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A REPORT TO THE GOVERNOR

Criminal Justice and Corrections
Advisory Council

126679

November 1988

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CRIMINAL JUSTICE AND CORRECTIONS ADVISORY COUNCIL

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November 1988

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CRIMINAL JUSTICE AND CORRECTIONS ADVISORY COUNCIL

1539 Eleventh Avenue
Helena, Montana 59620
444-3932 or 444-2941

November 28, 1988

Hon. Ted Schwinden, Governor
Room 204, State Capitol
Helena, Montana 59620

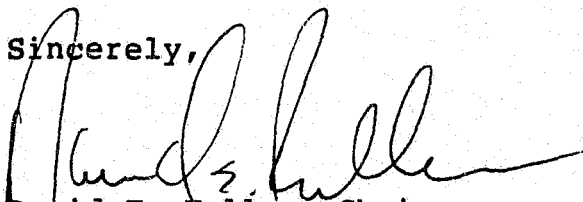
Dear Governor Schwinden:

This is the report of the Criminal Justice and Corrections Advisory Council. The report presents selected data on Montana's correctional system, summarizes the Council's activities, and delineates the Council's recommendations for addressing prison overcrowding.

The Council has been studying the problem of prison overcrowding for more than a year. During this time, five regional meetings and four meetings in Helena were held. Dozens of staff reports and hours of testimony from state and local criminal justice practitioners and the general public were reviewed. Numerous proposals for addressing prison overcrowding were discussed. The Council's work culminated in 12 recommendations which, if fully implemented, could alleviate prison overcrowding in Montana.

On behalf of the Council, thank you for permitting us to serve Montana in this important matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "David E. Fuller", written over a horizontal line.

David E. Fuller, Chairman

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SUMMARY OF RECOMMENDATIONS

The Criminal Justice and Corrections Advisory Council recommends the following proposals for the Governor's consideration:

- (1) implementation of a state-wide intensive supervision program;
- (2) diversion of eligible offenders to pre-release centers;
- (3) discretionary early discharge of certain inmates;
- (4) an increase in probation and parole officers;
- (5) expansion of the sex offender treatment program at Montana State Prison;
- (6) creation of a pre-parole program at Montana State Prison;
- (7) statutory authorization for the conditional discharge of probationers and parolees before expiration of their sentences;
- (8) jail placement for parole and pre-release center violators;
- (9) revision of the supervised release program criteria;
- (10) removal of the liberty interest in parole release;
- (11) conversion of the position of Board of Pardons chairman to a half-time position; and
- (12) implementation of staggered terms for Board of Pardons members.

INTRODUCTION

One of the most critical issues confronting the criminal justice system today is prison overcrowding. According to the Bureau of Justice Statistics, the state and federal prison population in 1986 was 503,794, roughly equivalent to the 1986 population of the state of Wyoming (507,000). The average year-to-year increase in the prison population from 1980 to 1986 was 8.8 percent.¹ In 1986, only ten state prison systems operated below design capacities.² The prison population continues to rise despite declining crime rates and a leveling-off of the at-risk population (males ages 18 - 34).

The effects of prison overcrowding are difficult to ignore. When the inmate population exceeds a prison's capacity, correctional officials find it exceedingly difficult to manage and control the institution. Space previously reserved for recreation, training, or treatment is often converted into living quarters to accommodate the influx of inmates. A reduction in programs results in more idleness, which in turn leads to increased tension and violence. Assaults among inmates and between inmates and guards escalate. The added stress and danger encourages staff turnover. In many states, courts have ruled that deteriorating conditions resulting from prison overcrowding

¹ Bureau of Justice Statistics, U.S. Department of Justice, Historical Statistics on Prisoners in State and Federal Institutions, Yearend 1925 - 1986 (Washington, D.C.: U.S. Government Printing Office, 1988), 2.

² James Austin and Aaron D. McVey, "The NCCD Prison Population Forecast: The Growing Imprisonment of America," NCCD Focus, April 1988, 1.

violate the Eighth Amendment prohibition against cruel and unusual punishment.

Montana has not escaped the prison population boom. In fiscal year 1988, the state's incarcerated population reached an all-time high of 1,163. This population exceeded the design capacity of Montana's correctional facilities by 20 percent.

Recognizing the severity of Montana's overcrowding dilemma, Governor Ted Schwinden issued an executive order in August 1987 creating the 16-member Criminal Justice and Corrections Advisory Council. The order charged the Council to thoroughly review Montana's existing criminal justice and correctional systems and to recommend modification of those systems that would better serve the public interest. For more than a year, the Council gathered data, solicited expert testimony, debated options, and developed recommendations for addressing the state's overcrowding plight. The Council's recommendations were delivered to the Governor in September 1988.

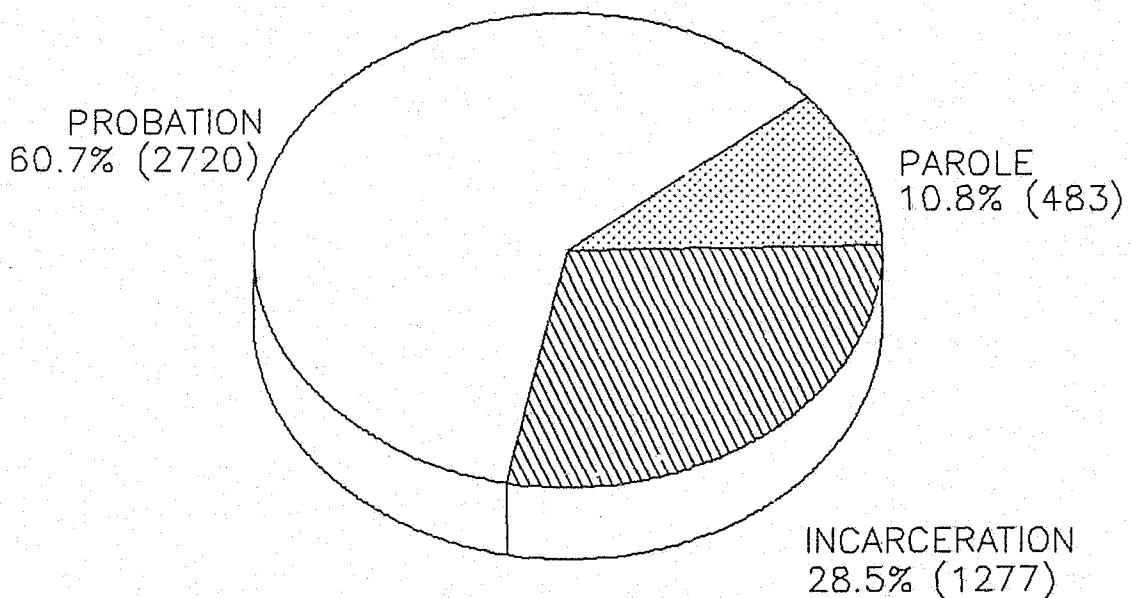
This report reviews the work of the Council. Chapter I presents selected data on Montana's correctional system. Chapter II summarizes the Council's activities. Chapter III delineates the Council's recommendations to the Governor. Additional information on the Council's work, including meeting minutes and staff reports, is available from the Department of Institutions, Corrections Division, 1539 Eleventh Avenue, Helena, Montana 59620.

