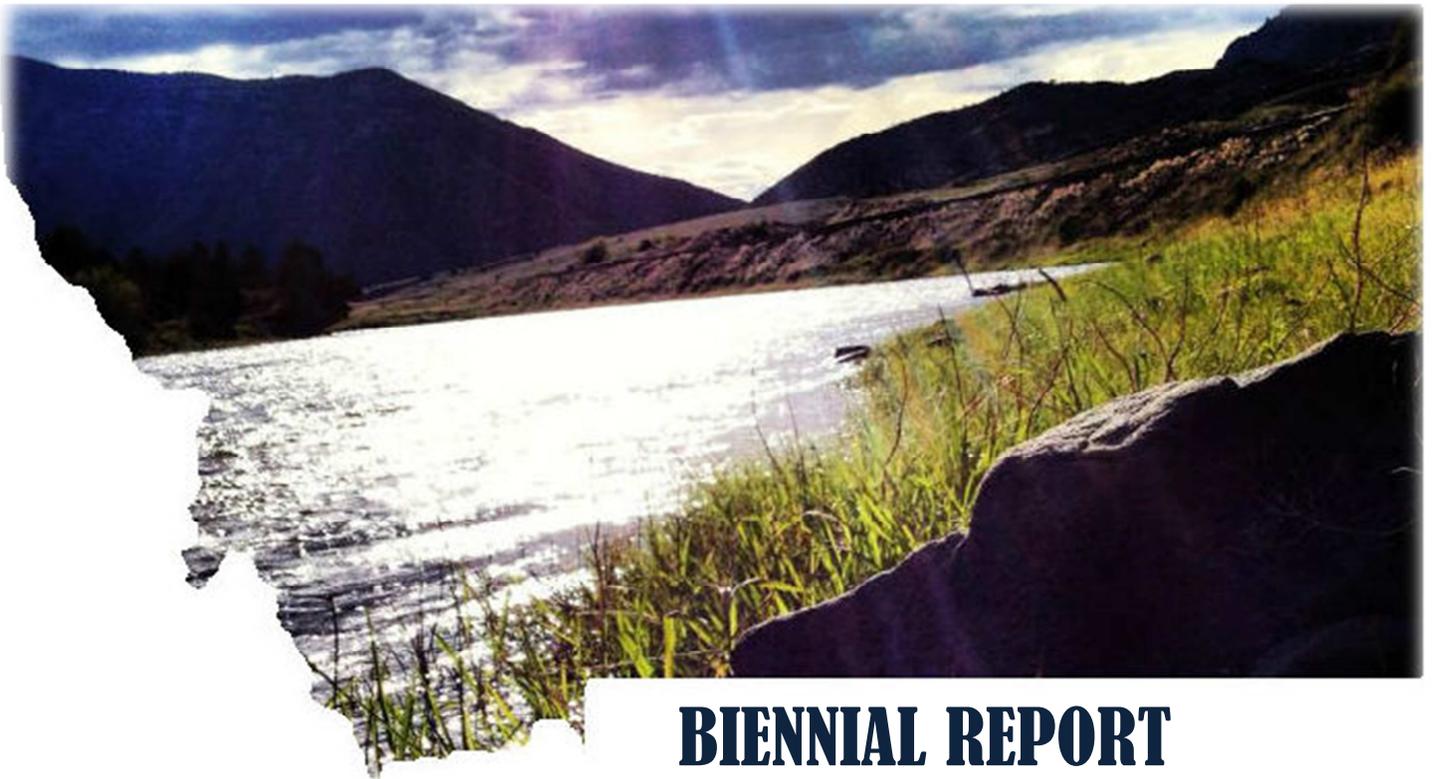




State of Montana
Board of Pardons and Parole



BIENNIAL REPORT
January 2015

STATE OF MONTANA

BOARD OF PARDONS AND PAROLE

2015 Biennial Report

Governor Steve Bullock



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SJ3: Study of the Board of Pardons and Parole

The Board members and staff would like to thank the Law & Justice Committee for their commitment and dedication to the study of the operations of the Board. We are optimistic that the outcome of the study will contribute to making the Board of Pardons and Parole even more effective in its goal to competently serve the citizens of Montana.

The 2013 Montana Legislative Session passed Senate Joint Resolution No 3 to Study the operation of the Montana Board of Pardons and Parole. The Law and Justice Interim Committee based their decision to endorse a study of the Board on testimony received during the 2011-2012 interim from “persons with loved ones appearing before the Board”, friends and family members of inmates who had been denied parole. The study included: the philosophy of the Board; the statutes and rules administered by the Board; the degree to which the Board has prevented or contributed to the need for additional prison beds; the effect of the possible elimination of the Board; and other aspects of the Board’s administration as appropriate.

The Board of Pardons and Parole, as an essential part of the criminal justice process, serves all Montana Citizens by administering a parole system that is balanced with public safety, offender accountability and rehabilitation, as well as, protecting the interests of victims and communities, with the goal of successfully reintegrating merited offenders back into society through an earned reentry process. The Board strongly believes in the parole process and is committed to the ethical, unbiased, and professional performance of its duties, and will continually strive for excellence and consistent fairness.

The Law and Justice Interim Committee as a result of its study of the Montana Board of Pardons and Parole (Board), will be proposing the following legislation.

LC 301 (LCIj98) – A Bill for an Act entitled: “An Act providing that the Board of Pardons and Parole is required to comply with the Montana Administrative Procedure Act except the Board of Pardons and Parole remains exempt from the contested case and judicial review of contested cases portions of the Montana Administrative Procedures Act; amending section 2-4-102, MCA.”

LC 358 (LCIj97B) – A Bill for an Act entitled: “An Act requiring the Board of Pardons and Parole to video record meetings of the board and all hearings held to consider parole, rescission, revocation, or clemency decisions.”

LC 360 (LCIj95) - A Bill for an Act entitled: “An Act revising parole criteria; and amending sections 46-23-201 and 46-23-202, MCA”

LC 359 (LCIj94) - A Bill for an Act entitled: “An Act clarifying the authority of the governor to change the presiding officer of the Board of Pardons and Parole; and amending section 2-15-2302, MCA.”

LC 361 (LCIj90) - A Bill for an Act entitled: “An Act providing that the governor may determine whether a clemency hearing takes place and whether clemency is granted if the Board of Pardons and Parole denies an application a hearing or denies clemency; amending sections 46-23-301, 46-23-302, and 46-23-307, MCA”

CURRENT PAROLE BOARD MEMBERS

<u>Name</u>	<u>Occupation</u>	<u>Original Appointment</u>	<u>Expires</u>
Michael McKee, Chair*	Retired Financial Advisor	5-1-2007	1-1-2015
John Rex	CD Program Director	5-6-2005	1-1-2015
Pete Lawrenson, Vice Chair	Retired Law Enforcement	5-1-2013	1-1-2017
Mary Kay Puckett	Consultant	5-1-2013	1-1-2017
Coleen Magera ¹	Attorney	5-1-2013	1-1-2017
Darryl Dupuis ²	Retired Educator	3-1-2014	1-1-2018
Sandy Heaton ³	Licensed Mental Health Prof.	3-1-2014	1-1-2018

*Chairman Michael McKee served an additional 2 years as a Board member under the Martz Administration.

¹ Board member Magera fulfills the requirement of 2-15-124 MCA

² Board member Dupuis is an enrolled tribal member and fulfills the requirement of 2-15-2302(2)(a) MCA

³ Board member Heaton is a licensed Mental health professional and fulfills the requirement of 2-15-2302(2)(b) MCA

Parole Board members serve staggered four year terms. The Governor appoints three members in January of the first year of the term. Two more members are appointed in January of the second year of the Governor's term. The remaining two members are appointed in January of the third year. Board members may be removed by the Governor only for cause, pursuant to 2-15-124 (6) MCA. As outlined in 2-25-124 (7) MCA, board members are entitled to be paid per diem at the rate of \$75.00 per day for every day in which the member is engaged in the performance of Board duties. The base budget for per diem for FY 2014 was \$40,425.00.

Pursuant to 2-15-2302 MCA, one member must be an enrolled member of a state-recognized or federally recognized Indian tribe located within the boundaries of the state of Montana. All members must receive training that addresses: the culture and problems of Montana tribes and reservations; statistical and comparative data regarding correctional populations; distinctions between urban and reservation populations; federal, state, and local community services available to paroled or discharged American Indian inmates; state and federal law and rules pertinent to board operations; offender pathology, treatment, supervision, and department of corrections organization. Board members must have knowledge of serious mental illness and recovery from serious mental illness gained through annual training as required by rules adopted by the board. One member must be a mental health professional as defined in [53-21-102](#).

One member is an attorney licensed to practice law in this state, as required in 2-15-124 MCA.

MCA 2-15-2302, Board of Pardons and Parole-composition-allocation-quasi-judicial (summarized).

- (1) There is a Board of Pardons and Parole.
- (2) Members of the Board shall possess academic training which has qualified them for professional practice in a field such as criminology, education, psychiatry, psychology, law, social work, sociology, or guidance and counseling. Related work experience in the areas listed can be substituted for these educational requirements.
- (3) The Board is a quasi-judicial body and is entitled to *quasi-judicial immunity* for acts performed within their official capacity.

BOARD OF PARDONS AND PAROLE GOALS, OBJECTIVES, AND DUTIES

MISSION STATEMENT

The Board of Pardons and Parole, as an essential part of the criminal justice process, serves all Montana Citizens by administering a parole system that is balanced with public safety, offender accountability and rehabilitation, as well as, protecting the interests of victims and communities, with the goal of successfully reintegrating merited offenders back into society through a reentry process. All employees and members of the Board of Pardons and Parole are committed to securing the effective application of and improvements to the clemency and release system, as well as the laws upon which they are based. The parole process is carried out in an effective, fair, safe, and efficient fashion.

VISION STATEMENT

The Montana Board of Pardons and Parole envisions a parole and pardon system that promotes fair and consistent decisions based on public safety, victim concerns, successful inmate re-entry and sensible use of state resources.

STATUTORY AUTHORITY

<u>2-15-121, MCA:</u>	Defines the administrative attachment of the Board of Pardons and Parole.
<u>2-15-124, MCA:</u>	Define the requirements of quasi-judicial boards.
<u>2-15-Part 23, MCA:</u>	Establishes the Board of Pardons and Parole and defines the composition, terms, appointments, allocation, and quasi-judicial status, and compensation of the Board.
<u>46-18-Part 1, MCA:</u>	Establishes state correctional policy and preliminary procedures.
<u>46-23-Part 1, MCA:</u>	Establishes and defines the general provisions of the Board of Pardons and Parole.
<u>46-23-Part 2, MCA:</u>	Establishes the general provisions for granting parole and defines the authority and responsibilities of the Board of Pardons and Parole.
<u>46-23-Part 3, MCA:</u>	Establishes and defines the conditions, authorities, and responsibilities of the Board of Pardons and Parole for Executive Clemency.
<u>46-23-Part 10, MCA:</u>	Establishes and defines the conditions, authority, and responsibilities for supervision and revocation.
<u>10 FTE</u>	Executive Director Parole Board Analysts (5) Administrative Support (4) Citizen Board Members (7)
<u>Current Budget FY2014:</u>	Personal Services: \$613,382.00 Operating Expenses: \$151,405.00 Total: \$764,784.00

2015 BIENNIUM BUDGET REQUESTS

<u>Present Law Adjustments</u>	<u>FY 2016</u>	<u>FY 2017</u>
Parole Board Member Compensation	\$30,557	\$30,579
ACA Accreditation	\$10,100	0
<u>Total Requests</u>	\$40,657	\$30,579

BOARD OF PARDONS AND PAROLE - 10.0 FTE

EXECUTIVE DIRECTOR (Currently vacant)

- Directs the daily operation of the Board of Pardons and Parole
- Represents the Board in matters of policy, interdepartmental cooperation, and communications with political and judicial bodies
- Oversees all matters of personnel, budget, and distribution of work

SENIOR PAROLE BOARD ANALYST (Julie Thomas)

- Assumes duties of Executive Director in her absence
- Gathers and analyzes information and makes recommendations to the Board on inmate release risk
- Victim Services Coordinator
- Prepares parole reports and makes release recommendations

PAROLE BOARD ANALYST (Christine Slaughter)

- Responsible for the Butte Pre-Release, Helena Pre-Release, Missoula Pre-Release, Bozeman Pre-Release, Montana State Hospital, Montana Developmental Center, and Start
- Prepares parole reports and makes release recommendations
- Serves legal notice to Parole Violators
- Administers the Pre-Parole Program and is a member of the pre-release screening committee
- Responsible for BOPP Information System and ACA Accreditation

PAROLE BOARD ANALYST (Meaghan Shone)

- Responsible for the Montana State Prison
- Administers the Pre-Parole Program and is a member of the pre-release and initial classification committees
- Prepares parole reports and makes release recommendations
- Serves legal notice to Parole Violators

PAROLE BOARD ANALYST (Mike Webster – Billings Office)

- Responsible for Montana Women's Prison, Alternatives Pre-Release, Passages Pre-Release, and Dawson County Correctional Center
- Administers the Pre-Parole Program and is a member of the pre-release and initial classification committees
- Prepares parole reports and makes release recommendations
- Serves legal notice to Parole Violators
- Schedules victims and witnesses to provide testimony at Parole hearings

PAROLE BOARD ANALYST (Timothy Allred - Great Falls Office)

- Responsible for the Crossroads Correctional Center, Great Falls Regional Prison, and Great Falls Transition Center
- Administers the Pre-Parole Program and is a member of the pre-release screening committee
- Prepares parole reports and makes release recommendations
- Serves legal notice to Parole Violators
- Schedules victims and witnesses to provide testimony at Parole hearings

ADMINISTRATIVE SPECIALIST (Cathy Leaver)

- Organizes the Parole Board hearing data and records Parole Board dispositions
- Processes reports regarding parole and executive clemency
- Distributes all mail
- Schedules victims and witnesses to provide testimony at Parole hearings

ADMINISTRATIVE ASSISTANT (Lisa Wirth)

- Prepares placement investigations and release documents
- Prepares correspondence and reports
- Maintains Board confidential files and records dispositions

ADMINISTRATIVE SUPPORT (Dotsie Lucier)

- Answers telephone calls and processes all mail

ADMINISTRATIVE SUPPORT (Michelle Oliver)

- Responsible for the management of over 2,500 inmate files

FUNDAMENTALS

The Montana State Board of Pardons and Parole is composed of seven members. Each member is appointed by the Governor for staggered four year terms subject to confirmation by the State Senate. The Governor appoints the Chair in accordance with State law. The Vice-Chair is elected in an executive session by the members.

The Board was created by legislative action in 1955. There has been some form of parole within Montana since 1889. In 1979, 1995, and 2003, the addition of auxiliary members was provided by the legislature. In 2011, auxiliary member designation was removed.

The Board is part of the Executive Branch of State government and is attached to the Department of Corrections for administrative purposes only. The Board performs quasi-judicial and policy-making functions independently of that Department.

DEFINITIONS:

"Board" – the Board of Pardons and Parole as authorized in 2-15-2302 and 46-23-104, MCA.

"Capital Offense" – an offense for which the District Court imposed the death penalty.

"Conditional Release" – the process by which eligible inmates sentenced to the Department of Corrections may be released from a correctional facility to serve their sentences in the community by a decision of the Department of Corrections Administrators.

"Controlling Sentence" – the sentence(s) that, based on a District Court Judgment, requires the longest period of time served to parole eligibility.

"Dead Time" – the time an offender is not serving his/her sentence of incarceration because a hearing panel has determined the offender was in violation of the provisions of release.

"Department" – the Department of Corrections as authorized in 2-15-2301, MCA.

"Designed Capacity" – the maximum average daily inmate population of a correctional institution as established by legislative appropriation.

"Discharge" – the release from custody upon completion of a term. *Flat discharge* is the release without a period of supervision to follow. *Discharge balance suspended* is the release with a period of probation to follow.

"Good Time Allowance" – number of days awarded by the Department of Corrections which operate as a credit on the inmate's sentence. (Repealed, effective January 1997).

"Hearing" – the personal appearance of an inmate before the Board for release consideration, Executive Clemency, revocation, or rescission.

"Hearing Panel" – two or three board members appointed to conduct parole hearings, revocation hearings, rescission hearings, administrative parole reviews, and to make final decisions and recommendations in matters of executive clemency.

