

Board of Pardons and Parole and Department of Corrections  
2350 Mullan Road  
Missoula, MT 59808  
October 12, 2011

Board members in attendance: Mike McKee, Margaret Bowman, Sam Lemaich, Darryl Dupuis, Teresa O'Connor, John Rex, and John Ward

Board staff in attendance: Fern Osler, Julie Thomas, Christine Slaughter, Tim Allred, and Mike Webster

Corrections staff in attendance: Mike Ferriter, Ron Alsbury, Diana Koch, Pam Bunke, Ross Swanson, Gayle Lambert, Cathy Redfern, and Myrna Omholt-Mason

Mr. McKee thanked Missoula prerelease director, Sue Wilkins, for hosting the meeting.

**Meeting summary of April 27, 2011:** The summary was reviewed by Ms. Osler and Mr. Ferriter. No corrections to the summary were made.

OLD BUSINESS:

**MOU DOC/DPHHS:** Diana Koch recommended two options to reflect the wishes of the Board not to be involved with criminally convicted youth: revise the MOU or rely on Administrative Rules. The MOU will be re-written with input from both the Board and DOC.

NEW BUSINESS:

**REENTRY:** overview by Gayle Lambert and Ross Swanson

In 2009, MSU Billings began working with female offenders after the college obtained a federal grant from the U.S. Department of Justice with slots for 30 female offenders to help in their transition from prison back into the community. The Billings Area Reentry Task Force (BARTF) was formed with members comprised of staff from MSUB, DOC, Passages prerelease center, Billings Job Service and the Billings community. In the spring of 2010, MSUB and BARTF applied for a federal grant through the Montana Department of Labor and Industry. The agency received a \$165,000 award in September 2010. The resulting project, "New Path New Life," targets high-risk female offenders leaving MWP and entering the Billings community. In September 2011, BARTF received two more grants. One is an extension of the initial demonstration grant in the amount of \$293K to continue providing reentry services to an additional 30 offenders. The other is a \$150K mentoring grant for which another \$150K can be sought to continue the program into a second year.

A working committee comprised of staff from the Governor's office, Labor and Industry, Department of Public Health and Human Services, MSUB, court officials, and Board of Pardons and Parole are working toward developing a comprehensive state reentry plan. The group is going to focus attention on seven areas: 1) development of intake procedures, 2) development of programming plan, 3) development of parole and reentry plan, 4) design of supervision and treatment strategy, 5) children and family support, 6) employment upon release, and 7) housing. The overarching goal is to develop a strategic plan that will follow the offender from intake into the system until her/his successful reentry into their communities. The offender's plan will be a work in progress as it will be modified to reflect the ongoing risks and needs of the individual as they progress through the system.

Ms. Osler stated the Board has a risk assessment tool the members use pertaining to male offenders but do not have one for females. She agreed the Board's assessment tool needs to focus on children and family support, employment, and housing.

### **Policy 130-2 Interstate:**

The question was raised by Ms. Osler if this Probation and Parole policy could be re-opened for discussion. In part, the old policy stated when an interstate compact parolee was returned to Montana, a report of violation was written, a hearing held, and the Board was required to take an official action. The current situation is the Board is not being consulted when Montana brings the interstate parolee back into the state. 46-23-1024, MCA *Initial Hearing after arrest* was discussed with consensus of changing the statute. The statute needs to be revised relative to arrests of parolees. The Board needs electronic notification of all onsite hearings (whether conducted in-state or out-of-state) as well as when an interstate parolee returns to Montana due to violations in the other state.

### **Standard Conditions - Intoxicants**

The Board's administrative rule 20.25.702, deals with Conditions of Supervision. The conditions were copied verbatim into the Board's rules from the administrative rules of Probation and Parole. Section (I) states in part: The offender is prohibited from using or possessing alcoholic beverages and illegal drugs.... The term "illegal drugs" is causing a conundrum for the Board. For an example, if an offender is caught with the herbal incense called Spice (which is legal but gives a "high" similar to marijuana) or bath salts which also can be used as a hallucinogen, they are not classified as "illegal drugs". The word "intoxicants" was suggested but it was deemed too hard to define. The term "laws and conduct", a generalized term meaning *being a good citizen*, was suggested and the Board could revoke a parolee based on the board's view of not being a good citizen. A Board staff member brought up the point of defense attorneys' trying to prosecute someone under "failure to be a good citizen". If the Board decided to amend the rule, Probation and Parole and the Board would not be congruent on this standard condition.

