

American Correctional Association

ACCREDITATION REPORT



Commission on Accreditation for Corrections

Montana Department of Corrections
Montana Board of Pardon & Parole
Dear Lodge, Montana

The mission of the Commission on Accreditation for Corrections is to upgrade and improve practices and conditions in adult and juvenile correctional facilities and programs through an accreditation process which is founded on a commitment to accountability, professionalism and respect for basic human rights and which recognizes sound and effective correctional practices, while striving towards excellence in the field of corrections.



AMERICAN CORRECTIONAL ASSOCIATION

206 NORTH WASHINGTON STREET, SUITE 200 • ALEXANDRIA, VIRGINIA 22314

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WWW.ACA.ORG

January 25, 2016

Montana Department of Corrections
Montana Board of Pardon & Parole
Dear Lodge, Montana

Congratulations!

It is a pleasure to officially inform you that the Montana Board of Pardon & Parole was accredited by the Commission on Accreditation for Corrections at the American Correctional Association 2016 January Conference on January 25, 2015 in New Orleans, Louisiana.

Your accreditation represents the satisfactory completion of a rigorous self-evaluation, followed by an outside review by a team of experienced, independent auditors.

Every profession strives to provide a high quality of service to society. To know that you, your staff, and other officials are complying with the requirements of the accreditation process is indeed a statement of a high level of commitment to the staff and persons under your care.

On behalf of the American Correctional Association and the Commission on Accreditation for Corrections, thank you for your commitment to the corrections profession and to the accreditation process.

Sincerely,

Elias Diggins

Elias Diggins, Chairperson
Commission on Accreditation for Corrections



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For Immediate Release

Montana Board of Pardon & Parole Awarded National Accreditation

Elias Diggins, Chairperson of the Commission on Accreditation for Corrections (CAC), and Bridget Bayliss-Curren, Director of Standards and Accreditation, American Correctional Association recently announced the accreditation of the Montana Board of Pardon & Parole. The award was presented in conjunction with the American Correctional Association 2016 Winter Conference on January 25, 2016 in New Orleans, Louisiana.

In presenting the award, Elias Diggins, Chairperson of the CAC, and Mary Livers, President of the American Correctional Association (ACA), complimented the facility on their professional level of operation and their success in completing the accreditation process. The agency is one of over 1,500 correctional organizations currently involved in accreditation across the nation.

The accreditation program is a professional peer review process based on national standards that have evolved since the founding of the Association in 1870. The standards were developed by national leaders from the field of corrections, law, architecture, health care, and other groups who are interested in sound correctional management.

ACA standards address services, programs, health care and security operations essential to effective correctional management. Through accreditation, an agency is able to maintain a balance between protecting the public and providing an environment that safeguards the life, health, and safety of staff and offenders. Standards set by ACA reflect practical up-to-date policies and procedures and function as a management tool for agencies and facilities throughout the world.

The three-year accreditation award granted to the Montana Board of Pardon & Parole does not signal the end of their involvement in the accreditation process. During the award period, staff will work to improve any deficiencies identified during the audit and maintain continuous compliance with the standards.



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Congratulations on your accreditation award! You are now a member of the elite in achieving correctional excellence. The certificate you have received is but a small symbol of the enormous dedication and commitment demonstrated by each and every member of your staff to the accreditation process, and I urge you to display it prominently as a continual reminder of the level of professionalism achieved. This is just the beginning of your journey, however, for the true test of excellence is the test of time. It is critical that your operation be able to sustain this achievement over time and be constant through both prosperity and adversity.

Achieving American Correctional Association Accreditation means you have demonstrated your dedication to getting the job done right, and that you are holding your agency to a higher standard.

Thank you for your commitment to the American Correctional Association and the standards and accreditation process.

Bridget Bayliss Curren

Bridget Bayliss-Curren, Director
Standards and Accreditation
American Correctional Association

Overview of the American Correctional Association

The American Correctional Association is the oldest and most prestigious correctional membership organization in the United States. Founded in 1870, ACA currently represents more than 20,000 correctional practitioners in the United States and Canada. Members include all levels of staff from a wide variety of correctional disciplines and programs as well as professionals in allied fields and representatives from the general public. In addition, the Association represents the interests of 74 affiliated organizations whose goals, while similar to those of ACA, focus on specialized fields and concerns within the realm of corrections.

At its first organizational meeting held in Cincinnati, Ohio, in 1870, the Association elected then-Ohio governor and future U.S. President, Rutherford B. Hayes, as its first president. The *Declaration of Principles* developed at that first meeting became the guidelines for correctional goals in both the United States and Europe.

Since that time, ACA has continued to take a leadership role in corrections and work toward a unified voice in correctional policy. In recent years, one of the Association's major goals has been the development of national correctional policies and resolutions of significant issues in corrections. These policies are considered for ratification at the Association's two annual conferences and ratified policies are then disseminated to the field and other interested groups. ACA has also had a major role in designing and implementing professional standards for correctional practices, as well as methods for measuring compliance with those standards.

The Association conducts research and evaluation activities, provides training and technical assistance, and carries out the regular responsibilities of any professional membership organization, including a full publications program. The Association's two annual conferences, held in varying cities across the nation, attract more than 5,000 delegates and participants each year from the 50 states, U.S. territories, and several foreign countries.

Membership in ACA is open to any individual, agency, or organization interested in the improvement of corrections and the purposes and objectives of the Association. Members include the majority of state, local, provincial, and territorial correctional agencies; individual correctional institutions and local jails, pretrial programs and agencies, schools of criminal justice in colleges and universities, libraries; and various probation, parole, and correctional agencies. Most of ACA's members are employed at the federal, state, and local levels. Members also include more than 200 volunteers affiliated with these agencies as administrators or as members of advisory boards and committees.

Organizational Purposes of the American Correctional Association

Among 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.

In carrying out these purposes, ACA sponsors programs for policy analysis, demonstration, and research. ACA also provides testimony, consultation, publications, conferences, workshops, and other activities designed to stimulate constructive action regarding correctional problems.

Standard and Accreditation

Perhaps ACA'S greatest influence has been the development of national standards and the accreditation process. ACA standards address services, programs, and operations essential to effective correctional management. Through accreditation, an agency is able to maintain a balance between protecting the public and providing an environment that safeguards the life, health, and safety of staff and offenders. Standards set by ACA reflect practical up-to-date policies and procedures and function as a management tool for over 1,500 correctional agencies in the United States.

Organizational Structure of the American Correctional Association

Executive Committee

The Executive Committee is composed of the elected officers of the Association - president, vice president, treasurer, two Board of Governors' members, the immediate past president, the president-elect, and the ACA executive director. The Executive Committee meets at least quarterly and exercises most of the powers of the Board of Governors during the intervals between meetings of the board.

Board of Governors

ACA's bylaws vest control of the Association with an 18-member elected Board of Governors composed of the officers of the Association and five at-large members. To ensure the interdisciplinary nature of the Association, board members must represent the following areas:

| | |
|--|--|
| At-Large Citizen (not employed in corrections) | Community Programs (Juvenile) |
| Correctional Administration (Adult) | Aftercare or Post-Release Supervision (Juvenile) |
| Correctional Administration (Juvenile) | Detention (Adult) |
| Institutions (Adult) | Detention (Juvenile) |
| Institutions (Juvenile) | At-Large (Ethnic Minority) (3) |
| Probation (Adult) | Education |
| Probation (Juvenile) | Member At-Large |
| Parole or Post-Release Supervision (Adult) | |
| Community Programs (Adult) | |

Delegate Assembly

The Delegate Assembly is composed of delegates from the professional affiliates, geographical chapters, membership at-large, Board of Governors, past presidents of ACA, and representatives of each military service. The Delegate Assembly can establish policy, define Association positions on broad social and professional issues, and determine major programs and legislative priorities. They meet at least twice annually, at the Winter Conference and Congress of Correction.

Committees

The majority of the Association's activities take place through committees. Each committee chair reports to the Association's Board of Governors at least twice a year. In this way, the Association collectively benefits from the involvement and contribution of the hundreds of individuals who function on the various committees. Ad-hoc committees are appointed by the president of the Association.