Numerous agencies, groups, and individuals provided the Council with information and resources to conduct its study. The Council extends its gratitude to these people for their input, assistance, and cooperation.

I. SELECTED DATA ON MONTANA'S CORRECTIONAL SYSTEM

As of August 31, 1988, approximately 4,480 felony offenders were serving their sentences in Montana under the supervision of the Department of Institutions. As illustrated in Figure I, 60.7 percent (2,720 offenders) were on probation. Another 28.5 percent (1,277 offenders) were incarcerated in state correctional facilities. The remaining 10.8 percent (483 offenders) were on parole.

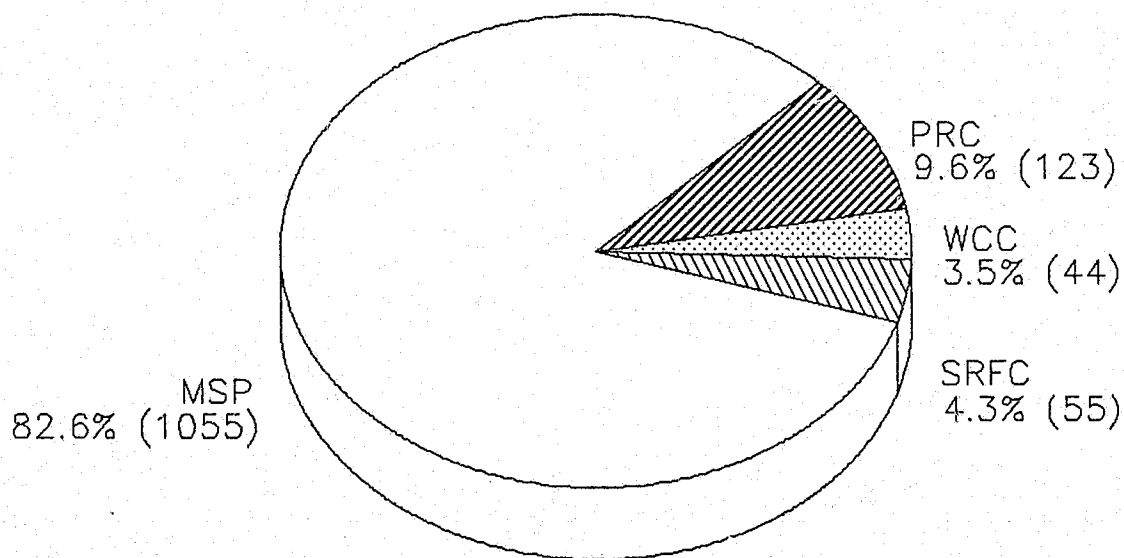
FIGURE I
Offenders Under Supervision in Montana
By Type of Supervision
(August 31, 1988)



Source: Montana Department of Institutions

Male offenders who are incarcerated in Montana are housed in Montana State Prison in Deer Lodge, at Swan River Forest Camp near Swan Lake, or in one of the four pre-release centers for men. These centers are located in Billings, Butte, Great Falls, and Missoula. Female offenders are housed in the Women's Correctional Center at Warm Springs or in the Women's Life Skills Center in Billings. On August 31, 1988, 82.6 percent of the incarcerated offenders (1,055) were housed in Montana State Prison, 4.3 percent (55) at Swan River Forest Camp, 3.5 percent (44) in the Women's Correctional Center, and 9.6 percent (123) in the five pre-release centers. (See Figure II.)

FIGURE II
Offenders Incarcerated in Montana
By Correctional Facility
(August 31, 1988)

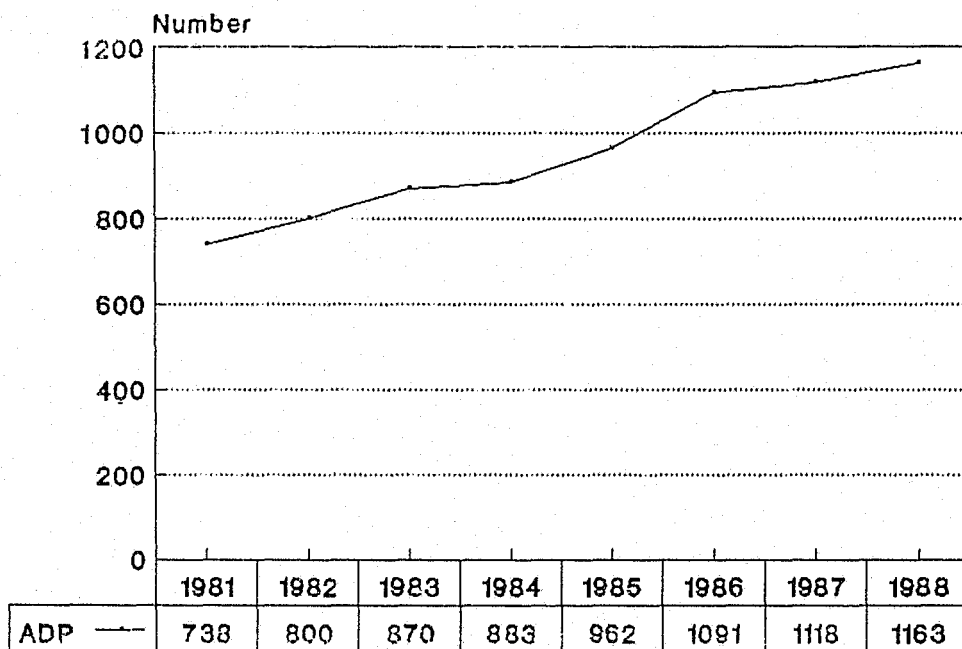


Source: Montana Department of Institutions

The number of offenders housed in Montana's correctional facilities has risen steadily during this decade. From fiscal year 1981 to 1988, the average daily population grew from 738 to 1,163, a 57.6 percent increase. The average year-to-year increase during this period was 6.8 percent. Figure III illustrates the population growth for all correctional facilities during fiscal years 1981 through 1988.

FIGURE III

Average Daily Population (ADP)
For All Correctional Facilities
(Fiscal Years 1981 - 1988)



