet an adult for the purpose of criminal law.
2) A person who is missing is considered a juvenile by the State statutes (dependent and usually 17 years of age or younger) and does not meet any other missing person criteria (NCIC).

L

larceny/theft- The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another (FBI-Uniform Crime Reports).

life skills center- The pre-release center for women. See pre-release center.

limited jurisdiction- The limited power of the court to hear certain types of cases (i.e. justice court must transfer felony hearings to district court.)

M

mandamus- "We command." A writ issued by a superior court commanding the performance of a specified act or duty.

MCA- Montana Codes Annotated which is a compilation of all existing general and permanent law (statutes) according to subject matter (topically) and updated with each legislative session.

misdemeanor- A crime less serious than a felony, for which punishment may be imprisonment in a county jail for any term or a fine, or both, or the sentence imposed is imprisonment in the state prison for any term of one year or less.

MLEA- Montana Law Enforcement Academy

Montana State Prison- (MSP) The primary state prison facility for men in Montana, located near Deer Lodge.

motor vehicle theft- The theft or attempted theft of a motor vehicle (FBI-Uniform Crime Reports; NCIC).

N

nondangerous designation- For purposes of eligibility for parole, the court may designate an offender nondangerous if the offender has not been convicted or incarcerated for a felony offense during the preceding 5 years, and does not represent a substantial danger to others or society (MCA, 46-18-404) (See parole eligibility).

O

offense- An infraction of a law.

P

parole eligibility- No convict serving a time sentence may be paroled until he has served at least one-half of his full term less the good time allowance except that a convict designated a non-dangerous offender under 46-18-404, MCA may be paroled after he has served one-quarter of his full term, less good time (46-23-104, MCA).

parole ineligible designation- Whenever the District Court imposes a sentence of imprisonment in the state prison for a term exceeding one year, the court may also impose the restriction that the defendant be ineligible for parole (46-18-202,MCA).

parole- A conditional release of an inmate to the community before the prison term expires, subject to conditions and requiring supervision by a parole officer.

part one offense- Seven crimes are recognized as being the most serious crimes in our society and the most likely to be reported to law enforcement. These are called the Seven Major Crimes, or the Part One Offenses: homicide, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft (FBI-Uniform Crime Reports) (definitions may differ from state statute).

plea bargain- The negotiation of an agreement between a prosecutor and a defendant whereby the defendant is permitted to plead guilty to a lesser charge or for a reduced sentence.

post conviction relief- Procedures for prisoners to challenge their convictions or sentences (see Sentence Review Board.)

POST- Peace Officers Standards and Training

pre-release center (PRC)- A facility whose goal is to assist prison inmates in the transition back to life in the community after release. They provide a less restrictive environment than the prison while maintaining adequate security.

presentence investigation report- (PSI)- Prepared by an officer of the Probation and Parole Bureau of the Department of Institutions, this report provides basic data to the court relative to the defendant's social, criminal, educational and military history.

probable cause- A reasonable ground for supposing that a criminal charge is well-founded.

probate-A court that has jurisdiction chiefly over the probate of wills, administration of deceased persons' estates and adoptions.

probation- The action of suspending the sentence or a part of a sentence of a convicted offender and giving him freedom during good behavior under the supervision of a probation officer.

Q

quasi-judicial body- Having a partly judicial character by possession of the right to hold hearings on and conduct investigations into disputed claims and alleged infractions of rules and regulations and to make decisions in the general manner of courts.

quo warranto- ''With what authority.'' A proceeding in which a court questions the right if a person (usually a public official) to take certain action or to hold a certain office. This is a writ.

R

rape- The carnal knowledge of a female forcibly and against her will and all attempts to commit forcible rape (FBI-Uniform Crime Reports).

reasonable doubt- Based on facts of a particular situation rather than on abstract principles, not on mere conjecture, but a doubt that would cause prudent persons to hesitate before acting in matters important to themselves.

referral- Referral of a juvenile case to a probation officer. A case may be referred more than once.

release- Discharge from supervision.

revocation- The taking away of the status of a parolee or probationer and return to inmate status in prison. For parolees, this is done through the Board of Pardons, and for a probationer through District Court. A revocation usually follows a violation of parole or probation conditions such as alcohol/drug use, possession of a weapon, failing to maintain contact with their probation and parole officer or by the commission of a new crime.

robbery- The taking or attempting to take anything of value from the care, custody or control of a person by force or threat of force or violence and/or putting the victim in fear (FBI-Uniform Crime Reports).

S

sentence- The order of a court made in the presence of the defendant. pronouncing the judgement and ordering the same to be carried into execution in the manner prescribed by law.

statute- A law enacted by the legislative branch of government.

suspended sentence- A portion or complete sentence which is suspended from imprisonment, upon certain conditions, either with or without supervision, and may be revoked to require the remainder served in prison.

Swan River Forest Camp (SRFC)- A facility intended to provide a less restrictive alternative for appropriate Montana State Prison inmates. Since 1980, SRFC has housed only inmates through the age of 25. It is located at Swan River State Forest approximately 10 miles south of Swan Lake.

T

trial ''de novo''- A trial done on appeal as if it were the first time the case was ever heard, completely new from the start.

V

violation- A violation of conditions of parole or probation. This may result in a revocation of parole or probation or additional conditions and reinstatement.

W

Women's Correctional Center (WCC)- The primary, state prison facility for women in Montana. Located on the campus of Warm Springs State Hospital.

writ- An order in writing constituting a symbol of authority of the issuer commanding the person to whom it was directed to perform or restrain from the specified activity.

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