



STATE OF MONTANA
BOARD OF PARDONS AND PAROLE
POLICY DIRECTIVE

Policy No. BOPP 4.4	Subject: PUBLIC PARTICIPATION IN HEARINGS FROM BOPP OFFICE
Chapter 4: OPERATIONAL PROCEDURE	Page 1 of 3
Section 4: Public participation in Hearing from BOPP Office	Effective Date: March 18, 2024
Signature: /s/ Michael A. Buckley, Chief of Staff	Revised:

I. PROCEDURE:

The Chief of Staff or Board Chairman may authorize witnesses to take part in Parole Hearings from the Board of Pardons and Parole (BOPP) Office when all alternative arrangements are not feasible or available for the witness. Necessary precautions and considerations will be made to preserve the safety and security of BOPP Staff on-site at the BOPP Office.

II. APPLICABILITY

This Procedure applies to all BOPP Administrative Staff and members of the public requesting to take part in BOPP Hearings from the BOPP Office.

III. DEFINITIONS

Opponent Witness – A member of community law enforcement or judicial officials involved in the prosecution of the offender’s crime that may wish to speak for their community on public safety concerns regarding the offender’s potential release from incarceration.

Proponent Witness – A member of the community supporting an incarcerated offender’s re-entry into the community from a secure facility. This may include, but is not limited to, family members of the offender, previous or potential employers, and the offender’s legal representative.

Victim Witness – The person against whom a felony crime has been committed, or a family member of that person. Other individuals may be recognized as victims on a case-by-case basis.

Victim/Witness Coordinator – A BOPP employee who manages victim programs and policies, responds to victims’ requests for information and referrals, educates victims about the post-conviction criminal justice system (parole), provides victim services training, and represents victim interests in all BOPP matters. This position will also respond to inmate/parolee family and support network who wish to participate in parole hearings and provide information related to the subject matter.

IV. DIRECTIVES

The BOPP recognizes the importance of witness input concerning parole decisions. The BOPP will facilitate the right and ability of witnesses to provide oral or written statements to BOPP hearing panels. The BOPP also recognizes the right of victim witnesses to provide confidential statements under appropriate circumstances.

A. Purpose of BOPP Office On-site Participation

1. The BOPP Board Members conduct Hearings remotely from various locations throughout the State and do not physically meet to hold hearings at the BOPP Office. As such, witness participation from the BOPP Office does not offer any access to Board Members that is not

Subject: PUBLIC PARTICIPATION IN HEARINGS FROM BOPP OFFICE

offered by all other remote options offered to witnesses by the Victim/Witness Coordinator. These options are often offered closer in geographic location to witnesses and do not require travel on their part. Witness participation at the BOPP Office is offered when the Witness does not have the electronic means to take part and the Victim/Witness Coordinator is unable to make reasonable accommodations locally for the witness.

B. Approval of On-site Participation

1. Requests to participate from the BOPP Office must be staffed by Victim/Witness Coordinators with the Chief of Staff or Board Chairman.
2. Generally, the Chief of Staff or Board Chairman will not approve participation from the BOPP Office without a specific need, purpose, or verification that all viable options are not available or where any concerns for staff safety exist.
3. The Chief of Staff or Board Chairman will consider on-site participation requests on a case-by-case basis. They may solicit input from Department of Corrections staff such as the communications director, victim information specialist, and community corrections administrators.

C. BOPP Staff Procedures

1. Witnesses will submit a request to participate to Victim/Witness Coordinators 10 business days prior to a scheduled hearing.
2. Victim/Witness Coordinators will assist witnesses with their request and attempt to arrange for them to participate in hearings remotely.
3. If all viable remote options have been exhausted, the witness may request to the Victim/Witness Coordinator permission to appear on-site from the BOPP Office.
4. Victim/Witness Coordinators will determine if the witness presents a safety risk by conducting an informal background check utilizing OMS, Sexual Violent Offender Registry, or contacting appropriate Department of Corrections staff. Additionally, Victim/Witness Coordinators are to limit the number of witnesses to a reasonable number within their span of control during the hearing in consideration of any safety concerns that the witness may present.
5. Victim/Witness Coordinators will then staff the request with the Chief of Staff or Board Chairman along with any safety concerns that need to be mitigated so that the Victim/Witness Coordinator can maintain an appropriate span of control while the witness is present at the BOPP Office.
6. Once approved for on-site participation, the Victim/Witness Coordinator will communicate expectations for appropriate decorum during the hearing and make arrangements for on-site participation with the witness.

V. CLOSING

1. Questions concerning this policy should be directed to Chief of Staff or designee. In matters requiring further review, the BOPP will consult DOC VPM for further assistance.

VI. REFERENCES

- A. *2-15-112, MCA; 41-5-1416, MCA; 46-18-241, MCA; 46-24-101, MCA; 46-24-102, MCA; 46-24-203, MCA; 46-24-212, MCA; 46-24-213, MCA; 53-1-203, MCA*
- B. *4-4447-1, ACA Standards Supplement, 2008*
- C. *DOC Policies 1.1.1, Purpose, Mission and Management Philosophy; 1.3.16, Volunteer Services; 1.5.6, Offender Records Access and Release*
- D. *Victim Services Standard Operations Procedure Guide 1.8.1A*

VII. ATTACHMENTS

None.