The current committees and councils are:

Committee on Affirmative Action

Committee on Constitution and Bylaws

Committee on International Relations
Committee on Congress Program Planning
Committee on Legal Issues
Committee on Correctional Awards
Committee on Membership
Committee on Military Affairs
Council of Professional Affiliates
Council of Dual-Membership Chapters and
State and Geographical Affiliates
Nominating Committee

Council on Professional Education
Credentials Committee
Research Council
Eligibility Committee
Resolutions & Policy Development
Comm
Committee on Ethics
Standards Committee
Legislative Affairs Committee

Affiliates and Chapters

Affiliates and state chapters are major features of the Association's structure. They represent professional, regional, and state groups across the United States and Canada. Affiliates and chapters contribute to the professional development of all members by providing consultation in their respective areas of interest and by participating in seminars and workshops at ACA's annual conferences.

The following affiliates and chapters are currently associated with ACA:

Alabama Council on Crime and Delinquency
Alston Wilkes Society
American Assn for Correctional Psychology
American Correctional Chaplains Association
American Correctional Food Service
Association
American Correctional Health Services Assn
American Institute of Architects
American Jail Association
American Probation and Parole Association
Arizona Probation, Parole, and Corrs Assn
Association for Corrl Research and Info Mgmt
Assn of Paroling Authorities, International
Assn of State Correctional Administrators
Assn of Women Executives in Corrections
International Assn of Correctional Officers
Iowa Corrections Association
Juvenile Justice Trainers Association
Kansas Correctional Association
Kentucky Council on Crime and Delinquency
Louisiana Correctional Association
Maryland Criminal Justice Association
Michigan Corrections Association
Middle Atlantic States Correctional
Association
Minnesota Corrections Association
Missouri Corrections Association

National Association of Adult and Juvenile
State
Corrections Mental Health Directors
National Assn of Blacks in Criminal Justice
National Association of Juvenile Corrl
Agencies
Oregon Criminal Justice Association
Parole and Probation Compact
Administrators Association
Pennsylvania Assn of Probation, Parole, and
Corrections
Prison Fellowship
South Carolina Correctional Association
Tennessee Corrections Association
Association on Programs for Female
Offenders
Central States Correctional Association
Colorado Correctional Association
Connecticut Criminal Justice Association
Correctional Association of Massachusetts
Correctional Accreditation Managers Assn
Correctional Education Association
Correctional Industries Association
Family and Corrections Network
Florida Council on Crime and Delinquency
Illinois Correctional Association
Indiana Correctional Association

International Assn of Corrl Training Personnel
International Community Corrections Assn
National Association of Probation Executives
National Coalition for Mental and Substance
Abuse Health Care in the Justice System
National Correctional Recreation Association
National Council on Crime and Delinquency
Nation Juvenile Detention Association
Nebraska Correctional Association
Nevada Correctional Association
New Jersey Chapter Association
New Mexico Correctional Association
New York Corrections and Youth Svcs Assn

North American Association of Wardens &
Superintendents
North Carolina Correctional Association
Ohio Correctional and Court Svcs
Association
Texas Corrections Association
The Salvation Army
Utah Correctional Association
Virginia Correctional Association
Volunteers of America
Washington Correctional Association
Wisconsin Correctional Association

Major Activities of the American Correctional Association

Legislation

The American Correctional Association is involved with all major issues affecting corrections today. Members and ACA staff maintain close working relationships with committees of the U.S. Congress and all federal agencies and groups whose decisions affect correctional policy. Expert testimony on a wide range of correctional issues is prepared for congressional committee and subcommittee hearings, and recommendations are provided to federal administrative agencies.

To ensure that the concerns and issues of the corrections profession are represented in proposed legislation and public policy, ACA's legislative liaison is addressing legislative and government concerns that will impact the corrections profession. ACA has established partnerships between chapters and affiliates and other national policy making organizations to present a strong collective voice for correctional reform throughout the world.

Professional Development

The purpose of the Association's Professional Development Department is to plan, promote, and coordinate professional development through training seminars, workshops, and published materials including curriculums, resource guides, and monographs.

ACA's training plan calls for a variety of professional development activities. Nationally advertised workshops cover topics such as training for trainers, management training, community-based employment programs, and stress management. On-site workshops for state and local departments of corrections are offered in curriculum development, supervision, communications, and report-writing skills.

The *Training for Correctional Staff Trainers* workshops further the skills of correctional professionals qualified to initiate and deliver training. These workshops also enable agencies to comply with national standards for accreditation and ensure that training is job-related and professionally developed and presented.

The department also offers correspondence courses to further professional development. More than 6,000 correctional personnel have completed or are in the process of completing ACA's self-instruction training program for correctional officers. This program, developed under the auspices of the National Institute of Corrections, provides 40 hours of basic training in accordance with ACA standards. A score of at least 80 percent on the comprehensive examination must be attained to achieve certification.

The Association has similar courses available for correctional supervisors, juvenile caseworkers, and food service employees. Additional courses which cover report writing skills, correctional management skills, legal issues for probation and parole officers, and legal issues for correctional officers are also available.

Publications

As one of the leading publishers of practical correctional publications, ACA produces books, videos, and lesson plans. Among the wide ranging subjects available are management, community, security, counseling, law, history, and health. These excellent resources for career advancement appeal to practitioners and scholars alike. Directories for every major sector of corrections are also published by ACA.

The following is just a few of the many publications that ACA offers:

Corrections Today is the major corrections magazine in the United States. Published seven times a year, it focuses on the interests of the professional correctional employee and administrator. Articles include reports of original research, experiences from the field, discussion of public policy, and the perspectives of prominent practitioners and academicians.

On the Line is published five times a year and contains national and local news of interest to the criminal justice professional.

Corrections Compendium Newsletter publishes cutting-edge information about the corrections environment. Survey information is compiled from 52 U.S. and 14 Canadian correctional systems.

The Juvenile and Adult Directory has been published since 1939. A revised edition of the directory is released each January. This publication is the only up-to-date, comprehensive directory of all U.S. and Canadian juvenile and adult correctional departments, institutions, agencies, and paroling authorities.

The National Jail and Adult Detention Directory was first published in 1978. It is a source of information concerning jails. The directory, published every two years, attempts to list all jails in the United States that house offenders or detainees for more than 48 hours.

The Probation and Parole Directory, updated every two years, provides over 500 pages of information regarding federal, state, and county adult and juvenile probation, parole and aftercare systems in the United States. It includes statistics on caseloads, expenditures, and personnel.

The State of Corrections, formerly *The Proceedings*, includes the events of both the Congress of Correction and the Winter Conference. Published since 1870, it includes selected speeches and panel presentations concerning the latest thoughts and practices in the criminal justice field.

Correctional standards are the most significant improvement in correctional programming. As the basis for accreditation, they give administrators a nationally recognized system for upgrading and improving their correctional services. The Association currently publishes over 20 manuals for every correctional discipline.

To aid in the development of policy with relation to accreditation, *Guidelines for the Development of Policies and Procedures* are available for adult correctional institutions, adult parole authorities/adult probation and parole field services, adult local detention facilities, adult community residential services, juvenile detention facilities, and juvenile training schools.

Conventions

ACA hosts two national conventions each year that attract more than 5,000 professionals from all aspects of corrections; the Winter Conference held in January, and the Congress of Correction, held in August. These events include a variety of workshops, exhibits, and seminars devoted to addressing topics specific to the corrections profession.

Contracts and Grants

The American Correctional Association has a history of successful grant and contract management and administration. ACA has completed contracts and grants of more than \$30 million. These diverse initiatives, which are funded through federal and private sources, add to the technical expertise and knowledge of the organization as well as to the total field of corrections.

Standards and Accreditation

Perhaps ACA's greatest influence has been the development of national standards and the accreditation process. ACA standards address services, programs, and operations essential to effective correctional management. Through accreditation, an agency is able to maintain a balance between protecting the public and providing an environment that safeguards the life, health, and safety of staff and offenders. Standards set by ACA reflect practical up-to-date policies and procedures and function as a management tool for over 1,200 correctional agencies in the United States.

Overview of the Commission on Accreditation for Corrections

The Commission on Accreditation for Corrections (CAC) is a private, nonprofit organization established in 1974 with the dual purpose of developing comprehensive, national standards for corrections and implementing a voluntary program of accreditation to measure compliance with those standards.

