



STATE OF MONTANA
BOARD OF PARDONS AND PAROLE
POLICY DIRECTIVE

Policy No. BOPP 1.7	Subject: PUBLIC COMMUNICATION
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 3
Section 7: General Administration	Effective Date: June 1, 2022
Signature: /s/ Joseph McElroy, Chief of Staff	Revised:

I. POLICY

It is the policy of the Board of Pardons and Parole (BOPP) to promote public trust and enhance accountability and openness through providing the public with access to the records and responding to public requests for services in an expeditious and professional manner.

II. APPLICABILITY

All BOPP Staff.

III. DEFINITIONS

Requester – A member of the public contacting the BOPP excluding incarcerated offenders, legislators, news media representatives, and employees of Montana or other state agencies contacting the department for business purposes.

Public Records – All documents kept by the department unless someone has a privacy interest in them and the privacy interest clearly exceeds the public’s right to know in accordance with 2-6-202, MCA.

IV. BOPP DIRECTIVES

A. General Requirements

1. The BOPP strives to provide resolution to public communication requests or comments within a 30-day period; however, additional time may be required to complete the following:
 - a. clarify public statements or requests
 - b. locate and assemble requested information
 - c. notify persons affected by request
 - d. determine whether response or information is exempt from disclosure.
2. The Board Chair, or designee, is expected to collaborate with subject matter experts or consult within his or her chain of command when responding to public communication requests or comments that may result in an escalating situation.
3. The Board Chair, or designee, is required to adhere to the following requirements:
 - a. maintain receipt and response records pertaining to public communication
 - b. to ensure consistency and accuracy of statistical information released. Any statistical information obtained by the Montana Department of Corrections (DOC) must be reviewed by the DOC Communications Director prior to the release of applicable information.

4. The BOPP will maintain informative relationships with the news media and will release information to representatives in accordance with BOPP 1.2 and *DOC 1.1.8, Media Relations*.
5. If communication subject to the requirements set forth in *DOC 3.3.3, Offender Grievance Program* conflicts with requirements set forth in this policy, the Offender Grievance Program will take precedence.
6. The BOPP and DOC will work together in assisting research efforts of other government entities, academic institutions, and foundations by providing data and information to the extent possible. Research efforts must not compromise the security of DOC/BOPP facilities, programs, staff, and offenders.

B. Public Comments

1. Comments submitted by requestors electronically, through mail, or via telephone will be addressed by the BOPP using standard methods that encourage positive communication, enhance BOPP responsiveness to public concerns, and increase transparency.
2. The Board Chair or designees, is responsible for investigating circumstances alleged in submitted comments and responding to comments in ways that do not require inclusion of information related to the following:
 - a. confidential personnel matters
 - b. the security of an institution
 - c. violation of any citizen's right to privacy.

C. Requests for Public Information

1. The BOPP will adhere to applicable state statutes and administrative rules governing the release of BOPP and DOC records. Any request for public records with the State of Montana is subject to Montana law. Utilization and reference to the Freedom of Information Act (FOIA) or any federal statute or rule does not alter Montana law and will be disregarded.
2. The requestor must be clearly identified in the request and provide a name and address to which the BOPP should respond. Anonymous requests will not be fulfilled.
3. When release of public information will result in reproduction costs, the responding board member or designee, will determine the appropriate costs for reproduction and will notify the requestor of costs in advance.
4. The BOPP will consult DOC Legal Services Bureau for the purpose to analyze requests for information and identify exempt and nonexempt material prior to release.
5. If any requested record that is determined to be exempt contains any material that is not exempt, nonexempt material will be separated, copied, and forwarded to the requestor.
6. Requests to receive records may be granted, denied, or granted in part. If a request is denied, the BOPP and/or DOC will issue a written response that includes an explanation for appeal and specific reasons for denial including citations to applicable legal

authority.

7. The BOPP may deny a request for records when it would be unduly burdensome to comply (See DOC Policy 3.3.5 Offender -Staff Communication). However, prior to denial, a BOPP representative will confer with the requestor in an attempt to narrow the request to more manageable proportions.

8. Non-production of records due to the fact that a good faith search by the BOPP does not produce the requested documents is not a denial of access.

D. Research Activities

The BOPP working with DOC Communications Director will establish specific criteria for the review of research proposals submitted by outside entities. Those criteria are:

- a. the BOPP will consider the results of all BOPP/DOC-related research projects to be within the public domain
- b. when proposals are likely to interfere with BOPP operations, the Chairman, or designee may advise the requesting entity to alter elements that may negatively impact programs in which case approval may be contingent upon minimizing any negative program effects
- c. research requests will not be approved if the research data is unavailable to BOPP and /or DOC, unless the requesting entity gathers and processes all such data
- d. research requests that directly involve increased BOPP expenditures without benefit to the BOPP will not be approved
- e. BOPP employees may not receive compensation, remuneration, or payment of any kind beyond their normal salaries for participating or assisting in any research project
- f. The Board Chair, or designee, will serve as the final decision-maker regarding BOPP participation in any research effort
- g. if BOPP/DOC participation in a research effort is denied, a letter describing the reasons for denial will be provided to the requestor within 30 days of the decision.

V. CLOSING

1. Questions concerning this policy should be directed to the Board Chair.

VI. REFERENCES

- A. *Montana Constitution, Article II, Section 9*
- B. *Chapter 2, Title 6, Public Records, MCA*
- C. *1.1.8, DOC Media Relations; 3.3.3, DOC Offender Grievance Program*
- D. *3.3.3 DOC Offender Staff Communications*

VII. ATTACHMENT

None