

**Pretrial Diversion Program Project Overview**



* The program, required by the 2017 Legislature, established the use of an evidence-based detention risk assessment and recommendations for managing defendants who are released awaiting trial. The program was funded again on an OTO basis by the 2019 Legislature.
* **The project goals, adopted by the Supreme Court Advisory Committee, continue to be maximizing public safety, maximizing court appearances, and maximizing the appropriate use of release and detention.**
* The evidence-based risk assessment in use is the Arnold Foundation’s **Public Safety Assessment,** which was adapted for Montana. The PSA is a tool to analyze each defendant’s current and prior criminal conduct and previous failure to appear in court. The research-based factors, including a focus on violent offenses, provides a judge with information about whether a defendant can be successful in the community.
* Montana components of the PSA, such as the violence list, were developed by a Montana working group comprised of county attorneys, public defenders, law enforcement, judges, and others. A Montana Decision-Making Framework guides – but does not dictate – release conditions. The working group continues to meet and tweak the Montana product.
* Seventy-five percent of the budget is allocated to the five original pilot counties. The remaining budget covers the cost of the PSA processors, a part-time program director, and the case management system used to process and report the PSAs.
* The five original pilot counties are Lewis and Clark, Butte Silver Bow, Lake, Missoula, and Yellowstone County. Flathead and Cascade counties have also started using the PSAs in the last year. Only the five original counties receive funding for services.
* Counties involved in the project receive funding to assist defendants awaiting trial to remain law-abiding, at work, and participating in necessary support services. Judges have the tools necessary to release defendants while maximizing public safety and ensuring defendants appear in court.
* Tools include court reminders, check-ins, electronic monitoring, drug testing and limited use of money bond depending on what is required for each defendant.