The Commission was originally developed as part of the American Correctional Association. In 1979, by joint agreement, the Commission separated from the Association in order to independently administer the accreditation program. Between 1978 and 1986, the organizations shared the responsibility for developing and approving standards and electing members of the Commission. On November 7, 1986, the Commission on Accreditation for Corrections officially realigned itself with the American Correctional Association.

The Commission meets at least twice each year. The responsibility of rendering accreditation decisions rests solely with this board. The members of the Commission represent the full range of adult and juvenile corrections and the criminal justice system. They are elected from the following categories:

- National Association of Juvenile Correctional Agencies (1 representative)
- Council of Juvenile Correctional Administrators (1 representative)
- Association of State Correctional Administrators (2 representatives)
- National Sheriffs' Association (2 representatives)
- American Jail Association (1 representative)
- North American Association of Wardens and Superintendents (1 representative)
- International Community Corrections Association (1 representative)
- American Probation and Parole Association (1 representative)
- Association of Paroling Authorities International (1 representative)
- National Juvenile Detention Association (1 representative)
- American Bar Association (1 representative)
- American Institute of Architects (1 representative)
- National Association of Counties (1 representative)
- Correctional Health (Physician) (1 representative)
- Juvenile Probation/Aftercare (1 representative)
- Adult Probation/Parole (1 representative)
- At-Large (17 representatives)
- Citizen At-Large (Not in Corrections) (1 representative)

Association Staff

Accreditation activities are supported by the staff of the American Correctional Association, Standards and Accreditation Department, under the leadership of the director of the department. Standards and Accreditation Department staff is responsible for the daily operation of the accreditation program. Agencies in the process have contact primarily with the accreditation specialist responsible for their state or agency.

Auditors

Over 600 corrections professionals in the United States have been selected, trained, and employed on a contract basis by the Association. These individuals perform the field work for the Association which includes providing assistance to agencies working toward accreditation, conducting on-site audits of agencies to assess compliance with standards and confirming that requirements are met, and monitoring to ensure maintenance of the conditions required for accreditation. Teams of auditors, referred to as visiting committees or audit teams, are formed to conduct standards compliance audits of agencies seeking accreditation and reaccreditation.

Auditors are recruited nationally through announcements in prominent criminal justice publications and at major correctional meetings. Affirmative action and equal employment opportunity requirements and guidelines are followed in the recruitment of auditors. All auditors employed by the Association have a minimum of three years of responsible management experience, have received a recommendation from an agency administrator, and have demonstrated knowledge in the substantive area(s) in which they are employed to assist the Association. In addition, all auditors must successfully complete the Association's auditor training and be members of the ACA in good standing.

Standards Development

Development of the ACA standards began in 1974 with an extensive program of drafting, field testing, revising, and approving standards for application to all areas of corrections. Since then, over 1,200 correctional facilities and programs have adopted the standards for implementation through accreditation, and many others have applied the standards informally themselves.

In the development of standards, the goal was to prescribe the best possible practices that could be achieved in the United States today, while being both realistic and practical. Steps were taken to ensure that the standards would be representative of past standards development efforts, reflect the best judgment of corrections professionals regarding good corrections practice, recognize current case law, and be clear, relevant, and comprehensive. The standards development and approval process has involved participation by a wide range of concerned individuals and organizations. Twenty-three manuals of standards are now used in the accreditation process:

Standards for the Administration of Correctional Agencies
Standards for Adult Parole Authorities
Standards for Adult Probation and Parole Field Services
Standards for Adult Correctional Institutions
Standards for Adult Local Detention Facilities
Standards for Small Jail Facilities
Standards for Electronic Monitoring Programs
Standards for Adult Community Residential Services
Standards for Adult Correctional Boot Camps
Standards for Correctional Industries
Standards for Core Jails

Standards for Correctional Training Academies
Standards for Juvenile Community Residential Facilities
Standards for Correctional Facilities
Standards for Juvenile Detention Facilities
Standards for Juvenile Day Treatment Programs
Standards for Juvenile Correctional Boot Camps
Standards for Therapeutic Communities
Standards for Small Juvenile Detention Facilities
Standards for Performance-Based Health Care in Adult Correctional Institutions
Certification Standards for Health Care Programs
Standards for Adult Correctional Institutions (in Spanish)

The standards establish clear goals and objectives critical to the provision of constitutional and humane correctional programs and services. The standards include the requirement for practices to promote sound administration and fiscal controls, an adequate physical plant, adherence to legal criteria and provision of basic services. Basic services called for by the standards include the establishment of a functional physical plant, training of staff, adoption of sanitation and safety minimums, and provision of a safe and secure living environment. In offering specific guidelines for facility and program operations, the manuals of standards address due process and discipline, including access to the courts, mail and visitation, searches, and conditions of confinement of special management offenders.

The standards are systematically revised to keep pace with the evolution of different correctional practices, case law, and after careful examination of experiences, applying them over a period of time and circumstances. The ACA Standards Committee, which includes membership from the Commission on Accreditation for Corrections, is responsible for standards development and revision.

The ACA publishes biannual supplement to the standards with updated information and clarifications until new editions of standards manuals are published. Each supplement addresses standards interpretations, deletions, revisions, and additions for all manuals of standards issued by the Standards and Accreditation Department.

Suggestions and proposals for revisions to the standards from the field and interested others are encouraged. The Standards and Accreditation Department has developed a standards proposal form specifically for this purpose. The standards proposal form can be obtained from the Standards Supplement, the ACA website, or Standards and Accreditation Department staff (Appendix A). Proposals should be submitted via the ACA website.

Accreditation Process Descriptions

For over 120 years, the American Correctional Association has been the only national body involved in the development of standards for the correctional field. ACA standards are supported by ACA's Standards and Accreditation Department and the Commission on Accreditation for Corrections, which is the evaluating and certifying body for accreditation. The department is responsible for the administration of accreditation and ongoing development of correctional standards.

The accreditation process is a voluntary program for all types of correctional agencies. For these agencies, accreditation offers the opportunity to evaluate their operations against national standards, to remedy deficiencies, and to upgrade the quality of programs and services. The recognized benefits of such a process include: improved management; a defense against lawsuits through documentation; demonstration of a "good faith" effort to improve conditions of confinement; increased accountability and enhanced public credibility for administrative and line staff; a safer and more humane environment for personnel and offenders; and the establishment of measurable criteria for upgrading programs, staffing, and physical plant on a continuous basis.

A major component of the accreditation process is the standards compliance audit conducted by a visiting committee. The purpose of the audit is to measure operations against the standards, based on documentation provided by the agency.

The Visiting Committee Report

The results of the standards compliance audit are contained in the visiting committee report, a document prepared by the visiting committee chairperson. The report is distributed to the agency administrator and members of the visiting committee. This report is also submitted to the Commission on Accreditation for Corrections for consideration at the accreditation hearing.

The following information is usually contained in the visiting committee report:

Agency and Audit Narrative

The agency narrative includes a description of program services, a description of physical plant, number of offenders served on the days of the audit, a summary significant incidents and consent decrees, class action lawsuits and/or judgments against the agency/facility, if applicable. The audit narrative, prepared by the visiting committee chairperson, describes audit activities and findings. The narrative examines issues or concerns that may affect the quality of life and services in an agency or facility. Quality of life issues include areas such as staff training, adequacy of medical service, sanitation, use of segregation and detention, reported and/or documented incidences of violence and crowding in institutions, offender activity levels, programming and provision of basic services. The audit narrative also contains comments as a result of staff and offender interviews, and a detailed explanation of all noncompliant and not applicable standards.

Agency Response

The agency has three options for standards found in noncompliance: a plan of action; an appeal; or a waiver request.

A **plan of action** is a detailed statement of tasks to be performed in order to achieve compliance with a standard found in noncompliance at the time of the audit. The plan of action designates staff responsibilities and timetables for completion.

An **appeal** is the agency's attempt to change the visiting committee's decision on a standard. The result of a successful appeal is a change in the status of the standard and a recalculation of the compliance tally.

A **waiver** may be requested when noncompliance with a standard does not adversely affect the life, health, or safety of staff and offenders and when quality of life conditions compensate for the lack of implementation of a plan of action. The granting of a waiver by the Commission waives the requirement for submitting a plan of action; however, it does not change the noncompliant finding.

