

Montana Pretrial Analyses
December 2022
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Advancing Pretrial Policy and Research (APPR) Project

Data Parameters

- Data come from the Pretrial Measurement Report (PMR) for the five original pilot jurisdictions:
 - Butte-Silver Bow
 - Lake (Polson)
 - Lewis & Clark (Helena)
 - Missoula (Missoula)
 - Yellowstone (Billings)
- Unless otherwise noted, data pertain to court cases that have a disposition date within the reporting period and had a PSA completed.
- The reporting period was 3 years, 9 months in duration, spanning January 1, 2019, through September 30, 2022. This time period represents nearly the first four full calendar years of pretrial program implementation.

Pretrial Outcomes

In 2017 the Montana Legislature directed the Montana Supreme Court in SB59 to demonstrate the value of pretrial services to the state's criminal justice system, defendants, and the citizens of Montana.

To accomplish this, the Court established the 3 pretrial goals of:

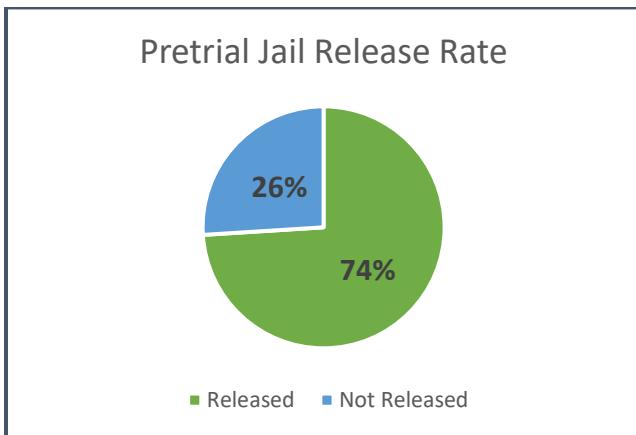
1. Maximize public safety
2. Maximize court appearance
3. Maximize the appropriate use of release, release conditions, detention and public resources

Prior to 2017, the Legislature and the Supreme Court did not know to what extent these goals were being achieved. There were no data on arrestee's pretrial release and detention, their court appearance rates, and their law-abiding and public safety rates.

The Pretrial Pilot Project was implemented in mid-2018 in the five counties.

From 2018 through 2022, OCA and the counties collected data on the achievement of the three goals.

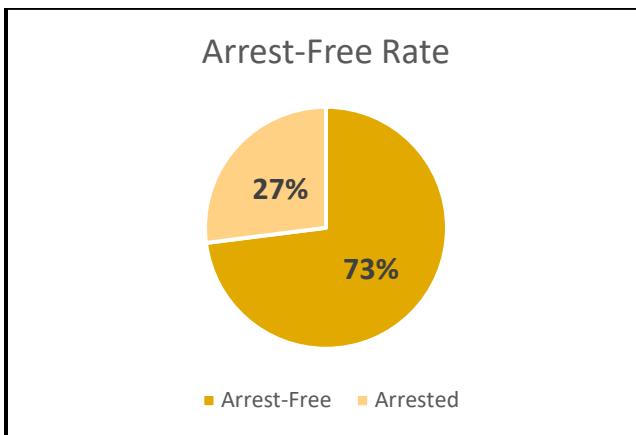
For the goal of Maximizing the appropriate use of release, release conditions, detention and public resources, more than 7 in 10 (74%) people were released pretrial into the community. This totals over 7,400 pretrial releases from jail.



With that many releases...

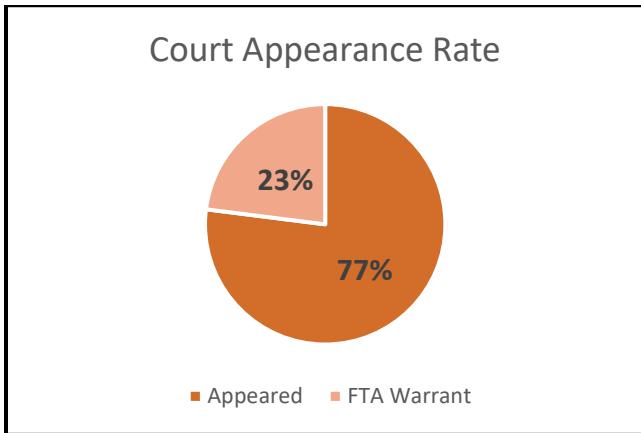
For the goal of Maximizing public safety, more than 7 in 10 (73%) people released pretrial were not arrested during pretrial release. This totals over 5,400 released people who remained law-abiding while on pretrial release.

More than 9 in 10 (92%) people released pretrial were not arrested for a violent offense during pretrial release. This totals over 6,800 released people who remained non-violent while on pretrial release.



With that many releases...

For the goal of Maximizing court appearance, more than 7 in 10 (77%) people released pretrial were not issued a warrant for failing to appear (FTA) in court. This totals over 5,700 released people who made their court appearances while on pretrial release.