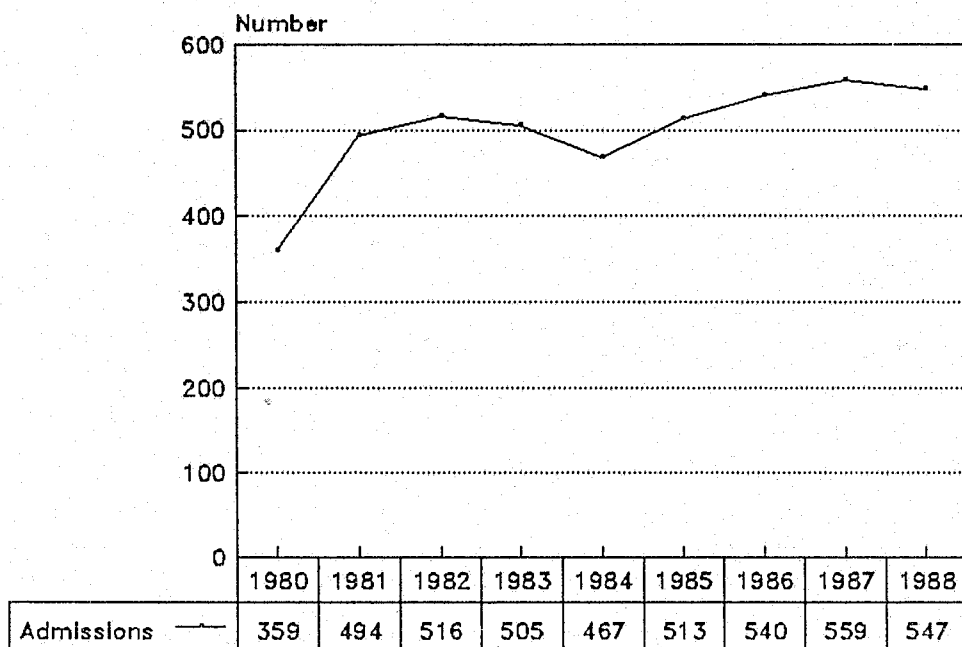
Source: Montana Department of Institutions

Two factors determine the size of a prison population: the number of admissions and inmates' length of stay at the correctional facilities. In Montana, both admissions and

length of stay have exhibited substantial growth since fiscal year 1980.

Total admissions to Montana correctional facilities were 359 in fiscal year 1980; this number reached 547 in fiscal year 1988, a 52.4 percent increase. Compared to the growth in inmate population from fiscal year 1981 to 1988, the growth in admissions for this same period was not as steady. Admissions increased rapidly from fiscal year 1980 to 1982, declined for two years, and then began climbing again. In fiscal year 1988, admissions dropped slightly from 559 inmates to 547, a 2.2 percent decrease. (See Figure IV.)

FIGURE IV
Admissions to Correctional Facilities
(Fiscal Years 1980 - 1988)

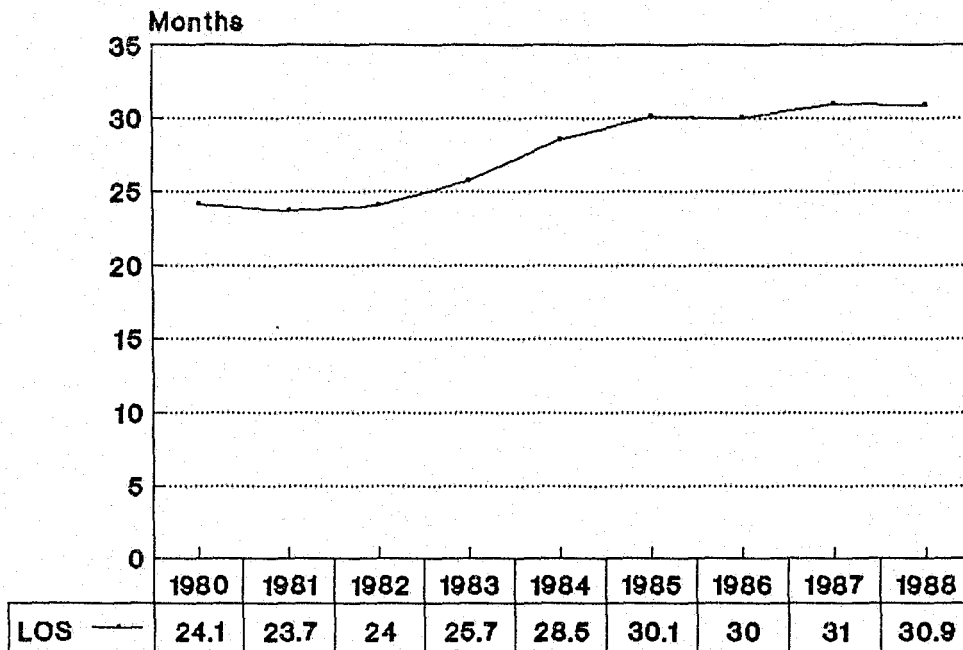


Source: Montana Department of Institutions

An increase in length of stay has accompanied the increase in admissions. From fiscal year 1980 to 1988, the average length of stay³ increased 28 percent, from 24.1 months to 30.9. (See Figure V.)

FIGURE V

Length of Stay (LOS) in Months
(Fiscal Years 1980 - 1988)



Source: Montana Department of Institutions

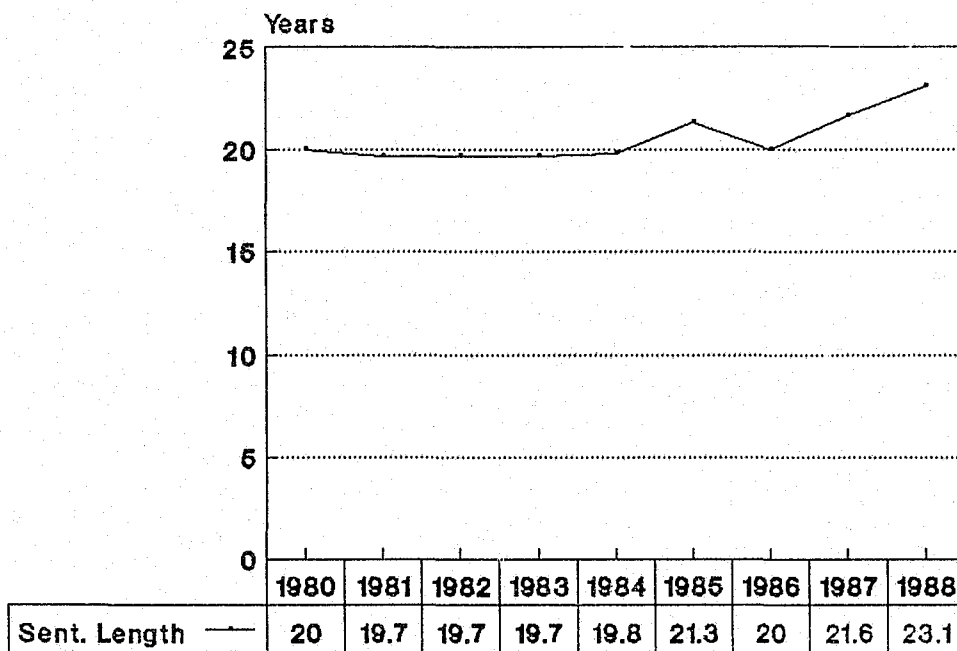
Several factors affect length of stay in correctional institutions, including the length of court-imposed

³ Average length of stay is a derived figure used to represent the average amount of time that inmates incarcerated on a given day have been confined. The figures presented are for the last day of each fiscal year.

sentences and parole practices.⁴ In fiscal year 1980, the average sentence length⁵ for Montana's incarcerated population was 20 years. By fiscal year 1988, this average had increased over three years to 23.1 years. Average sentence lengths remained fairly constant from fiscal years 1980 to 1984. Since fiscal year 1986, the average has increased rather rapidly. (See Figure VI.)