A **discretionary compliance request** is when there are circumstances in which agencies choose not to comply with a particular standard for a variety of reasons. These reasons include:

- An unwillingness to request funds from a parent agency or funding source.
- A preference to satisfy the standard/expected practice's intent in an alternative fashion.
- An objection from a parent agency, higher level government official or funding source to the nature of the standard/expected practice.
- A clear policy in place at a higher level that is contrary to the requirements of the standard/expected practice.
- An existing provision in a collective bargaining agreement that makes compliance impossible (without bargaining with the employees' union to effect such a change).

Auditor's Response

This section contains the visiting committee's final reply to all responses received from the agency and includes comments regarding the acceptability of plans of action, appeals, and waivers.

Accreditation Hearings

The Commission on Accreditation for Corrections is solely responsible for rendering accreditation decisions and considers an agency's application at its next regular meeting following completion of the visiting committee report. The Commission is divided into panels that are empowered to reach and render accreditation decisions. These panels hear the individual application for accreditation and include a quorum of at least three Commissioners which includes the panel hearing chairperson. Agencies are notified in writing of the date, time, and location of the hearings by Standards and Accreditation Department Staff.

The panel hearing is the last step in the process. With the panel chairperson presiding, panel members discuss issues and raise questions relative to all aspects of agency operations and participation in the process. The information presented during the hearing and in the visiting committee report is considered by the panel members in rendering accreditation decisions.

The agency is invited to have a representative at the hearing and, in most cases, one or more individuals attend. When special conditions warrant, the visiting committee chairperson or a member of the visiting committee also may be asked to attend the hearings. When this occurs, the auditor provides information to help clarify controversial issues and responds to questions and concerns posed by panel members.

Attendance by any other parties (i.e. media representatives, public officials, or personnel from agencies other than the applicant) occurs only with the permission of the applicant agency. In these cases, the applicant agency representatives and panel members discuss procedures to be followed before commencement of the hearing.

Conduct of Hearings

The panel schedule provides ample time for review of each individual agency pursuing accreditation. Hearings are conducted by the panel chairperson in accordance with established procedures. Panel proceedings require that a formal vote be taken on all final actions, i.e., agency appeals, waiver requests, and the final accreditation decision of the Commission. All panel proceedings are tape-recorded to assist in preparing minutes of the hearings. Panel activities generally occur as follows:

- Applicant agency representatives are requested by Standards and Accreditation Department staff to be on-call to allow for scheduling flexibility.
- A designated waiting area is usually provided for this purpose.
- When the panel is ready to review the agency, the Standards and Accreditation Department staff representative notifies agency representative(s).
- The hearing opens with an introduction by the panel chairperson.
- The agency representative is asked to give a brief description of the

program.

- If a visiting committee member is present at the hearing, the panel chairperson may request that the auditor present an account of the visit, focusing on matters particularly pertinent to the decision or specific panel actions. In some cases, however, the panel may wish to call on the visiting committee member only to request additional information at different points during the hearing.
- The panel chairperson leads a standard by standard review of non-compliance issues. The agency representative presents information relative to their request for waivers, plans of action, appeals, and discretionary compliance requests. The agency may also present additional materials, including photographs or documentation, for review by the panel.
- Following the agency presentation, the chairperson has the option of calling the panel into executive session to consider the information provided, determine findings, and make an accreditation decision. Whether or not panel deliberations occur in the presence of agency personnel or in executive session varies from panel to panel, considering the preference of panel members and the sensitivity of issues to be discussed regarding the application.

In final deliberations, the Commission panel:

- Ensures compliance with all mandatory standards and at least 90 percent of all other standards.
- Responds with a formal vote to all appeals submitted by the applicant agency.
- Responds with a formal vote to all request for waivers, discretionary compliance, and plans of action submitted by the applicant agency.

At this time, the panel also:

- Assures that an acceptable plan of action will be submitted for every non-compliant standard, including those standards for which appeals of non-compliance and waiver requests have been denied by the panel. In judging the acceptability of plans of action, the panel ensures that all of the information requested on the form is provided. Furthermore, the feasibility of plans to achieve compliance is considered, including specific tasks, time frames, and resource availability (staff and funding) for implementing proposed remedies.
- Addresses to its satisfaction any concerns it has with visiting committee comments about the quality of life in the facility or program, patterns of non-compliance, or any other conditions reviewed by the panel relating to

the life, health, and safety of residents and staff.

For each application, a roll call vote to award accreditation, extend an agency in Candidate or Correspondent Status, or deny accreditation is conducted. The options for final action available to the panel are outlined in the next chapter.

If the panel has deliberated in executive session, agency representatives are invited back into the meeting and informed of the panel's final decision and actions or recommendations on all other issues raised by the applicant. If accreditation has not been granted, the chairperson discusses with agency personnel specific reasons for the decision and the conditions of extension in Candidate or Correspondent Status and procedures for appeal.

Accreditation Decisions

Three decisions relative to the accreditation of an agency are available to panels:

- *Three-year accreditation award* based on sufficient compliance with standards, acceptance of adequate plans of action for all non-compliant standards and satisfaction of any other life, health, and safety conditions established by the panel. The balance of the contract must be paid in full in order to receive a certificate of accreditation.
- *Extension of the applicant agency in Candidate Status* (initial accreditation only) for reasons of insufficient standards compliance, inadequate plans of action, or failure to meet other requirements as determined by the panel. The Commission may stipulate additional requirements for accreditation if, in its opinion, conditions exist in the facility or program that adversely affect the life, health, or safety of the offenders or staff. Extension of an applicant in Candidate Status is for period of time specified by the panel and for identified deficiencies if in the panel's judgment, the agency is actively pursuing compliance.
- *Probationary Status* is determined when the panel specifies that compliance levels are marginal, there is a significant decrease in compliance from the previous audit (in the case of reaccreditation), or there are quality of life issues that would indicate continued monitoring. While an award of accreditation is granted, a monitoring visit must be completed and the report presented at the next meeting of the Commission. The cost for a monitoring visit is borne by the agency at a rate of cost plus 25%. The agency does not have to appear before the Commission for the review of the monitoring visit report. If they choose to do so, all related travel expenses are borne by the agency. Specific expectations for removal from probation are outlined.
- *Denial of accreditation* removes the agency from Accredited Status (in the case of reaccreditation) and withdraws the agency from the accreditation program. Situations such as insufficient standards compliance, inadequate plans of action, failure to meet other requirements as determined by the panel or quality of life issues may lead to the denial of accreditation, it is

withdrawn from the process and is not eligible to re-apply (as an applicant) for accreditation status for a minimum of six months from the date of that panel hearing. The Commission will explain the process for appeal.

The agency receives written notification of all decisions relative to accreditation after the hearing.

Appeal Process

The accreditation process includes an appeal procedure to ensure the equity, fairness, and reliability of its decisions, particularly those that constitute either denial or withdrawal of Accredited Status. Therefore, an agency may submit an appeal of any denial or withdrawal of accreditation.

The basis for reconsideration is based on grounds that the decision(s) were:

- Arbitrary, capricious, or otherwise in substantial disregard of the criteria and/or procedures promulgated by the Commission.
- Based on incorrect facts or an incorrect interpretation of facts.
- Unsupported by substantial evidence.
- Based on information that is no longer accurate.

The reasonableness of the standards, criteria, and/or procedures for the process may not serve as the basis for reconsideration. The procedures for reconsideration are as follows:

- The agency submits written request for reconsideration to the Director of Standards within 30 days of the adverse decision stating the basis for the request.
- The Executive Committee of the Commission, composed of the officers of the Commission, reviews the request and decides whether or not the agency's request presents sufficient evidence to warrant a reconsideration hearing before the Commission. The agency is notified in writing of the Executive Committee's decision.
- If the decision is made to conduct a hearing, the hearing is scheduled for the next full Commission meeting and the agency is notified of the date.
- The agency, at its option and expense, has the right of representation, including counsel.
- Following the hearing held before the Commission, the decision, reflecting a majority opinion, is made known to the agency immediately.
- Pending completion of the reconsideration process, the agency maintains its

prior status. Until a final decision has been reached, all public statements concerning the agency's accredited status are withheld.

