

Board of Pardon and Parole and Department of Corrections  
Passages, 1001 South 27<sup>th</sup> Street  
Billings, MT 59101  
Oct. 9, 2010

Board members in attendance were: Chairman Mike McKee, John Ward, Darryl Dupuis, Sam Lemaich, and Teresa McCann O'Conner

Board members absent were: John Rex and Margaret Bowman

Board staff in attendance were: Executive Director Craig Thomas, Fern Osler, and Christine Slaughter

Department of Corrections staff in attendance were: Director Mike Ferriter, Diana Koch, Gayle Lambert, Jo Acton, John Williams, Sam Casey, Sue Orand and Myrna Omholt-Mason

Guest: Senator Kim Gillan

**MSU Billings female offender programs:** Kim Gillan – presenter

Ms. Gillan said MSU-B received funding in 2008 for post-secondary programs for Montana Women's Prison targeted for offender reentry into the community and workforce. Pathways to Self Sufficiency is an 18 hour per week program at MWP. The three credit classes are through MSU-B with academic and vocational training the focus areas. Ms. Gillan stated that community partnership is receiving strong support for the program in the Billings area. The culinary arts program, GED preparation, budget simulation, math, writing, and job coaching are some of the programs offered at Passages for women offenders. There are 216 students participating in the classes with training averaging 12.6 hours per student. The job coaching program focusing on individual assistance with employment challenges will continue when existing funding expires.

The Billings Area Reentry Task Force (BARTF) and MSU-B received a U.S. Department of Justice grant of \$165,184 to implement collaborative initiatives that help women released from MWP transition into new lives. The grant will be a way to expand the academic and workforce training done in the prison. The program is designed to give women marketable skills they can use to support themselves and their families once they are released. The federal grant, handled by the Montana Department of Labor, will make the reentry process easier. A key focus issue is at what point reentry planning should begin and reentry needs should be assessed when the offender enters the prison. The task force will concentrate of three main areas: employment, housing and relationships.

Ms. Gillan asked three things: 1) during parole hearings if the board members would ask the offenders coming before the board what they think about the program; 2) not to parole offenders that are currently enrolled in a four credit class be paroled before the class ends; 3) the board give her suggestions regarding job training for female offenders.

## **Review of old business – meeting summary of March 17, 2010**

### **Length of stay:**

Ms. Acton stated mental health issues are escalating at MWP which will increase the average length of stay. She said the MWP medical contract is being discussed and is hopeful a contract will be in place in the near future.

### **Specialized P&P officers:**

John Williams, Region IV administrator, reported that five P&P officers have been hired to work with Native American offenders. The issues of co-occurring dependency (substance abuse and mental health) are being addressed.

### **E-Rim project:**

Mr. Thomas said the project is moving slow. DOC's Information Technology Bureau has been elevated to a division and John Daugherty, division administrator is working on a different tack. Mr. Thomas is confident the Mr. Daugherty's planning will move the project forward. One of the goals is to have the electronic parole reports input into OMIS.

Mr. Thomas asked if a wireless router could be installed at the board's hearing room at MSP so the board could use their laptop computers. Mike Ferriter stated that he would bring the issue to Mr. Daugherty's attention and get the issue resolved.

### **MOU - jurisdiction:**

Ms. Koch reported the MOU relative to the current business practices between the board and DOC has been signed and in place since the later part of March. Changes in the existing MOU were correcting/adding names to the signatory page, minor changes in wording and deleting a no longer applicable sentence.

### **EPP:**

Mr. Ferriter said there is no change in the EPP since the Mar. 2010 joint meeting. The revenue picture is still unstable which make the planning of the department's budget forecast very difficult.

### **OMIS/CON websites:**

Offenders that have been granted a pardon from the governor have been removed from both websites per the board's request.

### **Medical marijuana:**

Ms. Koch said the Supreme Court has softened their stance on medical marijuana. She stated the department is crafting language relative to restricting use of the drug for offenders (even if offenders have a medical card) on probation or parole as it interferes with rehabilitation. The department's sentiment is if offenders have a drug conviction or substance abuse problem then that should preclude he/she from being able to use medical marijuana. Ms. Koch advised the board to adopt the same strategy and will send board members a copy of the suggested language. This language could be used to impose this special condition on offenders at the offender's parole hearing

as well as enabling P&P officers to impose the special condition. Judges could impose this same condition with approval from the Attorney General's office. Regional P&P administrators are meeting on Oct. 27 and will be involved with crafting the language to restrict the drug's use.

