



# Montana Criminal Justice System

Part 2: A Walk Through the Montana Criminal Justice System

# Assessment/Sanction Centers

# What are assessment & sanction centers?

- These centers house offenders who are awaiting bed dates at other facilities or are serving sanctions related to disciplinary actions.
- Play an integral role in the appropriate placement of offenders within the Montana Department of Corrections' system.
  - Offenders participate in mental health, chemical dependency, sex offender assessments, and more.
- At the end of the assessment process, offenders are placed within the correctional system with the overall goal of meeting the offender's needs, reducing their risk of recidivism, and keeping the public safe.
- Placements can range from a direct release to community supervision (called a conditional release) to placement in a secure correctional facility (meaning the Montana State Prison or Montana Women's Prison).

# Locations

- Missoula Assessment and Sanction Center (MASC) - Missoula
- Passages Assessment Sanction Center – Billings
- Pine Hills Correctional Facility – Miles City
- START – Warm Springs

# Treatment Facilities

# Treatment Information

- Substance Use Disorder (SUD) is common among Montana's offender population. As such, the Montana Department of Corrections contracts with three nonprofit organizations to provide seven residential inpatient substance use disorder treatment facilities and operates two programs at Pine Hills Correctional Facility.
- Three facility types fall within this category —
  1. DUI treatment facilities
  2. 90-day SUD treatment facilities
  3. and long-term treatment facilities.

# Treatment Centers

- Connections Corrections East – 111 West Broadway, Butte 59701
- Connections Corrections West – Dr. X Building, Warm Springs 59756
- Elkhorn Treatment Center - #1 Riverside Road, Boulder 59632
- Nexus Correctional Treatment Center – 111 Skyline Dr. Lewistown
- Passages ADT- 1001 South 27th, Billings 59101
- WATCH West – Dr. X Building, Warm Springs 59756

# Montana Board of Pardons and Parole

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<https://bopp.mt.gov/>



# Overview of Probation & Parole System

## Parole

- Offenders are granted early release from prison by the state Board of Pardons and Parole after serving time in a prison.
- Offenders are eligible for parole from prison once they have completed a quarter of their sentence, provided there is no parole restriction.
- The Montana Board of Pardons and Parole is responsible for
  - Determining date and conditions of parole
  - Revoking parole
  - Granting or denying executive clemency applications

## Conditional Release

- Released into the community under the jurisdiction of the department and subject to its rules. This is not a parole and inmates are not eligible for parole consideration while they are on conditional release.
- Offenders who violate the conditions of their release and are subsequently sent to prison would become eligible for parole when prison records show they have served their minimum sentence.

## Probation

- **Deferred Sentence:** (or postponed) for 1-6 years under certain conditions. If an offender successfully completes the deferred term, a district judge may allow him or her to change a plea of guilty to not guilty, and dismiss the case. If an offender violates the conditions of probation, a judge may impose a period of incarceration up to the maximum allowed by law and suspend any or all of the term.
- **Suspended Sentence:** Offenders given suspended sentences do not have the convictions removed from their records after completing their sentences.

# Montana Board of Pardons and Parole

- **Parole:**
  - early release of an inmate prior to the expiration of his or her sentence of incarceration. Parole is a privilege, not a right. The offender has the right to be released only upon completion of the sentence that was handed down by the court.
- **Parole eligibility date:**
  - Every offender sentenced to the Department of Corrections or to the Montana State Prisons is given a parole eligibility date. By statute, the date is one fourth of the sentence less jail credit for non-life sentences. For life sentences, an offender must serve 30 years before becoming parole eligible. This date is calculated by the Prison Records department. The information is given to the parole board and the offender.
- **Timing of parole hearing:**
  - When an offender in secure custody is two months away from their parole eligibility date (1/4 of their sentence), the Prison Records department notifies the Parole Board.
- **Pre-parole school**
  - Prison or facility staff then conduct a pre-parole school for offenders and explain the parole hearing and waiver processes

1002 Hollenbeck Road  
Deer Lodge, MT 59722  
Phone: 406-846-1404  
Fax: 406-846-3512  
<https://bopp.mt.gov/>

# Know Your Board:

- Board of Pardons and Parole members are appointed by the Governor of Montana for 6-year terms.
- Current Montana Board of Pardons and Parole Members:
  - Steven Hurd – Chair
    - *Term - 1/18/2021 to 12/31/2026*
  - Kristina Lucero
    - *Term – 1/1/2019 to 12/31/2024*
  - Darrell Bell
    - *Term – 1/1/2019 to 12/31/2024*
  - Brad Newman
    - *Term – 7/16/2018 to 12/31/2022*
  - Jimmy Patelis
    - *Term - 6/1/2021 to 12/31/2026*

# Parole Hearing: What to Expect

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There are three parole board members on every panel.

