

# **MONTANA BOARD OF PARDONS AND PAROLE**

## **PRE-PAROLE SCHOOL**

### **I. Board Structure**

- A. Board of Pardons and Parole consists of 5 members.
- B. Members are appointed by governor
- C. Serve staggered 6 year terms
- D. Qualifications – must possess one of the following:
  - 1. College degree in criminology, corrections, or related science.
  - 2. At least 5 years experience in corrections, criminal justice system, or criminal law.
  - 3. A law degree
- E. Quasi-judicial

### **II. Parole Eligibility**

- A. Eligibility for parole depends upon the term, amount of good time earned, and date the crime was committed. An inmate meeting the qualifications is automatically considered for parole.
- B. DOC Records Departments calculate parole eligibility
  - 1. 25% of sentence if crime on or after 4-13-95
  - 2. 25% less good time if crime prior to 4-13-95
    - a. dangerous designation 50% less good time
    - b. Life sentence 17 1/2 year rule
- C. Inmates may have Appearance up to 2 months prior to eligibility date.
- D. Clear Conduct:
  - i. Clear conduct does not begin until an Inmate arrives at the applicable prison facility.
  - ii. Four months clear conduct for violations at a secure facility
  - iii. Three months clear conduct Community Corrections facility violations.
- E. Court ordered treatment complete

### **III. Privilege of Parole**

- A. No Inmate has a right to a parole.
- B. Best interest of society and
- C. Inmate willing and able to be a law-abiding citizen
- D. Not a clemency or reduction of sentence
- E. Subject to revocation for violations

### **IV. Notices**

- A. Sentencing district court
- B. Related county attorney

- C. Law enforcement
- D. Victims and interested parties

**V. The Hearing**

All BOPP Hearings will take place online and Inmates will appear from the facility from which they are housed in an online hearing room

- A. Board will review:
  - 1. sentencing crime and priors
  - 2. court ordered mandates
  - 3. term of sentence
  - 4. applicable risk assessments
  - 5. Treatment recommendations from court order and/or resulting from risk assessments
  - 6. Treatment programs after risk assessments that have been completed to target risk reduction identified by the risk assessment
    - i. At MSP/MWP
    - ii. At a community corrections treatment program
    - iii. At a community corrections PRC
    - iv. in the community on supervision if risk has been mitigated to an acceptable level
  - 7. Past Supervision to include:
    - i. Pre-trial supervision
    - ii. Probation
    - iii. Prior Paroles
  - 8. Majority vote
    - i. disposition generally rendered immediately
    - iii. disposition can include parole and reappearance, annual or biennial review

**VI. Reports**

- A. Pre-Sentence Investigation
- B. Reports from prison staff (Parole Report)
  - 1. Inmate signature is validation information has been reviewed with inmate.
- C. Psychosexual Evaluation if criminal history contains any sex offenses.
- D. Mental Health Evaluation usually required if:
  - 1. assaultive, sex, or violent offense
  - 2. mental health problem identified
  - 3. special request of Board (high profile case)

**VII. Parole Plan**

- A. Accurate, complete, and verified information
  - 1. residence
  - 2. employment, school or training

- 3. treatment established
- 4. plan for maintaining mental health stability if applicable
- B. Plan is investigated and validated by an officer
- C. Detainer or warrant or sentence to follow
- D. Furlough

**VIII. Witnesses**

- A. Letters of support welcome and available to the Board
- B. BOPP must be contacted a minimum of Ten-days prior to hearing
- C. Generally children are not allowed to participate
- D. A person with a felony conviction or history of violence may be prohibited from participating if safety or security concerns exist.
- E. Numbers may be limited due to capacity issues online
- F. Be prepared to contribute testimony over and above what applicant testifies to

**IX. Parole Release**

- A. Upon investigation and approval by receiving officer
- B. Supervision rules signed
- C. Reporting instructions
- D. Parole certificate

**X. Rescission**

A prior granted parole may be scheduled for rescission due to an act that voids the parole that was previously granted.

- A. New offenses
- B. Incomplete, inaccurate, or new information not available during prior Appearance.
- C. Misconduct at a facility.
- D. Substantial changes to parole plan that was presented to the Board at the Appearance.

**XI. Inmate request for reconsideration following Board Disposition**

- A. Within 60 days of hearing
- B. Proof of erroneous information must be included with request
- C. Apply to Chief of Staff

**XII. Conditional Discharge**

- A. Supervising officer's recommendation
  - 1. best interest of parolee and society
  - 2. not a danger to victim
- B. PO can recommend to BOPP after completing over 1 year of supervision with clear conduct
- C. Revocation of conditional discharge
  - 1. new violation of law

2. at supervising officer's request due to best interest of society and parolee

**XIII. Parole Revocation**

Supervising officer may submit a Report of Violation to the BOPP to be ordered to appear for a revocation of parole

- A. When the supervising officers determines that the Incentive and Intervention Grid has been exhausted for all compliance type violations.
- B. Immediately when a non-compliance violation takes place.
- C. Revocation hearings will not take place until the parolee has returned to the secure facility following adjudication of any pending new offenses.