"Inmate/Prisoner/Offender" – any person sentenced by a State District Court to a term of confinement in a State correctional institution or program.

"Maximum Time" – those sentences or terms that invoke the 17½-year parole eligibility rule; *no inmate shall serve more than 17½ years to parole eligibility on a time sentence* (eliminated by the 1995 Legislature).

"Parole" – the release to the community by a decision of a hearing panel prior to the expiration of the offender's sentence, subject to the conditions imposed by the hearing panel and subject to the supervision of the department.

"Parole Certificate" – the document signed by the Board Chairman and Executive Director authorizing the release from confinement to parole.

"Parole Eligibility" – the earliest possible date a person may be released from confinement to parole supervision.

"Rescission" – an action of a hearing panel that annuls or voids a prior release disposition.

"Review" – the informal administrative process of considering the progress and conduct of an inmate and to determine if a reappearance or parole is desirable.

"Revocation" – an action by the Board to consider taking away a previously granted parole after probable cause has been determined that a parolee had violated the rule(s) of parole.

"Rules" – the conditions, limitations, and restrictions upon which parole or furlough is based.

"Sentence" – the penalty imposed by a court for a specific felony offense.

"Commencement of Consecutive Sentence" – to begin service of a consecutive sentence which was imposed after Board action and for crimes committed in prison or while on parole, furlough, or supervised release without the granting of parole, for parole eligibility purposes only.

"Term" – the total period of time for which an inmate was ordered to serve in a State correctional institution or program.

"Victim" – a person who suffers loss of property, bodily injury, or death as a result of: the commission of an offense; the good faith effort to prevent the commission of an offense; the good faith effort to apprehend a person reasonably suspected of committing an offense; the estate of the deceased or incapacitated victim or a member of the immediate family of a homicide victim; a governmental entity that suffers loss of property as a result of the commission of an offense in this state; or an insurer or surety with a right of subrogation to the extent it has reimbursed the victim of the offense for pecuniary loss. A victim does not include a person who is accountable for the crime arising from the same transaction.

PARAMOUNT OBJECTIVES OF THE BOARD

1. The primary objective of the Board is to carefully review each eligible prisoner after serving 25% of their term, unless otherwise mandated by the sentencing court. Parole may be granted when, in the Board's opinion, there is a reasonable probability that the prisoner can be released without detriment to the inmate or community.
2. To make every feasible effort to bring about the rehabilitation of those inmates incarcerated or released.
3. To allow, when requested, a victim to present a statement concerning the effects of the crime on the victim or family including, but not limited to, their opinion on release of an offender.
4. To return promptly to custody offenders who are unable or unwilling to adjust to parole supervision and violate conditions of their release.
5. To protect society by not releasing inmates shown to be a menace to society, except a possible release of an inmate who would soon be discharged without supervision at the end of an inmate's sentence and it is thought better to return the inmate to society under strict supervision.
6. To recommend pardons and/or commutation of sentences to the governor for those individuals considered appropriate for this extraordinary privilege.
7. To approve grants of conditional discharges from supervision and set conditions of such.

PAROLE: A FLEXIBLE SYSTEM OF REHABILITATION AND PUNISHMENT

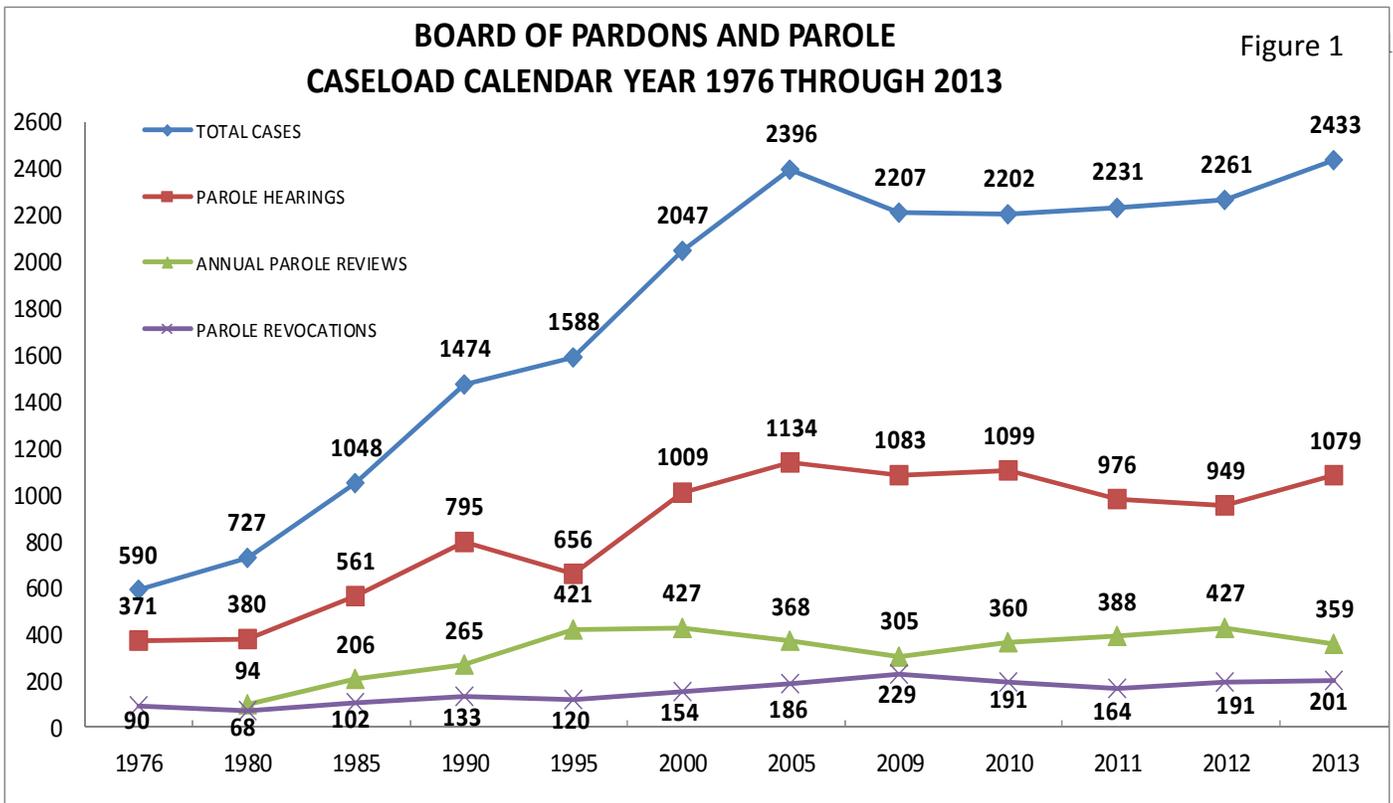
A parole system mandates **earned** release; a system without parole means **automatic** release. The courts and legislature set the minimum and maximum amount of prison time to be served. The current sentencing structure is a flexible system for holding offenders accountable and protecting the public. The role of the parole board can be best summarized as written by the Association of Paroling Authorities International in a study completed in 2000. "There is still support for community supervision as a way to transition individuals from prison into society. It seems that it is the decision making process that is in question. The prosecutors, by the nature of their work, deal in plea bargaining with defense attorneys in a closed environment. The court's interest is directed toward the determination of guilt along with being involved in the probation side of the system. Institutional corrections is interested in programs for offenders within their facilities, however their major concern rests with the everyday secure operation of the institutional system. Who then should be reviewing the inmate's transition plan, studying the individual's complete life history, considering victim's concerns, moving the inmate toward their return to society, based on the seriousness of the crime, risk to the community and assurance of compliance to behavioral rules and regulations as set out by the releasing authority? This has been the work of parole boards for over 100 years."

An offender is required to serve 25% of the term entirely in some form of custody. By setting a sentence considering parole eligibility established by law, the Judge can ensure a period of incarceration that he or she feels is appropriate for the punishment of the offender and the safety of the community.

Once an offender becomes parole eligible, the remaining time on the prison term can be served either in custody or in the community, depending upon the severity of the crime and risk/needs presented by the offender. By denying parole, the Board can keep dangerous offenders who remain a risk to public safety in custody. The Board has the benefit of reviewing all circumstances surrounding the crime(s), studying the offenders' behavior in prison, examining treatment/education/life skills recommendations as assessed by treatment professionals and other corrections staff, and considering all testimony and correspondence from victims, criminal justice authorities, and offenders' support networks as they review each case.

If the Board determines parole is appropriate, an offender can serve a portion of the term in the community under supervision and the requirements set by the Board. If an offender violates the conditions, the Board can quickly return the offender to custody to protect society and require them to serve the remainder of the term in prison.

Courts have consistently ruled that parole in Montana is a **privilege and not a right** and the Board has been afforded broad discretion in making decisions. The Board of Pardons and Parole is required to give offenders meaningful access to the members and, when parole is denied, the Board must issue a written decision informing the offender in what respects he or she falls short of qualifying for parole.



****Although the total number of cases has increased drastically over the past two decades, the number of parole revocations has remained relatively low, as evident in the chart above****

“Total Cases” – The number of total decisions made by the Board.

“Parole Hearings” – The personal appearance of an inmate before the Board for release consideration. This includes initial appearances and reappearances. The Board frequently uses video conference to conduct these hearings.

“Administrative Parole Reviews” – The informal administrative process conducted by a hearing panel via teleconference that entails a paper review to consider the progress and conduct of an inmate and to determine if further consideration is warranted.

“Parole Revocation” - An action by the Board to consider taking away a previously granted parole after probable cause has been determined that a parolee had violated the rule(s) of parole.

HISTORY OF THE BOARD OF PARDONS AND PAROLE

Creation of the Board of Pardons (1889). The origins of the Board of Pardons and Parole can be traced to the 1889 Montana Constitution. Article VII, Section 9, of the constitution authorized the Governor to grant pardons, remit fines and forfeitures, and commute punishments subject to the approval of a Board of Pardons. The constitution directed the Legislature to provide for the appointment, composition, powers, and duties of the Board.

Parole by the Board of Prison Commissioners (1907). Sixteen years later, the Legislature provided for the parole of prisoners (Ch. 95, L. 1907). The 1907 legislation authorized the State Board of Prison Commissioners, consisting of the Governor, Secretary of State, and Attorney General, to parole an inmate of the Montana State Prison (MSP).

Parole and Executive Clemency Functions Merged (1955). For the next 48 years, a dual board system existed. The Board of Pardons reviewed Executive Clemency matters, while the State Board of Prison Commissioners handled paroles. In 1955, however, the functions of the two boards were combined and assigned to a reconstituted Board of Pardons (Ch. 153, L. 1955). The Board consisted of three members appointed by the Governor with the advice and consent of the Senate. Members served staggered six-year terms.

Board Transferred to Department of Institutions (1971). Under the 1971 Executive Reorganization Act, the Board of Pardons was transferred to the Department of Institutions (now called the Department of Corrections) for administrative purposes only. In addition, the position of State Director of Probation and Parole was renamed the Administrator of Probation and Parole (Ch. 272, L. 1971).

Change in Montana Code Annotated (1995).

- (A). The 1995 Legislature eliminated good time for the purposes of parole eligibility effective April 13, 1995, and entirely effective January 31, 1997. **Unless the court otherwise orders, all inmates will serve 25% of their sentence prior to becoming parole eligible and will serve 100% of their sentence to discharge.** The Legislature also eliminated the provision that requires parole appearance on a time sentence after 17½ years and required 30 years to be served on a life sentence. Offenders previously served approximately 15 to 18 years on a life term. Additionally, the 1995 Legislature eliminated the 120-day, early consideration and non-dangerous/dangerous designation. This applies to crimes committed **on or after April 13, 1995.**
- (B). The Board of Pardons was renamed the Board of Pardons **and Parole** because the majority of the Board's functions directly pertain to parole issues. (See Figure 1)

Changes in Montana Code Annotated (1999). The 1999 Legislature changed requirements of offenders to provide DNA samples to be released on parole. Additionally, the Legislature allowed the Court to commit an offender to the Department of Corrections for a period not more than 5 years, with the remainder suspended. The Legislature authorized the Board to release information and allow public records to be reviewed. The Board was also allowed to hold any parole hearing or revocation hearing via an interactive videoconference and allowed the holding of an administrative hearing via a telephone conference.

Changes in Montana Code Annotated (2003). The 2003 Legislature authorized the appointment of two member hearing panels which have the full authority and power of the Board to order the denial, grant, or revocation of parole. Additionally, two auxiliary members were added and all members are now required to receive training in American Indian culture and problems.

Changes in Montana Code Annotated (2005). The 2005 legislature significantly modified the Medical Parole criteria.

Changes in Administrative Rules of Montana (2010). The Board of Pardons and Parole revised its Administrative Rules of Montana and the rules were published in November, 2010. The new rules were amended to reflect current practices of the Board.

Changes in Montana Code Annotated (2011). The 2011 Legislature increased the jurisdiction of the Board by incorporating the following persons under the Board’s authority; any persons sentenced to prison as an adult pursuant to 41-5-206 and confined in a youth correctional facility; and persons sentenced to be committed to the custody of the director of the Department of Public Health and Human Services as provided in 46-14-312 and confined in the Montana State Hospital, the Montana Developmental Center, or the Montana Mental Health Nursing Care Center. The 2011 Legislature eliminated the auxiliary member distinction and the Board consists of seven equivalent members. The definitions of “dead time” and “hearing panel” were modified. Furlough status was clarified to determine that an inmate on furlough status is subject to escape charges if he/she doesn’t report or return when ordered. Legislation was passed that made minor revisions to the operations, procedures, and composition of the Board.

Changes in Administrative Rules of Montana (2012). The Administrative Rules of the Board were officially updated on August 10, 2012 to reflect the changes made in the Montana Code Annotated.

Changes in Montana Code Annotated (2013). The 63rd Legislative Session passed Senate Bill 11 which made adjustments to the makeup of the Board to include a mental health professional as well as require all Board members to receive training in serious mental illness and recovery from mental illness. House Bill 68 was signed by the Governor that created a multi-agency reentry task force to reduce recidivism and save money while enhancing public safety. Parole eligibility restrictions were defined in statute for juvenile offenders, amending 46-18-222, MCA. The report to the children, families, health and human services and law and justice interim committees on medical parole costs required by 46-18-222, MCA was stricken. The Legislature also passed Senate Joint Resolution 3 to study the operations of the Montana Board of Pardons and Parole. This bill was introduced by Senator Terry Murphy at the request of the Law and Justice Interim Committee. As a result of the study, five bills are being introduced this session to revise MAPA provisions, require parole hearings to be recorded, revise parole criteria laws, allow the Governor to change the presiding hearings officer, and adjust the current clemency process.

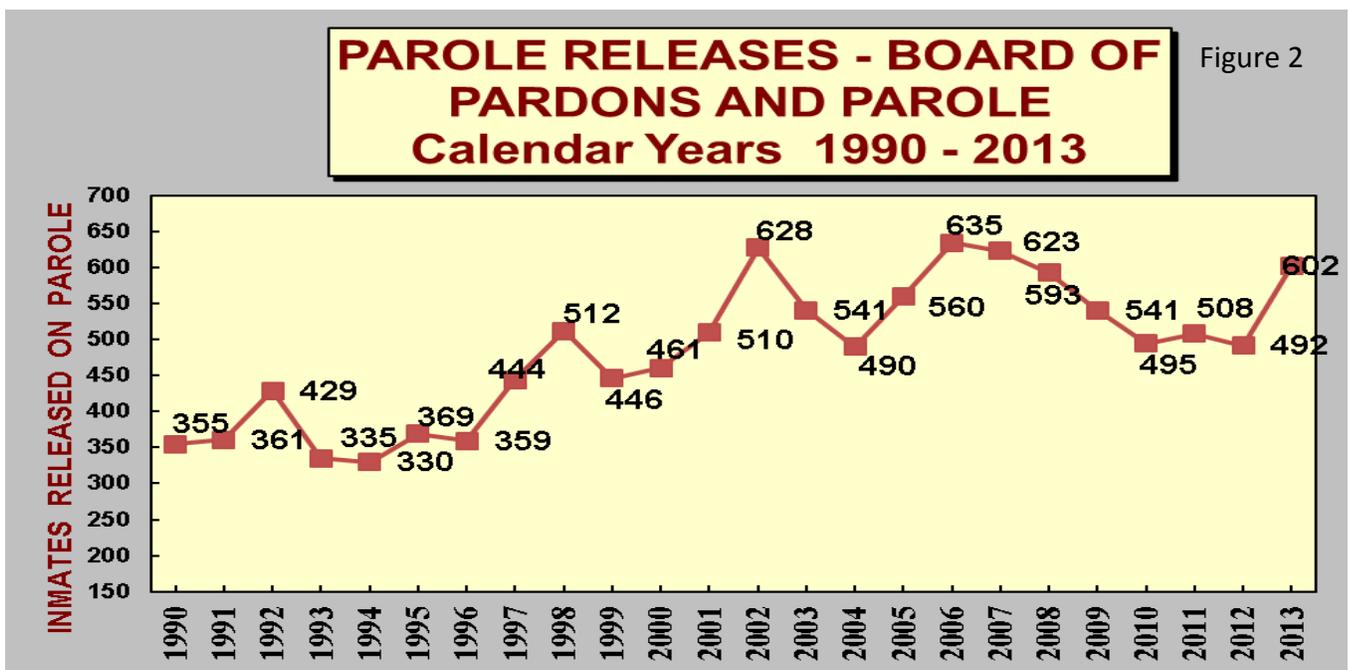


Figure 2

LEGAL AUTHORITY OF BOARD OF PARDONS AND PAROLE

LEGAL ADVISOR:

46-23-105 MCA, 1999: The Board may appoint any qualified attorney or the Attorney General to act as its legal advisor and represent it at all proceedings whenever so requested by the Board.