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One board member is considered the lead and has done the investigation on the offender and created the parole interview.

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The panel considers the parole report, which includes an assessment related to recidivism, the parole plan, and other information related to the individual's incarceration. They also consider all testimony presented, both in support and opposition.

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After the parole interview and testimony, the panel deliberates privately and come to a decision about the disposition.

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No one under the age of 18 can appear for parole board hearings.

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All statements must be directed towards the board members. No one can address the offender. This means using third-person language.

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There will be no name calling in the board room; this includes referring to the offender as a monster or psychopath.

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# Parole Hearing: Victim/Witness

## Notifications regarding parole hearings:

- VINE System
- BOPP Notifications
- DOC Victim Liaison Notifications
- County Attorney Notifications

## Victims/survivors/witnesses who would like to participate:

- Options for appearing:
  - By video (Zoom from a county attorney's office or Victim Services)
  - By phone
  - Written statement
  - *All options can be confidential*

# Montana Board of Pardons and Parole

- Administrative Rules of Montana (20.25.401) – BOPP and Victim Testimony
- (5) A victim may present a statement regarding the effects of the crime on the victim. A victim's statement may also include but is not limited to:
  - (a) the manner in which the crime was committed;
  - (b) the circumstances surrounding the crime; and
  - (c) the victim's opinion regarding whether the hearing panel should grant the offender parole.
- (6) At the presiding hearing panel member's discretion, the victim's statement and testimony will be kept confidential if the presiding member finds the victim's privacy interest outweighs the public's right to know. A recording of the hearing will not personally identify the victim without the victim's written consent.
- (7) The presiding hearing panel member may close a hearing to hear or consider confidential information.
  - (a) Information is confidential when the presiding member finds a person's privacy interest outweighs the public's right to know.
  - (b) When the hearing panel has finished hearing or discussing the confidential information, it shall reopen the meeting and complete the hearing in public.

# Parole Denied

Offender will be seen again at a time designated by the members of the panel

Sexual and Violent offenders can be denied for parole for up to 6 years at a time

Non-Violent offenders can be denied parole for up to one year.

- Parole denial for non-violent offenders means that the parole board must set another hearing or administrative review every year

# Parole Upon Successful Completion

The offender must complete the specific program before paroling to the community...

- For example: Parole upon successful completion of 3.5 chemical dependency program followed by a pre-release center.

Inmate Worker/Extended Stay

- Can apply to Pre-Release Center's
- Unable to leave facility as inmate worker
- Able to leave the facility as extended stay
- Must participate in programming



# Parole Granted

Request for Investigation (RFI) is started by Institutional Probation and Parole Officer (IPPO). This asks the offender to clarify residence, employment, and the IPPO should reach out to the victim for input.

RFI sent to PO in the community to investigate the following:

- Residence
- Employment
- Treatment in community
- Victim input

The Board of Pardons and Parole is one of the only entities in the state that can restrict an offender serving a parole sentence from living in the same community as the victim (specific to violent and sexual crimes).

# Prerelease Centers

# What is a prerelease center?

- Prerelease centers are designed to assist offenders with their transition from a secure facility back into the community, as well as provide an alternative to incarceration.
- Prerelease programs are **generally six-month programs**.
- Offenders live at the prerelease center, but work in the community, leaving and returning to the center according to a pre-approved schedule.
- A wide range of treatment and programming, aimed at addressing court-ordered requirements and identified risks and needs, is offered in the center, as well as in the community.

