

PROMOTE EQUITY IN THE JUSTICE SYSTEM

STRENGTHENING MONTANA COMMUNITIES FOR THE FUTURE



BIG SKY
Brighter Future

Charting the course for a better Montana.

Montana families affected by the criminal justice system deserve a chance to succeed. To support families, promote racial equality, reduce incarceration rates, and ensure meaningful reentry for those involved the criminal justice system, Montana should:

- Increase investments in mental health and addiction services and expand access to services for those impacted by the justice system;
- Establish tribal reentry programs and holistic defense systems for American Indians on probation and parole;
- Enact laws to end cash bail, limit use of bail, and invest in pretrial services; and
- Remove questions regarding conviction histories from employment applications and adopt hiring practices that give applicants a fair chance.



HOW WE GOT HERE

Justice systems in America disproportionately impact people living on low incomes and people of color. American Indians in Montana comprise about 7 percent of the total population and experience a disproportionately high arrest and incarceration rate. In fact, most incarcerated American Indians in Montana are sent to prison due to a violation of their probation or parole conditions, not new crimes. Barriers to accessing adequate support during incarceration and upon reentry often results in higher recidivism rates.

People in the probation and parole system with substance abuse issues that have access to mental health and addiction services have a lower risk of recidivism. Currently, substance use treatment services are provided in all Montana prisons. However, outside the criminal justice system, an estimated 1 in 10 Montanans has a substance use disorder, but only 10 percent receive any form of treatment due partly to a documented shortage of treatment providers.

In Montana, judges can require cash bail with no regard to ability to pay for the offense. The current cash bail system creates significant barriers for those unable to pay bail and can result in long-term, negative consequences. For example, they are more likely to recidivate, and their ability to work and take care of their families is impacted.

“I’ve been incriminated for being lower class since I was a teenager, and at 27 I’m still battling traffic fines to survive. These policies would give us a chance to succeed and to take care of our families.”

Kelli, Missoula

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ON THE HORIZON

1

Increase investments in mental health and addiction services and expand access to services for those impacted by the justice system. Montana should provide greater investments in addiction treatment and mental health services for people in the probation and parole system, not just those currently in prison. Montana should reform probation and parole supervision to better prioritize scarce resources, while increasing availability of treatment resources for higher-risk individuals. These policies are also effective at curbing the rate of recidivism and promoting successful reentry. Montana should also cap the number of years an individual can be placed on probation and parole for non-violent and low-level crimes.

2

Establish tribal reentry programs and holistic defense systems for American Indians on probation and parole. Because American Indians are disproportionately impacted by the criminal justice system, Montana should advance tribally focused solutions and provide support for American Indians. Montana should look to the successful model established by the Confederated Salish and Kootenai Tribes (CSKT). CSKT's Tribal Reentry Program and holistic defense system reduced the recidivism rate among chronic reoffenders after the first year of the program from 100 percent to 35.5 percent. A holistic defense accounts for social, economic, and cultural backgrounds in addition to providing strong legal support and access to necessities such as housing, employment, and health resources.

3

Enact laws to end cash bail, limit use of bail, and invest in pretrial services. As the price of cash bail has steadily risen, the system has become a way of keeping people in jail. Montana can enact laws that are more equitable and reduce the likelihood of recidivism. Examples include eliminating or curtailing the use of cash bail and individualizing pretrial services that tailor access to resources, such as trial scheduling assistance that considers transportation, time off from work, or child care.

4

Remove questions regarding conviction histories from employment applications and adopt hiring practices that give applicants a fair chance. The question about past convictions appears on applications for employment, housing, public benefits, college admissions, and loans. Because people of color are disproportionately arrested, convicted, and incarcerated, employers' use of arrest or conviction history has a greater impact on those communities. Removing questions related to conviction histories, or "banning the box," aims to end structural discrimination against people with conviction and incarceration histories by reducing the possibility of bias during the application process.



ABOUT BIG SKY BRIGHTER FUTURE

Big Sky Brighter Future is charting a clear course to rebuild our state. This concrete plan for lawmakers has specific proposals to help families, workers, children, and communities, and creates a tax code that works for everyone. Montana cannot go back to the time when families faced barriers to build their best future. We can move our state forward and make it one where we can all live, work, and enjoy all Big Sky Country has to offer. There's a better Montana on the horizon, and this is how we get there.