INFORMATION FROM COURTS TO BOARD:

46-23-106 MCA, 1999: It is the duty of the court disposing of any criminal case to cause to be transmitted to the Board of Pardons and Parole statistical data in accordance with regulations issued by the Board regarding all dispositions of defendants whether found guilty or discharged.

AUTHORITY OF BOARD TO ADOPT RULES:

46-23-218 MCA, 1991: The Board may adopt any other rules it considers proper or necessary with respect to the eligibility of prisoners for parole, the conduct of parole and parole revocation hearings, video conference hearings, telephone conference administrative reviews, progress reviews, clemency proceedings, the conditions to be imposed upon parolees, the training of board members regarding American Indian culture and problems, and other matters pertinent to services on the Board.

The Montana Board of Pardons and Parole published new revisions to the Administrative Rules of Montana in August 2012.

CONDITIONS OF PAROLE:

46-23-215 MCA, 1991: A prisoner, while on parole, remains in the legal custody of the department but is subject to the orders of the Board. When a hearing panel issues an order for parole, the order must recite the conditions of parole. If restitution was imposed as part of the sentence under 46-18-201, the order of parole must contain a condition to pay restitution to the victim. An order for parole or any parole agreement signed by a prisoner may contain a clause waiving extradition. (See Appendix for example of rules).

PROBATION AND CONDITIONAL RELEASE ARE NOT PAROLE:

Probation is the suspension or deferral of a prison or Department commitment by the District Court. The District Court retains jurisdiction and the offender is placed under community supervision subject to the conditions imposed by the court. Probation officers in the community supervise these offenders and the District Court is responsible for revocation when necessary.

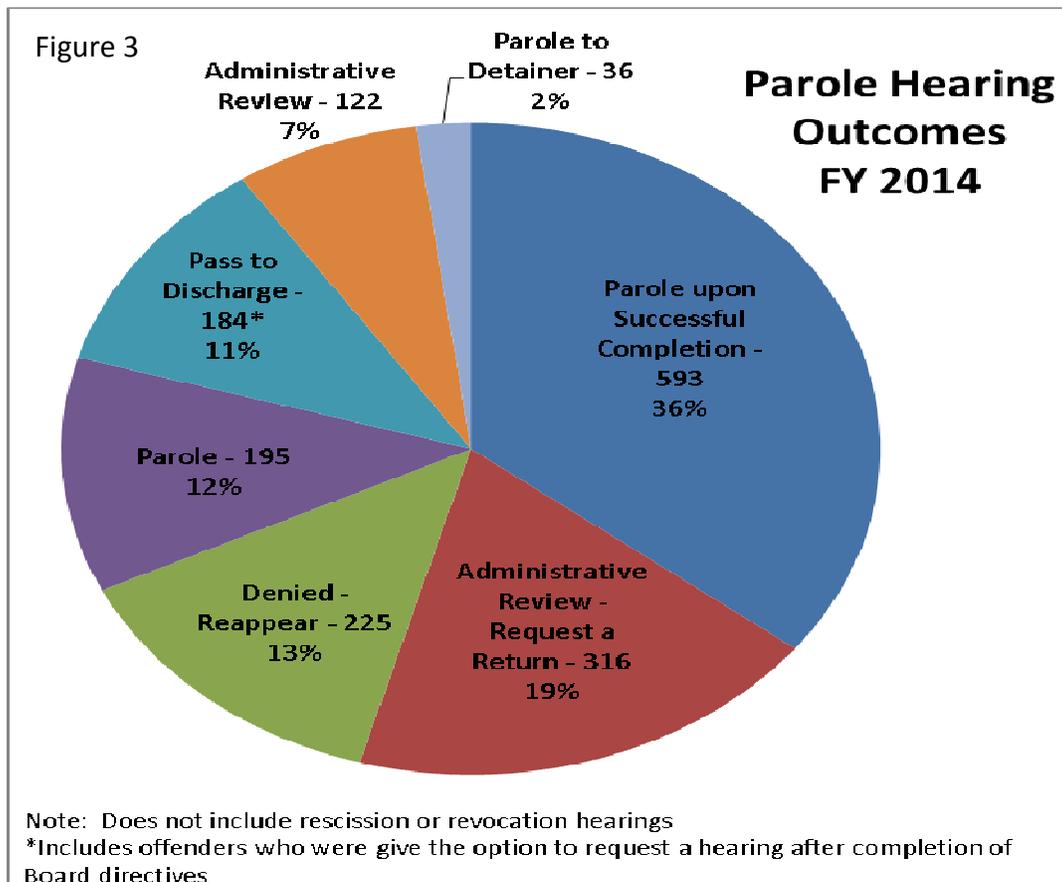
Conditional Release is a program implemented by the Department of Corrections (DOC). As an alternative to commitment to a prison, under 46-18-201, MCA, a District Judge may commit an offender to the DOC for up to five years with a recommendation for placement in an appropriate correctional facility or program. DOC commits entering prison from any source after February 1, 2003, can only be released from prison via a parole from the Montana Board of Pardons and Parole or by discharging their sentence. DOC commits who were in a pre-release center, boot camp, Connections Corrections, or on ISP prior to February 1, 2003, will be eligible for either parole or conditional release. After February 1, 2003, DOC commits admitted to the above community corrections programs that have not been to prison on their current sentence will not be eligible for parole and must be released on conditional release.

ADMINISTRATIVE ATTACHMENT:

The Montana Legislature allocated the Board of Pardons and Parole to the Department of Corrections for administrative purposes only following the 1971 Executive Reorganization Act. However, the Board is autonomous, hires its own personnel, and sets its own policy independent of the Department of Corrections and without approval or control of the Department of Corrections. The Parole Board is not responsible for the care and custody of inmates nor is it in charge of supervising parole and probation officers.

A separate and independent paroling authority is a significant factor for the following reasons: (1) The distribution of power within a correctional system must be distributed in a manner that will reduce the potential for misuse of power, a flexible system of punishment and checks and balances. (2) A citizen Board with members who have no vested interests in prison overcrowding can review offenders based on community safety and are not unduly influenced by the pressures of system management. (3) Corrections personnel due to the nature of their job could have the propensity to become overly involved in the lives of the offenders under their jurisdiction. Dealing with individuals on a daily basis, results in, the tendency to be influenced, either positively or negatively, by factors the individuals present, such as behavior and current progress. Board members focus on many areas in addition to adjustment, especially those with predictive significance such as criminal history, nature and severity of the offense, prior community adjustment, and victim or community input. (4) When the question of whether a parolee's behavior has deteriorated to the point where revocation is necessary, this decision must be subject to review by a body not involved in day-to-day supervision and system management.

Consequently, the separate and distinct roles of the corrections personnel and the parole board could conceivably result in periodic tension between the two agencies. However, this is one of the results of the checks and balance system; the ultimate purpose of which is public safety, victim concerns, successful inmate re-entry, and sensible use of state resources.

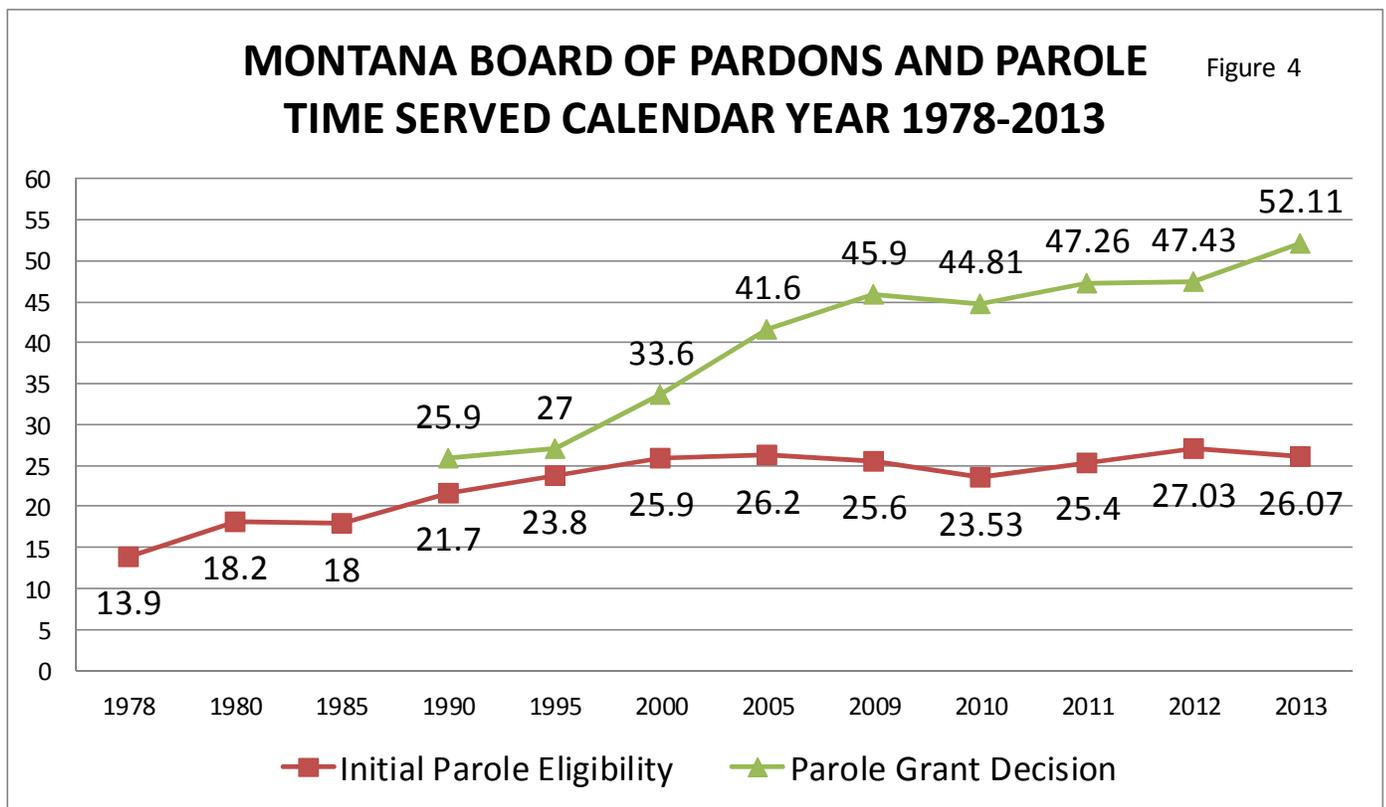


PAROLE PROCESS

PAROLE ELIGIBILITY:

The minimum (initial parole eligibility) and maximum (sentence expiration) sentence lengths are set by the legislature and the district court. **The Board cannot and does not change the minimum and maximum sentence lengths.** An offender sentenced to prison as an adult pursuant to MCA 41-5-206 and confined in a youth correctional facility, or an offender committed to the director of the Department of Public Health and Human Services pursuant to MCA 46-14-312, is only eligible for parole when the offender is placed at the Montana State Hospital, the Montana Developmental Center, the Montana Mental Health Nursing Care Center, or in a prison. Offenders who were ordered ineligible by the sentencing court and offenders who are required by the court to complete certain requirements prior to being eligible for parole are not eligible for a parole hearing until the requirements have been met. An inmate **sentenced to Montana State Prison or classified and housed in a state prison** meeting all the qualifications must be considered for parole. Parole is an earned privilege and may be granted only in the best interest of society and when the Board feels the offender is willing and capable of being a law-abiding citizen. Parole is not a reduction of a sentence or an award of clemency.

The Board staff administers a pre-parole program and participates in the initial classification of inmates. The Board staff personally advises the new inmates of the types of prison programs, treatment accomplishments, and behavior or conduct expected which may enhance the offender's possibility of a parole.



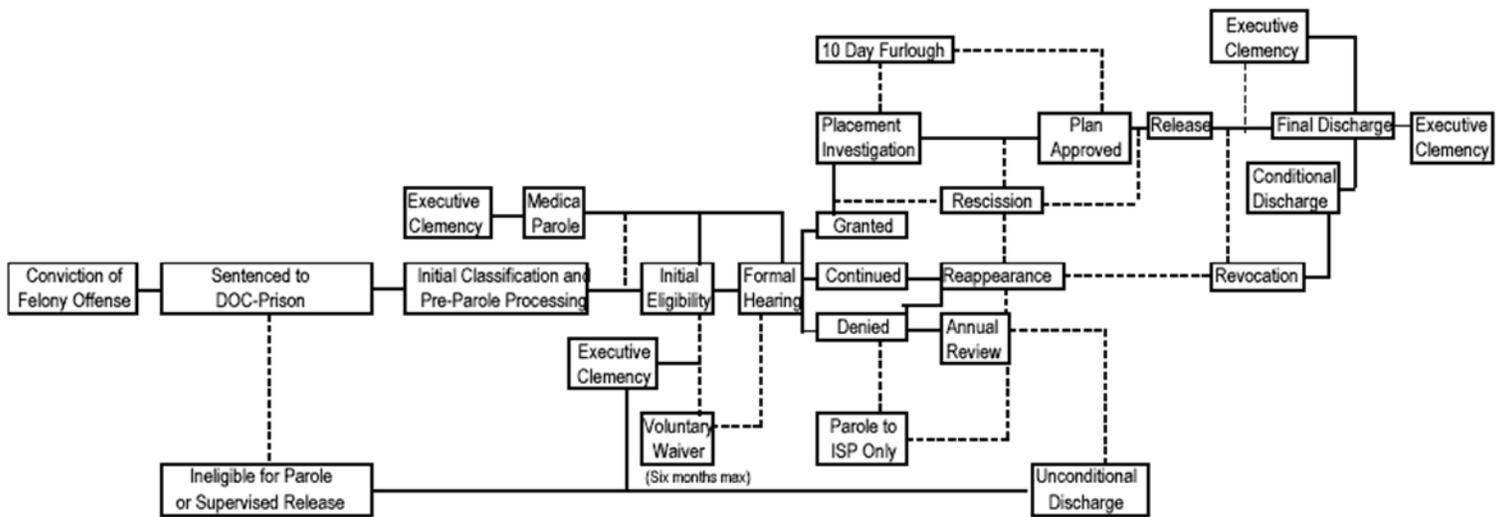
PROCESS:

All calculations for parole eligibility are done by the Department of Corrections' Records Department. Each month, an initial parole eligibility list is sent to the Board. These offenders, along with any inmates offered reconsideration by the Board, are scheduled for a public hearing unless the offender has been deemed ineligible for parole consideration by court order. Cases are usually reviewed 60 days prior to the initial eligibility date. The inmate is notified regarding the date of the hearing. The inmate then will develop a parole plan to be presented to the Board. Board staff conducts a pre-parole school approximately 30 days in advance of the inmate's scheduled Board meeting to assist and facilitate the completion of this release plan. The offender will appear before the Board members, at which time oral testimony is taken from all interested parties and the members review the offender's records. In most cases, a written disposition is rendered immediately following the hearing. (Please see Appendix for examples of case dispositions).