# Pre-Release Locations

- The Montana Department of Corrections contracts with five nonprofit organizations and one county to provide four prerelease centers that serve female offenders and six prerelease centers that serve male offenders.
- Locations:
  - Alpha House – Billings
  - Butte Prerelease Center – Butte
  - Gallatin County Re-entry Program – Bozeman
  - Great Falls Transition Center – Great Falls
  - Helena Prerelease Center – Helena
  - Missoula Prerelease Center
  - Passages - Billings

# Inmate Worker Status

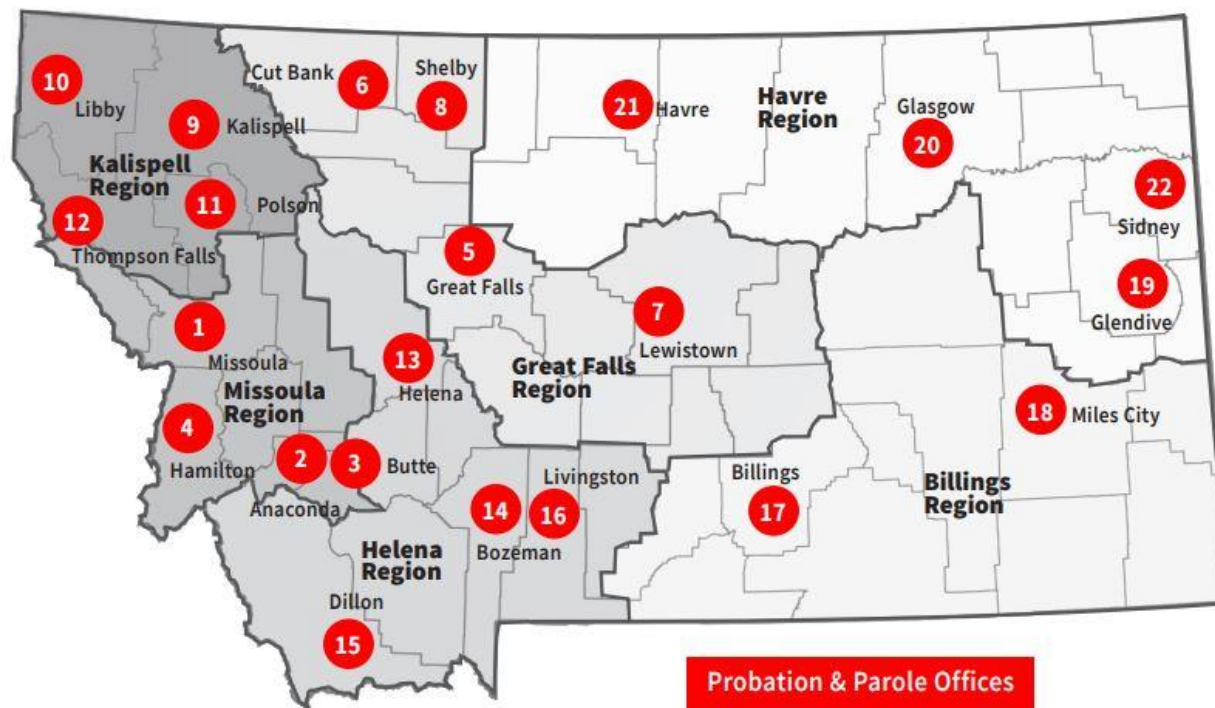
- Inmate worker time length is 6 months
  - To request a parole hearing while on this status, they must have 6 months +90 days clear conduct
  - Cannot leave the facility
- If transferred to Pre-Release Status immediately following inmate worker status, another 120 days of clear conduct must be achieved before applying for BOPP appearance

# Probation & Parole Department

<https://www.cor.mt.gov/ProbationandParole/>

# Probation & Parole System

- Comprised of two units;
  1. Probation & Parole Bureau
  2. Interstate Compact
- Probation & Parole (P&P) has 22 field offices
  - Supervises more than 11,000 adult offenders on community supervision
  - P&P uses several specialized approaches:
    - Intensive Supervision Program, a six-month program providing a heightened level of offender management in Montana communities.
    - Other dedicated approaches focus on offenders with co-occurring disorders, DUI offenses, sexual offending and substance abuse.
    - MIIG: Montana Incentives and Intervention Grid
      - <https://leg.mt.gov/content/Committees/Interim/2019-2020/Law-and-Justice/Committee-Topics/Agency-Oversight/Corrections/DOC-miig-grid-june-2019.pdf>



