

Outline:
Functions of Juvenile Justice Entities

(accompanies "Montana Governmental Juvenile Corrections & Justice Entities"
August 2003, Line and Block chart)

Department of Justice

Office of Restorative Justice

- ▼ Statutorily created (Section 2-15-2013, MCA) in 2001
 - ▼ Secured grant, now expired, from Montana Board of Crime Control (MBCC) through the Youth Justice Council (YJC)
 - ▼ 1 FTE to provide tech assistance to community-based non-profit juvenile justice programs
 - ▼ Reapplying for similar grant for funding through June 2004
- ▼ Statutorily instructed to provide technical assistance to youth courts, juvenile corrections programs, and juvenile probation and parole officers and to promote the philosophy of "restorative justice"

Montana Board of Crime Control (MBCC)

- ▼ 18 governor-appointed members in compliance with federal law, administratively attached to DOJ
- ▼ Planning and program development for criminal justice system
- ▼ Sets professional employment and qualification standards for law enforcement and public safety officers including:
 - ▼ Juvenile detention officers employed by the Counties
 - ▼ Juvenile parole officers employed by Department of Corrections
 - ▼ Juvenile probation officers employed by Youth Court judges
- ▼ Administers general fund money for juvenile detention and the Juvenile Accountability Incentive Block Grant
- ▼ Juvenile justice programs are managed under the Grants Planning Bureau of the MBCC

Youth Justice Council

- ▼ Operates under the MBCC
- ▼ Administers federal grant money from the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP)
- ▼ Planning, research, assistance to coordinate statewide programs under federal Juvenile Justice Delinquency Prevention Act and the Montana Youth Court Act
- ▼ Not established in state statute, but referred to in some statutes

Peace Officers Standards and Training (P.O.S.T.) & Advisory Council

- ▼ Administered under the MBCC with input from advisory council
- ▼ Provides training, certificate programs, and other services for law enforcement and public safety professions, including
 - ▼ Juvenile parole officers under DOC
 - ▼ Juvenile probation officers under Youth Courts
 - ▼ Juvenile detention officers

Department of Corrections

Juvenile Corrections Division

- ▼ Formed in 2001 during reorganization of Dept. of Corrections
- ▼ Three bureaus:
 - ▼ Pine Hills Youth Correctional Facility (Miles City) - 144 beds, male
 - ▼ Riverside Youth Correctional Facility (Boulder) - 24 beds, female
 - ▼ Juvenile Community Corrections
 - ▼ 12 Juvenile Parole Officers, 5 regions
 - Youth Transition Centers
 - Placements in foster homes call "Guide Homes"
 - ▼ Licenses County Youth Detention Centers
 - ▼ Training
 - ▼ Transportation
 - ▼ Financial Officers
 - ▼ Juvenile Interstate Compact
 - ▼ Contracts with two private providers for youth group home

services
Corrections Advisory Council

- ▼ Advises entire DOC on all correctional issues
- ▼ 23 governor-appointed members, includes legislators, law enforcement and criminal justice representatives, a victims' advocate, a chaplain, and others, including juvenile probation and detention center officers

Cost Containment Panel

- ▼ State statute (Section 41-5-131, MCA) effective July 1, 2002, directs that the panel be established by the DOC
- ▼ 9 members: 2 DOC, 1 DPHHS, 1 mental health, 1 youth court judge, 2 juvenile probation, 1 county commissioner, 1 youth justice council
- ▼ Determines distribution of funds allocated under a cost-containment fund (at least \$1 million each FY) established by DOC under Section 41-5-132, MCA
- ▼ Reviews and evaluates new or innovative programs for the treatment of troubled youth
- ▼ Youth courts may request cost containment funds if the judicial district is participating in the juvenile delinquency intervention program
 - ▼ established in 2001 for out-of-home placements made by youth courts or other juvenile delinquency intervention programs approved by DOC
 - ▼ funds allocated by DOC to the district for the program must be spent first