- Following completion of the reconsideration process, any change in the status of an agency is reflected in the next regularly published list of accredited agencies.

Accredited Status

The accreditation period is three years, during which time the agency must maintain the level of standards compliance achieved during the audit and work towards compliance of those standards found in non-compliance. Regular contact with Standards and Accreditation Department staff should also be maintained.

Annual Report

During the three year accreditation period, the agency submits an annual report to the Standards and Accreditation Department. This statement is due on the anniversary of the accreditation (panel hearing) date and contains the following information:

Current standards compliance levels – This includes any changes in standards compliance since accreditation, listing on a standard-by-standard basis any standard with which the agency has fallen out of compliance or achieved compliance.

Update of plans of action – A progress report is included with respect to plans of action submitted to the hearing panel, indicating completion of plans resulting in compliance with standards and revised plans reflecting the need for additional time, funds, and/or resources to achieve compliance.

Significant Events- A report is made of events and occurrences at the agency during the preceding year that impact on standards compliance, agency operation, or the quality of services provided by the agency. This might include:

- A change in the agency administration and/or major staffing changes mission change or program revisions.
- Mission change or program revisions.
- Changes in the offender population, including number of offenders or general offender profile.
- Physical plant renovations, additions, or closing.
- Any major disturbances, such as extended periods or lock-down, employee work stoppages, etc.
- Any significant incident to include allegations of physical/sexual abuse.
- A death from other than natural causes.

Standards and Accreditation Department staff review the annual report received from the agency and respond to clarity issues or request additional information if necessary.

In addition to submission of the annual report, the agency is responsible for notifying Standards and Accreditation Department staff of any major incident, event, or circumstances

that might affect standards compliance. This notice must be provided to the Standards and Accreditation Department immediately following the event. For example, an agency must notify the Standards and Accreditation Department if it is the subject of a court order, has a major disturbance, escape, physical/sexual abuse (to include allegations), employee work stoppage, death from unnatural causes, or experiences a major fire or other disaster. It is the responsibility of the accredited agency to inform Standards and Accreditation Department staff or provide them with copies of news articles, special reports, or results of investigations that address conditions that affect standards compliance.

Finally, the Standards and Accreditation Department may request that the agency respond to public criticism, notoriety, or patterns of complaint about agency activity that suggests failure to maintain standards compliance. The Standards and Accreditation Department may conduct an on-site monitoring visit to the agency to verify continued compliance.

Monitoring Visits

Monitoring visits to agencies in Accredited Status are conducted by an ACA auditor(s) in order to assess continuing compliance with the standards. A monitoring visit may be conducted at anytime during the accreditation period, with advance notice to the agency. The determination of need for a monitoring visit is based on:

- Compliance levels, findings, and recommendations by the Commission on Accreditation for Corrections during the hearing.
- Incidents or events reported by the agency in its annual report.
- Problems indicated by adverse media reports or correspondence received by Standards and Accreditation Department staff, disturbances at the agency, or special investigations.

The length of the visit varies depending on the number of standards or special issues that must be addressed during the visit. The visits are conducted similar to standards compliance audits, but on a reduced scale. Monitoring visits are charged to the agency at a rate of cost plus twenty-five percent.

Activities, as a general rule, involve a review of all mandatory standards, all standards found in non-compliance at the time of accreditation, and any other concerns identified by the Commission. The visit also involves a tour of the agency and interviews with staff and offenders to ensure maintenance of the requirements of accreditation. It concludes with an exit interview during which the auditor informs the agency staff of the findings of the visit.

Following the visit, the auditor prepares a monitoring visit report that addresses findings of the visit. The report includes a list of standards reviewed, explanation of non-compliance findings, results of the tour and interviews with agency staff and offenders, and discussion of any issues believed to be relevant to the agency's accreditation. The report, as with others prepared by auditors, is reviewed and sent to the agency by Standards and Accreditation staff.

When a monitoring visit to the agency reveals deficiencies in maintaining compliance levels that existed at the time of accreditation, or less than 100 percent compliance with mandatory standards, the agency prepares a response providing explanation of the problems indicated in the report. When the agency has failed to maintain compliance with all mandatory standards, the monitoring visit report and the agency response are submitted to the Commission on Accreditation for Corrections for review during a regular hearing. Agency representatives are advised of the date, time, and location of the review, and are invited to attend. At the discretion of the Commission, the agency may be placed in probationary status and a revisit conducted to determine if deficiencies have been corrected.

Revocation of Accreditation

If the Commission panel believes that an agency's failure to maintain continuous compliance with certain standards is detrimental to life, health, and safety of residents and staff, the Commission may place an agency on probation. Probationary status last for a specific period of time designated by the Commission at its next regularly schedule meeting. The Commission again reviews the program and considers removing the probationary status or revoking accreditation. When the agency corrects the deficiencies within the probationary status period and the corrections have been verified and accepted, the agency resumes its status as an accredited agency. An agency that does not satisfactorily correct the deficiencies may be withdrawn from accreditation.

Another condition that may result in a rehearing and consideration of revocation is following a significant event in an agency (i.e. major disturbance, death from other than natural causes or allegations of physical/sexual abuse of offenders). Failure to notify the Standards and Accreditation Department in a timely manner may result in suspension of the agency's accreditation. Once ACA is notified of the major event, the Director of Standards and Accreditation may consult with the Executive Committee of the Commission, who may request a monitoring visit. If a visit is warranted, ACA will notify the agency and a date will be established with the concurrence of the facility. The monitoring visit will take place within 14 days of this notification. The monitoring visit report will be sent to the Director of Standards within 7 days of the monitoring visit and then forwarded to the Executive Committee of the Commission. Following review of the report, a determination will be made by the Executive Committee as to whether revocation of accreditation is warranted. Prior to any rehearing, agency representatives will be notified, so that any issues may be addressed and responded to in writing.

Accreditation is revoked for the following reasons:

- Failure on the part of the agency to adhere to the provisions on the contract.
- Failure on the part of the agency to maintain continuous compliance with the standards at levels sufficient for accreditation.
- Intentional misrepresentation of facts, lack of good faith, or lack of deliberate speed or a concerted effort to progress in the accreditation process, including the implementation of plans of action.

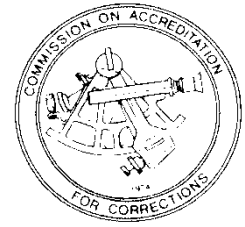
- Failure to notify ACA of significant incidents in the annual report to the Commission.
- Adverse conditions of confinement that affect the life health, and/or safety of staff and offenders.
- Failure to comply with the conditions of probation or suspension.

Standards and Accreditation Department staff notify the agency in writing of the specific reasons identified by the Commission for the revocation hearing. Agencies may appeal the decision of the Executive Committee to the full board of the Commission on Accreditation for Corrections. Appeals must be submitted within 30 days. The agency may apply to re-enter the process 180 days after the revocation of accreditation.

Expiration of Accredited Status

Accreditation is granted for a three year period. Unless the agency has applied for reaccreditation and completed activities in the process required for reaccreditation, the Commission withdraws the agency from Accreditation Status after this three year period.

For agencies in Accredited Status that are seeking subsequent accreditation, administrative extensions of Accredited Status may be granted under certain conditions. For example, relocation of the facility, staff turnover, and major renovations often warrant an extension. In these cases, a written request to the Director of Standards and Accreditation is required, outlining the reasons for extending the accreditation period. Agencies that fail to successfully complete an audit within the three year period, or do not receive an extension prior to their expiration date, are withdrawn from Accredited Status.



Visiting Committee Report and Hearing Minutes

CONFIDENTIALITY

The American Correctional Association and the Commission on Accreditation for Corrections do not disclose to external parties specific information contained in this Accreditation Report or information discussed in the Accreditation Hearing. The Association encourages all participating agencies to provide information to the media about their accreditation activities, including disclosure of the Self-Evaluation and Accreditation Report.