**Probation & Parole Offices**

**Missoula Region**

- 1 Missoula P&P Office
- 2 Anaconda P&P Office
- 3 Butte P&P Office
- 4 Hamilton P&P Office

**Great Falls Region**

- 5 Great Falls P&P Office
- 6 Cut Bank P&P Office
- 7 Lewistown P&P Office
- 8 Shelby P&P Office

**Kalispell Region**

- 9 Kalispell P&P Office
- 10 Libby P&P Office
- 11 Polson P&P Office
- 12 Thompson Falls P&P Office

**Helena Region**

- 13 Helena P&P Office
- 14 Bozeman P&P Office
- 15 Dillon P&P Office
- 16 Livingston P&P Office

**Billings Region**

- 17 Billings P&P Office
- 18 Miles City P&P Office

**Havre Region**

- 19 Glendive P&P Office
- 20 Glasgow P&P Office
- 21 Havre P&P Office
- 22 Sidney P&P Office



# Conditions of Probation & Parole

## **Standard Conditions**

1. Residence
2. Travel
3. Employment and/or program
4. Reporting
5. Weapons
6. Financial- Obtain permission before financing of purchasing an automobile, real property, or engaging in business
7. Search of Person or Property
8. Laws & Conduct
9. Illegal Drug Use
10. No Alcohol
11. Drug Testing
12. No Gambling
13. Supervision Fees
14. Victim Restitution
15. Fines/Fee's
16. No Victim Contact

## **Statutory Requirements:**

1. Sexual/Violent Offender Registration
2. DNA Testing

## **Special Conditions**

1. Counseling/Treatment/Programming
2. No Bars
3. No Casinos
4. Association- No association with probationers, parolees, prison inmates, or persons in the custody of any law enforcement agency without prior approval

# Conditional Discharge From Supervision & Early Termination of Deferred or Suspended Sentence

- An offender granted a CDFS will no longer be under Probation and Parole supervision but will remain under the jurisdiction of the District Court or the Board of Pardons and Parole until the date of his/her sentence expiration or termination
- Offender Eligibility:
  - Housing stability
  - Employment stability or financially self-sufficient
  - Successfully completed all court-and/or BOPP- ordered treatment and programming
  - Has not had any positive drug or alcohol tests or any drug or alcohol use admissions in the last 6 months
  - Free of non-compliance violations during the supervision time required base on risk level
  - Accountable is working towards and meeting goals established in case plan
  - Paid all restitution and court-ordered financial obligations
  - The Department finds there are no objective reasons for victim's strong opposition
- Court or BOPP Determines:
  - Best interest of the offender and society
  - Offender will not present unreasonable risk of danger to the victim(s) of the offense
  - All restitution and court-ordered financial obligations have been paid in full



## Conditional Discharge from Supervision / Early Termination from Suspended or Deferred Sentence

### INFORMATION FOR VICTIMS

#### WHAT IS IT?

An offender granted a CDFS/Early Term, will no longer be under Probation & Parole supervision. CDFS grantees will remain under the jurisdiction of the District Court or the Board of Pardons and Parole until the date of his/her sentence expiration or termination. Early Term, grantees will discharge his/her sentence at the time of approval.

Montana Statute:  
§46-23-1011, MCA  
§46-23-1020, MCA  
§46-18-208, MCA

#### ELIGIBILITY

An offender is eligible due to compliance with his/her supervision:

- Court-ordered financial obligations have been paid in full
- Judgment does not prohibit early release
- Offender has served time required based on risk/needs level
- Successfully completed all court/BOPP ordered treatment and programming
- Demonstrated stability in housing & financial self-sufficiency

#### VICTIM INPUT

Victim(s) are given opportunity to ask questions and provide written or oral input.

- To provide input, contact DOC Victim Services, Probation and Parole office, County Attorney's office, or Board of Pardons and Parole.
- Offender will receive input provided as part of the court process.

To receive notifications, please visit [www.vinelink.com](http://www.vinelink.com) or call DOC Victim Services.