All interviews and hearings before the Board are conducted informally under the direction of the Chair or a designee. An inmate who is not interested in parole release may waive the right to personally appear before the Board. The inmate will acknowledge that he or she is not interested in parole and the Board will render a decision based on the written record without their participation. Interested persons may appear before the Board but must notify the Board at least ten working days prior to the hearing. The Board has discretion in determining the number of persons who can attend the hearing and the Board generally excludes minors. To protect individual privacy rights, the Board may close a meeting to discuss confidential information.

Figure 5

**STATE OF MONTANA - BOARD OF PARDONS AND PAROLE
PAROLE PROCESS MAP**



MEDICAL PAROLE:

In the Board’s opinion, medical parole applications are most appropriate for offenders who have not yet served minimum time to be eligible for non-medical, standard parole. Except for an offender under sentence of death or life imprisonment without the possibility of parole, the Board may release on medical parole a Montana offender confined in a prison or the state hospital, a Montana offender confined in prerelease or other community corrections program, or an offender for whom the court has restricted parole for a number of years but who has obtained the approval of the sentencing court. If the sentencing court does not respond within 30 days to a written request for medical parole consideration from the department, the offender is considered to be approved by the court for medical parole. The Board, the department, the offender, or the offender’s spouse, parent, child, grandparent, or sibling may submit an application for medical parole. The application must contain details of the offender’s proposed living arrangement on medical parole, details of how the offender will acquire and pay for medical care while on medical parole, and a report of an examination and written diagnosis by a licensed physician which includes a detailed description of the offender’s medical condition and the medical attention required to treat the condition, an assessment of the offender’s likelihood of recovery, a description of the offender’s most recent past medical condition and treatment, and an assessment of whether, to a reasonable degree of medical certainty, there is a high probability the offender’s medical condition will cause death within six months or less. The diagnosis must be reviewed and accepted by the department’s medical director or designee before the Board may hear the case for medical parole.

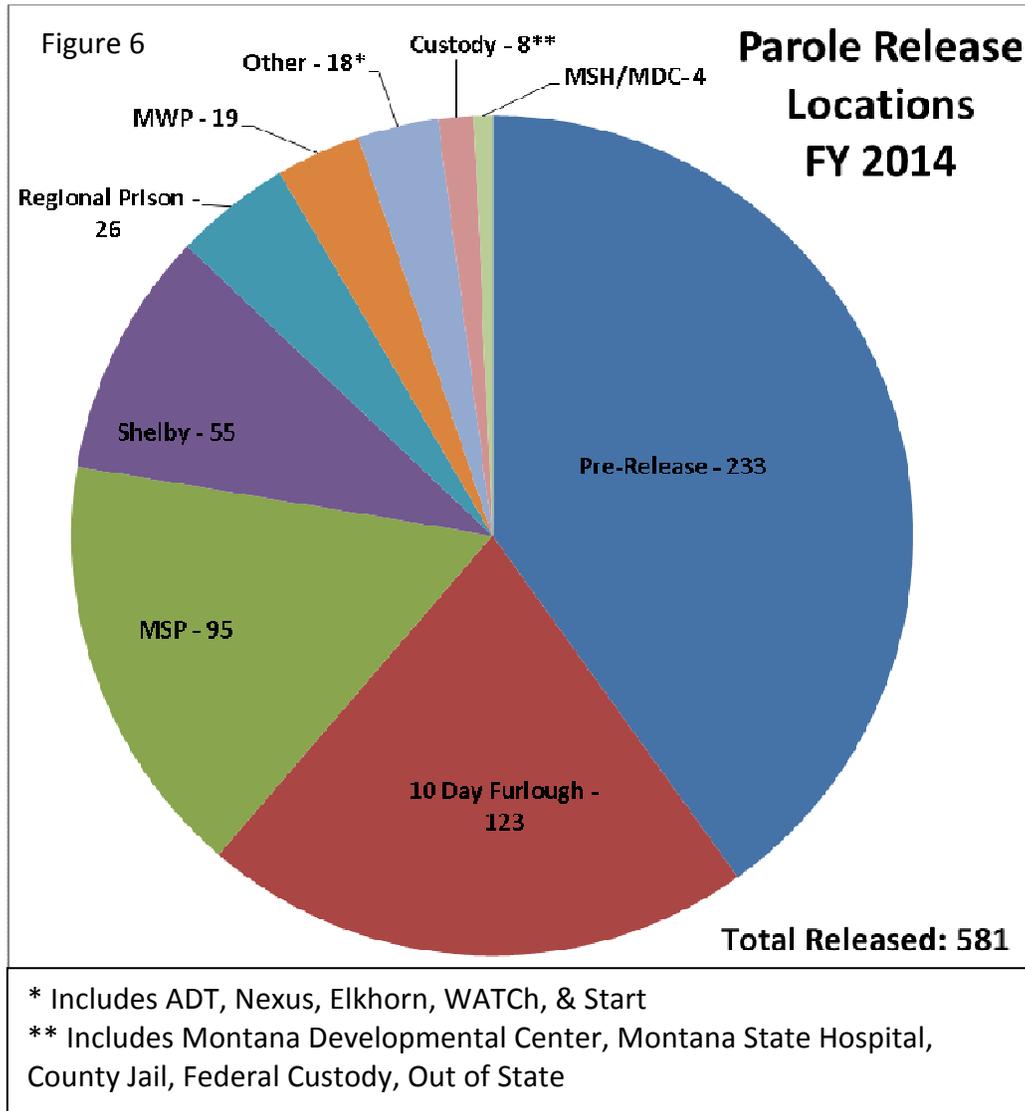
The Board may require as a condition of medical parole that the person agrees to placement in an environment chosen by the Department during the parole period, including but not limited to a hospital, nursing home, or family home. The Board may require as a condition of parole that the person agree to periodic examinations and diagnosis at the offender’s expense. Reports of each examination and diagnosis must be submitted to the Board and Department by the examining physician. If either the Board or the Department determines that the person's physical capacity has improved to the extent that the person is likely to pose a possible detriment to society, the Board may revoke the medical parole and return the person to the custody of the Department. A grant or denial of medical parole does not affect an offender’s eligibility for nonmedical parole. The Board will first consider an offender for nonmedical parole if the offender has reached parole eligibility. If the Board denies the application, the department may not accept another application regarding the same offender, unless the offender’s medical condition has deteriorated to such a degree that the factors previously considered by the Board are affected. Revocation procedures for medical parole are the same as those for nonmedical parole and statutory provisions for nonmedical parole apply to medical parole.

NOTIFICATION AND COMMUNITY RESPONSE:

The Board provides written notification of parole consideration to the sentencing judge(s), prosecuting attorneys, law enforcement officials from the county of commitment, probation and parole authorities, concerned citizens, and victims of an offender. The Board accepts written and oral testimony regarding the possible release of an offender. (See Appendix for example of Notice).

ALTERNATIVES TO PRISON PLACEMENT:

The Treasure State Correctional Training Center, pre-release centers, and other appropriate correctional programs across the State are extensions of Montana State Prison. Offenders residing at these facilities continue to be classified as inmates. Generally, for parole purposes, court ordered programs and Board directed programs obtained in these facilities are acceptable to the Board.



PRE-PAROLE INVESTIGATION:

Before the Board interviews an inmate for parole consideration, it requests detailed reports and recommendations from prison counselors, Board staff, and, if a case warrants, from professional staff, such as psychologists. Sources of information include arrest and court records, pre-sentence investigations, and existing psychological evaluations and reports from any treatment programs an inmate may have attended. Also considered are institutional work and conduct records, rehabilitative efforts, and community response. Some of this information is considered confidential criminal justice information. The Board views this information as advancing a penological interest and will review all requests to release this information on an individual basis.

OFFENDER FILE REVIEW PROCESS:

In 1998, 46-23-108 MCA was repealed as a result of the Montana Supreme Court Decision in *Worden v. Montana Board of Pardons and Parole*. The Supreme Court held that the section of the code “denies citizens, including inmates, their right to inspect presentence reports, pre-parole reports (“parole packet”), supervision histories, and other social records without balancing the right to know against the demands of individual privacy.” As a result, offenders are allowed to review the report submitted to the Board by corrections staff, prior to submission. Offenders may also request to review the contents of their field file by making the request in writing to the Board.

While the Supreme Court agreed that encouraging the flow of information to the Board is an important policy, they did not agree that anyone who provides information to the Board necessarily has a privacy interest that outweighs the inmate’s right to know. They further concluded that **every document in an offender’s file must be examined** to determine whether all or part of it is subject to the privacy exception of the right to know and that the rights of inmates under the Montana constitution may be limited by legitimate, penological interests. Following this decision the Board’s rules and State law were amended to comply with *Worden* (see ARM 20.25.103 and 46-23-110, MCA)

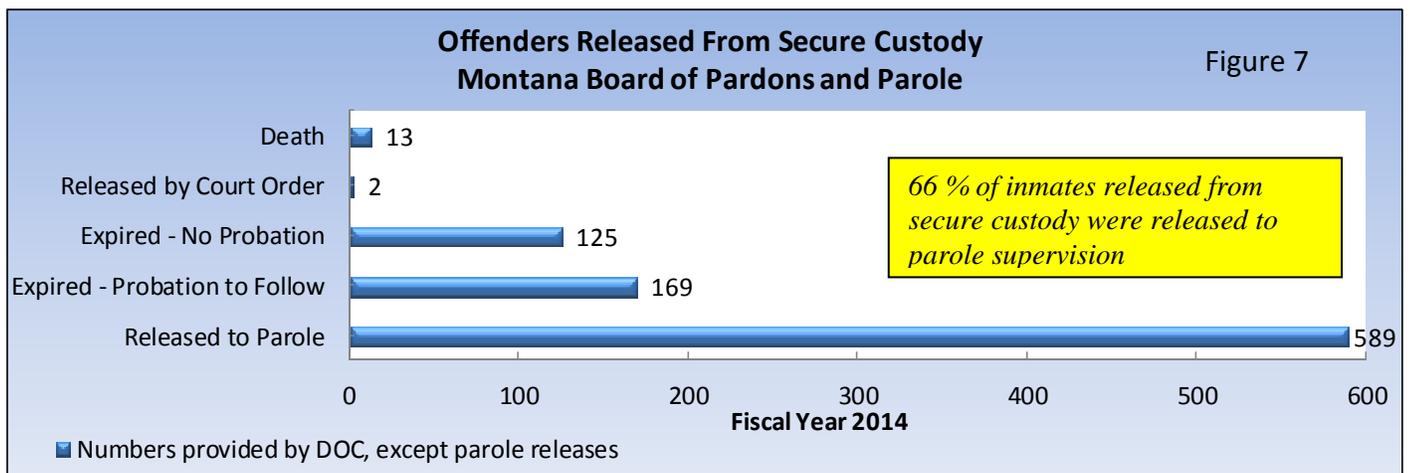
46-23-110 MCA, 1999: The Board or a Board staff member determines whether any document in the Board file is subject to a personal privacy or safety interest that clearly exceeds the merits of public disclosure. The Board may not withhold any more information than is required to protect these interests. The Board may charge a fee for copying and inspecting material and may limit the time and place that the records may be inspected or copied. A victim’s statement may be kept confidential.

Historically the Board received an average of approximately 2 file review requests each month. Since January 2012, the Board has received 290 requests to review/copy files by offenders in all stages of incarceration, which is an average of 9 per month and equates to a nearly 350% increase over the past 34 months. Board staff prioritize each request based on next scheduled hearing date and staff availability at each facility.

PAROLE PLAN:

A comprehensive parole plan must be prepared by each inmate for Board consideration. Each plan will include a suitable living situation, gainful employment, training or a school program guaranteed by a responsible and reputable person, firm, or institution, and any treatment requirements. All release plans will be approved by the local Adult Probation and Parole staff prior to an offender being released on parole.

To appear for an interview before the Board or prior to parole release, an inmate in secure custody must have a minimum of 120 days of disciplinary-free status. To appear for an interview before the Board or prior to parole release in a community-based facility, 90 days of disciplinary-free status is required.



FACTORS IN PAROLE DECISIONS: (criteria)

The Board has identified certain factors as significant when considering an offender for parole. They will determine if, in their opinion:

1. The inmate can be released without being a detriment to him/herself or community.
2. The best interests of society are furthered.
3. The inmate is able and willing to fulfill the obligations of a law-abiding citizen.
4. Continued correctional treatment would substantially enhance the inmate's capacity to lead a law-abiding life.

The Board will not parole an inmate if there is a substantial reason to believe the inmate will engage in further criminal conduct or will not conform to specific conditions of parole.

CONSIDER THESE:

HISTORY

1. Education, training, occupational skills, and employment history.
2. Past use of narcotics or habitual excessive use of alcohol.
3. Circumstances of the offense for which the inmate is serving a sentence.
4. Criminal records, including nature of crimes, recency, and frequency.
5. Behavior and attitude while previously supervised on probation or parole.

PRISON RECORD

1. Attitude toward law and authority.
2. Institutional conduct, including disciplinary reports.
3. Work evaluations and work history.
4. Utilization of treatment opportunities.
5. Utilization of vocational and educational opportunities.
6. Maturity, stability, and behaviors consistent with the general population.
7. Noticeable attitude changes since incarceration.
8. Mental or physical makeup, for instance, physical and emotional status.
9. Risk Assessment Tool (excluding female offenders and those convicted of a sex offense or DUI)

FORWARD VIEW

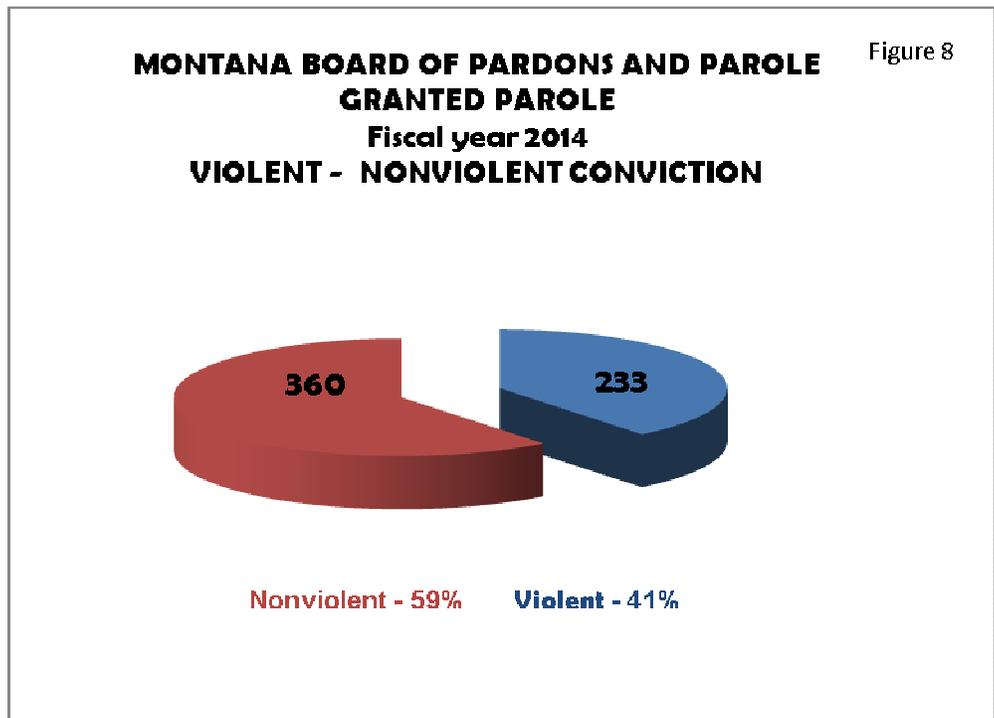
1. Family status, including whether the offender's relatives or other close associates in the community display an interest.
2. Residence, neighborhood, or community of planned residence.
3. Adequacy of parole plans.
4. Availability of community resources and their value to the inmate.