COMMISSION ON ACCREDITATION FOR CORRECTIONS
STANDARDS COMPLIANCE REACCREDITATION AUDIT

Montana Department of Corrections
Montana Board of Pardons & Parole
Deer Lodge, Montana

November 9-10, 2015

VISITING COMMITTEE MEMBERS

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A. Introduction

The audit of the Montana Board of Pardons and Parole, Deer Lodge, Montana was conducted on November 9-10, 2015 by the following team: Dave Johnson, Chairperson and James Bailey, Member.

B. Facility Demographics

Rated Capacity: This is a Parole Board and does not supervise offenders. Therefore, Offender numbers are not applicable.

Full-Time Staff: (10)

C. Facility Description AND Program Description

The Montana Board of Pardons and Parole is responsible for the clemency and release system for offenders that are still under the jurisdiction of the State of Montana Department of Correction. The Board is located in Powell County at 1002 Hollenbeck, Deer Lodge, Montana.

The mission of the “Montana 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 interest 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 administered in an effective, fair, state and efficient fashion”.

The Montana Board of Pardons and Parole was created by legislative action in 1955. 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. The Board has ten full-time employees that support a seven member citizen parole board.

The Montana Board of Pardons and Parole is composed of seven members. Each member is appointed by the Governor for staggered four year terms subjected to confirmation by the State Senate. The Governor appoints the Chair in accordance with State Law. The Vice-Chair and Secretary are elected in an executive session by the members. Members of the Board must possess academic training that has qualified them for professional practice in a field such as criminology, education, psychiatry, psychology, law, social work, sociology, guidance and counseling. Work experience in these areas listed may be substituted for educational requirements.

The Montana State Board of Pardons and Parole has a comprehensive operations and policy manual that governs how the process is administered.

D. Pre-Audit Meeting

The team met on November 8, 2015 in Butte, Montana to discuss the information provided by the Association staff and the officials from the Montana Board of Pardons and Parole.

The chairperson divided standards into the following groups:

| | |
|-------------------------------|---------------------------|
| Standards # 2-1001 to #2-1065 | Dave Johnson, Chairperson |
| Standards # 2-1066 to #2-1130 | James Bailey, Member |

E. The Audit Process

1. Transportation

The team was escorted to the facility by Meaghan Mulcahy, Parole Board Analyst.

2. Entrance Interview

The audit team proceeded to the Montana Board of Pardons and Parole conference Board Room with Timothy Allred, Executive Director. The team expressed the appreciation of the Association for the opportunity to be involved with Montana Board of Pardons and Parole in the accreditation process. This was also the formal entry meeting location.

The following persons were in attendance:

Timothy Allred, Executive Director
Christine Slaughter, Parole Board Analyst
Meaghan Mulcahy, Parole Board Analyst
Cathy Leaver, Administrative Specialist
Lisa Wirth, Administrative Assistant
Michelle Oliver, Filing Secretary
Dotsie Shaffer, Receptionist

It was explained that the goal of the visiting team was to be as helpful and non-intrusive as possible during the conduct of the audit. The chairperson emphasized the goals of accreditation toward the efficiency and effectiveness of correctional systems throughout the United States. The audit schedule was also discussed at this time.

3. Facility Tour

The team toured the entire facility from 8:00 a.m. to 8:30 a.m. The following persons accompanied the team on the tour and responded to the team's questions concerning facility operations:

Timothy Allred, Executive Director
Christine Slaughter, Parole Board Analyst-ACA Manager

The Montana Board of Pardons and Parole office is a 3,521 square foot space in the Montana Forestry Division building. The Natural Resource Conservation Service and the Conservation District are housed in one corridor of the building. The Farm Service Agency also shares office space in the building.

There is ample space for the large volume of active parole files and inactive files stored at the Board's office.

The Board's primary responsibility in making decisions is public safety. The law states the board may release any person committed to prison when the Board believes the prisoner is able and willing to fulfill the obligations of a law-abiding citizen and when the Board believes the prisoner can be released without detriment to the prisoner or to the community.

The Board has historically approved parole for six out of every ten offenders that appeared before them requesting release. During the year 2015 to date the board has approve 442 for parole. During 2014 the board approved 599, and for 2013 the board approved 602 for parole.

The Board has recently acquired video and audio equipment which allows the parole analyst to record all parole hearings and board interviews.

4. Conditions of Confinement/Quality of Life

This section is not applicable as the agency does not supervise offenders.

F. Examination of Records

Following the facility tour, the team proceeded to the Board Hearing Room to review the accreditation files and evaluate compliance levels of the policies and procedures. The facility has no notices of non-compliance with local, state, or federal laws or regulations.

The agency was found in non-compliance with two standards;

2-1039 – Positions of members of the Parole Authority are full-time. All members of the Montana Parole Board are part-time.

2-1040- Tenure on the Parole Authority is no less than five years. Board members are appointed by the Governor to four year terms.

The Board, as part of the criminal justice system, is doing its part by following the appropriate laws, releasing deserving offenders to community placement, and keeping underserving or dangerous prisoners incarcerated. The Board also promptly returns to custody offenders not willing to abide by the conditions of their release.

| Montana Board of Pardons and Parole Current Board Members | | | |
|---|------------------------------|-----------|----------|
| Name | Occupation | Appointed | Expires |
| Bill McChesney | Retired | 3/1/2015 | 1/1/2019 |
| Mark Staples | Attorney | 1/1/2015 | 1/1/2019 |
| Darryl Dupuis | Retired Educator | 3/1/2014 | 1/1/2018 |
| Sandy Heaton | Licensed Mental Health Prof. | 3/1/2014 | 1/1/2018 |
| Pete Lawrenson | Business Management | 5/1/2013 | 1/1/2017 |
| Coleen Magera | Attorney | 5/1/2013 | 1/1/2017 |
| Mary Kay Puckett | Consultant | 5/1/2013 | 1/1/2017 |

All members must have training in American Indian Culture and problems. Members serve until such time as they are replaced or reappointed.

Montana Board of Pardons and Paroles current staff is as follows:

- Timothy Allred, Executive Director
- Julie Thomas, Senior Parole Board Analyst
- Michael Webster, Parole Board Analyst
- Christine Slaughter, Parole Board Analyst
- Meaghan Mulcahy, Parole Board Analyst
- Cathy Leaver, Administrative Specialist
- Lisa Wirth, Administrative Assistant
- Michelle Oliver, Filing Secretary
- Dotsie Shaffer, Receptionist
- Jessica James, Multimedia Analyst

Montana Board of Pardons and Parole is involved with the following processes:

Parole

Parole is the release of an inmate into the community prior to the completion of sentence, subject to the orders of the Montana Board of Pardons and Parole and the supervision of the Department of Corrections. The Parole Board is an independent agency and exercised its quasi-judicial and policy-making functions without the approval or control of the Department of Corrections.

Executive Clemency

The Board is also responsible for Executive Clemency for the state of Montana. This includes both pardon and commutation of sentences. The Board has provided the application on their website for interested parties to print, sign and send in for consideration of clemency.

Budget Information

The Parole Board in Montana is a citizen's board. They are not paid correctional employees. They volunteer their time and are paid \$75.00 per day for each day they conduct Board business. They are reimbursed for Board related expenses. The total budget for Board member reimbursement per year is approximately \$40,425.00.

The entire budget for the Montana Board of Pardons and Parole to include the salaries of the eleven employees is approximately \$1,010,853.00 for the current fiscal year.

G. Interviews

Staff Interviews

During the course of the audit, team members met with staff to verify observations and/or to clarify questions concerning facility operations. Eight members of the staff were interviewed individually during this audit. The entire staff was highly supportive of the Executive Director.

H. Exit Discussion

The exit interview was held at 10:45 a.m. in the Montana Board of Pardons and Parole conference room with the Executive Director, Timothy Allred and eight staff in attendance.

No other guest from outside the agency was present.

The chairperson explained the procedures that would follow the audit. The team discussed the compliance levels of the mandatory and non-mandatory standards and reviewed their individual findings with the group. The chairperson also explained the changes to the visiting committee report procedure as it related to reporting and non-compliance files.

The chairperson expressed appreciation for the cooperation of everyone concerned and congratulated the facility team for the progress made and encouraged them to continue to strive toward even further professionalism within the correctional field.