FIGURE VI

**Average Sentence Length in Years
(Fiscal Years 1980 - 1988)**



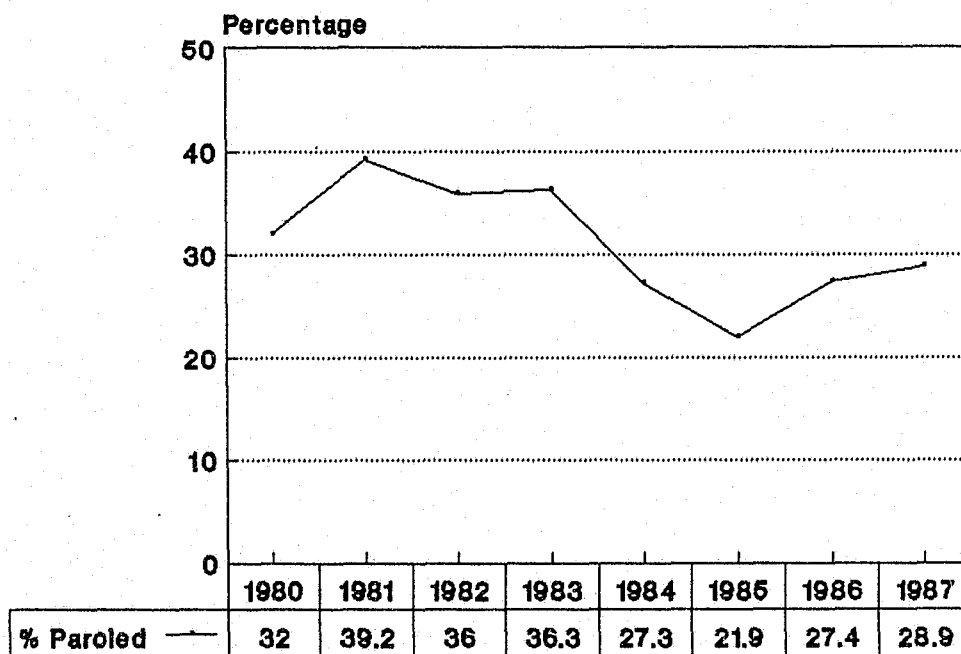
Source: Montana Department of Institutions

⁴ Another factor affecting length of stay is the amount of good time earned by an inmate.

⁵ Average sentence length is a derived figure representing the sum of sentences, in years, being served by all inmates incarcerated at fiscal year end, divided by the number of inmates.

From calendar year 1980 through 1987, 2,420 inmates were paroled from Montana's correctional facilities, an average of 302 inmates each year. Figure VII illustrates the annual percentage of the inmate population receiving paroles during this period. The percentage of inmates paroled dropped dramatically from calendar year 1983 to 1985, from 36.3 percent to 21.9 percent. The percentage increased in both calendar years 1986 (27.4 percent) and 1987 (28.9 percent) but has not yet returned to the levels experienced in the early 1980s.

FIGURE VII
Percentage of Inmate Population Paroled
(CY 1976 - 1987)



Source: Board of Pardons
Montana Department of Institutions

The incarcerated population, fueled by increases in admissions and length of stay, has exceeded the design capacity of the state's correctional facilities every year since fiscal year 1981. As shown in Table I, overcrowding was most severe in fiscal year 1986, when the inmate population exceeded design capacity by 47 percent. This percentage dropped to 15 percent in fiscal year 1987 after completion of a new housing unit at Montana State Prison.

TABLE I
Comparison of Correctional Facility
Populations and Design Capacities
(FY 1981 - 1988)

	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
Design Capacity	627	661	691	741	741	741	970	970
Population	738	800	870	883	962	1091	1120	1163
Percent of Capacity	118%	121%	126%	119%	130%	147%	115%	120%

Source: Montana Department of Institutions

The state's largest correctional facility, Montana State Prison, has absorbed most of the influx of inmates in recent years. This has been accomplished through double bunking, conversion of storage space into cells, and placement of beds in other structures located on the prison campus. The Department of Institutions indicates that the maximum capacity of the prison is 1,028. According to the

Department's projections⁶, this maximum capacity will be exceeded in fiscal year 1990. As shown in Table II, the population of Montana State Prison is expected to continue to increase through fiscal year 1995.

TABLE II
Comparison of Projected Inmate Populations and
Montana State Prison Capacity
(Fiscal Years End 1989 - 1995)

	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
Projected Population	1022	1059	1095	1118	1139	1157	1174
Maximum MSP Capacity	1028	1028	1028	1028	1028	1028	1028
Amount Over (Under) Cap.	(6)	31	67	90	111	129	146

Source: Montana Department of Institutions

⁶ The Department's projections are based on the following assumptions: (1) admissions of 510 in fiscal year 1989, 515 in fiscal year 1990, and 520 in fiscal year 1991 and thereafter; (2) an average length of stay of 31 months in fiscal year 1989, increasing by 0.25 months each year thereafter; and (3) no changes in sentencing or parole practices.

III. COUNCIL ACTIVITIES

Origins of the Council. In September 1986, a small delegation of Montana criminal justice practitioners and legislators traveled to Colorado to attend a National Institute of Corrections seminar entitled "Jail and Prison Overcrowding: A Policy Group Response". The purpose of the seminar was to assist state decisionmaker groups in effectively engaging in policy analysis aimed at formulating and adopting strategies to alleviate overcrowding. Convinced that the policy group approach had merit, the Montana participants recommended to Governor Ted Schwinden that a policy group on prison overcrowding be created.

The Governor, recognizing that Montana's burgeoning prison population was unlikely to subside, was receptive to the group's recommendation. On August 12, 1987, the Governor issued Executive Order 16-87 creating the Criminal Justice and Corrections Advisory Council. The order authorized the Council to operate until September 1, 1989. (A copy of the executive order is contained in Appendix A.)

Mandate of the Council. The Council was charged with thoroughly reviewing the state's existing criminal justice and correctional systems and recommending modification of those systems. Specifically, the executive order directed the Council to review Montana's sentencing statutes, sentencing practices, parole and good time statutes, and correctional programs; to determine the feasibility of establishing additional pre-release centers; to examine sentencing alternatives used by other states; to recommend a method requiring offenders to financially compensate their victims and/or provide services to tax-supported entities; and, to project inmate population and inmate housing

requirements. The Council was required to submit its recommendations to the Governor by September 1, 1988.

Council composition. The Governor appointed a diverse group of criminal justice practitioners and elected officials to the 16-member Council. Membership included: four legislators, a county commissioner, two district judges, a tribal judge, a county attorney, a public defender, a sheriff, an administrator of a pre-release center, the chairman of the Board of Pardons, the administrator of the Board of Crime Control, the administrator of the Corrections Division of the Department of Institutions, and the warden of Montana State Prison. Each member brought to the Council a wealth of knowledge and experience and a sincere desire to confront the issues surrounding prison overcrowding.

Funding. To conduct its activities, the Council received funding from two federal sources. The National Institute of Corrections provided start-up money. The Council received additional funding from the Bureau of Justice Assistance through its Prison Capacity Program. Montana was one of 14 states to receive assistance through this federal grant program. The grant money was available to fund Council activities through March 31, 1989.

Organizational meetings. The Council began its work in October 1987. The group spent three meetings in Helena organizing and digesting background information; these meetings were held in October and December 1987 and in February 1988. Given the limited time available to complete its work, members agreed to focus on four major study areas: parole, good time, sentencing alternatives, and prison expansion. In addition, staff was authorized to conduct a study on sentencing practices in Montana.