RISK ASSESSMENT OVERVIEW

The Montana Board of Pardons and Parole began assessing inmate risk in January 2002 after the validated assessment tool was developed by the Center for Effective Public Policy, unique to Montana’s offender population and demographic. The Montana Board of Pardons and Parole remains committed to assessing inmate risk prior to making release decisions. All inmates for whom the tool is established and appear before the Board are assessed and given a numeric score, according to the risk tool. It should be noted that the tool is not used for any sexual offenders, DUI offenders, or women. All sex offenders are given a tier level, thus the risk assessment would be redundant. It was determined that DUI offenders are much harder to develop a scale for because of their background and the fact that many of them do not have a criminal lifestyle. At the time of the development of the tool, the State of Montana did not have sufficient women offenders to track and therefore it does not apply to them. A risk assessment tool for these three offender types may be a consideration for a future Board to adopt. The parole assessment tool helps the Board render more consistent, soundly based, prompt and explainable parole decisions. The risk assessment tool remains only one part of the Board’s consideration. The actuarial risk assessment scale measures risk level of committing a new crime within (18) months after release from prison based on seven categories.

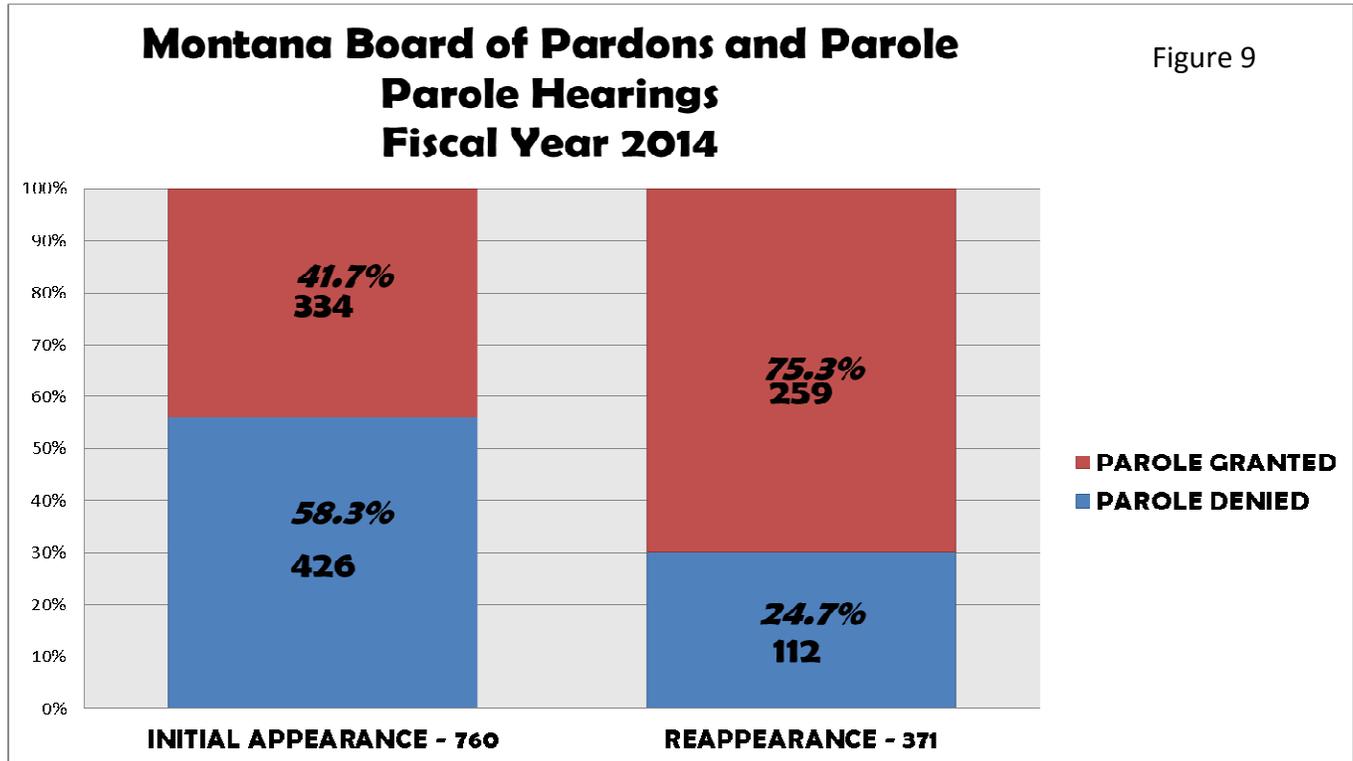
WAIVER:

An inmate may voluntarily waive a parole hearing by notifying the Board in writing. However, a mandatory hearing will be scheduled within six months unless an extended period is necessary as determined by facility staff and approved by board staff, for a period not to exceed one year. Any inmate who has waived a Parole Board hearing may see the Board earlier by giving at least 30 days written notice. Additional waivers may be allowed under certain circumstances, but must be approved by the Board.



NOTIFICATION OF DECISION:

All decisions issued from the Board are in writing and must be signed by at least two Board members. When an inmate has been denied parole, written notification will include the date of any future Board consideration. The disposition will include any special conditions or terms to be required by those granted parole. (See Appendix for example of dispositions).



RESCISSION AND RELEASE DELAY:

Parole may be taken away after a hearing prior to release as a result of improper conduct, new evidence and/or information that was not available for the hearing, or a significant change in parole plan. The Board may delay parole release as a result of improper conduct if rescission is not in order.

PAROLE SUPERVISION:

An inmate's parole is subject to all rules and conditions set by the Board and violations thereof subject the parolee to possible revocation and return to custody to serve the remainder of the sentence. Rules and conditions are stated in writing and are part of an agreement signed by the parolee. A parolee shall pay a supervisory fee for each month under supervision. A Board hearing panel may reduce or waive the fee or suspend the monthly payment if payment would cause the parolee significant financial hardship. A Board hearing panel may order additional special conditions. Additionally, a hearing panel shall consider Department of Corrections' requests for special conditions. Any special condition requested by the department must be approved by a Board hearing panel. Special conditions must not be unrealistic or vague and must be reasonably related to the offender's crime, public safety, or the circumstances and rehabilitation of the offender. (See Appendix for an example of parole conditions).

10 DAY FURLOUGH:

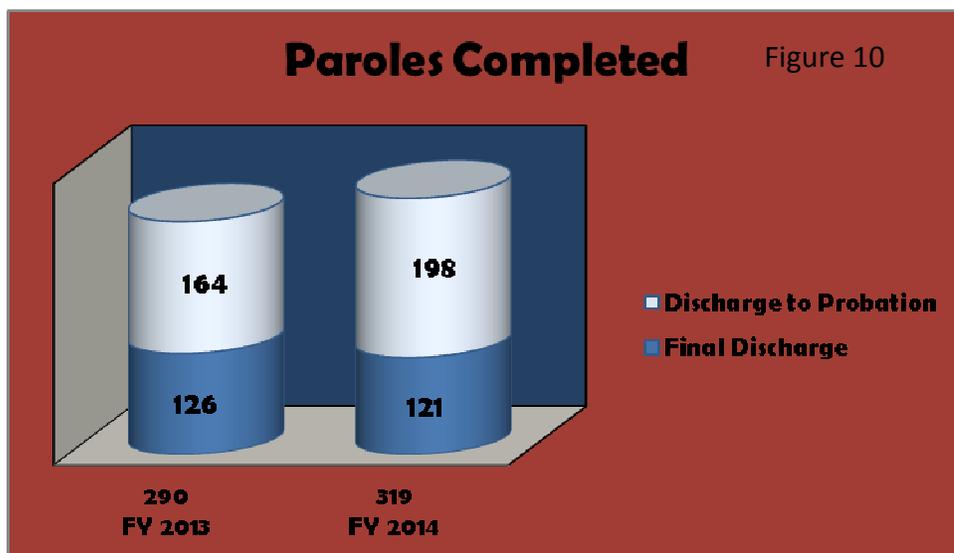
Upon receiving a parole from the Board, an inmate may request from the Board a furlough not to exceed two consecutive 10-day periods. The purpose of the furlough program is to afford an offender the opportunity to acquire treatment, suitable living arrangements, employment, or any condition that is difficult to fulfill while incarcerated. While on furlough the offender remains in the legal custody of the department and is subject to the department’s furlough program rules, standard parole conditions, and any other special conditions recited by the hearing panel. If an offender fails to report as directed or fails to return to custody, the offender may be charged with a violation of Escape per 45-7-306, MCA.

CONDITIONAL DISCHARGE FROM SUPERVISION:

Upon recommendation of the supervising parole officer, a hearing panel may conditionally discharge a parolee from parole supervision before the expiration of the sentence, if the panel determines that such conditional discharge is in the best interest of the parolee and society will not present an unreasonable risk of danger to society or the victim of the offense. However, the board may revoke a parole, even when the parolee is conditionally discharged from supervision if the parolee violates any laws or ordinances and/or conditions that the board has imposed upon the parolee’s conditional discharge. After the parolee has served one year of active supervision, the parole officer will recommend conditional discharge, unless a reason exists to continue supervision. If a hearing panel grants a conditional discharge from supervision it must order the conditions the parolee must meet while on conditional discharge. The panel may order that the parolee report once a year, report any address or employment changes immediately to the parolee’s supervising officer, and report any contacts with law enforcement. However, parole may be revoked if the parolee violates any condition the Board imposes. The parolee may then be returned to active supervision or custody to serve the remainder of the sentence. In Fiscal Year 2011, the Board granted (2) requests for Conditional Discharge from Supervision. In Fiscal Year 2012, the Board granted (1) request for Conditional Discharges from Supervision.

FINAL DISCHARGE:

When a person is released on parole, the projected date of discharge from parole supervision will be stated on the parole certificate. If all sentences have been completed, the person will receive written notice of discharge signed by the Governor and the Board of Pardons and Parole (no final discharge is issued if a probation term follows). With the exception of jury duty, upon termination of State supervision, the person is restored civil rights and full citizenship.



PAROLE REVOCATION

REVOCATION ARREST:

When a parolee has allegedly violated a condition of his release, the Department of Corrections may issue a warrant for the parolee's arrest.

ON-SITE HEARING:

In most circumstances, an arrested parolee is afforded a preliminary hearing within a reasonable time at or near the place of the alleged violation. A parole officer and a hearings officer conduct this hearing. The independent hearings officer need not be a judicial officer. The purpose of the hearing is to determine whether there is probable cause to believe the parolee violated one or more parole conditions or whether the offender should be held in custody pending the Board's decision on revocation. If probable cause is found, the Board will schedule a formal revocation hearing within 90 days of receipt of the on-site hearing summary or of receipt of notice of conviction or return to Montana custody. The parolee may waive the right to an on-site hearing but by doing so, the offender admits to the violations as outlined in the report of violation. Not all revocation hearings result in return to secure custody. **In FY 2014, over 55% of parole violators were endorsed for community placement at their revocation hearing.**

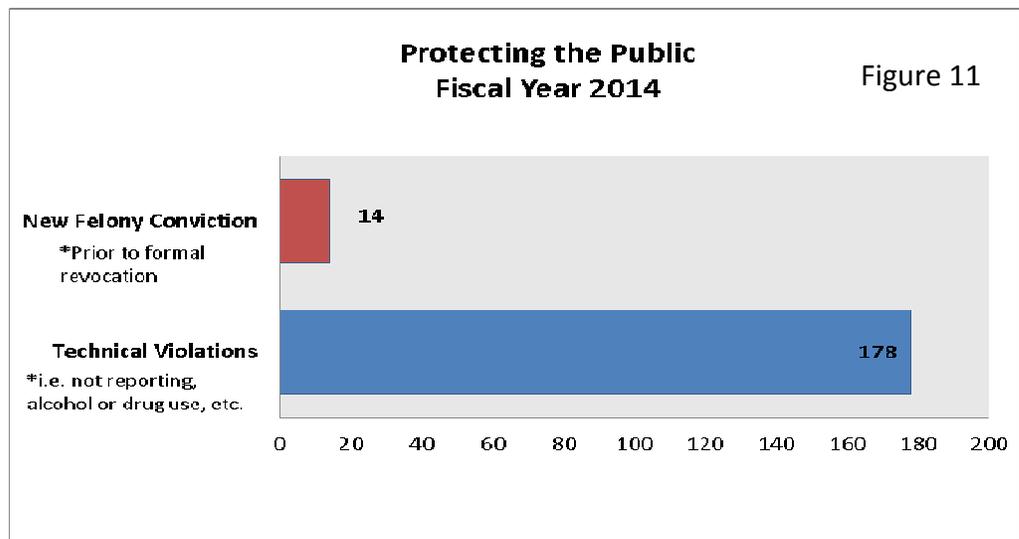
FINAL HEARING:

A parolee may request a continuance of a formal revocation hearing for substantial reason. The parolee may be represented by council and have witnesses with testimony relating only to the charges of violation. The purpose of the full hearing is to make final decision on whether there is a violation of parole conditions and whether the violation warrants a return to custody and for how long. If a parolee admits to the violation, the parolee can waive the right to a hearing before the Board. The Board will make a final decision based on the record.

Revocation hearings are recorded. Following the decision, a written copy of the decision is given to the parolee in a timely manner. The Board's decision is based on the reports of the supervising officer, the report of the on-site hearing (if one was conducted), and information and evidence presented at the hearing. The burden of proof is a preponderance of the evidence. Any parolee who commits a crime while on parole or conditional release and who is convicted and sentenced, serves the sentence consecutively with the remainder of the original term unless the court otherwise orders.

The Board will determine if dead time applies and how much is to be applied in individual cases. Dead time is the amount of time, if any, that will be counted as time served toward the original sentence while the parolee was in violation of the provisions of release.

The Board's goal is to enhance public safety by returning offenders to custody prior to the commission of new felonies.



EXECUTIVE CLEMENCY

There are three major kinds of Executive Clemency in Montana:

- (1) ***Pardon*** - a declaration of record that an individual is to be relieved of all legal consequences of a prior conviction.
- (2) ***Commutation*** - involves the mitigation of a criminal punishment through the substitution of a lesser sentence for a greater one.
- (3) ***Remission of Fines and Forfeitures***

Unless the board otherwise orders or there has been a substantial change in circumstances, as determined by the board, an offender whose application for Executive Clemency has been denied, may not reapply for Executive Clemency.

The legal effect of a commutation is quite different from that of a pardon. Commutation involves the mitigation of criminal punishment through substitution of a lesser sentence for a greater one.

The substitution of a lesser sentence for a greater one occurs in four principal contexts:

- (1) to make immediately eligible for parole those prisoners not yet eligible under the terms of their sentences;
- (2) to make eligible for parole those who were excluded from eligibility for parole under their original sentences;
- (3) to end lengthy parole, when the individual appears able to live without further supervision; and
- (4) to avoid the death penalty, by the substitution of life imprisonment.

Commutation may be granted conditionally; it is usually said that any conditions may be imposed that are legal, moral, and possible to perform. If the conditions are valid, a noncompliance may lead to the revocation of the commutation.

The members of the Board of Pardons and Parole are responsible for recommending Executive Clemency to the Governor and consider commutation of a sentence and pardon ***extraordinary*** remedies. A recommendation for Executive Clemency will be made only when an applicant is able to clearly demonstrate that exceptional and compelling circumstances of equity and justice exist.

A board hearing panel may recommend a pardon for an individual who:

- (1) can satisfactorily prove innocence of a crime for which the individual has served time;
- (2) submits newly discovered evidence showing complete justification of non-guilt on the part of the individual;
- (3) has demonstrated an extended period of exemplary performance;
- (4) the offender or applicant can satisfactorily prove extraordinary mitigating or extenuating circumstances exist.

A board hearing panel may recommend a commutation for an individual who:

- (1) can prove by overwhelming evidence that the individual is innocent of a crime for which the individual was convicted;
- (2) has demonstrated an extended period of exemplary performance;
- (3) submits evidence discovered subsequent to the conviction that clearly shows the individual was completely justified in committing the crime; or
- (4) can satisfactorily prove that further incarceration would be grossly unfair, that the death penalty should be avoided, or extraordinary mitigating or extenuating circumstances exist.