Judicial Branch

Supreme Court

- ▼ Under state assumption of district court costs in 2001, the Supreme Court is directed by state statute to set a statewide personnel and pay plan for judicial branch, including district court/youth courts judges and juvenile probation offices (*Section 3-1-130, MCA*)
- ▼ Court Administrator is responsible for disbursement and accounting for state assumption of specified district court/youth court costs (*Section 3-5-902, MCA*)
- ▼ Youth Court costs exceeding state budget allocations must be paid by counties (*Section 3-5-901, MCA*)

District Court Council

- ▼ Statutorily created in 2001 as part of state assumption of District Court funding
- ▼ 9 Members statutorily provided for (*Sec. 3-1-1602, MCA*)
 - ▼ Chief Justice
 - ▼ 4 District Court Judges elected by District Court Judges
 - ▼ 4 Non-voting ex-officio members appointed by respective associations
 - ▼ Chief Juvenile Probation Officer
 - ▼ Clerk of District Court
 - ▼ County Commissioner
 - ▼ Court Reporter
- ▼ "Shall adopt policies and procedures to administer the state-funded district court program" (*Sec. 3-1-1601, MCA*) Subject to Supreme Court review (*Sec. 3-1-1602(3), MCA*)
- ▼ Court Administrator administers the policies and procedures adopted by the Council and provides staff support

District Courts

- ▼ 22 Judicial Districts

Youth Courts

- ▼ Each District must provide for a Youth Court as prescribed by Youth Court Act (*Sec. 41-5-201, MCA*)
- ▼ District Judges sit as Youth Court Judges
- ▼ Courts of Limited Jurisdiction, trial courts as prescribed by Youth Court Act

Juvenile Probation Officers (JPOs)

- ▼ Workhorse of the Juvenile Justice System
- ▼ Hired by and accountable to the Youth Court Judge (*Sec. 41-5-201, MCA*) and Youth Court Committees, if a Youth Court Committee has been appointed by the Judge (*Sec. 41-5-105, MCA*)
 - ▼ Chief juvenile probation officer, deputies, and part-time staff appointed as necessary to "carry out the purpose and intent" of the Youth Court Act (*Sec. 41-5-1701, MCA*)
 - ▼ State employees subject to the statewide personnel classification and pay

- plan for the judicial branch as set by Supreme Court
- ▼ JPO powers and duties specified in Sec. 41-5-1703, MCA, of the Youth Court Act, includes
 - ▼ Predisposition studies, submission of reports and recommendations to the court
 - ▼ Supervises, assists, and counsels youth placed on probation
 - ▼ Must perform "any other functions designated by the court"
 - ▼ May not arrest or perform other law enforcement functions, but may take into custody any youth who violates probation or a lawful order of the court
- ▼ ***More details and info. to be gathered during the interim (SJR 31)***

Youth court committees

- ▼ Statutorily authorized under Sec. 41-5-105, MCA, volunteer.
- ▼ Youth court judge may appoint a committee, willing to act without compensation, composed of not less than three or more than seven reputable citizens, including youth representatives.
- ▼ The committee must be designated as a youth court committee.
- ▼ This committee shall meet subject to the call of the judge to confer with him on all matters pertaining to the youth department of the court, including the appointment of probation officers, and shall act as a supervisory committee of youth detention facilities.

Youth placement committees

- ▼ Must be established by each youth court
- ▼ Membership, volunteers, set statutorily:
 - ▼ juvenile parole officer employed by DOC
 - ▼ rep of DPHHS
 - ▼ chief probation officer, or a designee, who is presiding officer
 - ▼ mental health professional
 - ▼ if an Indian youth is involved, and Indian knowledgeable of culture
 - ▼ may include others (school district, youth's parent or guardian, youth service provider, the youth's probation officer)
- ▼ Recommends appropriate placement of a youth referred to the youth court or to the DOC