The Council divided into two groups to conduct its studies: the Study Committee on Parole and Good Time and the Study Committee on Sentencing Alternatives and Prison Expansion. These committees permitted members to become expert in selected areas and to develop proposals to present to the full Council for possible adoption.

Regional meetings. Following these initial meetings, the Council took to the road for four regional meetings, which were held in Missoula (March 1988), Butte (May 1988), Great Falls (June 1988), and Billings (July 1988). The format of these meetings was identical.

The morning sessions were reserved for public testimony. In each community, the Council solicited comments from persons who were actively involved in the local criminal justice system. About 35 people testified before the Council, including district judges, county attorneys, public defenders, probation and parole officers, and members of the general public. These witnesses shared their experiences and insights with the Council and offered an array of solutions ranging from incremental adjustments to the criminal justice system to sweeping reforms. Their testimony alerted members to problem areas and concerns, many of which were later addressed in the Council's recommendations.

During the afternoon sessions of the regional meetings, members met in study committees. They sifted through a multitude of staff reports and began developing preliminary proposals for addressing overcrowding. (A list of staff reports is contained in Appendix B). Before adjourning for

the day, both study groups reported to the full Council to keep members abreast of the groups' activities.

Prison tours. In August 1988, the Council met in Deer Lodge to tour Montana State Prison. They also traveled to Warm Springs to tour the Women's Correctional Center. In addition, members used this meeting to finalize their study committee proposals for presentation to the full Council in September.

Adoption of recommendations. The Council's year-long study culminated at the September meeting in Helena. At the Council's request, the candidates for the offices of Governor and Attorney General or their designees presented their views on prison overcrowding and other criminal justice issues. Following these presentations, the Council began the arduous task of reviewing, debating, and adopting recommendations for presentation to the Governor. Fourteen proposals were considered; twelve were adopted, some with modifications. (The Council's recommendations to the Governor are presented in Chapter III of this report.)

At the conclusion of the September meeting, members acknowledged that they were unable to address many pressing criminal justice issues during the course of their study. They unanimously agreed that the Council's work should continue. Staff was directed to investigate possible funding sources to enable the Council to extend its activities.

The Council's recommendations were submitted to the Governor on September 13, 1988.

III. COUNCIL RECOMMENDATIONS

In September 1988, the Council submitted 12 recommendations to the Governor for his consideration. These recommendations are presented in this chapter of the report. Included with each recommendation is a statement of the problem to be addressed, an estimate of implementation costs, projections of prison population impact, comments on required legislation and/or administrative rules, and a discussion of related implementation issues. Proposed legislation is attached for some recommendations.

This chapter concludes with a chart summarizing the projected bed savings and cost of each recommendation. The recommendations are categorized according to their impact on the prison population: direct, indirect, or no impact. Recommendations having a direct impact will reduce future prison populations by a specifically projected number of beds. Population reductions will be achieved through reduced prison admissions or increased prison releases. Recommendations having an indirect impact are intended to enhance or improve criminal justice services or programs. Such enhancements and improvements may indirectly reduce the prison population. For some of the recommendations having an indirect impact, a potential bed savings based on specific assumptions was calculated. The recommendations with no impact on the prison population address criminal justice issues that do not directly or indirectly impact overcrowding.

RECOMMENDATION #1
STATE-WIDE INTENSIVE SUPERVISION PROGRAM

STATEMENT OF PROBLEM

According to the Department of Institutions, the inmate population at Montana State Prison (MSP) will exceed its maximum capacity of 1,028 inmates by the end of fiscal year 1990. Therefore, an additional 96-bed housing unit would be required by that time. An intensive supervision program (ISP) may delay the need for building the additional housing unit by: (1) diverting offenders from prison and (2) releasing inmates from prison early.

RECOMMENDATION

Intensive supervision programs⁷ should be established in Billings, Great Falls, and Missoula. Each program would have the capacity to supervise 25 offenders. The ISPs should be modeled after the Billings intensive supervision pilot project, which consists of phases, each with different supervision levels. Supervision should consist of two officers and electronic monitoring during the most intensive phase. Placement to an ISP could be achieved in three ways: (1) diverting offenders from prison through referrals from district courts or intensive supervision officers, (2) reclassification of current prison inmates by the Department, and (3) early parole through referrals from the Board of Pardons to the Department. Offenders diverted from prison to ISP would have been placed in prison if ISP did

⁷The intent of intensive supervision is to provide closely monitored supervision of offenders to protect the community while maintaining the client in the least restrictive environment possible.

not exist. Similarly, parolees released to ISP would not have been paroled from prison if ISP did not exist.

IMPLEMENTATION COSTS

Start-up costs (incl. office equipment, automobiles, two monitoring computers, and 19 wristlets)	\$100,450
Biennial operational costs (incl. five more Grade 13 officers ⁸ , computer maintenance contracts, urinalysis reagents)	\$330,512
Total cost for first biennium	<u>\$430,962</u>

PRISON POPULATION IMPACT

Implementation of a state-wide intensive supervision program, unless expanded in the future, should result in a savings of at least 54 prison beds per year.

Bed Savings: FY 1990 - 1995					
<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
54	54	54	54	54	54

⁸The actual classification of these positions would be determined by the Department of Administration based on job content.

REQUIRED LEGISLATION/ADMINISTRATIVE RULES

Statutory authority is required for program authorization and for offender placement procedures. Items that should be addressed in legislation include:

- (1) statement of intent and program description;
- (2) authorization to implement an ISP;
- (3) authorization for the Department to adopt rules necessary to carry out the provisions of the legislation;
- (4) procedures for front-end diversion through referrals from district courts or intensive supervision officers, including authority for judges to amend sentences to prison to sentences of probation, with ISP as a condition of probation;
- (5) procedures allowing the Department to reclassify current prison inmates to ISP;
- (6) procedures for paroling inmates to ISP through referrals from the Board of Pardons to the Department;
- (7) appropriation of \$430,962 for the 1990-1991 biennium and authority for the Department to hire five FTE; and
- (8) effective date.

The Department would develop administrative rules to implement the legislation. Items that should be addressed in rules include:

- (1) selection criteria for both front-end and back-end placements;
- (2) designation of a screening committee and screening procedures; and
- (3) revocation procedures and penalties.

IMPLEMENTATION ISSUES

Problems may arise in both implementation and operation of an ISP. Possible problems are: slow start-up time, community resistance, placement of offenders who would otherwise have been placed on regular probation or parole (widening the net), or an inadequate number of eligible offenders. An ISF also may have difficulty placing offenders who do not have residences, telephones, or local support systems.

**RECOMMENDATION #2
DIVERTING ELIGIBLE OFFENDERS TO
PRE-RELEASE CENTERS**

STATEMENT OF PROBLEM

According to the Department of Institutions, the inmate population at Montana State Prison (MSP) will exceed its maximum capacity of 1,028 inmates by the end of fiscal year 1990. Therefore, an additional 96-bed housing unit would be required by that time. Diverting prison-bound offenders to pre-release centers, in combination with other programs, may delay the need for building the additional housing unit.