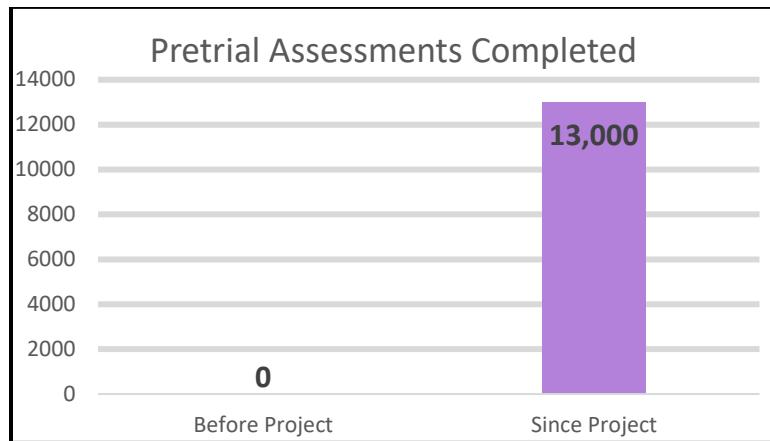


The overall law-abiding rate of 73%, the non-violent law-abiding rate of 92%, and the court appearance rate of 77% are very similar to other jurisdictions across the country that have implemented the kinds of pretrial improvements Montana has made.

Pretrial Assessments Completed

Prior to the pretrial project, none of pilot county judges' pretrial decisions were based on new arrestees' statistical risk for appearing in court and remaining law-abiding while on pretrial release. Since the project began in 2018, judges have now made several thousand pretrial decisions while knowing people's statistical risk.

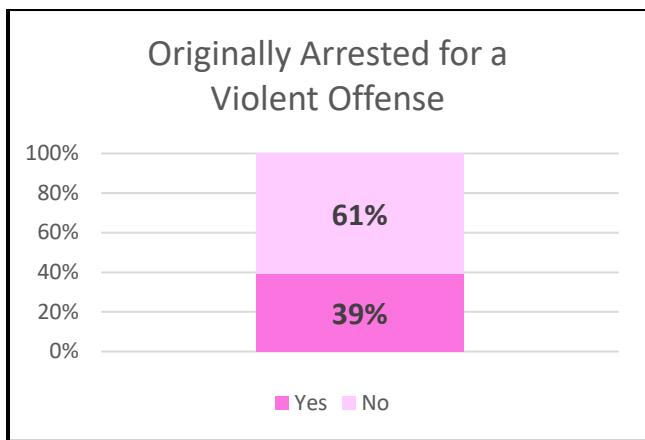
For the 4 years from 2019 through 2022, the Office of Court Administration (OCA) completed a Public Safety Assessment (PSA), a statistically based pretrial assessment tool, on just under 13,000 arrestees. Note: 2022 numbers were estimated based on the first 9 months. Numbers do not account for assessments completed for other counties (e.g., Cascade, Flathead).



Characteristics of New Arrestees

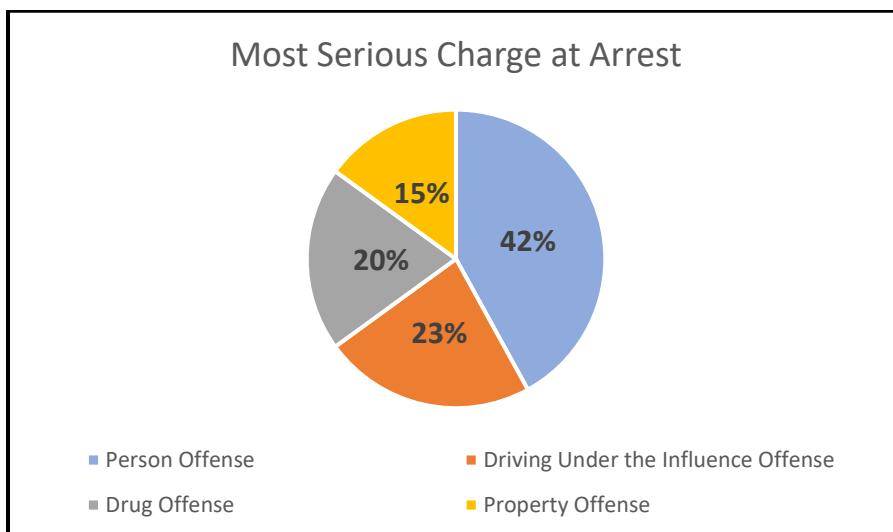
The outcomes reported above are very good given the following characteristics about the arrestees processed through the pilot project:

- 39% of people released were originally arrested for a violent offense. For the purposes of scoring the Public Safety Assessment (PSA), an offense is categorized as violent if “a person causes or attempts to cause physical injury through use of force or violence against another person.”



More specifically, for the 4 months from April through July 2022, new arrestees' most serious charge was:

- Crime Against a Person: 42%
- Driving under the influence offense: 23%
- Drug offense: 20%
- Property offense: 15%



When people were released from jail...

- 60% of people released were released on their own recognizance. They did not pay any money bail to get out of jail.

