

STATE OF MONTANA
OFFICE OF THE GOVERNOR
Executive Order No. 20–2005

EXECUTIVE ORDER REVISING THE CORRECTIONS ADVISORY COUNCIL WITHIN
THE DEPARTMENT OF CORRECTIONS

WHEREAS, Montana experienced a growth of 920 percent in its incarceration rate from 1970 to 2003, the largest rate of growth in incarceration of any state for that period, and the Montana adult correctional population continues to grow at a rate of 5 percent to 6 percent each year; and

WHEREAS, American Indians comprise six percent of the state's population, yet nineteen percent of Montana's adult correctional population is Indian, while twenty-three percent of the adult female correctional population is Indian; and

WHEREAS, these numbers show that a disproportionate percentage of Indians are imprisoned in Montana, with Indians being incarcerated at a rate nearly four times higher than whites; and

WHEREAS, overcrowded facilities and continued growth in the prison population mean that additional secure facilities will have to be built, and

WHEREAS, substance abuse and mental illness, unless effectively addressed, exacerbate prison crowding, endanger local communities and contribute to escalation in correctional system costs; and

WHEREAS, system integration between the mental health, substance abuse and criminal justice systems at the state and local levels can provide prompt, appropriate treatment and interventions that can help break the cycle of recidivism and incarceration and successfully reduce the number of individuals with serious mental illnesses entering into, residing in, and reentering the criminal justice system;

NOW THEREFORE, I, BRIAN SCHWEITZER, Governor of the State of Montana, in accordance with the authority vested in me by the laws and Constitution of the State of Montana, do hereby revise and continue the Corrections Advisory Council, within the Department of Corrections, pursuant to § 2-15-122, MCA.

PURPOSE AND DUTIES:

The Corrections Advisory Council will:

- A. analyze current state corrections policies and practices;
- B. examine historical trends and project future needs;
- C. examine best practices nationally and in other states used to reduce overcrowding, manage growth and meet health and human services needs for persons under the jurisdiction of the state correctional system;
- D. consider various options for how best to:
 - 1. promote safe communities;
 - 2. slow growth rates in the prison population;
 - 3. reduce recidivism;
 - 4. provide health care and treatment for mental illness and substance abuse, and methods to coordinate care between the Department of Public Health and Human Services and the Department of Corrections;
- E. review procedures to assist offenders with the transition from secure custody to community-based programs; and
- F. study how best to locate secure facilities in Montana.

In addition, the Corrections Advisory Council will:

- G. report to the governor and the legislature, at least annually, on its progress in developing effective strategies to reduce incarceration and recidivism, with special effort directed toward the American Indian population in the justice system; and
- H. maintain effective communications with the governor and the legislature on corrections and sentencing policy and programs; and
- I. contact and seek regular input from community-based organizations and community members interested in the justice system, mental health and addictive behavior treatments, local government officials, court personnel and law enforcement officials, in order to fulfill its purpose.

COMPOSITION AND TERMS OF APPOINTMENT

The Council shall consist of at least 15 members, including legislators, community members interested in the justice system, mental health and addictive behavior treatments; local government officials, court personnel and law enforcement officials. The Lieutenant Governor shall be the chair. Additional non-voting, ex-officio members may be appointed by the Governor. The Council members shall serve at the pleasure of the Governor. Their names and addresses will be submitted by separate letter to the Secretary of State and to the Montana Department of Corrections.

COMPENSATION AND TRAVEL

Council members eligible for compensation under § 2-15-122(5), MCA, shall be compensated \$25 for each day actually and necessarily engaged in performance of Council duties. All Council members shall be reimbursed for travel expenses pursuant to § 2-15-122(5), MCA.

TERMINATION OF PRIOR EXECUTIVE ORDER

All prior Executive Orders relating to the Corrections Advisory Council are hereby superseded by this Order.

DURATION

The Council shall exist for two years from the effective date of this Order. This Order is effective immediately.

GIVEN under my hand and the Great Seal of the State of Montana this Bm
day of September, 2005.


BRIAN SCHWEITZER, Governor

Attest:


for BRAD JOHNSON, Secretary of State