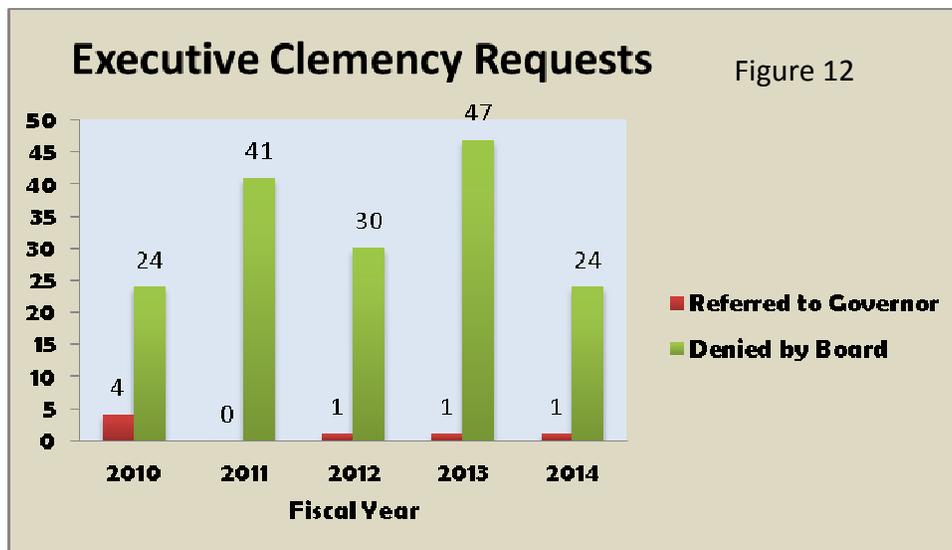
In weighing the evidence of exceptional and compelling circumstances presented by the applicant, clemency officials will investigate:

- (1) the nature of the crime, the attitude of the judge and the prosecuting attorney, the attitude of the community toward the applicant, the attitude of the victim and victim's family, and a consideration of whether release would pose a threat to the public safety. The public safety determination overrides even the most substantial showing of exceptional or compelling circumstances.
- (2) relevant institutional, social, psychological, and psychiatric records of the applicant.
- (3) all parties who have entered a plea of guilty or who have been found guilty by a jury are to be deemed guilty. However, the Board may initiate an investigation into a case where there is offered substantial evidence showing innocence or complete justification on the part of the person convicted.

DECISION:

If in the opinion of the hearing panel sufficient cause appears to conduct a hearing on the application, and in all cases in which the death penalty has been imposed, the panel will set a date for the hearing and order board staff to give notice of the hearing date as prescribed by law to all concerned including the application, law enforcement, the sentencing court, the county attorney in the county in which the crime was committed, and victims of the crime. The Board will hear all pertinent facts and information of the petitioner, the petitioner's counsel and witnesses, as well as any opponents to the petition, with a recording made thereof. Upon conclusion of the hearing, the Board will take the entire case under advisement and will forward a decision of recommendation to the Governor for final determination.

In cases in which the death penalty has not been imposed, if the hearing panel makes a recommendation that the governor grant clemency, it will within 30 days of the decision forward all relevant documents and a proposed executive order to the governor for the governor's final determination. If the panel does not recommend a grant of clemency, it will not forward the application to the governor. In cases in which the death penalty has been imposed, the Board will forward a decision of recommendation or denial to the Governor for final determination.



VICTIM SERVICES

Although the Board had always been well aware of the trauma and potential for a myriad of feelings by crime victims, the Board formally instituted the victim services program in 1997. The Board's Senior Parole Board Analyst Julie Thomas administers the current program. During calendar years 2012 and 2013, the Board notified 495 individuals who requested notification of parole hearings. During that same time period, 308 individuals registered for notification.

VICTIM NOTIFICATION:

As described in 46-24-212, MCA, the DOC or Board must, **when requested** by a victim or victim's family, provide certain information about an offender. That includes the following:

- promptly inform the victim of the following information concerning a prisoner committing the offense: projected discharge and parole eligibility dates; actual date of the prisoner's release on parole, if reasonably ascertainable; time and place of a parole hearing concerning the prisoner and of the victim's right to submit a statement to the Board under 46-23-202, MCA; and the community in which the prisoner will reside after parole.
- promptly inform the victim of the occurrence of any of the following event concerning the prisoner: a decision of the Board of Pardons and Parole; a decision of the Governor to commute the sentence or to grant Executive Clemency; and a release from confinement and any conditions attached to the release

The Board staff informs the district judge, county attorney, police department, sheriff's office, and local probation and parole office of each offender's scheduled appearance before the Board. Per statute, when considering an offender for parole, Board Members are required to consider many factors including but not limited to victim testimony regarding the impact of the crime on the victim. A victim's statement may also include but is not limited to the circumstances surrounding the crime, the manner in which the crime was committed, and the victim's opinion as to whether the prisoner should be paroled. The victim's statement may be kept confidential. The victim(s) do have a responsibility to notify the Board staff or DOC in writing that they would like to be kept informed of the offender's situation. This includes notifying the Board of any change in name, address, or telephone number.

When a victim or concerned individual requests to be notified of an offender's parole dates from the Board or DOC, Board staff sends an information packet that lists the offender's parole eligibility date, tentative hearing date, and the sentence expiration date. This packet includes a pamphlet that informs victims of their rights under Montana law including their right to request that their input be kept confidential. The packet also contains a Department of Corrections VINE pamphlet and a Department of Corrections CON pamphlet. (Examples of the victim notification letter and the pamphlets can be found in the Appendix). The Board staff works diligently with DOC staff in an attempt to ensure all individuals that would like to be notified are given proper direction on how to register their information.

VICTIM/WITNESS PARTICIPATION:

If a victim/witness wants to present testimony to the Board members considering an offender's case, arrangements are made for their admittance into the correctional facility where the hearing will be held. Victims may be required, in accordance with Department of Corrections policy, to give their date of birth and social security number so that a background check can be completed. Any person with a criminal record or who is under the age of 18 may be restricted from the facility. Upon completion of the background check, the victim/witness is notified of the time scheduled for the offender's hearing. For offenders appearing at Montana State Prison in Deer Lodge, the victim/witness may be directed to the Board's office for instructions on prison policies and procedure. Upon request, the Board's Victim Services Specialist or designee accompanies them to the prison. The Victim Services Specialist or designee is there to help the victim/witness understand the process and to answer any questions the victim/witness may have. When a disposition has been rendered in the offender's case, the Victim Services Specialist or designee, upon request, contacts the victim/witness with the hearing results and again answers any questions that may arise.

In an effort to improve the services provided to victims, the Board of Pardons and Parole began soliciting feedback from victims about their experience with the parole process. A Victim Satisfaction Survey is randomly sent to victims who attend a parole hearing. An electronic survey was also developed, which may be accessed and submitted over the internet (See Appendix for an example of the Victim Satisfaction Survey). We hope to use any comments, suggestions, or feedback provided by victims to enhance the services we currently provide and possibly implement new services as necessary.

OTHER VICTIM-RELATED EFFORTS AND POINTS OF INTEREST:

In addition to the services our office provides directly to victims of offenders being considered for parole, Board staff also participated as a voting member on the Department of Corrections Victim Advisory Council prior to its disband due to budgeting constraints. Board staff collaborates on a continual basis with other corrections victim services personnel to provide a broad network of services, resources, and information to victims. Members of our Victim Services staff participate in the Annual Crime Victims Fair to provide information about the parole process to victims, victim advocates, other corrections professionals, and the general public. The Victim Services Specialist regularly travels to various agencies and events to provide input/information on the parole process and the victim's invaluable role within that process.

INFORMATION TECHNOLOGY UPDATES

The Board is extremely supportive of the Bill draft (LCIj97B) resulting from the SJ3 requiring the electronic recording of all hearings as it is felt this requirement will be a benefit the offender, witnesses and the Board. A recording of the hearings will allow all parties the ability to review the audio to make sure the hearing was conducted appropriately according to the laws and BOPP Administrative Rules. The recordings will also alleviate any false accusation or provide evidence of allegations. There will be a fiscal note attached to this bill as the Board will need equipment for the recordings and software to edit the recordings to protect from disclosure information in which there is a privacy or safety interest that clearly exceeds the merits of public disclosure. Editing of recordings would also be necessary to assert the privacy or safety interest if the board determines that the demand for individual privacy clearly exceeds the merits of public disclosure or if the document's contents would compromise the safety, order, or security of a facility or the safety of facility personnel, a member of the public, or an inmate of the facility if disclosed

AMERICAN CORRECTIONAL ASSOCIATION (ACA) ACCREDITATION

The 1999 Legislature authorized funding for the Board of Pardons and Parole to pursue ACA accreditation. The most significant purposes of the Association as outlined in its Constitution are:

- To promote the coordination of correctional organizations, agencies, programs, and services to reduce fragmentation and duplication of effort and increase the efficiency of correctional services on a national basis.
- To develop and maintain liaisons and a close working relationship in America with national, regional, state, and local associations, and agencies in the correctional, criminal justice, civic, and related fields for mutual assistance and the interchange of ideas and information, and to extend and strengthen cooperative working relationships with similar associations and agencies on the international level.
- To develop and promote effective standards for the care, custody, training, and treatment of offenders in all age groups and all areas of the correctional field: detention facilities and services, institutions, and other facilities for juvenile and adult offenders, probation, parole, community residential centers, and other community-based programs and services.
- To conduct studies, surveys, and program evaluations in the correctional field, and provide technical assistance to correctional organizations, departments, institutions, and services.
- To publish and distribute journals and other professional materials dealing with all types of correctional activities.
- To promote the professional development of correctional staff at all levels.

The Board was originally accredited in 2001, and found to be 98.2% compliant after the 2012 reaccreditation audit. Although the Board strives for 100% compliance, the makeup of the Board as outlined in state law, forces the Board to fall just short of full compliance. The Montana Board of Pardons and Parole is one of only four accredited paroling authorities in the world. The visiting committee members for the Standards Compliance Reaccreditation Audit commented that the Board is “*committed to the process*” and “*part of a national effort to perform at a level than most states and certified nationally*”. The audit team was also impressed with the Board’s outcomes of parole hearings and with the fact that “*the parole process is closely tied to completion of identified programs that reduce the likelihood of recidivism and increased the length of successful paroles*”. The audit team also noted the level of work that is accomplished for a low compensated Board. The full audit report along with standards of accreditation are available upon request.

STATE OF MONTANA

BOARD OF PARDONS AND PAROLE

1002 Hollenbeck Road – Deer Lodge, Montana 59722
Phone (406) 846-1404 Fax (406) 846-3512

TO: Judge: _____

DATE: _____

Sheriff: _____

County Attorney: _____

FROM: Executive Director

Please be advised that _____, received on _____, and convicted of _____, will appear for parole consideration _____, in accordance with 46-23-201, MCA, and may be released on _____, if approved by the Board. This offender's projected sentence completion date is _____. Parole release notification will be made if a request is sent to the Montana State Prison Records Department and/or the Board of Pardons and Parole. Victims are permitted to present a statement to the Board regarding the effects of the crime, circumstances surrounding the crimes, the manner in which the crime was perpetrated, and an opinion whether the offender should be paroled. Exact hearing date, location, and approximate time can be obtained by contacting the Board's office. In accordance with section 46-23-202 MCA, and the Board of Pardons and Parole Administrative Rules 20.25.401, the Board has the power to regulate procedure at all hearings. **All persons of legal age wishing to appear before the Board must contact the Board at least ten (10) working days prior to the hearings for approval. No person shall be admitted to Parole Board hearings without prior approval of the Board.**

COMMENTS:

If you have any requests or information relating to this individual's parole consideration, please comment on this form and return to the Board of Pardons and Parole as soon as possible; or you may submit your comments via e-mail to jpribnow@mt.gov.

Name: _____ Title: _____
(Print)

Address: _____ Phone: _____
(City, State, Zip)

CC: Chief of Police
Parole Office
Victim (if applicable)

VICTIM NOTIFICATION

DATE:

TO:

REGARDING INMATE: _____ **DOC ID:** _____

This notice is to acknowledge receipt of your request for notification and to advise you of parole eligibility, hearings before the Board of Pardons and Parole, and/or other release or clemency actions regarding the above-referenced offender. At your request, information you provide will be kept confidential. You may request to appear before the Board and present testimony regarding the offender's release consideration or you may file written objections and/or recommendations. If you choose to appear in person, you must provide our office with your date of birth and social security number at least 10 working days prior to the hearing date.

1. Inmate's parole eligibility date: _____
2. A tentative parole hearing is scheduled for: _____
3. Inmate's current discharge date: _____
4. For your convenience, you may call VINE (Victim Information and Notification Everyday) at 1-800-456-3076 to receive automated information on an inmate.

Please keep our office informed of any address or phone number changes.

Additional Information: N/A

If you any questions or need further information, please call:

Julie Thomas
Victim Services Specialist
Board of Pardons and Parole
(406) 846-1404
(406) 846-3512 - fax

Board of Pardons & Parole Victim/Witness Satisfaction Survey

This survey is voluntary and is intended for informational purposes only to help us evaluate the services available to victims – any information you choose to provide will be kept confidential, will not be placed in the offender's file, and will not be distributed outside of our office.

~ You may include your name and address if you wish but are not required to do so ~

1. Victim/Witness Name:

2. Date:

3. Address: (Street/P.O. Box, City, State, and Zip)

4. Offender:

5. DOC ID:

You were recently involved in the parole process regarding the above-referenced offender. We are very interested in your opinions about your experience. Please consider both positive and negative aspects of that experience as you answer these questions.

6. What option(s) did you use to provide input?

- Written
- Oral In Person
- Oral By Video
- Oral By Telephone

7. Was the information you were provided explaining the parole process and information about the hearing understandable and easy to follow?

- Yes
- No

Board of Pardons & Parole Victim/Witness Satisfaction Survey

8. Understanding that you may or may not agree with the Board's decision in this case, please rate your satisfaction with the following.

	Not Satisfied		Satisfied
How satisfied you are with your opportunity for input in the process.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How satisfied are you with your options for providing input regarding parole consideration for this offender (oral, written, or video/audio)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

9. If you appeared by video or audio did the experience meet your expectations?

- Yes
 No

10. Please prioritize the following factors in the decision making process in order of importance. 1 being most important - 5 being least important. Choose one answer per row

	1	2	3	4	5
Offender conduct	<input type="radio"/>				
Treatment relevant to crime and/or history	<input type="radio"/>				
Work history	<input type="radio"/>				
Nature of the crime	<input type="radio"/>				
Victim input	<input type="radio"/>				

11. Other than whether you agree or disagree with the Board's decision, do you have any other comments or suggestions regarding your experience with the parole process?

Thank you for your time in helping us with this important survey. We really appreciate your assistance in improving the quality of service we provide to victims. If you have any questions or need further information, please feel free to contact Julie Thomas, Victim Services Specialist, at 406-846-1404 or jpribnow@mt.gov. You can also access a wide variety of useful information on our website at www.mt.gov/bopp, the Department of Corrections website at www.cor.mt.gov, or the Department of Justice website at www.doj.mt.gov.

▶ PAROLE PROCESS

Parole is the release of an inmate into the community prior to the completion of sentence subject to the orders of the Board of Pardons and Parole and the supervision of the Department of Corrections. The Parole Board is an independent agency and exercises its quasi-judicial and policy-making functions without the approval or control of the Department of Corrections. The Board acts somewhat like a Judge when making parole decisions and generally does so without review. The primary concern of the Board is the protection of the public. It is also important to note the Board members are not state employees, but are appointed by the Governor and confirmed by the Senate. They do not receive a salary but are paid a per-diem and reimbursed for expenses.

The purpose of parole is multifaceted. Most offenders, even those serving life sentences, may have a lawful date for parole eligibility. Parole is a proven method for the re-entry of incarcerated offenders into society. The need to earn parole motivates offenders to address problems that contributed to their criminal behavior and accept responsibility for their actions.

The mission of the correctional and sentencing policy of the State of Montana is to: a) punish each offender commensurate with the nature and degree of harm caused by the offender and to hold an offender accountable; b) protect the public, reduce crime, and increase the public sense of safety by incarcerating violent offenders and serious repeat offenders; c) provide restitution, reparation, and restoration to the victim(s) of the offense; and d) encourage and provide opportunities for the offender's self-improvement, rehabilitation, and reintegration of offenders back into the community.

▶ PAROLE ELIGIBILITY

Offenders who commit their crimes after 1-31-1997 must serve 25% of their sentence to become eligible for parole unless otherwise ordered by the Court and will be required to serve 100% of their sentence to discharge. These dates are calculated by Prison Records in accordance with State law and the sentence imposed by the Court.

