

*Murphy*

Committee Chairman, Madame McDonald and all Senate and House members of the Law and Justice Interim Committee, I want to thank you for this opportunity to speak before you.

I do not have a problem with the following two statements:

- 1) "Public Safety is the primary concern in the Parole Board's decision making process."
- 2) "The authority to make decisions on whether or not to grant parole rests with the Board of Pardons and Parole."

A major concern I have with the Montana Justice System is the impunity granted the BOPP. The Board of Pardons and Parole is given the latitude to make whatever decisions they want regarding an inmate's parole without any need for justifying or backing up their decision --- Decisions which have huge and life-impacting consequences for the inmates and their families, as well as significant financial consequences for the Montana taxpayers. This board has been allowed to operate with total independence and their decisions are not subject to review by anyone or any other branch of the Montana Justice System. Nothing is even in place to review how the Parole Board arrives at their decision. My background is in industrial management --- I just recently retired as Plant Manager of an aluminum plant in Wenatchee Washington and during my entire 48 of years industrial management experience I never once heard of setting up a group with such extensive/absolute powers without any control/check of their decisions/actions. The amount of power and control granted the BOPP without any oversight is way beyond anything I have ever witnessed before. --- does the fact of lack of oversight of the Parole Board take the wonder out of why we are all here discussing the problems this has created for the taxpayers, the inmates and their families.

I understand a number of states have eliminated their Parole Boards entirely and have modified their sentencing. This may very well be the proper way to go, but if it is decided the Parole Board is to remain in the Montana Justice System, I recommend this committee implement the following changes:

- 1) The Parole Board must supply written documentation to an independent oversight group to support their decision to parole or not parole an inmate. This oversight group would have the authority to compel the Parole Board to provide further clarifications and/or justifications on/for their rulings if the oversight group deems more information/justification is needed.
- 2) The Parole Board Hearings be recorded. This could be through a qualified court recorder, an audio recording or audio-visual film. Preferably by audio-visual as this would better document the conduct of the participants. [The prison has plenty of cameras and video expertise to accomplish this]
- 3) When the Parole Board pulls their trump card i.e. "We are doing this for public safety concerns." ---at that time a separate evaluation could be made by the oversight group to provide an independent opinion of the "public safety concerns". Differences of findings could then be addressed by the oversight group being given more information/justification

Thank You for giving me the time to present my concerns and proposed solutions to your committee.

Charles L. Clugston

December 5, 2013

Law & Justice Committee Meeting  
December 8, 2013

Exhibit 28