**Administrative Rules:**

Ms. Koch said the board's administrative rules have been re-written with collaboration from board members and board staff. The notice is posted on the department and the board's Internet site for public review and comment. By statute, the board does not have to hold a public hearing relative to the board's administrative rule changes. As a courtesy to interested parties, there is a 30 day review and comment period which will expire on Nov. 26, 2010. The targeted date for the new rules to be adopted is Dec. 10, 2010.

**Reentry:** Gayle Lambert and Sam Casey – presenters

Ms. Lambert said the Work and Reentry Center (WRC) is a dormitory style living unit outside of the fenced compound at MSP where offenders live at the end of their prison term. Similar to a prerelease center, offenders work each day in programs located on the ranch or in the community of Deer Lodge. In any given day, up to 30 offenders are out in the community doing job assignments. Inmates that are living at the WRC have to have two years of clear conduct and go through a rigorous screening process.

Sex offenders (tiers I and II) at the WRC must be compliant with treatment programs. There are 48 offenders at the WRC serving time for sex offenses. The average length of stay is 21 months. 22 of the 48 are three years or more beyond parole eligibility; 20 are recommended for release by the sex offender treatment providers; ten have been approved for parole after completion of prerelease and it appears that all of the ten have been denied by one or more prerelease centers.

On Oct. 27 there will be a prerelease directors meeting held at the WRC. It is hopeful that the prerelease directors will see the value of the programs at the WRC plus realizing that it is critical that sex offenders be placed in a prerelease setting as a step-down measure for acclimation back into the community. Ms. Lambert and Mr. Casey stressed the importance of educating the county attorneys, community, and victims to attempt to breakdown the opposition of community placement of sex offenders. The biggest public risk is offenders that are released from prison on a flat discharge of their sentence without the benefit of living at a prerelease center.

**BOPP/DOC legislation:**

Mr. McKee and Mr. Thomas reported that the Department of Public Health and Human Services is proposing to expand legislation dealing with guilty but mentally ill (GBMI) offenders. The board was caught unaware of the proposed legislation. Ms. Koch said she would review the legislation as to the reason and intent and report back to the board.

Mr. Ferriter stated that the department does not have proposed legislation that would impact the board. Two DOC proposals are to clarify county jail costs and the expansion of community corrections treatment programs. The expansion process was

challenged by the legislative auditor's office and the legislation would give DOC authority through the Administrative Rules process as opposed to being required to follow the RFP process.

**Closing comments:**

Ms. Acton – MWP has a very good working relationship with the board. She asked the board to be specific in their recommendations that when an offender is treatment complete but still denied parole, what further treatment/programming the board wants the offender to have.

Mr. Thomas – stated that he will attend the next probation and parole regional administrators meeting at the WRC. He also said that parole officers need to attend board hearings on contested parole cases to give the hearing panel the complete picture regarding the offender.

Mr. Dupuis – asked about the status of the proposed northwest prerelease center scheduled to be built in the Kalispell area. Mr. Ferriter reported the funding for the proposed center was removed from the department's budget as a part of the budget shortfall mitigation plan.

Mr. Lemaich – talked about a case where the board recommended an override to Nexus and was denied because DOC policy states that escapees from a prerelease center are sent directly to prison. Mr. Lemaich stated in this case the offender ran from the police and wasn't technically an escapee. Mr. Ferriter said that he would review the report and get back in touch with Mr. Lemaich.

Fern Osler – asked the question if an offender that has a pending new felony charge, would the person be sanctioned to START. The board said that the existing protocol of sending the offender directly to MSP would still be used. Ms. Osler said the board will meet at START for their parole hearings.

Mike Ferriter – congratulated Mr. Thomas on his pending retirement in Apr. 2011. MSP is struggling with escalating issues concerning gangs. A new management plan has been implemented and staff in close unit I are doing a great job of dealing with this difficult population. The department moved to the old state fund building downtown. He extended the invitation to the board and staff to come to Helena to tour the new building. The department will occupy the basement, third and fourth levels, the second/ground floor will house the Board of Crime Control and a small Department of Revenue bureau.

**Public comment:**

None

**Next meeting:**

Will be held in April in Deer Lodge – exact date and place to be determined.

