PAROLE IN MONTANA: UNDERSTANDING THE PROCESS AND RESPONSIBILITIES

Created in cooperation by the Montana Board of Pardons and Parole (BOPP) and the Montana Department of Corrections (DOC).

WHAT IS PAROLE VS. PROBATION?

- **Parole** is when the BOPP approves the early release of an inmate to finish serving their sentence in the community under the supervision of the DOC.
  - Inmates have the **right** to be released upon completion of the sentence handed down by the court. Parole is a **privilege** that allows inmates to be released before the completion of their sentences.
- **Probation** is when the district court suspends or defers a prison sentence or DOC commitment allowing the offender to be supervised in the community by the DOC.

WHEN CAN INMATES APPEAR BEFORE THE BOPP?

- Inmates can appear before the board if they have served **one-fourth (25%)** of their sentence less jail time credit (non-life sentences) as calculated by the DOC's Records Bureau.
- Hearings are scheduled for within two months of the inmate's parole eligibility date.
- They may not be eligible if they:
  - Have not satisfied any court-imposed parole restrictions (including treatment)
  - Don't have 120 days of clear conduct in the facility (Montana ARM 20.25.305(5))

ARE INMATES REQUIRED TO SEE THE BOPP WHEN THEY BECOME ELIGIBLE FOR PAROLE?

- **No, inmates may waive their parole hearing** for a variety of reasons. For example, they:
  - –Aren't interested in parole
  - –Need to complete programming/treatment
  - –Want to complete educational programming
  - –Are waiting on legal counsel or witnesses
- **To waive a hearing**, they must sign a notice explaining why they don't want to appear.
- Inmates will be required to see the BOPP after waiving two consecutive hearings (unless special permission is granted).

WHAT TYPES OF PAROLE ARE AVAILABLE?

- The type of parole for which an inmate qualifies is based on their unique circumstances. Those include:
  - **Straight parole** – inmate paroles to a private home in the community
  - **Semi-restrictive housing** – inmate paroles to sober living, group home
  - **Parole after completion of prerelease program**
  - **Parole to detainer from another state, law enforcement agency, federal facility**
  - **Interstate Compact** – inmate paroles to another state for supervision
  - **Commencement (sentence to follow)** – inmate is allowed to begin serving a consecutive sentence to the one they are serving earlier than they normally would have (for parole eligibility purposes only)
  - **Parole upon completion of treatment**

HOW DOES AN INMATE PREPARE FOR A PAROLE HEARING? PAROLE PROCESS INFORMATION PACKET

- Inmates need to present a release plan to BOPP at their hearing. To help, their case manager provides them with a **Parole Process Information Packet** to complete. The packet asks for information including:
  - –Social, education, work, criminal history
  - –Where they plan to live
  - –Where they are going to work or receive educational/vocational training
  - –Treatment, programming needs and community resources

HOW DOES AN INMATE PREPARE FOR A PAROLE HEARING? PAROLE PROCESS INFORMATION PACKET CONTINUED

- The packet provides the opportunity for inmates to write a letter to the BOPP.
- **This is their first chance to make a positive impression** on the group who will determine whether to grant their parole, so they should make the most of it! They should:
  - –Speak honestly about their crimes
  - –Explain what they have done to improve themselves while in prison
  - –Describe their plan if they are released (in detail)
  - –Talk about their goals for their future

HOW DOES AN INMATE PREPARE FOR A PAROLE HEARING? ADDITIONAL PREPARATION

- Inmates should contact witnesses who might want to speak or write a letter on their behalf.
  - The witness must notify the board of their desire to speak or write in favor of the inmate's parole **no less than 10 working days prior** to the scheduled hearing.
  - Written statements can be emailed to CORBOPP@mt.gov, mailed to 1002 Hollenbeck Rd, Deer Lodge, MT 59722, or faxed to (406) 846-3512.
  - For more information, witnesses can visit www.bopp.mt.gov.
- Inmates should obtain applications for semi-restrictive housing from their case manager in case they are approved for parole. They should not submit those until after they receive their disposition from the board.

HOW DOES AN INMATE PREPARE FOR A PAROLE HEARING? PAROLE REPORT

- Inmates must submit their completed Parole Process Information Packet to their case manager.
- DOC staff members will prepare a comprehensive, objective parole report for the board's consideration. It will cover their:
  - Full criminal history
  - Facility history (discipline, education, treatment, etc.)
  - Parole plan
- When complete, the case manager will review the report with the inmate. During that review, the inmate will initial each page to acknowledge they have seen it. They may also note any discrepancies they find.

