



MONTANA BOARD OF PARDONS AND PAROLE



**Report to 69th Montana Legislature
2025 Regular Session**

Agency Overview

The 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 interests 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 carried out in an effective, fair, safe, and efficient fashion.

The Board's primary responsibility in making decisions about parole and executive clemency is public safety. Montana law states that the board may release any person committed to prison when the Board believes:

- the inmate can be released without detriment to the inmate or to the community. This does not apply to anyone who is under the sentence of death or a life sentence without the possibility of parole. Additionally, the person must have served at least one-fourth of his/her sentence or if he/she has a life sentence, at least 30 years must have been served.

Parole and executive clemency are privileges, not rights, earned by inmates convicted of felony crimes. As part of the criminal justice system, the Board is doing its part by following the appropriate laws, releasing deserving offenders to community placements, and keeping undeserving or dangerous inmates in prison. The Board also promptly returns to custody offenders who prove to be unwilling to abide by the conditions of their release.

Mission Statement

The Montana Board of Pardons and Parole is committed to a parole and pardon system that promotes fair and consistent decisions based on public safety, victim concerns, successful inmate re-entry and sensible use of state resources. Further, evidence-based strategies and technologies in decision-making to promote risk reduction. Collaborate with available community and state stakeholders to promote positive reintegration. Implement policies and procedures that best promote best professional practices.

Contact Information

Steven K. Hurd, Chairman

406-846-1404 | steve.hurd@mt.gov

Michael A. Buckley, Chief of Staff

406-846-6131 | mbuckley@mt.gov

MONTANA BOARD OF PARDONS AND PAROLE
REPORT TO 69TH MONTANA LEGISLATURE
2025 REGULAR SESSION

November 11, 2024

Honorable Senator Jason Ellsworth
President of Senate
PO Box 201706
Helena, MT 59620
Jason.Ellsworth@legmt.gov

Honorable Representative Matt Regier
Speaker of the House
PO Box 201706
Helena, MT 59620
Matt.Regier@legmt.gov

Honorable Senator Ellsworth and Representative Regier:

The Montana Board of Pardons and Parole (BOPP) is pleased to report to the 2025 Montana Legislature the work that it has done this biennium to further the services it provides to the citizens of Montana.

This report is intended to update the Montana Legislature on the work the BOPP has conducted throughout the interim to bring ongoing projects to fruition, as well as provide statistics to address frequently asked questions received from Legislators by the BOPP.

This report will be available as public information on the Montana BOPP Website:
<https://bopp.mt.gov/>

If there are any questions, concerns, or additional information we can provide, please contact me at your convenience.

Respectfully,

Michael A. Buckley
BOPP Chief of Staff

Enclosure

Cc: Steve Hurd, Chairman Montana Board of Pardons and Parole
Board Members, Montana Board of Pardons and Parole
Brian Gootkin, Director Montana Department of Corrections

Contents

Agency Overview.....	2
Contact information.....	2
BOPP Projects.....	5
American Correctional Association Accreditation.....	5
BOPP Decision Making Tool (GLS).....	5
Victim/Witness Tribal Outreach.....	6
Institutional Screening.....	6
Statistical data by Hearing Type.....	7
Closing.....	11

BOPP Projects

Throughout the interim, the BOPP has continued to work to bring projects tasked to the Agency by the Legislature to fruition. Some projects have been completed while others will be perpetually ongoing. The purpose of this section is to provide updates to the Legislature on each of the projects.

American Correctional Association (ACA) Accreditation

The BOPP was accredited by American Correctional Association in 2016 but was entirely comprised of volunteers whereas current Board staff are new appointees and work full time. This Accreditation period lapsed, and the current professional Board sought to renew ACA Accreditation with the new significant operational developments implemented through the efforts of its members and staff. Due to the lapse of the prior accreditation, the BOPP was required to complete an Initial Accreditation through ACA and will need to maintain the accreditation through a Reaccreditation process every 3 years.