COMMISSION ON ACCREDITATION FOR CORRECTIONS
AND THE
AMERICAN CORRECTIONAL ASSOCIATION

| |
|-------------------------|
| COMPLIANCE TALLY |
|-------------------------|

| | | |
|-------------------------------|---|----------------------|
| Manual Type | Adult Parole Authorities, 2 nd Edition | |
| Supplement | 2014 Standards Supplement | |
| Facility/Program | Montana Board of Pardons & Parole | |
| Audit Dates | November 9-10, 2015 | |
| Auditor(s) | Dave Johnson, Chairperson; James Bailey, Member | |
| | MANDATORY | NON-MANDATORY |
| Number of Standards in Manual | 0 | 131 |
| Number Not Applicable | 0 | 18 |
| Number Applicable | 0 | 112 |
| Number Non-Compliance | 0 | 2 |
| Number in Compliance | 0 | 110 |
| Percentage (%) of Compliance | 0 | 98.2% |
| | <ul style="list-style-type: none"> ● Number of Standards <i>minus</i> Number of Not Applicable <i>equals</i> Number Applicable ● Number Applicable <i>minus</i> Number Non-Compliance <i>equals</i> Number Compliance ● Number Compliance <i>divided by</i> Number Applicable <i>equals</i> Percentage of Compliance | |

COMMISSION ON ACCREDITATION FOR CORRECTIONS

Montana Department of Corrections
Montana Board of Pardons & Parole
Deer Lodge, Montana

November 9-10, 2015

Visiting Committee Findings

Non-Mandatory Standards

Non-Compliance

Standard #2-1039

POSITIONS OF MEMBERS OF THE PAROLE AUTHORITY ARE FULL-TIME. IN JURISDICTION WHERE THE PAROLE AUTHORITY HAS MINIMUM OF CASES TO BE HEARD, THE CHAIRPERSON MUST BE FULL-TIME BUT OTHER MEMBERS MAY BE PART-TIME. A FULL JURISDICTION FOR SUCH ACTION IS NECESSARY. (IMPORTANT)

FINDINGS:

Positions of members of the Parole Authority are full-time. All members of the Montana Parole Board are part-time.

AGENCY RESPONSE

Discretionary Compliance

Montana law dictates the status of the Board makeup and administrative rule or policy cannot override the law. The State of Montana involves their citizens in the Government process through various means. One of the most significant uses of citizens is the Board and Council process. There are over 170 Boards and Councils in the State of Montana. The Montana Legislature has not been willing to change any of the Boards to full-time entities. The change would be extremely expensive and is opposed by the Legislature. Several pieces of legislation have been rejected over the last several sessions. The Association of Paroling Authorities has stated that the most significant determination of Parole Board continuity is whether the members' terms are staggered. Part-time Board members serving staggered terms are able to share their experiences with new appointees, provide training and support, and as a group provide an institutional memory that can be drawn on at any time. Additionally, this continuity protects against an entire new membership being appointed at one time. Montana law states: Board members shall serve staggered four-year terms.

The citizen Parole Board works in conjunction with a full time staff and the part time nature does not adversely affect, in a significant manner, the life, health, and safety of staff or inmates/residents/offenders/clients or, to any degree, the constitutional operation of the facility or program. There are no ongoing class action lawsuits by inmates or victims.

AUDITOR'S RESPONSE

The audit team supports the discretionary compliance request. Montana law dictates the status of the Board makeup and administrative rule on policy cannot override the law. Law makers in Montana have been unwilling to change any of the boards to full-time entities based on the extreme expenses that would be incurred.

Standard #2-1040

TENURE ON THE PAROLE AUTHORITY IS NO LESS THAN FIVE YEARS. LEGAL PROVISION ALLOWS FOR THE REMOVAL OF PAROLE AUTHORITY MEMBERS FOR GOOD AND DEMONSTRATED CAUSE ONLY AFTER A FULL AND OPEN HEARING WHEN ONE HAS BEEN REQUESTED BY THE MEMBER. (IMPORTANT)

FINDINGS:

Tenure on the Parole Authority is no less than five years. Board members are appointed by the Governor to four year terms

AGENCY RESPONSE

Discretionary Compliance

Montana law dictates the status of the Board makeup and administrative rule or policy cannot override the law. The current tenor on the Montana Board is 4 rather than 5 years. However, the Governor has the ability to reappoint members and Governor Bullock recently did reappointed one member to an additional 4 year term. The Association of Paroling Authorities has stated that the most significant determinant of Parole Board continuity is whether the members' terms are staggered. Board members serving staggered terms are able to share their experiences with new appointees, provide training and support, and as a group provide an institutional memory that can be drawn on at anytime. Additionally, this continuity protects against an entire new membership being appointed at one time. Montana law states: Board members and auxiliary members shall serve staggered 4-year terms. The Governor's office and the Legislature have never supported changing the makeup of the Board.

Because of the staggered terms and the ability to reappoint experienced members, the life, health, and safety of staff or inmates/residents/offenders/clients or, to any degree, the constitutional operation of the Board has never been adversely affected in a significant manner

AUDITOR'S RESPONSE

The Audit Team supports the discretionary compliance request. The current tenure on the Montana Board is four rather than five years. However, the Governor can reappoint members to an additional four year term.

COMMISSION ON ACCREDITATION FOR CORRECTIONS

Montana Department of Corrections
Montana Board of Pardons & Parole
Deer Lodge, Montana

November 9-10, 2015

Visiting Committee Findings

Non-Mandatory Standards

Not Applicable

Standard #2-1008

THE PAROLE AUTHORITY HAS THE STATUTORY POWER TO CAUSE THE ARREST OF PAROLEES AND THE POWER TO REVOKE PAROLE. (ESSENTIAL)

FINDINGS:

The DOC has custody of offenders on parole. The Board has the final revocation authority.

Standard #2-1042

SALARIES OF PAROLE AUTHORITY MEMBERS ARE WITHIN TWENTY PERCENT OF THE SALARY PAID TO JUDGES OF COURTS HAVING TRIAL JURISDICTION OVER FELONY CASES. (ESSENTIAL)

FINDINGS:

Parole Board Members are part-time and are compensated at a rate of \$50.00 per day for reading days and \$75.00 per day they are working on Board business and are reimbursed for expenses.

Standard #2-1052

HEARING EXAMINERS HAVE AT LEAST A BACCALAUREATE DEGREE; WRITTEN POLICY PERMITS THE SUBSTITUTION OF EXPERIENCE WHEN DOCUMENTED. (ESSENTIAL)

FINDINGS:

The Board has no jurisdiction over the hearings examiners. The authority rests with the DOC.

Standard #2-1053

AT LEAST TWO THIRDS OF THE HEARING EXAMINERS HAVE AT LEAST THREE YEARS EXPERIENCE IN A CRIMINAL JUSTICE OR JUVENILE JUSTICE POSITION, OR EQUIVALENT EXPERIENCE IN A RELEVANT PROFESSION. (ESSENTIAL)

FINDINGS:

The Board is not authorized to use hearings examiners. The hearings officers are under the jurisdiction of the DOC

Standard #2-1072

OFFENDERS ARE SCHEDULED AUTOMATICALLY FOR HEARING AND REVIEW BY THE PAROLE AUTHORITY WITHIN ONE YEAR AFTER BEING RECEIVED IN A CORRECTIONAL INSTITUTION IF THERE IS NO MINIMUM ELIGIBILITY DATE. (ESSENTIAL)

FINDINGS:

Offenders must serve 25% of their sentence and be reviewed within 60 days prior to their parole eligibility date.

Standard #2-1106

WARRANTS FOR THE ARREST AND DETENTION OF PAROLEES, PENDING A DETERMINATION BY THE PAROLE AUTHORITY AS TO WHETHER PAROLE SHOULD BE REVOKED, OR PROVISIONALLY REVOKED, ARE ISSUED ONLY UPON THE AFFIRMATIVE APPROVAL OF A PAROLE AUTHORITY MEMBER OR THE STATEWIDE OR REGIONAL DIRECTOR OF PAROLE SUPERVISION SERVICES. (ESSENTIAL)

FINDINGS:

DOC has custody of parolees and thus has the authority to approve of arrest procedures it deems appropriate.