In addition, the proposed intensive supervision program (ISP) likely would be unable to divert all eligible offenders because some may not meet other program requirements. Some of those types of offenders could be diverted to pre-release centers, rather than sentenced to prison.

RECOMMENDATION

Procedures should be developed allowing convicted felony offenders to be diverted from MSP or the Women's Correctional Center (WCC) to available beds in existing pre-release centers. Eight pre-release center beds should be funded under this recommendation -- two each in Billings, Butte, Great Falls, and Missoula.

Authority for placing offenders in pre-release centers should be incorporated within legislation developed for the proposed ISP. Placement would occur through referrals to the Department from district courts or intensive supervision officers. District judges would amend the prison sentences

of eligible offenders to sentences of probation, with pre-release placement a condition of probation. Offenders diverted to pre-release centers would have otherwise been placed in MSP or WCC. Upon successful completion of the pre-release program, offenders would be transferred to an appropriate supervision level in ISP.

IMPLEMENTATION COSTS

At \$40.00 per day, funding eight pre-release center beds for the 1990-1991 biennium would cost \$233,600.

PRISON POPULATION IMPACT

If this recommendation is fully implemented, at least eight prison beds should be saved annually.

Bed Savings: FY 1990 - 1995					
<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
8	8	8	8	8	8

REQUIRED LEGISLATION/ADMINISTRATIVE RULES

Statutory authority is required for offender placement procedures. Legislation would be incorporated within proposed intensive supervision legislation. Items that should be addressed include:

- (1) diversion procedures through referrals from district courts or intensive supervision officers, including authority for judges to amend sentences to prison to sentences of probation, with pre-release center placement as a condition of probation;

- (2) authorization for the Department to adopt rules necessary to carry out the provisions of the legislation;
- (3) revocation procedures and penalties; and
- (4) effective date.

The Department would develop administrative rules to implement the legislation. Items that should be addressed in rules include:

- (1) selection criteria for placements; and
- (2) designation of a screening committee and screening procedures.

IMPLEMENTATION ISSUES

Problems that may arise include community resistance, placement of offenders who would otherwise have been placed on regular probation (widening the net), or an inadequate number of eligible offenders.

RECOMMENDATION #3
DISCRETIONARY EARLY DISCHARGES

STATEMENT OF PROBLEM

A short-term, emergency approach for curbing prison overcrowding is the use of early release. Early release mechanisms alleviate overcrowding by reducing inmates' length of incarceration when prison capacity is exceeded. As of 1983, at least 15 states provided for the early release of inmates.

In 1983, Montana enacted an early release law providing for early parole of certain inmates when the population of Montana State Prison (MSP) or the Women's Correctional Center (WCC) exceeded its design capacity. Under this statute, an inmate may be paroled 120 days in advance of his/her original parole date, if the inmate has been incarcerated at least 12 months at the time of the proposed release. The early parole mechanism is activated when the Department of Institutions certifies to the Board of Pardons that the MSP population exceeds its design capacity of 744 by 96 inmates or that the WCC population exceeds its design capacity of 35 inmates. The population at the institution must exceed design capacity for more than 30 days. Upon certification, the Board must consider inmates for release on parole 120 days before their eligibility date.

Montana's early parole mechanism has been activated every month since its effective date of March 24, 1983. During calendar years 1985 through 1987, 214 inmates were eligible for early parole, an average of 71 inmates each year. Nearly half of the parole-eligibles (47 percent or 101 inmates) disqualified themselves from early release by waiving their right to a hearing before the Board. Forty-

two percent (89 inmates) received hearings but were denied parole. The remaining 11 percent (24 inmates) were granted parole.

According to Board of Pardons staff, inmates often waive their right to an early parole hearing because they have not developed adequate parole plans or completed certain treatment or training programs that would enhance their chances of being paroled. Board staff also speculate that the early parole rate is low (21 percent of those receiving hearings) because generally inmates appearing before the Board for early release are more difficult to parole compared to those whose parole dates have not been accelerated. Because the statute prohibits inmates who have served less than 12 months from being considered for early release, eligible inmates are likely to be offenders who are serving longer terms for having committed more serious crimes. In other words, inmates serving lighter sentences who may be better parole candidates are ineligible for early release.

With an average of eight releases occurring per year, Montana's early parole provisions have been ineffective in relieving the pressures of prison overcrowding. An early release mechanism that may prove more effective is the reduction of inmates' length of stay by granting additional good time when prison capacity is exceeded.

RECOMMENDATION

Legislation should be enacted permitting, under emergency circumstances, the early discharge of certain MSP and WCC inmates. This early discharge mechanism would be activated under the same conditions as the early parole provisions:

when the Department of Institutions certifies to the Board of Pardons that the MSP population exceeds its design capacity of 744 by 96 inmates or that the WCC population exceeds its design capacity of 35 inmates and that MSP or WCC has exceeded its capacity for more than 30 days. Upon certification, the Department, in consultation with the Board, may grant up to 120 days of good time to inmates in the institution in which the design capacity has been exceeded if the inmates: (1) are within 120 days of completing their prison sentence and (2) have been incarcerated at a state correctional facility for at least one year.

IMPLEMENTATION COSTS

None.

PRISON POPULATION IMPACT

Assuming that the Department of Institutions would choose not to release maximum custody inmates and 90 percent of the sex offenders, the use of discretionary early discharges should result in the following bed savings:

Bed Savings: FY 1990 - 1995*

<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
53	54	55	56	57	58

* Based on Department of Institutions projected population increases and a maximum MSP capacity of 1,028.

REQUIRED LEGISLATION/ADMINISTRATIVE RULES

See bill draft on pages 31 - 33.

IMPLEMENTATION ISSUES

Some risk to public safety may be associated with the use of early discharges. This risk can be minimized by careful selection of inmates for release. In addition, approximately one-half of the inmates eligible for early discharge, upon release, must complete the suspended portion of their sentences under probation supervision. Supervision should diminish the public safety risk.

1 _____ BILL NO. _____
2 INTRODUCED BY _____
3 BY REQUEST OF THE CRIMINAL JUSTICE AND
4 CORRECTIONS ADVISORY COUNCIL

6 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING THE
7 DEPARTMENT OF INSTITUTIONS TO GRANT ADDITIONAL GOOD TIME
8 ALLOWANCE TO CERTAIN INMATES WHEN THE POPULATION AT MONTANA
9 STATE PRISON OR THE WOMEN'S CORRECTION CENTER EXCEEDS DESIGN
10 CAPACITY; AMENDING SECTION 53-30-105, MCA; AND PROVIDING AN
11 IMMEDIATE EFFECTIVE DATE."

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 53-30-105, MCA, is amended to read:

15 "53-30-105. Good time allowance. (1) The department of
16 institutions shall adopt rules providing for the granting of
17 good time allowance for inmates employed in any prison work
18 or activity. The good time allowance shall operate as a
19 credit on his sentence as imposed by the court, conditioned
20 upon the inmate's good behavior and compliance with the
21 rules made by the department or the warden. The rules
22 adopted by the department may not grant good time allowance
23 to exceed:

24 (a) 10 days per month for inmates assigned to maximum,
25 close, and medium I security classifications;

1 (b) 13 days per month for those classified as medium
2 II and minimum security classifications;

3 (c) 15 days per month for inmates after having been
4 assigned as medium II or minimum security for an
5 uninterrupted period of 1 year;

6 (d) 13 days per month for those inmates enrolled in
7 school who successfully complete the course of study or who
8 while so enrolled are released from prison by discharge or
9 parole;

10 (e) 3 days per month for those inmates participating
11 in self-improvement activities designated by the department.