The initial ACA accreditation audit of the State of Montana BOPP was completed September 16-19, 2024. The audit was conducted utilizing the American Correctional Association American Parole Association Standards 2nd Edition and the 2016 Standards Supplement. Out of 131 non-mandatory standards, six were found to be not applicable. Of the 125 remaining standards, 121 were found to be compliant and four to be non-compliant for a recommended score of 96.6%, which translates to an “Excellent” rating. The non-compliant standards mostly involved other agencies, such as Department of Corrections/ Probation and Parole, so that compliance was dependent on practices outside BOPP direct control. These are recommended findings that are provided in writing by the ACA Audit Chairperson with the BOPP response, in a Visiting Committee Report. The final decision is reached by the ACA Commission on Accreditation at the next scheduled hearing on January 11, 2025, which includes not only the final decision as to compliance for each standard/expected practice, but also as to the percentage of compliance and the awarding of accreditation. The BOPP anticipates receiving ACA Accreditation at this hearing in January 2025.

BOPP Decision Making Tool (GLS)

In May of 2024, the BOPP submitted a report to the Legislature outlining the work that it has done to bring the BOPP into compliance with statutory requirements mandating the development of Parole Guidelines (GLS) as well as data tracking for the purpose of validating the use of Parole Guidelines. That report concluded by informing the Legislature of the BOPP’s partnership with the Crime and Justice Institute (CJI) to complete an external assessment of the Parole Guidelines tool. The BOPP completed the joint project with CJI in October 2024.

Based on its assessment of the Parole Guidelines tool, CJI made the following recommendations/considerations to the BOPP:

- Examine the fidelity of GLS implementation.
- Further adjustments to the decision-making framework.
- Continued conversations between BOPP and CJI regarding further adjustments and fidelity of GLS implementation.
- Review of peer parole boards in other state and their use of structured decision-making frameworks.

Grant funding for CJI to work with the BOPP has expired and the BOPP will determine as it moves forward if it will continue to partner with CJI should further grant funding become available or explore other appropriate agencies to partner with as the BOPP continues to study GLS outcomes for the next 5 years utilizing the considerations from CJI as required under statutory obligation in MCA 46-23-218 (4).

Victim/Witness Tribal Outreach

The Victim/Witness Coordinators for the BOPP have been working passionately to establish contacts with each Montana Tribal Nation to assist all victims and family members residing on tribal lands to have a voice at BOPP Parole Hearings. Victim/Witness Coordinators have been working tirelessly throughout the interim to connect with tribal representatives through email, phone, and networking in person by travelling to associated conferences and seminars. Currently, the BOPP has established a point of contact with each major tribal agency for victims and family members to speak in opposition or in support of parole at BOPP Hearings to include the following:

- Ft. Belknap Assiniboine and Gros Ventre Tribal Agencies
- Fort Peck Assiniboine and Sioux Tribal Agencies
- Northern Cheyenne Tribal Agency
- Confederated Salish and Kootenai Tribal Agencies
- Crow Tribal Agency
- Chippewa Cree Tribal Agency
- Little Shell Chippewa Tribal Agency
- Blackfeet Tribal Agency

Institutional Screening

During the 2023 Legislative Session, the Montana Legislature approved HB 426 which, when signed by Governor Gianforte amended the Montana Code Annotated to allow the Department of Corrections to place inmates in treatment and/or pre-release centers prior to their parole eligibility date. The legislation allows movement for inmates within 14 months of their parole eligibility date and/or within 14 months of their prison discharge date. Inmates are then required to see the Parole Board when they reach their parole eligibility at the respective treatment/pre-release. As a result, the BOPP has an Institutional Screening Coordinator on staff that is assigned as an Institutional Screening Team Member to assist in selecting appropriate candidates.

The Department of Corrections (DOC) initially started conservatively and enacted a policy that would only allow placement of offender within 9 months of their parole eligibility date to ease into the Institutional Screening practice. This initial step kept the numbers rather low in the interest of giving the Institutional Screening Team an opportunity to establish standard practices before expanding the policy to the full 14 months. Once the process was determined to be working smoothly, the DOC expanded the policy to allow eligibility up to the full 14 months prior to parole eligibility, which has expanded the pool significantly. DOC has not elected to expand the policy to include offenders within 14 months of discharge of sentence to this point.