Standard #2-1107

WARRANTS FOR THE ARREST AND DETENTION OF PAROLEES ARE ISSUED ONLY UPON ADEQUATE EVIDENCE WHICH INDICATES A PROBABLE SERIOUS OR REPEATED PATTERN OF VIOLATION OF PAROLE CONDITIONS AND A COMPELLING NEED FOR DETENTION PENDING THE PAROLE AUTHORITY'S INITIAL REVOCATION DECISION. (ESSENTIAL)

FINDINGS:

Warrant for arrest and detention are under the jurisdiction of the DOC.

Standard #2-1108

WHEN PAROLE VIOLATION CHARGES ARE BASED ON THE ALLEGED COMMISSION OF A NEW CRIME, A DETENTION WARRANT IS NOT ISSUED UNLESS THE PAROLEE'S PRESENCE IN THE COMMUNITY WOULD PRESENT AN UNREASONABLE RISK TO PUBLIC OR INDIVIDUAL SAFETY. (ESSENTIAL)

FINDINGS:

Detention warrant based upon parole violations are under the jurisdiction of the DOC.

Standard #2-1109

WHEN A PAROLEE IS ARRESTED ON A DETENTION WARRANT, OR WHEN A DETENTION WARRANT IS LODGED AS A BACK-UP TO BAIL IN COMMUNICATION WITH PENDING CRIMINAL CHARGES, A PRELIMINARY HEARING* IS HELD WITHIN FOURTEEN CALENDAR DAYS AFTER THE ARREST AND DETENTION OF THE PAROLEE OR THE LODGING OF THE DETENTION WARRANT; HOWEVER, WHEN THERE HAS BEEN A CONVICTION OR A FINDING OF PROBABLE CAUSE ON NEW CRIMINAL CHARGES, THE PRELIMINARY HEARING IS NOT REQUIRED. (ESSENTIAL)

FINDINGS:

Parolees are supervised by the DOC, thus making the DOC responsible for arrest warrants and preliminary hearings.

Standard #2-1110

THE PRELIMINARY HEARING IS HELD IN OR NEAR THE COMMUNITY WHERE THE VIOLATION IS ALLEGED TO HAVE OCCURRED OR WHERE THE PAROLEE HAS BEEN TAKEN INTO CUSTODY. (ESSENTIAL)

FINDINGS:

Preliminary hearings are under the jurisdiction of the DOC.

Standard #2-1111

THE PRELIMINARY HEARING MAY BE DELAYED OR POSTPONED FOR GOOD CAUSE, AND THE PAROLEE MAY WAIVE THE HEARING IF FIRST INFORMED OF RIGHTS PERTAINING TO THE HEARING AND OF THE CONSEQUENCES OF WAIVING THE HEARING. (ESSENTIAL)

FINDINGS:

Preliminary hearings are conducted by the DOC.

Standard #2-1112

THE AUTHORITY MAY DELEGATE TO A MEMBER OF THE PAROLE ADMINISTRATIVE STAFF OR TO FIELD OFFICERS THE AUTHORITY TO CONDUCT A PRELIMINARY HEARING AND MAKE FINDINGS AS TO GROUNDS FOR REVOCATION. (ESSENTIAL)

FINDINGS:

Parolees are supervised by the DOC. The DOC is responsible for conducting preliminary hearings.

Standard #2-1113

THE PRELIMINARY HEARING IS CONDUCTED BY AN ADMINISTRATIVE STAFF MEMBER OR OFFICER WHO HAS NOT PREVIOUSLY BEEN INVOLVED IN THE CASE. (ESSENTIAL)

FINDINGS:

Preliminary hearings are conducted by the DOC.

Standard #2-1114

AT LEAST THREE DAYS PRIOR TO THE PRELIMINARY HEARING, THE PAROLEE IS NOTIFIED IN WRITING OF THE TIME AND PLACE OF THE HEARING, AND OF THE SPECIFIC PAROLE VIOLATION(S) CHARGED. THE PAROLEE IS ALSO ADVISED IN WRITING OF THE RIGHT TO:

- PRESENT EVIDENCE AND FAVORABLE WITNESSES
- DISCLOSURE OF EVIDENCE
- CONFRONT ADVERSE WITNESS(ES), UNLESS THE WITNESS(ES) WOULD BE SUBJECTED THEREBY TO A RISK OF HARM
- HAVE COUNSEL OF CHOICE PRESENT, OR, IN CASE OF INDIGENT PAROLEES WHO REQUEST ASSISTANCE TO ADEQUATELY PRESENT THEIR CASE, HAVE COUNSEL APPOINTED
- REQUEST POSTPONEMENT OF THE HEARING FOR GOOD CAUSE (ESSENTIAL)

FINDINGS:

Preliminary hearings are conducted by the DOC.

Standard #2-1115

THE PERSON WHO CONDUCTS THE PRELIMINARY HEARING DETERMINES WHETHER THERE IS PROBABLE CAUSE TO REVOKE PAROLE AND HOLD THE PAROLEE FOR A REVOCATION HEARING BEFORE THE PAROLE AUTHORITY. THE PAROLE AUTHORITY MAY EMPOWER THE HEARING OFFICER TO MAKE THE PROVISIONAL REVOCATION DECISION, OR MERELY TO REPORT HIS/HER FINDINGS AND RECOMMENDATION TO THE PAROLE AUTHORITY FOR A DECISION AS TO REVOCATION. THE HEARING OFFICER ISSUES A VERBAL DECISION OR A RECOMMENDATION IMMEDIATELY AFTER THE HEARING AND PROVIDES A WRITTEN DECISION TO THE PAROLEE WITHIN 21 CALENDAR DAYS OF THE HEARING. (ESSENTIAL)

FINDINGS:

Preliminary hearings are conducted by the DOC.

Standard #2-1116

THE PAROLEE IS RETURNED TO PRISON ONLY WHEN PROBABLE CAUSE IS FOUND AT THE PRELIMINARY HEARING AND WHEN IT IS DETERMINED, AFTER CONSIDERING THE APPROPRIATENESS OF LESS SEVERE SANCTIONS, THAT THE CLEAR INTEREST OF THE PUBLIC REQUIRES RE-INCARCERATION. (ESSENTIAL)

FINDINGS:

Preliminary hearings are conducted by the DOC.

Standard #2-1121

IN JURISDICTIONS WHERE THE PAROLE AUTHORITY HAS DISCRETION TO AWARD OR FORFEIT GOOD CONDUCT DEDUCTIONS FOR TIME SERVED ON PAROLE IN THE COMMUNITY, THERE ARE WRITTEN GUIDELINES FOR THE AWARD OR FORFEITURE OF SUCH DEDUCTIONS. (ESSENTIAL)

FINDINGS:

Montana State-Board of Pardons & Parole has no authority over good time per MCA 53-30-105 (which has since been repealed due to elimination of good time)

Standard #2-1125

IF NOT DISCHARGED AFTER ONE YEAR OF RELEASE ON PAROLE OR THE STATUTORY MINIMUM PERIOD, THE PAROLEE MAY REQUEST A DISCHARGE REVIEW BY THE AUTHORITY. (ESSENTIAL)

FINDINGS:

Parolees are supervised by the DOC. Requests are under the authority of the DOC.

**COMMISSION ON ACCREDITATION FOR CORRECTIONS
PANEL ACTION REPORT**

Sheraton New Orleans
New Orleans, Louisiana

January 23, 2016

Montana Department of Corrections
Montana Board of Pardon & Parole
Dear Lodge, Montana

Agency Representatives: Christine Slaughter, Accreditation Manager/Parole Analyst
Julie Thomas, Senior Parole Analyst
Meaghan Mulcahy, Parole Analyst
Shannon Mahoney, Parole Analyst

Panel Members: Lori Ammons, Chairperson
Kelly Harrington
Lisa Stapleton

Staff: Robert Brooks

Panel Action

Standard #2-1039 Discretionary Compliance - Approved

Standard #2-1040 Discretionary Compliance - Approved

Accreditation Panel Decision

Moved: Commissioner Ammons
Seconded: Commissioner Harrington

Three-Year Accreditation: Yes

Accreditation Vote **Yes** **No**

Commissioner Ammons ✓
Commissioner Harrington ✓
Commissioner Stapleton ✓

Final Tally

| | |
|---------------|-------|
| Mandatory | 100% |
| Non-Mandatory | 98.2% |