WHAT SHOULD AN INMATE EXPECT AT THEIR PAROLE HEARING?

- BOPP hearing panels are comprised of three randomly selected members of the six-member board. One is assigned to be the lead member and will conduct the flow of the hearing.
- The board will ask inmates questions like:
  - Why are you in prison?
  - What were the circumstances of your offense?
  - What have you done to address your needs through programming?
  - What are your plans if you are paroled?
- Witnesses will be allowed to speak. (Witnesses in support of release, victims, family members of victims, prosecutors, etc.) The board may allow both public and/or confidential statements.

WHAT WILL THE BOARD CONSIDER WHEN DECIDING AN INMATE'S CASE?

- Considerations include:
  - **Safety** – that of the inmate and the community
  - **Individual need and viability of the parole plan** – whether the plan is realistic and provides the greatest chance for successful re-entry to the community (housing, employment, support resources)
  - **Objection/support from community, law enforcement**
  - **Prior supervision history**

THE DECISION – DISPOSITION

- A majority of panel members must agree on the final disposition.
- The board will read the decision at the hearing and provide it to the inmate in writing. The inmate must sign the written decision and return it to their case manager.
- **Example:** Parole to an approved DOC plan. Highest level of supervision as deemed necessary by PO. Increased drug and alcohol testing. Regular mental health aftercare as deemed necessary by PO. Regular chemical dependency aftercare as deemed necessary by PO. Restricted from drugs/alcohol, recreational marijuana or participating in any medical marijuana program. Restricted from gambling or entering any place where gambling takes place. Shall not enter any place where intoxicants are the chief item of sale. Comply with court conditions and standard conditions of parole set forth in ARM 20.25.702.

PAROLE IS GRANTED – WHAT HAPPENS NEXT?

- Inmates must complete the paperwork provided to them at their hearing by the board and return it to their case manager **(processing time once received – 7-10 days)**
- The detailed parole plan will be presented to the BOPP for review.
- If approved, the board will submit a Request for Investigation to the Probation and Parole office in the community in which the inmate intends to live.
- The P&P officer has **five working days** to investigate details of the plan (confirm residence, employment, treatment provider, requirements like registering as a sex offender or violent offender).
- If approved, P&P will work with facility staff to set a release date.
- If not, the inmate will work with their case manager on a new plan.

GENERAL PAROLE TIMELINE (APPROXIMATE)

- **Straight parole** – 45-90 days
- **Interstate Compact** – 3-5 months
- **Parole to detainer** – determined by receiving jurisdiction
- **Parole upon completion of programming** – determined by placement into programming

FACTORS THAT AFFECT PAROLE TIMELINES

- **Prerelease and treatment center application acceptance**
  - An inmate might not get accepted at the first facility to which they apply. In that case, their application will be routed to other facilities for consideration.
  - If no facilities accept the application, the inmate must return to the BOPP for a rescission hearing with a new plan. **Recission hearing** - when an inmate sees the board following a violation of parole conditions, or when a condition cannot be met.
- **Bed availability**
  - Inmates need to wait for a bed at the facility at which they were accepted.
  - That ranges from no waiting time to more than six weeks.

PAROLE IS DENIED OR PASSED TO DISCHARGE – WHAT HAPPENS NEXT?

- An inmate's work to develop a plan for successful re-entry isn't finished.
- Their case manager will help them prepare for:
  - **Re-appearance**
  - **Administrative review** – when the board reviews a report prepared by prison staff with your input
  - **Discharge**

RELEASE – WHAT IS EXPECTED OF A PAROLEE?

- The professional relationship between a parole officer and parolee is critical to a parolee's successful transition to the community.
- **Expectations of parolees:**
  - Contact their parole officer within 24 hours of their release.
  - Understand and adhere to the conditions of supervision (may require enhanced supervision for first 180 days to offer greatest opportunity for success)
  - Ask questions
  - Be honest
  - Don't hesitate to request help when it's needed
  - Be prepared to be held accountable for behaviors

PARTING WORDS

The privilege of parole should not be taken lightly. The BOPP and DOC staff are dedicated to providing parolees with the best opportunity to be successful when returning to the community. Ultimately, it is up to the parolee to advocate for themselves. Responsibility, accountability, advocacy, and determination are the guideposts that will help ensure successful re-entry.