The approach at institutional screening has been conservative in the interest of selecting individuals who will likely be paroled when they appear before the Board of Pardons and Parole at the treatment/pre-release programs by considering all concerns that may arise at a parole hearing prior to placement. This is intended to serve the best interest of the offender as well as the community. During the initial six months of implementation (April-October 2024), 192 individuals were identified as meeting the basic eligibility requirements. Of those 192 people, 28 were approved to be screened for treatment/pre-release programs. The majority of those approved at Institutional Screening have been accepted for placement in community corrections facilities. The numbers could possibly be somewhat higher if the DOC policy were modified to allow placement of those individuals nearing their discharge date.

Statistical Data by Hearing Type

In Fiscal Year 2024, the BOPP conducted 1,758 hearings across all hearing types to include: Initial Appearances, Reappearances, Administrative Reviews, Administrative Decisions, Rescission Hearings, and Revocation Hearings. The BOPP is frequently asked by Legislators what the difference is between all the various hearing types that are conducted by Board Members and what the overall grant/denial rate is for inmates appearing from a secure facility to be paroled to the community. In this section of the report, the BOPP will attempt to answer some of these frequently asked questions by explaining the difference between hearing types and providing some statistical data associated with each hearing type from FY2024.

Initial Appearance

All prisoners that meet statutory criteria under MCA 46-23-201 to be considered for a non-medical parole will be scheduled for an in person Initial Appearance before a hearing panel consisting of three Board Members upon reaching eligibility. An offender appears before a hearing panel. Public notice is provided, and the Board hears testimony from all persons having relevant testimony for or against parole. The hearing panel may grant or deny parole based upon criteria outlined in MCA 46-23-208. If the panel denies parole, the inmate may be scheduled for a Reappearance or an Administrative Review under the guidelines set forth in A.R.M. 20.25.402.

FY2024 Initial Appearance statistics

MALE OFFENDERS

Total # of hearings: 502

Parole Granted: 186 (37%)

Parole Denied: 316 (63%)

FEMALE OFFENDERS

Total # of hearings: 71

Parole Granted: 34 (47%)

Parole Denied: 37 (52%)

Offenders that are denied parole at Initial Appearances are told specifically the reasons they are denied by the hearing panel and provided recommendations that may improve their likelihood of being granted parole at their next scheduled hearing. Most offenders are typically scheduled for a Reappearance. Inmates with concerning chronic criminal history and/or violent/sexual offenses may be scheduled for an Administrative Review for up to 6 years from the date of the Initial Appearance as they often have more behaviors that they need to correct than can be accomplished in one year.

Reappearance

An offender denied parole may be granted an appearance at a date typically set by the hearing panel that denied parole at the Initial Appearance. The offender will personally appear before a Hearing Panel. Public notice is provided, and the hearing panel hears testimony from all persons having relevant testimony for or against parole. This is an opportunity for the offender to provide the hearing panel information about the areas they have improved upon based on the reasons for denial at the Initial Appearance.

FY2024 Reappearance statistics

MALE OFFENDERS

Total # of hearings: 403

Parole Granted: 215 (53%)

Parole Denied: 188 (47%)

FEMALE OFFENDERS

Total # of hearings: 44

Parole Granted: 33 (75%)

Parole Denied: 11 (25%)

Again, offenders that are denied parole at Reappearances are told specifically the reasons they are denied by the hearing panel and provided recommendations that may improve their likelihood of being granted parole at their next scheduled hearing and will be set for a Reappearance or an Administrative Review at a future date at the time of denial.

Overall Parole Grant Rate FY2024

Initial Appearance and Reappearance are the specific hearing types where an Inmate is granted or denied parole from a secure facility. In FY2024, the BOPP granted parole on 46% of the cases it heard across all hearings where a male or female offender appeared from a secure facility seeking parole from the BOPP.

Parole Granted: 468 (46%)

Parole Denied: 552 (54%)

Administrative Review

An offender denied parole may be set for an administrative review. Progress and conduct reports are reviewed by Board members, and a decision is rendered. An offender is notified in writing of the decision. Generally, the Board does not release from this review violent offenders, sex offenders, or any other offender who has had opposition at previous hearings. Exceptions may include an imminent discharge date, lack of up-to-date community opposition, or failure of a requesting party to notify the Board of a change in status in accordance with 46-24-213, MCA. If parole is proposed, a public hearing is normally scheduled, and notices are provided to interested persons.