▶ GOOD TIME LAWS

- ◆ State law mandates -offenders who committed a crime prior to April 13, 1995, must be considered for parole with these guidelines in mind: a non-dangerous offender is eligible

for parole after serving $\frac{1}{4}$ of their sentence less good time earned in prison. The eligibility is further reduced by credited time served in jail prior to sentencing. A dangerous offender must serve $\frac{1}{2}$ of their term with the same credits for good time and jail time. Good time also reduces discharge dates.

- ◆ Offenders who committed crimes between April 13, 1995, and January 31, 1997, must serve 25% of the sentence to be eligible for parole. Good time and dangerous/non-dangerous designations have been removed; however, inmates will continue to receive 30 days per month good time for discharge purposes.

▶ PAROLE IS A PRIVILEGE NOT A RIGHT

The Parole Board is required to contemplate certain factors when an inmate is considered for parole:

- The circumstances of the offense;
- The offender's previous social history and criminal record;
- The offender's conduct, employment, and attitude in prison;
- The reports of any physical and mental examinations that have been made
- Written or oral statements from any interested person or the interested person's legal representative, including written or oral statements from a victim.

All offenders will be interviewed by the Board at their initial hearing. Offenders may voluntarily waive a parole hearing by notifying the Board in writing. After their initial appearance, an offender denied parole may be set for a progress or case review. The offender will not be allowed to appear at this hearing. The Board generally does not release from review violent offenders, sex offenders, or offenders who have had opposition at previous hearings. At the time of the hearing, the Board may receive written statements from interested persons. The Board permits a victim to present a statement concerning the effects of the crime on the victim, the circumstances surrounding the crime, the manner in which the crime was perpetrated, and the victim's opinion regarding whether the prisoner should be paroled. The Board may also include the imposition of restitution as a condition of parole. The Board keeps testimony confidential if requested and articulated in writing.

▶ VICTIM RIGHTS

State law (46-24-201, MCA) requires law enforcement personnel to ensure that a victim of a crime receives information about their rights, including the stages in the criminal justice process of significance to a crime victim and the manner in which information about such stages may be obtained. 46-24-212, MCA, provides other victim rights information. Upon request of a victim of a felony offense, the Department of Corrections or the Board of Pardons and Parole, as applicable, shall:

- Promptly inform the victim of the following information concerning a prisoner committing the offense: custody level; projected discharge and parole eligibility dates; actual date of the prisoner's discharge from confinement or parole, if reasonably ascertainable; time and place of a parole hearing concerning the prisoner and of the victim's right to submit a statement to the board of pardons and parole under 46-23-202, MCA; and the community in which the prisoner will reside after parole release.
- Provide reasonable advance notice to the victim before release of the offender on furlough or to a work-release program, half-way house, or other community-based program or correctional facility.
- Promptly inform the victim of the occurrence of any of the following events concerning the prisoner: escape from a correctional or mental health facility or community program; recapture; decision of the Board of Pardons and Parole; decision of the Governor to commute the sentence or grant executive clemency; release from confinement and any conditions attached to the release; and the prisoner's death.

State law does not require that the Board of Pardons and Parole inform anyone of an inmate's parole eligibility dates, appearances, or release, **unless specifically requested in writing** to do so by the victim or family. However, the Board does inform all interested parties of upcoming parole hearings when requested and every effort is made to inform the sentencing Judge, county attorney, sheriff, chief of police, and parole office.

▶ VICTIM OBLIGATION

The obligation to inform a victim is contingent upon the victim informing the appropriate agency in writing of the name, address, and phone number of the persons to whom the information should be provided and of any changes in name, address, or telephone number.

Regardless of the sentence a victim should let the county attorney know if you want to be notified of an offender's movement within the criminal justice system. If the person who committed the crime against you or your family is sent to prison, advise the county attorney that you wish to be notified according to your rights and request the forms that the following provide notification:

Prison Records
400 Conley Lake Road
Deer Lodge, MT 59102

Montana Women's Prison
701 South 27th
Billings, MT 59101

Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

If you submit in writing the reasons to have your correspondence kept confidential, this request can be honored. You can request notification of initial parole dates and appearances, release, movement of the inmate within the system, or any additional parole consideration while the inmate is serving the sentence for the crime of which you were a victim. You may request to appear before the Board to present oral testimony or you may submit written, audio or video testimony.

▶ PAROLE SUPERVISION

When an offender is eligible for parole, it does not mean he/she will be released. As stated earlier, the Board considers a multitude of individual characteristics and circumstances in order to make that decision. These include, but are not limited to: criminal history, prior supervision, nature of the offense, institutional conduct treatment accomplishments, and victim/citizenry input as well as the adequacy of the inmate's parole plan.

The Board can deny parole and place the inmate on annual, biennial, or extended review. The Board can deny parole and set a date for reappearance. The members can also deny parole and send the inmate to a treatment program in the prison or other appropriate program, or deny early release altogether.

If an inmate is granted parole, he/she is generally not free to leave that day. A paperwork process will follow the Board's decision and a parole date will not be set until all criteria is complete. The supervising community agent will investigate and approve or deny the proposed plan. The parolee will be required to report regularly to a parole officer, is subject to numerous standard conditions, and may be subject to several

special conditions such as: no alcohol or bars; urinalysis testing; ongoing treatment for chemical dependency; sex offender aftercare; or mental health counseling.

In certain circumstances, the Board can impose conditions suggested by the victim such as: no contact with victim or family, travel restrictions, and/or restitution. The Board can also mandate the Intensive Supervision or Enhanced Supervision Programs. If a parolee becomes a risk or violates parole conditions, the Board can recommit the offender and assure continued incapacitation through detention. If you have problems with a parolee, you have every right to contact the parole office or police nearest you and request assistance.

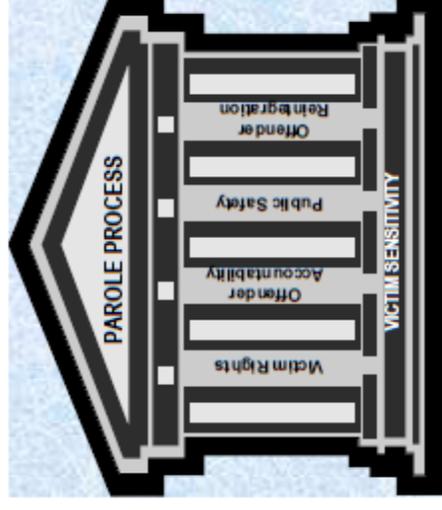
Standard Parole Conditions (paraphrased): Shall not change place of residence without PO's approval; shall not leave assigned district without PO's written permission; shall maintain employment or a program approved by BOPP or PO, must inform employer of parole status, and must obtain PO's permission prior to any change of employment; shall report to PO as scheduled; shall not own, possess, or be in control of any firearms or deadly weapons, including black powder as defined by law; shall not possess any chemical agents such as O.C. spray; shall submit to search by PO at any time without a warrant; shall comply with all laws and ordinances, conduct yourself as a good citizen, and report any arrests or contacts with law enforcement to your PO; shall not possess or use illegal drugs or drug paraphernalia and shall not possess or use any drugs unless prescribed by a licensed physician; no alcohol; submit to alcohol and drug testing/ no gambling; pay supervision fees; pay victim restitution.

▶ OTHER IMPORTANT RESOURCES

- BOPP Website ~ www.bopp.mt.gov
- DOC Website ~ www.cor.mt.gov
- DOJ Sex/Violent Offender Registry ~ www.doj.mt.gov
- VINE (Victim Information and Notification Everyday) ~ 1-800-456-3076 or www.vinelink.com
- CON (Correctional Offender Network) ~ www.cor.mt.gov – click on CON icon
- DOC Victim Information ~ 1-888-223-6332 or 406-444-7461
- MSP Victim Information ~ 406-846-1320 ext 2201
- MWP Victim Information ~ 406-247-5102

We hope this pamphlet is beneficial to you. We find that most victims feel better once the process is explained and they can provide their input. The information provided in this pamphlet is only a guide and is not intended to provide legal advice or impart specific requirements to victims or the Board. If you have further questions, you should contact the County Attorney, your private attorney, or the Board.

STATE OF MONTANA BOARD OF PARDONS AND PAROLE



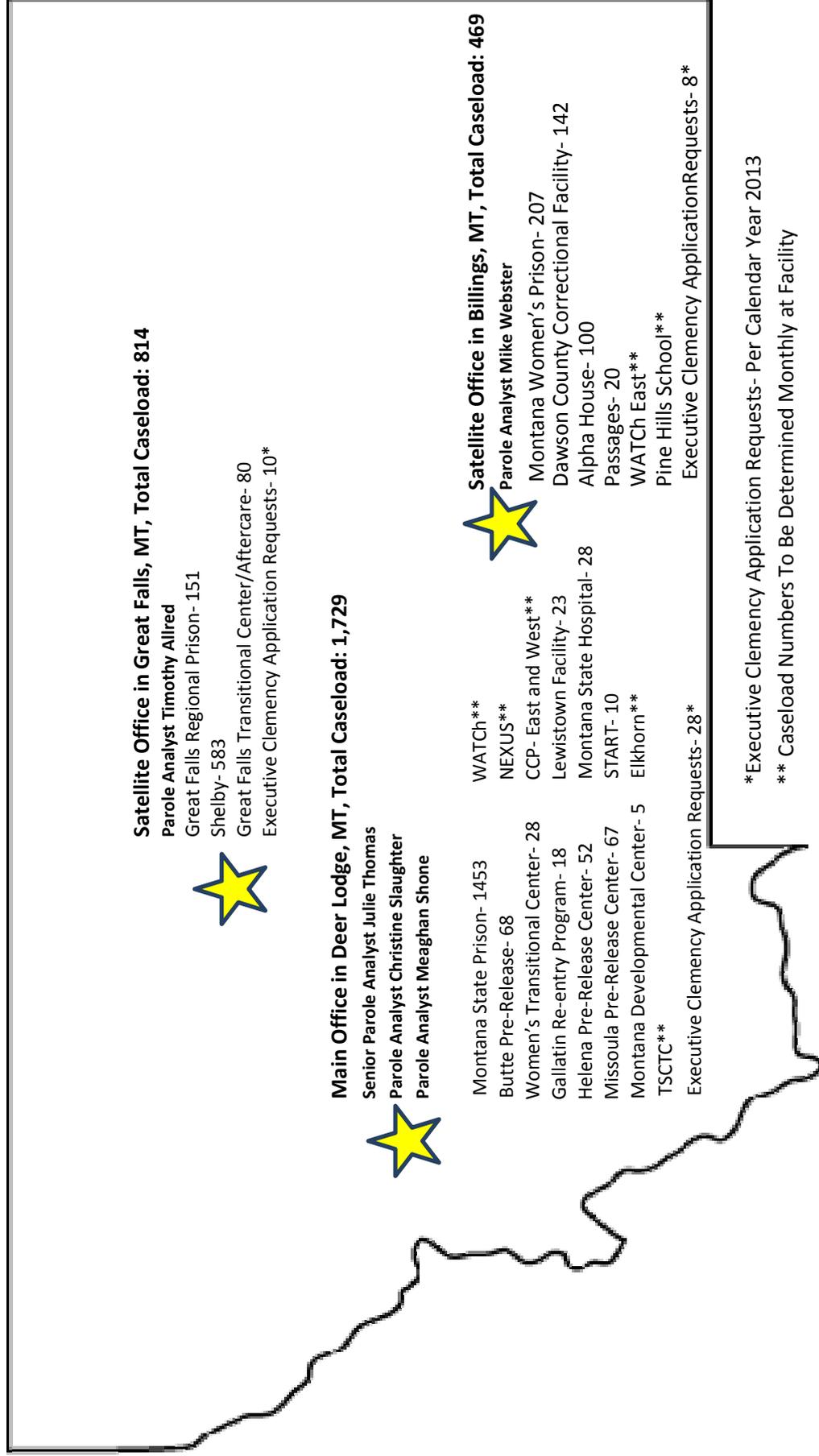
“Building a foundation on victim sensitivity”

VICTIM RIGHTS INFORMATION

PAROLE HEARING NOTIFICATION
AND
PAROLE SUPERVISION FACTS

MIKE MCKEE, CHAIRMAN
JULIE THOMAS, VICTIM SERVICES
COORDINATOR
Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722
(406) 846-1404

Locations of BOPP Offices / Caseload and Facilities by Region



**PAROLE REPORT INITIAL – REAPPEARANCE, CASE REVIEW, ADMINISTRATIVE
REVIEW**
MONTH -2014

NAME:

**PAROLE
ELIGIBILITY:**

MSP NUMBER:

**APPROX. DISCHARGE
DATE:**

DATE OF BIRTH:

AGE:

TOTAL TIME SERVED:

CRIME:

**PRIOR FELONY
CONVICTIONS:** None

CURRENT TERM:

TOTAL TERM: years

**NUMBER PAROLE
VIOLATIONS:** N/A

COUNTY:

JUDGE:

**NUMBER PROBATION
VIOLATIONS:** None

PROS. ATTORNEY:

PLEA: Guilty

**CONDITIONAL RELEASE
VIOLATIONS:** N/A

DESIGNATION:

**SENTENCE
COMMENCES:**

**NUMBER PAROLES
COMPLETED:** None

**RECEIVED AT
MT STATE PRISON:**

DETAINERS: None

**RECEIVED AT
PRE-RELEASE:**

The information on this page is accurate to the best of my knowledge.

Offender Signature

CURRENT CRIME:

COURT RECOMMENDATIONS:

PRIOR BOARD DISPOSITION(S): N/A

CONDUCT:

ASSIGNMENTS:

The information on this page is accurate to the best of my knowledge.

Offender Signature

HOUSING UNIT EVALUATION:

WORK PROGRESS REPORT:

ALCOHOL OR NARCOTIC DRUG USAGE:

MENTAL HEALTH:

PAROLE PLAN:

My signature on this page indicates I have read this information, not that I agree/disagree with the evaluation/recommendation.

Offender Signature

**BOARD OF PARDONS AND PAROLE - CONFIDENTIAL-DO NOT RELEASE
LEGITIMATE PENOLOGICAL INTEREST IS SERVED BY NONDISCLOSURE**

EVALUATION:

I certify the information contained in this report has been verified and is accurate to the best of my knowledge.

CASE MANAGER

Supervisor Signature (optional)

My signature on this page indicates I have read this information, not that I agree/disagree with the evaluation/recommendation.

Offender Signature

12/10/14

STATE OF MONTANA - BOARD OF PARDONS AND PAROLE CASE DISPOSITION

TO: _____ DOC ID: _____

This is to notify you of the Montana State Board of Pardons and Parole decision in your parole consideration, in accordance with Sections 46-23-201 - 46-23-218, and 46-23-1021 - 46-23-1031, MCA.

You will be granted parole subject to the standard parole conditions* with the following changes and/or added special conditions:

*Standard Parole Conditions (paraphrased): Residence must be approved by PO, shall not change place of residence without PO's approval, shall not own dangerous/vicious animals, use security doors, or any other device that would hinder an officer, or refuse to open the door when requested; shall not leave assigned district without PO's written permission; shall maintain employment or a program approved by BOPP or PO, must inform employer of parole status, and must obtain PO's permission prior to any change of employment; shall report to PO as directed; shall not own, possess, transfer, or be in control of any firearms, ammunition (including black powder), weapons, or chemical agents such as O.C. or pepper spray; shall obtain PO's permission before making any financial transactions; shall submit to search by PO at any time without a warrant; shall comply with all laws and ordinances, conduct yourself as a good citizen, and report any arrests or contacts with law enforcement to your PO; shall not possess or use illegal drugs or drug paraphernalia; shall not possess or consume intoxicants/alcohol, shall submit to breathalyzer or bodily fluid testing as requested by PO; shall submit to alcohol and/or drug testing as required by PO; shall not gamble; pay supervision fees; pay victim restitution; pay fines and fees as ordered by the court.

- Parole when the Board determines you have successfully completed _____
- Parole to ISP – comply with all rules and conditions of the program
- Regular Chemical Dependency Counseling
- Regular Mental Health Counseling
- Regular Sex Offender Counseling
- Restricted from maintaining a checking or credit card account
- Comply with court ordered conditions
- Restricted from entering any place where gambling takes place
- Shall not enter any place where intoxicants are the chief item of sale
- Restricted from operating a motor vehicle while on parole
- Restricted from participating in any medical marijuana program
- Other: _____

I have been advised and fully understand that I am subject to "official detention" until a parole certificate is issued authorizing my release from confinement and I sign the "Conditions of Parole" document. Any misconduct on my part prior to release, substantial changes in parole plan, and/or new information and evidence received that was not available at the time of my parole hearing may result in the rescission of my parole.