#### ADDITIONAL INFO

- An offender on conditional release is not eligible for a CDFS.
- Out-of-State interstate offenders being supervised in Montana, are not eligible.
- A sexual or violent offender on lifetime supervision is not eligible.
- If granted, VINE will no longer provide notifications for offender.
- If denied, offender may be eligible to re-apply based on established risk level.
  - Low: 9 months
  - Moderate: 12 months
  - Female Medium/ Men's High: 18 months
  - Female High/ Men's Very High: 24 months

MONTANA DEPARTMENT OF CORRECTIONS VICTIM SERVICES PROGRAM

[www.cor.mt.gov/victims/](http://www.cor.mt.gov/victims/) | Helpline: (406) 444-0447 or Toll Free (888) 223-6332

## Victim's Perspective: CDFS & Early Term.

- Victims have the right to be notified of eligibility and provide input to the court
- Not many victims are aware of this statute and process, and may require increased sensitivity
- Victim input is not confidential and will be available to the defendant, county attorney, judge, etc.
  - DOC provides victim input/information to the court, which is then disseminated when appropriate
- If set for a court hearing, victim(s) may be called to provide testimony
- MDOC Victim Services: Help victims navigate the process, notification, assist with statements and providing input, staying updated on eligibility, understanding outcome, etc.

# Interstate Compact

- Interstate Compact oversees the interstate movement of individuals for the purposes of offender supervision. Offenders who fall into this category include individuals from Montana who are being supervised in another state, or offenders from another state who are being supervised in Montana. About 1,500 offenders are included in this group.
- Eligibility:
  - Has 90 days or an indefinite period of supervision at the time the sending state transmits the transfer request
  - Substantially in compliance with the terms of supervision in the sending state and no revocation proceedings have been initiated
  - Is a resident of receiving state or has resident family in the receiving state who;
    - Indicated a willingness and ability to assist the offender
    - Offender can obtain employment or has means of support
  - Has a valid plan for supervision
- Interstate Compact Offender Tracking System (ICTOS)
  - Public Web Portal: <https://pwp.interstatecompact.org/PWP/searches>

# Interstate Compact- Application Process

- Non-refundable interstate transfer application fee- \$50
- Offender must fill out the Application for Interstate Compact Transfer
- Travel permit may be issued for 7 days to return to resident state
- Employment and residence plan in other state is verified by the P\*P Office/IPPO/facility staff
  - Verification must be made by phone or email contact
- VINE no longer works for offenders who interstate compact, victim must register with receiving state

# Restorative Justice

Opportunities through Montana Department of Corrections Victim Services Bureau

# Restorative Justice

- A criminal justice concept that:
  - Gives victims a voice,
  - Focuses on offender accountability,
  - Promotes healing for everyone affected by crime – victim's, families, communities, and offenders.
- After a crime, a victim's life is forever changed regardless of the type of crime that occurred.
- Restorative Justice recognizes the crime hurts everyone- victims, offenders and the community and creates an obligation to make things right.

## Foundations of Restorative Justice



Respect



Accountability



Healing



Empathy



[michiganvirtual.org](http://michiganvirtual.org)



# Victim-Offender Dialogue

- Victim initiated and voluntary for all parties
- Offender can truly “hear” how his/her crimes harmed others
- Victim may hear details about the crime only the offender knows
- Offender can demonstrate remorse and strategy for change
- Appropriate for most crimes except in most cases domestic violence and stalking
- Most requests involve crimes of severe violence



JESSICA KUHN

# Offender-Accountability Letters

- An opportunity for an offender to make amends
- Different than a court ordered apology letter
- True remorse: “I’m sorry. It was my fault”
- We discourage forgiveness requests
- Offender guideline available for handout
- Letters are sent to the Victim Services program and reviewed for appropriateness. If appropriate, a brochure is sent to the victim to choose if they would like to receive the letter.





The Inmate Apology Bank is an opportunity for you to submit a

# Victim Impact Panel (VIP)

- Primary purpose is providing a healing opportunity to crime victims
- Another way for victims to tell offenders how their criminal behavior harms others
- Less intimidating for victim than victim-offender dialogue (offenders who committed the crimes are not present)
- Empowering for victims who help an offender change
- If you are interested in attending a VIP panel, please reach out to your local Victim Liaison

“I DIDN'T SEE HOW MANY  
PEOPLE MY ACTIONS IMPACTED—  
**UNTIL I HEARD  
FROM THE VICTIMS.”**

*Attendee Testimonial*



A Pep Talk