FY2024 Administrative Review statistics

Total # of hearings: 162

Parole Granted: 9 (6%)

Parole Denied: 153 (94%)

As mentioned above, hearing panels do not generally grant a parole during a review to violent offenders, sex offenders, or any other offender who has had opposition at previous hearings. If the panel reviews and recognizes that a parole may have been earned during the Annual Review, a public Reappearance Hearing is then scheduled so that notices are provided to interested persons and the offender will then appear in person before a Hearing Panel.

Administrative Decisions

When a parole is granted, the Hearing Panel will specify all special conditions in its Disposition. If the parolee or the parole officer petitions to add or remove a special condition imposed by a BOPP Hearing Panel when parole is granted, the request is assigned to a Hearing Panel to discuss and determine whether the addition/removal of said condition is in the best interest of the community and the offender. In FY2024, the BOPP received 81 requests and granted 65 (80%), while denying 16 (20%).

Rescission

An action of the Board that annuls or voids a prior disposition granting parole. A hearing panel may conduct a hearing and rescind a previously granted parole if the offender has not left confinement or is on furlough status and the panel finds one of the following has occurred: (a) the offender has committed disciplinary violations; (b) there is a substantial change in the approved release plan; or (c) new evidence or information shows the offender does not deserve a release. The panel will make its decision regarding rescission after it has considered all relevant information including the offender's own testimony regarding extenuation or mitigation. Once rescinded, the panel may determine that the offender is still a viable candidate for parole and issue a new parole with new disposition information or the panel may determine that the cause of rescission is concerning enough that the offender is not appropriate for parole and set the offender for a future hearing if appropriate. During FY 2024, the BOPP conducted 278 Rescission Hearings and elected to re-issue a parole during the Rescission Hearing to 35% of those cases.

Revocation

An action by the Board officially removes a previously granted parole after finding of guilt in violations of conditions of release. Upon receiving a report of violation and substantiating the report from the supervising officer in the community, the BOPP will request the offender be returned to a secure facility and a Revocation Hearing will be conducted. The Hearing Panel will determine if the offender is guilty of the violations contained in the report and may revoke the parole status if appropriate. The Hearing Panel does have the authority to reissue a parole at a Revocation Hearing if deemed appropriate. The BOPP conducted 185 Revocation Hearings in FY2024. It elected to return 88% to secure facilities. 12% were reissued paroles with modified conditions.

Closing

The objective of the Parole Board is to increase public safety by critical evaluation, through the utilization of evidence-based practices of inmate potential for successful reintegration to society. The release of an offender at the discretion of the Parole Board on parole is not a right, but a privilege, and, as such, the Board is committed to utilizing effective tools to select the most appropriate candidates for parole. Currently, no universally accepted percentage exists for the number of discretionary releases that a releasing authority should be providing. Anecdotally, during the recent ACA audit the chairperson inquired as to the most recent MT BOPP parole rates and was visibly surprised and enthusiastically informed the BOPP that it is a much higher rate than the other states she had audited in the past. The Montana BOPP, however, does not strive to be the most granting board. The Montana BOPP strives to be the most accurate board it can be in that paroles are granted when the offender is ready to be paroled safely to the community at the crucial time when they have established self-efficacy and can be expected to enrich their lives in a positive pro-social manner so that they give back to the community rather than taking away the safety or security of others.

The BOPP must rely on the efforts of its partner agency at the DOC, as well as the efforts of the offenders themselves to prepare them to be ready for parole and be successful on supervision. Therefore, the BOPP has continued to improve upon the tools it has to identify when an offender is ready to be paroled. The BOPP is enthusiastic to report that it has accomplished a great deal of progress to validate GLS and come into compliance with national standards held by the American Correctional Association accreditation process throughout this interim. In closing, the BOPP is confident that it will continue those same efforts to be the most accurate parole authority it can be in service to the citizens of Montana as we move into the future.