Acknowledgment _____

The Board members will render a final disposition on the _____ day of _____, _____, at Deer Lodge, Montana.
Hearings Officer _____ Date: _____

BOPP (white)
INMATE (yellow)
RECORDS (pink)
IPPOs (gold)

Board Member _____
Board Member _____
Board Member _____
Date: _____

STATE OF MONTANA - BOARD OF PARDONS AND PAROLE CASE DISPOSITION

Initial

Reappearance

Review

TO: _____ DOC ID: _____

After careful evaluation of all relevant facts known to the Board, including those under §46-23-202(1), MCA, and in accordance with §46-23-201 through §46-23-218, MCA, the Board denies your parole application or reapplication at this time.

Reappearance Date: _____ **Progress Review Date:** _____ **Pass to Discharge**

A. In the opinion of the Board, there is reasonable probability that you are not currently able and willing to fulfill the obligations of a law-abiding citizen. Our conclusions are based on the following:

NEED FOR IMPROVED:

Institutional conduct

Housing unit/work evaluation

No interest in parole

Institutional custody level

Parole plan

Attitude toward authority

Remarks/Other: _____

B. In the opinion of the Board, there is reasonable probability that you cannot be released at this time without being a detriment to yourself or the community. Release at this time would not be in the best interest of society.

OUR CONCLUSIONS ARE BASED ON THE FOLLOWING:

Nature or severity of offense(s)

Multiple offenses

Previous criminal history

Poor history in community placement and/or under supervision

Pattern of similar offenses

Repeat sex offenses

Escape(s) from custody

Strong objection from criminal justice authorities and/or citizenry

Remarks/Other: _____

C. In the opinion of the Board, there is a need for education, job training, treatment, or continued treatment to enhance success on parole and further insure that the applicant is willing and able to fulfill the obligations of a law-abiding citizen.

THE FOLLOWING ARE INDICATED NEEDS:

Adult Education/GED

Chemical dependency counseling

TSCTC/ ICP/Aftercare

Sex offender treatment

Mental health

CP&R

Anger management

Pre-release extended stay/worker

Pre-release

No early consideration

Request a return/review

Remarks/Other: _____

BOPP (white)
INMATE (yellow)
RECORDS (pink)
IPPOs (gold)

Board Member _____

Board Member _____

Board Member _____

Date: _____



STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
PROBATION AND PAROLE BUREAU

CONDITIONS OF PROBATION AND PAROLE

Offender's
Initials

Your probation/parole is granted subject to the following conditions, limitations, and restrictions.

1. **RESIDENCE:** My residence must be approved by a Probation/Parole Officer. I will not change my place of residence without first obtaining written permission from a Probation/Parole Officer. I will make my home open and available for Officers to visit or search upon reasonable suspicion. I will not own dangerous/vicious animals such as guard dogs, use perimeter security doors or any other device that would hinder an Officer, or refuse to open the door to my residence when requested.
2. **TRAVEL:** I will not leave my assigned district without first obtaining written permission from a Probation/Parole Officer. My assigned district is: _____ counties.
3. **EMPLOYMENT AND/OR PROGRAM:** I will seek and maintain employment or a program approved by the BOPP or a Probation/Parole Officer. I must obtain permission from a Probation/Parole Officer prior to any change of employment. I will inform my employer of my status on probation, parole, or other community supervision.
4. **REPORTING:** I will personally report to a Probation/Parole Officer as directed. I will submit written monthly reports on forms provided. I will make myself available to Probation/Parole Officers as requested.
5. **WEAPONS:** I will not use, own, possess, transfer, or be in control of any firearms, ammunition (including black powder), or weapons. I will not possess chemical agents such as O.C. or pepper spray.
6. **FINANCIAL:** I will obtain permission from a Probation/Parole Officer before financing or purchasing an automobile, real property, or engaging in business. I will not go into debt without an Officer's permission. **Victim restitution, child support, fines and fees will be my priority financial obligations.**
7. **SEARCH OF PERSON OR PROPERTY:** Upon reasonable suspicion, as ascertained by a Probation/Parole Officer, my person, vehicle, and/or residence may be searched at any time, day or night, including my place of employment, without a warrant by a Probation/Parole Officer, ISP Officer or Law Enforcement Officer (at the direction of the Probation/Parole/ISP Officer). Any illegal property or contraband will be seized and may be destroyed.
8. **LAWS & CONDUCT:** I shall comply with all city, county, state, and federal laws and ordinances, and conduct myself as a good citizen. I shall report any arrests or contacts with law enforcement to a Probation/Parole Officer within 72 hours. I will at all times be cooperative and truthful in all my communications and dealings with Probation/Parole Officers and any law enforcement agency.
9. **ILLEGAL DRUG USE:** I will not possess or use illegal drugs. I will not be in control of or under the influence of illegal drugs, nor will I have in my possession any drug paraphernalia.
10. **NO ALCOHOL:** I will not possess or consume intoxicants/alcohol. I will submit to breathalyzer testing or bodily fluid testing as requested by a Probation/Parole Officer.
11. **DRUG TESTING:** I will submit to alcohol and/or drug testing on a random or regular basis as required by a Probation/Parole Officer.
12. **NO GAMBLING:** I will not gamble.
13. **SUPERVISION FEES:** I will pay supervision fees pursuant to §46-23-1031, MCA. If convicted of a drug offense and placed on ISP in lieu of imprisonment, I may be ordered to pay not less than \$50 per month pursuant to §45-9-202(2)(d)(ii), MCA.
14. **VICTIM RESTITUTION:** I will pay court ordered restitution to the victim in the amount of \$ _____ in monthly payments of \$ _____. Payments to be made as determined by the court and/or a Probation/Parole Officer.
15. **FINES/FEES:** I will pay all fines and fees as ordered by the court in the amount of \$ _____ in monthly payments of \$ _____.

The following STATUTORY REQUIREMENTS apply:

16. **REGISTRATION/NOTIFICATION:** I am required by §46-23-504, MCA, to register and give appropriate notice of address changes.
 SEXUAL OFFENDER: Depending on my Level of Risk Designation, there will be appropriate address notification to the community.
 VIOLENT OFFENDER
17. **DNA TESTING:** I am required by §44-6-103, MCA, to submit to DNA testing.

The following SPECIAL CONDITIONS ordered by the Board of Pardons & Parole or the Sentencing Court apply:

18. **COUNSELING/TREATMENT/PROGRAMMING:** I will enter, participate on a regular basis and complete:
 Chemical Dependency Counseling Sexual Offender Counseling Mental Health Counseling
 Other Programming as ordered by the Court/BOPP and determined appropriate by a Probation/Parole Officer
19. **NO BARS:** I will not enter any place intoxicants are the chief item of sale.
20. **NO CASINOS:** I will not enter any casinos.
21. **ASSOCIATION:** I will not associate with probationers, parolees, prison inmates, or persons in the custody of any law enforcement agency without prior approval from a Probation/Parole Officer. I will not associate with persons as ordered by the court or BOPP.
- ADDITIONAL CONDITIONS** (See attached)

AGREEMENT AND NOTIFICATION OF JAIL SANCTIONS

I have read, or had read to me the foregoing rules and conditions and I will abide by them. Failure to do so may result in revocation. I further understand that failure to do so may result in immediate jail sanctions of up to 30 days at my own expense or revocation of my probation or parole pursuant to §46-23-1015(3), MCA.

WAIVER OF EXTRADITION

I do hereby waive extradition to the State of Montana from any state in the union, and from any territory or country outside the continental United States, and also agree that I will not contest any effort to return me to the United States or to the State of Montana. I understand that this probation/parole is granted to and accepted by me, subject to the conditions, limitations, and restrictions stated herein, and with the knowledge that the Board of Pardons and Parole, Sentencing Court, or the Department of Corrections has the power, at any time, in case of violation of the conditions, limitations, and restrictions of probation or parole to cause my detention and/or return to prison.

PROBATION/PAROLE OFFICER _____
(Type/Print Officer Name)

PROBATIONER/PAROLEE _____
(Type/Print Offender Name)

DATE _____

DOC IDENTIFICATION NUMBER _____



STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
COMMUNITY CORRECTIONS DIVISION
ADULT PROBATION AND PAROLE

CONDITIONS OF PROBATION AND PAROLE
SUPPLEMENTAL FORM

Offender's
Initials

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PROBATION/PAROLE OFFICER _____
(Type/Print Officer Name)

PROBATIONER/PAROLEE _____
(Type/Print Offender Name)

DATE _____

DOC IDENTIFICATION NUMBER _____



STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
PROBATION AND PAROLE BUREAU

CONDITIONS OF INTENSIVE SUPERVISION PROGRAM

DOC COMMIT PROBATIONER PAROLEE CONDITIONAL RELEASE

Offender's Initials

Your Intensive Supervision Program is granted subject to the following conditions, limitations, and restrictions.

- 1. RESIDENCE/SCHEDULE: My residence must be approved by an ISP Officer. I will not change my residence or stipulated schedule without prior written approval from an ISP Officer. I will make my home open and available for ISP Officers to visit or search upon reasonable suspicion. I will not own dangerous/vicious animals such as guard dogs, use perimeter security doors or any other device that would hinder an ISP Officer, or refuse to open the door to my residence when requested.
2. TRAVEL: I will not leave my assigned county of residence without first obtaining written permission from an ISP Officer.
3. EMPLOYMENT AND/OR PROGRAM: I will seek and maintain employment or a program approved by an ISP Officer. I must obtain permission from an ISP Officer prior to any change of employment. I will inform my employer of my ISP status.
4. REPORTING: I will personally report to an ISP Officer as directed. I will submit written monthly reports on forms provided. I will make myself available to ISP Officers as requested.
5. WEAPONS: I will not use, own, possess, transfer, or be in control of any firearms, ammunition (including black powder), or weapons. I will not possess chemical agents such as O.C. or pepper spray.
6. FINANCIAL: I will obtain permission from an ISP Officer before financing or purchasing a vehicle, real property, or engaging in business. I will not go into debt without an ISP Officer's permission. Victim restitution, child support, fines and fees will be my priority financial obligations.
7. SEARCH OF PERSON OR PROPERTY: Upon reasonable suspicion, as ascertained by an ISP Officer, my person, vehicle, and/or residence may be searched at any time, day or night, including my place of employment, without a warrant by an ISP Officer, Probation/Parole Officer or a Law Enforcement Officer (at the direction of an ISP/Probation/Parole Officer). Any illegal property or contraband will be seized and may be destroyed.
8. LAWS & CONDUCT: I shall comply with all city, county, state and federal laws and ordinances, and conduct myself as a good citizen. I shall immediately report any arrests or contacts with law enforcement to an ISP Officer within 72 hours. I will at all times be cooperative and truthful with ISP Officers and law enforcement agencies.
9. ILLEGAL DRUG USE: I will not possess or use illegal drugs or any drugs unless prescribed by a licensed physician. I will not be in control of or under the influence of illegal drugs, nor will I have in my possession any drug paraphernalia.
10. NO ALCOHOL: I will not possess or consume intoxicants/alcohol. I will submit to breathalyzer testing or bodily fluid testing when requested by ISP Officers.
11. DRUG TESTING: I will submit to alcohol and/or drug testing on a random or regular basis as required by an ISP Officer.
12. NO GAMBLING: I will not gamble or play any games of chance.
13. SUPERVISION FEES: I will pay supervision fees pursuant to §46-23-1031, MCA. If convicted of a drug offense and placed on ISP in lieu of imprisonment, I may be ordered to pay not less than \$50 per month per §45-9-202 (2)(d)(ii), MCA.
14. VICTIM RESTITUTION: I will pay court ordered victim restitution in the amount of \$_____ in monthly payments of \$_____. Payments to be made as determined by the court and/or an ISP Officer.
15. FINES/FEES: I will pay all fines and fees as ordered by the court in the amount of \$_____ in monthly payments of \$_____.
16. EQUIPMENT: I will be required to maintain land-line phone. I will be required to wear, maintain and care for electronic monitoring equipment as a condition of ISP. I understand opening, damaging, losing, stealing or in any way rendering the equipment inoperative may result in criminal prosecution and/or violation of my ISP. I will not possess equipment that monitors law enforcement or Department of Corrections radio frequencies or activities.

The following STATUTORY REQUIREMENTS apply:

- 17. REGISTRATION/NOTIFICATION: I am required by §46-23-504, MCA, to register and give appropriate notice of address changes.
SEXUAL OFFENDER: Depending on my Level of Risk Designation, there will be appropriate address notification to the community.
VIOLENT OFFENDER
18. DNA TESTING: I am required by §44-6-103, MCA, to submit to DNA testing.

SPECIAL CONDITIONS

- 19. COUNSELING/TREATMENT/PROGRAMMING: I will enter, participate on a regular basis and complete:
Chemical Dependency Counseling Sexual Offender Counseling Mental Health Counseling
Other Programming as ordered by the court and determined appropriate by an ISP Officer.
20. NO BARS: I will not enter any place intoxicants are the chief item of sale.
21. NO CASINOS: I will not enter any casinos.
22. COMMUNITY SERVICE: I will complete _____ hours of community service as ordered by the court or as stipulated in my ISP Contract.
OTHER CONDITIONS: See supplemental form.

AGREEMENT AND NOTIFICATION OF SANCTIONS

I have read, or had read to me the foregoing rules and conditions and I will abide by them. I understand that ISP is granted to and accepted by me, subject to the conditions, limitations, and restrictions stated herein, and with the knowledge that the Sentencing Court, BOPP, or Department of Corrections has the power, at any time, in case of violation of the conditions, limitations, and restrictions of ISP, to cause my detention and/or a disciplinary hearing or prosecution and sanctions including, but not limited to, revocation of my Probation, Parole, or Conditional Release.

Unless otherwise determined by the Sentencing Court, BOPP and/or the Department of Corrections, I understand I am responsible for all medical and treatment program costs.

WAIVER OF EXTRADITION

I do hereby waive extradition to the State of Montana from any State in the Union, and from any territory or country outside the continental United States, and also agree that I will not contest any effort to return me to the United States or to the State of Montana.

ISP Officer Signature (Type/Print Officer Name)

Offender Signature (Type/Print Offender Name)

Date

DOC Identification Number



STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
PROBATION AND PAROLE BUREAU

**CONDITIONS OF INTENSIVE SUPERVISION PROGRAM
SUPPLEMENTAL FORM**

Offender's
Initials

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ISP Officer Signature

(Type/Print ISP Officer Name)

Offender Signature

(Type/Print Offender Name)

Date

DOC Identification Number

The American Correctional Association
and the
Commission on Accreditation for Corrections
awards

ACCREDITATION

to
Montana Department of Corrections
Montana Board of Pardons and Parole

Deer Lodge, Montana
2010-2013

in recognition of the attainment of excellence in the operation of
an Adult Probation and Parole Authority

presented this 25th day of January 2010



W. Clarke
ACA PRESIDENT

James A. Gordon
ACA EXECUTIVE DIRECTOR

Sumette Lintheim
COMMISSION CHAIR

[Signature]
DIRECTOR, STANDARDS AND ACCREDITATION



COMMISSION ON ACCREDITATION FOR CORRECTIONS
AND THE
AMERICAN CORRECTIONAL ASSOCIATION

COMPLIANCE TALLY

Manual Type	<i>Adult Parole Authorities, 2nd Edition</i>
Supplement	<i>2010 Standards Supplement</i>
Facility/Program	Montana Board of Pardons and Parole
Audit Dates	November 7-8, 2012
Auditor(s)	Lester Young, Chairperson Susan Lindsey, Member

	MANDATORY	NON-MANDATORY
Number of Standards in Manual	0	130
Number Not Applicable		18
Number Applicable		112
Number Non-Compliance		2
Number in Compliance		110
Percentage (%) of Compliance		98.21%

- Number of Standards minus Number of Not Applicable equals Number Applicable
- Number Applicable minus Number Non-Compliance equals Number Compliance
- Number Compliance divided by Number Applicable equals Percentage of Compliance