## **MASC/START - Disciplinary**

Ms. Osler asked if Adult Community Corrections would keep the Board apprised relative to offenders' movement through the system and the reasoning behind the department's decision to do an override. An override is a mechanism used by Adult Community Corrections to send an offender, who was committed to DOC by the courts, back to prison. It is used when the offender has exhausted all community based alternatives and Adult Community Corrections believes the offender must be placed in prison. The Board will be notified by Ms. Jane LaMoure, Ms. Bunke's administrative officer, of all future overrides.

Ms. Bunke stated information regarding offender placement, decisions made by P&P officers, sanctions, disciplinary steps taken, etc. is entered in the chronological notes section specific to each offender that is in OMIS (the department's Offender Management Information System program). The Board can review the chronological notes and read an offender's snapshot of progress toward reentry or the lack thereof.

### **Assisted Living Beds:** Overview given by Cathy Redfern

DOC received authorization and funding from the 2011 Legislature to increase the current male inmate bed capacity by up to 120 beds. The department anticipates a need to contract with interested parties to house up to 120 medium security inmates including at least 20 geriatric/disabled special needs inmates. Potential contractors responding to the department's Request for Information will include both private and public entities both in-state or out-of-state that are classified as "for-profit" or "not-for-profit" businesses. The facility must be located in Montana. At present, there are 46 MSP special needs offenders that could be classified as being nursing home eligible.

The Request for Information defines *special needs inmates* as "inmates in need of specialized programming, supervision, or housing arrangements". The 20 beds will include offenders that are disabled or geriatric; offenders with mental health issues; offenders who require sex offender treatment; and youthful offenders (ages 18-25 and those under age 18 who were sentenced by a district court as adults).

Currently there is a wing that is idle in the Great Falls prerelease center. Mr. McKee said the Board would entertain the option of paroling offenders to Great Falls with one of the conditions of the parole being the parolee would have to live in the center.

### **Sex Offenders:** General discussion

The on-going issue of sex offenders being denied by prerelease centers' screening committees was brought up. Recently Helena's pre release agreed to set aside two beds for sex offenders when the center's bed capacity is expanded.

Ms. Osler feels that 20 days is not a long enough furlough to find a place to live. She recommends a 30 day stay in a prerelease until offender can find housing.

#### Sex offender board hearings:

- it would be helpful if, prior to the hearing, the board is given the updated case management plan regarding what town the offender plans to live, how the offender will be monitored, whether the offender is a candidate for a prerelease center, and if not, what options for placement does the board have.
- GPS monitoring is a tool for towns without the Intensive Supervision Program but victim security issues need to be addressed. GPS tells the location after the fact, not where the offender intends to go. GPS does give a community relative assurance as to the location of the offender.
- the board will take into consideration victim opposition as well as the severity of the sex crime when considering offenders for parole.
- the board is willing to review for parole a possible target group of sex offenders that have ten years or less to discharge and a detailed reentry plan in place.

#### Inmate welfare fund:

- at the next Prison Issues Board meeting Mr. Swanson will talk about the possibility of using inmate welfare fund money on a trial basis for sex offenders to help offset housing costs if offenders have to live in a hotel while finding permanent housing. IPPO's would track the funds.

#### Steps/New Directions:

- the two programs through The Pacific Institute have been very instrumental in changing offender behavior.
- Ms. Lambert recommends offenders that have completed the program be allowed to come before the next scheduled parole hearing and tell their stories of what changes have taken place in their attitudes and thinking.

#### Closing comments:

- ❖ Mr. McKee stated he would be willing to come before the Law and Justice Interim committee to help educate the committee members as to the function and role to the Board of Pardons and Parole.
- ❖ Mr. Ferriter stated that BOPP should consider writing articles for inclusion in the department's newsletter to dispel myths that the board very rarely paroles offenders and to keep readers updated on the board.
- ❖ Ms. Lambert will work on having the board hold a parole hearing at the work and reentry center. She would like the board to agree to listen to some offenders that have completed The Pacific Institute programming regarding how their lives have changed for the better. Ms. Lambert also recommended the board consider taking the Investment in Excellence training offered by The Pacific Institute. She will give Ms. Osler the future training dates.
- ❖ Mr. Ferriter said the selection of a new MSP warden is drawing to a close. There were 58 candidates and the field has been narrowed down to three finalists. Formal interviews were done at the board's conference room in Deer Lodge as well as a Q and A session at MSP. Mr. Lemaich was the board's representative

on the formal interview panel. A final determination will be made toward the end of the month.

- ❖ Ms. Bunke said information relative to offender treatment/discipline/programming that is taking place at the Missoula Assessment and Sanction Center will be entered into OMIS for board review.
- ❖ Ms. Osler requested she be sent the protocol for board members that may be traveling out-of-state travel.

**Public comment:**

None

**Next meeting date:**

May 9, 2012 in Deer Lodge at the BOPP's conference room