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Support for those coping with incarceration of a loved one

Friends and Families Matter

We all do time

June 27, 2014

Dear Chairwoman MacDonald and Members of the Law and Justice Interim Committee:

My name is Patricia Swan-Smith, and I am here on behalf of Friends and Families Matter regarding the SJ 3: Study the Board of Pardons and Parole. At your last meeting, we provided our detailed testimony on each of the preliminary bill drafts you are considering related to this study. Today we are presenting a summary chart of our position on each bill, which I will not present, but which has been handed out with our testimony.

We hope you will review our comments on each bill draft during your work session. Please note that our comments on LC1j96 are a revision of our earlier testimony.

We also offer our support for the PEW study of probation and parole that was invited by the Department of Corrections. We hope that as they examine our system, they will interview friends and family members who cope with the incarceration and release of a friend or family member. We believe our perspectives and an understanding of the challenges we face will help ensure a well-informed examination and contribute to well-considered recommendations.

Thank you for your work.

Sincerely,


Patricia Swan-Smith



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*SJ 3
Comments*

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Our Positions on the SJR 3 Preliminary Bill Drafts

Draft Number	Concept	Favor/Oppose	Comments
LClj99	Revise MAPA provisions related to BOPP	See LClj98	N/A
LClj98	BOPP rules to be subject to MAPA but BOPP to be exempt from contested case provisions	In Favor	Allows more transparency and sunshine. We need to at least ensure the Board's rules receive some review so the rules make sense and do not go beyond statutory authority. Also, public hearings on the rules would help the Board stay attuned to what is in the best interest of society and bring some sunshine to the rulemaking process.
LClj97	Require parole hearings to be recorded	In Favor This bill or LClj97B	This is to ensure accountability and accurate records. However, recorded hearings should not be made accessible to the general public. We need to protect the victims and inmate's rights. Only, BOPP, court officers, attorneys, victims, and inmates and/or those designated by victims and inmates should be allowed access to these recordings.
LClj97B	Require parole hearings to be video recorded	In Favor	See above. We would prefer video recordings because of how important body language and facial expressions are to context. However, video should only be of the inmate and the Board members, not victims or friends and family members.
LClj96	Prohibit BOPP from assigning conditions of parole	Needs revision See our comments	We would like the bill to simply disallow the Board from requiring as a pre-condition to parole programming or treatment that was not required by the sentencing judge or recommended by qualified program or treatment staff of the correctional facility.
LClj95	Revise parole criteria	Needs work See our comments	We support the cleanup of current law and putting the parole criteria in statute, but we do not support criteria that is subjective and would allow for the criteria to be applied inconsistently. <ol style="list-style-type: none"> 1. Use an evidence-based risk assessment tool, not a subjective ideas such as what is "in the best interest of society". 2. Parole should not be denied for an inmate who was not provided with the treatment and/or vocational training mandated by the court due to the facility's lack of services and/or coordination of those services. 3. Criteria should not include the Board's opinion about whether the inmate needs more treatment. The criteria to be considered is whether further treatment or programming is recommended by a licensed professional authorized to make that specific programming or treatment recommendation.