



## Law and Justice Interim Committee

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### 62nd Montana Legislature

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## RESEARCH MEMORANDUM

December 6, 2011

TO: Members of the Committee

FROM: Sheri S. Scurr, Research Analyst

RE: Department of Corrections' policies, procedures, and reports  
Prison Issues Board  
Information requests  
Legislative issues

### Purpose

The purpose of this memorandum is to provide the Law and Justice Interim Committee members with information about Department of Corrections' (DOC) policies and procedures available online, the Prison Issues Board, requests for staff research, and potential legislative issues.

### Policies and procedures

#### Inmate grievances

The DOC website is <http://www.cor.mt.gov>. There is a menu of green tabs across the top of the page. Under the "Resources" tab is a menu with a link to "Departmental Policies". When you click on that menu item, you get to a page with links to all the department's policies that are publically available. For example, policy 3.3.3. is the inmate grievance policy. You would navigate to this policy by going to Chapter 3, Facility/Program Operations, Section 3, Rights and Privileges, and Policy 3, Offender Grievance Program. A copy of this policy was mailed to you previously and will be reviewed very briefly at the December 15 meeting. There is also a link from the departmental policies page to an alphabetical listing of each of the policies.

The inmate grievance policy 3.3.3. states statistical reports on grievances are to be made monthly and that facility administrators are to complete an annual report on grievances for supervisory use in identifying problems and developing strategies to address those problems. This process seems to be working well as far as it goes. However, I can find no policy that addresses visitor or family member complaints or grievances.

## Probation and parole complaints

The department also has procedures that govern certain operations within the agency. For example, under the green "Community Corr." tab across the top of the DOC web page is a menu that includes procedures relevant to probation and parole (P&P). One procedure has to do with complaints about the probation and parole bureau from staff, crime victims, and the public. The other procedure has to do with grievances by offenders under supervision. I could not find anything in these procedures indicating these complaints or grievances are tracked statistically or consolidated into a report.

## Parole board

The Board of Pardons and Parole is independent of DOC, but they do have online materials you may access from the DOC website. The link to their website is under the green "Admin." tab at the top of the DOC website. Parole board hearings are open to the public and any of you who are interested in attending a parole board hearing and learning about the process are welcome to contact me or the board's staff so that can be arranged. The board publishes a biennial report, which is also available online. The report includes charts illustrating certain statistical information, such as the following:

- 72% of the correctional population is eligible for parole;
- 60% of the inmates who are eligible for parole at their initial appearance are denied parole; and
- 93% of those returned to prison after parole are returned for technical violations.

I have not been able to find any report that categorizes technical violations by type; and the parole board does not have an automated data base to trace the primary reasons eligible inmates are denied parole.

## **Prison Issues Board**

DOC has established a Prison Issues Board, which meets quarterly to discuss policies and issues related to its secure facilities, including its contracted facilities. These meetings are open to the public and public comment is allowed at the end of each meeting. Agendas and minutes are also posted on the DOC website. The web page for this board is under the green "State Prison" tab at the top. The tab has a menu that includes a link to "Prison Issues Board".

## **Information requests**

As a research analyst for Legislative Services Division and the LJIC, my job is to collect information and provide you with the research you need to make informed policy decisions. If you have any questions concerning DOC or would like more information than what is provided at a meeting or in a report, you can either make an individual information request to me or you may bring your information to the committee for discussion; and if approved by a majority of the committee members, the request will become a committee request. Committee work takes precedence over individual requests, but individual requests are responded to as time allows.

## Legislative issues

In the past several weeks, I have attended parole board hearings at the Shelby prison, attended a Prison Issues Board meeting and examined minutes from their meetings, examined DOC grievance and complaint policies provided on the DOC website, searched available reports, and talked with DOC and parole board staff about grievance policies and available data. I found a few areas that stand out as issues that may be worthy of legislative attention:

- Visitation issues. There does not seem to be a DOC policy with respect to visitor and family member complaints about visitation. However, information about visitation policies is readily available on the DOC website and offenders are provided with copies of visitation policies to send to their visitors and family members. Nevertheless, the visitation policies do not include any information about how family members or visitors may resolve complaints or concerns.
- Data on probation and parole. The DOC procedures on probation and parole grievances and complaints do not address data collection or reporting. Such data may be collected and analyzed internally, but it is not included in any of the reports I reviewed. Being able to track grievances by category would allow identification of trends or areas where improvements are needed. Nor could I find data tracking what types of technical violations lead to the most probation or parole revocations. Tracking this data would be helpful in analyzing whether more can be done in certain areas to assist probationers and parolees to be more successful in the community and kept out of the prison system.
- Data on parole denial. According to the parole board's executive director, although the board can provide some statistics on parole board decisions, the board does not have an automated data base to parse out the reasons why parole is denied. Tracking this data would assist in identifying whether there are ways to help inmates be more successful in earning their parole. Also, in 1995, the legislature made several changes to statutes governing parole eligibility. For example, good time was eliminated. The legislature may, at some point, wish to revisit legislative policies affecting parole eligibility. A review may assist in determining whether statutory changes related to parole may alleviate some of the strain and costs in the prison system without jeopardizing public safety.

## Attachments

In addition to the inmate grievance policy 3.3.3., which I mailed to you last week, I am including as attachments to this memo, the following probation and parole procedures:

- DOC Policy 3.3.8 - Offender Visiting
- Procedure No. P&P 20-9 - Complaints
- Procedure No. P&P 60-10 - Offender Grievance Program

I hope this information has been helpful to you. Please feel free to contact me anytime at 444-3596 or by email at [sscurr@mt.gov](mailto:sscurr@mt.gov) if you have questions concerning this research memorandum.

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