12 (2) If the department certifies to the board of
13 pardons that the population at the state prison or the
14 women's correction center has exceeded design capacity as
15 provided in 46-23-201, the department, in consultation with
16 the board of pardons, may grant up to 120 days of good time
17 allowance to inmates in the institution in which the design
18 capacity has been exceeded if the inmates:

19 (a) are within 120 days of completing their prison
20 sentences; and

21 (b) have been incarcerated at a state correctional
22 facility for at least 1 year.

23 ~~(2)~~(3) In the event of an attempted escape by an
24 inmate or a violation of the rules prescribed by the
25 department or warden, the inmate may be punished by the

1 forfeiture of part or all good time allowances. The warden
2 of the state prison shall advise the department of any
3 attempted escape or violation of rules on the part of the
4 inmate. Any punishment by forfeiture of good time allowance
5 must be approved by the department.

6 ~~(3)~~(4) A person may not earn good time under this
7 section while he is on probation or parole.

8 ~~(4)~~(5) The warden of the state prison may request that
9 all or portions of any previously forfeited good time be
10 restored as a result of subsequent good behavior. Any
11 restoration of good time allowance must be approved by the
12 department."

13 **Section 2. Extension of authority.** Any existing
14 authority to make rules on the subject of the provisions of
15 [this act] is extended to the provisions of [this act].

16 **Section 3. Effective date.** [This act] is effective on
17 passage and approval.

-End-

RECOMMENDATION #4
INCREASE IN PROBATION AND PAROLE OFFICERS

STATEMENT OF PROBLEM

As of June 1988, there were 39 probation and parole officers in Montana supervising 3,065 offenders. Because of their heavy caseloads, officers cannot meet current supervision standards and complete other assignments, such as conducting pre-sentence, placement, and supervised release investigations. Inadequate supervision poses a risk to public safety.

RECOMMENDATION

The probation and parole workforce should be increased by ten officers. According to a recent Department of Institutions caseload analysis, seven additional full-time officers would be needed to meet current supervision standards; three more officers would permit field services to exceed these standards. In addition, three half-time secretaries should be hired to assist officers in those locations where clerical support is unavailable.

IMPLEMENTATION COSTS

	<u>FY 1990</u>	<u>FY 1991</u>
Ten probation and parole officers (salary and benefits)	\$222,720	\$239,281
Operating expenses for officers ¹	61,037	61,037
Equipment for officers	117,652 ²	0
Three half-time secretaries (salary and benefits) ³	26,649	26,649
	<hr/>	<hr/>
Fiscal year total	\$428,058	\$326,967

FISCAL YEAR 1990 - 1991 BIENNIUM TOTAL: \$755,025

¹ Includes contracted services, supplies and materials, communications, travel, rent, and repairs and maintenance

² Includes automobiles and office equipment (desks, chairs, filing cabinets, etc.)

³ Operating expenses and equipment for secretaries can be absorbed in current budget.

PRISON POPULATION IMPACT

An increase in personnel should permit officers to exceed current supervision standards and provide improved services to offenders. This may result in a reduction in the number of probation and parole revocations. Fewer revocations, in turn, would reduce prison admissions.

Currently, probation and parole revocations account for about 43 percent of prison admissions. If, for example, the additional officers resulted in a ten percent reduction in revocations, the following bed savings should occur for

fiscal years 1990 through 1995:

POTENTIAL BED SAVINGS: FY 1990 - 1995

<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
18	25	26	26	25	25

REQUIRED LEGISLATION/ADMINISTRATIVE RULES

Legislative approval is required for additional Department of Institutions employees and for funding the new positions.

IMPLEMENTATION ISSUES

An unintended consequence of adding more officers is that probation and parole revocations may increase, rather than decrease, because of the officers' ability to better supervise their clients. Increased revocations will aggravate the prison overcrowding problem. However, increased revocations may enhance public safety by incapacitating offenders.

RECOMMENDATION #5
EXPANDED SEX OFFENDER TREATMENT PROGRAM

STATEMENT OF PROBLEM

Currently, approximately 22 percent of the inmate population at Montana State Prison (MSP) are sex offenders. Seventy-two percent of those offenders are not in treatment. Approximately 65 sex offenders in calendar year 1987 were denied parole for lack of treatment or for not completing treatment.

Three treatment staff work part-time on the sex offender program at MSP for the equivalent of 0.975 of a full-time employee. If staffing for the sex offender program were increased, more sex offenders could be treated more effectively and prepared for parole or discharge. Of the current population of 228 sex offenders, 117 will discharge by 1999. Treatment is not a cure, but can teach the offender how to control his problem in the community. In addition, if inmates receive treatment, their chances of being paroled are enhanced. An increase in paroles would help alleviate prison overcrowding.

RECOMMENDATION

1. The following staff should be hired:
 - > Two psychologists (Grade 15, step 2)
 - > One correctional training specialist (Grade 13, step 2)
 - > One secretary (Grade 8, step 2)

In addition, the duties of the current treatment staff should be reorganized so that one staff member is assigned to the sex offender program full-time.

2. A polygraph machine should be purchased. A polygraph machine is necessary as a treatment tool to enable staff to bring the offender to the point of confronting his problem. One of the new staff hired for the treatment program should be qualified to use the machine or should be trained in its use after being hired.
3. Present housing units at MSP should be reorganized to allow two additional Intensive Treatment Units (ITUs)⁹ to be added as the need arises and staff is prepared. The additional ITUs should be added incrementally after each current ITU is staffed with a psychologist and a pool of inmates is prepared to enter Phase II treatment. This should allow expansion of Phase II, decrease waiting and holding time, and increase the volume of the program.
4. Implementation of this recommendation should permit the treatment of more sex offenders before they are released by:
 - > increasing applications to the program by at least one-third;
 - > increasing the capacity of the program from 28 percent of the sex offenders to 46 percent; and
 - > reducing the time for completion of the program by up to six months.

⁹An Intensive Treatment Unit (ITU) is a separate housing unit in which inmates receive a variety of treatment programs, including sex offender treatment.

IMPLEMENTATION COSTS

	<u>FY 1990</u>	<u>FY 1991</u>
Personal services ¹	\$97,353	\$97,353
Operating expenses ²	3,642	3,577
Equipment ³	10,588	0
	<hr/>	<hr/>
Fiscal year total	\$111,583	\$100,930

FISCAL YEAR 1990 - 1991 BIENNIUM TOTAL: \$212,513⁴

¹ Includes salary and benefits for two psychologists, one correctional training specialist, and one secretary

² Includes office and training supplies, communications, travel expenses, and maintenance fees on polygraph machine

³ Includes polygraph machine and office equipment (desks, chairs, filing cabinets, etc.)

⁴ This amount was revised from the original recommendation submitted to the Governor on September 13, 1988 to include operational expenses and additional equipment.

