SENATE JUDICIARY
EXHIBIT NO. 7
DATE 1/22/13
BILL NO. SB3

Testimony by Rudy Stock

Jefferson County
Cell Phone: 431-8886

PRIVATE PRISONS Montana's incarceration rate is much high than neighboring states. We have **454** inmates per 100,000 residents in prison and pre-release housing. Minnesota has **189,** North Dakota has **230**, Utah has **232** and Washington has **265.** These states do not support private-owned prisons like we do in Montana.

Idaho has **479** inmates per 100,000 residents. Montana and Idaho have the highest incarceration rates and they both have inmates in private prisons. I believe that housing inmates in privately-owned prisons is not in Montana's best interest.

PRE-RELEASE CENTERS Montana's incarceration rate, by county, ranges from **1039** per 100,000 residents in Powell County to **0** per 100,000 residents in Daniels, Garfield, Treasure and Wibaux Counties. The counties with pre-release centers have much higher rates of incarceration than counties without pre-release centers. Lewis and Clark, Cascade, Missoula, Yellowstone and Silver Bow Counties have an average of **525** inmates per 100,000 residents. Why do these counties have a much higher rate of incarceration? Is it because the owners of the pre-release centers want more of our general fund monies for their programs? Do counties keep the incarceration rate high to keep their pre-release centers full? Lewis and Clark County has a pre-release center and their incarceration rate is more than 2 times higher with **580** inmates per 100,000 residents than Jefferson County where the incarceration rate is **237** per 100,000 residents and 203 in Gallatin County.

Our tax dollars go for incarcerating the large number of inmates we have here in Montana. Some counties don't have any people in prison and others have a very high percentage. To be fair to each county, I recommend that each county pay 100% of their inmate's cost. This would make the county attorney's, judges, and other law enforcement accountable to their voters.

PAROLE OFFICERS I believe that supervision by parole officers should be eliminated entirely, or if retained should be reduced substantially, with reduced sanctions for noncompliance and an analysis for effectiveness and cost. Here are three examples of why returning releasees back to prison for a technical violation should be done away with in Montana.

1. A man named Josh was sent to a pre-release center after prison. While there, he was employed by a fast-food restaurant and attending a group parenting class. One day he had a conflict, he was scheduled to work at the same time the class was held. The manager of the pre-release center told him to go to work, so he did. The next day the Parole Officer sent him back to prison because he missed his class. That was over two years ago and he is still in prison.

2. A man named Jack from Billings was out on parole. Since he didn't drive, a church volunteer transported him to and from work each day. One day on the way to work, Jack was not feeling well and was coughing up blood. Jack's volunteer driver made a decision to take Jack to the hospital emergency room instead of to work. Jack was admitted to the hospital where he spent a week. Later he was returned to prison because the hospital emergency room and hospital stay were

not pre-approved by his Parole Officer. After Jack was back in prison, he was hospitalized in need of a new heart valve and 3 stints.

3. A man named Andrew was sent back to prison because he got married without his Parole Officer's approval. That was more that two years ago and he still resides in prison.

I believe that all inmates who were returned to prison for technical violations should be released immediately. Releasees suspected of a new criminal activity should be prosecuted as any other suspect rather than having their parole revoked.

PAROLE BOARD If all inmates who have served 25% of their time were released from prison, there would be no reason for keeping the Parole Board and it could be abolished. No prisoner would have to come before the Parole Board, they would be released back into the community without a hearing.

In my studies, I have found over 200 inmates who have served all of their time in prison but the DOC refuses to release them because the department maintains that they have no place to reside outside of prison. I believe that they should be released immediately. When they have served their time in prison, they should be returned to the community, they do not need to go to a pre-release center so we can continue to provide housing for them.

In conclusion, if all prisoners with technical violations are released, and if all inmates who have served 25% of their time in prison are released, and the 200 inmates who have served their time are released, then we would have no need for so many prison beds and the <u>private prisons in this state could and should be closed.</u>