

▶ 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 59722

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.

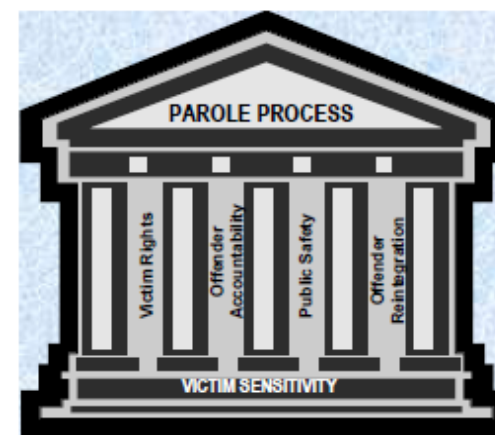
Standard Parole Conditions (paraphrased): Shall not change place of residence without PO's approval; shall not leave assigned district without PO's written permission; shall maintain employment or a program approved by BOPP or PO, must inform employer of parole status, and must obtain PO's permission 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 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 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

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JULIE THOMAS, VICTIM SERVICES
COORDINATOR
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