PRISON POPULATION IMPACT

Among sex offenders released on parole in calendar year 1987, length of stay from parole eligibility to release was approximately 12 months, compared to eight months for all inmates paroled that year. Several factors associated with the sex offender treatment program may contribute to this increased length of stay for sex offenders. For example, no staff is available to actively recruit and enroll inmates in the program to ensure that they will have completed the program by their parole-eligibility date. In addition, because of the small staff size, delays in completing treatment occur. Moreover, the availability of only two ITUs and the small staff limits the program's capacity.

Hiring additional staff and creating additional ITUs may reduce or eliminate the additional four months length of stay for sex offenders. There will be an estimated 134 sex offenders who will become eligible for parole from 1988 to 1991. If 50 percent of the sex offenders who become parole-eligible in a given year are paroled and their length of stay is reduced by four months, the bed savings for FY 1988-1991 should be:

**Bed Savings with a Reduced
Length of Stay for Sex Offenders**

<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
5	6	5	6

REQUIRED LEGISLATION/ADMINISTRATIVE RULES

Legislative approval is required for additional Department of Institutions employees and for funding the new positions.

IMPLEMENTATION ISSUES

Reduced length of stay for sex offenders and the resulting bed savings would only occur if the Board of Pardons paroles sex offenders who complete treatment. Also, sex offender treatment is not the only treatment needed in a prison. The entire treatment program may need to be revamped with the sex offender program as a priority.

RECOMMENDATION #6
PRE-PAROLE PROGRAMMING

STATEMENT OF PROBLEM

In 1987, 290 inmates were released on parole. These inmates were incarcerated an average of eight months (0.67 years) from their parole eligibility date until release. On an average, inmates released that year were considered by the Board of Pardons 2.4 times before parole was granted.¹⁰ Forty-one percent waived their first parole hearing, while only twenty-four percent were granted parole on their first appearance.

According to Board of Pardons officials, many parolees are denied release at their initial hearings because they are ill-prepared to return to the community. Similarly, inmates often waive their right to a parole hearing upon recommendation of the Board staff who advise them that parole is unlikely unless certain educational, training, or treatment requirements are met. The length of stay between parole-eligibility and release and the number of parole hearing waivers could be reduced if inmates began preparing for release immediately upon admission to prison.

RECOMMENDATION

A pre-parole program should be implemented to better prepare an inmate for his/her parole hearing and possible release. Under this recommendation, an inmate, during his/her three-week orientation period at Montana State Prison or the

¹⁰ In calculating the number of Board considerations, the following dispositions were counted: waivers, annual reviews, passed to a later date, passed to discharge, and parole granted.

Women's Correctional Center, would develop a pre-parole programming plan with assistance from a Board of Pardons administrative officer. This plan would define certain goals and objectives for the inmate in the areas of institutional training, education, work, treatment, and conduct. The plan would be approved by the Board chairman. The administrative officer, together with prison staff, would monitor the inmate's compliance with his/her plan. Also during the incarceration period, the inmate and Board staff would work with Montana probation and parole services or interstate compact administrators to develop an appropriate parole release plan well in advance of the inmate's parole hearing.

IMPLEMENTATION COSTS

To administer the pre-parole program, one full-time administrative officer (Grade 15, step 1) and one half-time secretary (Grade 7, step 1) will be needed.¹¹ These individuals will be employed by the Board of Pardons.

Salary and benefits for FY 1990 - 1991 biennium:

Administrative officer	=	\$56,344
Secretary (half-time)	=	<u>17,368</u>
Total personal services	=	\$73,712

¹¹ The actual classification of these positions will be determined by the Department of Administration, based on job content.

PRISON POPULATION IMPACT

Implementation of a pre-parole program may, over time, result in the following:

- (1) Reduction in length of stay: The pre-parole programming process should assist the Board in identifying at an early date those inmates who will be appropriate candidates for parole. If these inmates are thoroughly prepared for their initial parole hearings, the number of hearing waivers and appearances before the Board should be reduced. This should permit the release of inmates at an earlier date which in turn will reduce prison crowding. According to the Department of Institutions, if inmates' length of stay from parole-eligibility to parole release is reduced by four, six, or eight months, the following bed savings would result for fiscal years 1990 through 1995:

POTENTIAL BED SAVINGS: FY 1990 - 1995

Reduction in months	1990	1991	1992	1993	1994	1995
4	6	12	16	20	23	25
6	9	18	24	30	35	38
8	13	24	32	40	47	52

Also as a result of this program, more structured and appropriate parole plans should be developed in cooperation with probation and parole field services and interstate compact administrators. This should reduce delays in plan approval after parole is granted.

- (2) Reduction in parole violators: Because a pre-parole program requires that an inmate complete the necessary treatment and training while incarcerated and develop a sound parole plan, the inmate's chances for succeeding on parole are enhanced. In addition, pre-parole programming should enable the Board to better identify those inmates who are unwilling or unable to comply with parole supervision.

REQUIRED LEGISLATION/ADMINISTRATIVE RULES

The Board of Pardons may administer a pre-parole program within its current statutory authority; no substantive legislation is necessary to implement the program. However, legislative approval is needed for employing additional Board of Pardons employees and for funding the new positions.

IMPLEMENTATION ISSUES

Extensive cooperation and coordination between prison officials and the Board is essential for a successful pre-parole program. Inmates who are involved in pre-parole programming must be given priority in educational, treatment, and training programs at the prison. If rehabilitation programs are unavailable, inmates will be unable to meet their goals and objectives, which may jeopardize their chances for parole.

RECOMMENDATION #7
CONDITIONAL DISCHARGE FROM SUPERVISION

STATEMENT OF PROBLEM

In Montana, there is no explicit statutory authority for a judge to release a probationer from supervision before expiration of his/her deferred or suspended sentence. Likewise, the Board of Pardons has no explicit statutory authority to release a parolee from supervision before expiration of his/her sentence.¹²

Among offenders serving deferred or suspended sentences under probation supervision in May 1988, sentences ranged from 0.5 years to 45 years; the average sentence was 5.1 years. Among inmates released on parole in 1987, the average length of stay on parole supervision was 5.5 years. In addition, over half of these parolees (53 percent) had suspended sentences averaging 5.2 years to be completed on probation supervision following final discharge from parole.

An extended period of probation or parole supervision may be unwarranted for certain offenders. It may unintentionally impede rehabilitative efforts by placing unnecessary restrictions on the probationer or parolee. In addition, an extended supervision period may burden limited probation and parole field services. For those offenders who have exhibited exemplary conduct during the initial period of probation or parole supervision, a conditional discharge

¹² Although there is no explicit statutory authority permitting the Board to conditionally discharge a parolee from supervision, the Board's administrative rules permit the Board, upon recommendation of a probation and parole officer, to discharge a parolee. As of June 1988, 38 parolees (approximately eight percent of the parole population) were on conditional discharge.

would likely pose little threat to community safety.

RECOMMENDATION

District judges should statutorily be authorized to conditionally discharge a probationer from supervision before expiration of his/her sentence. Likewise, the Board of Pardons should statutorily be authorized to conditionally discharge a parolee from supervision before expiration of his/her sentence. A conditional discharge should be granted when a judge or the Board, upon recommendation of a probation and parole officer, determines that the discharge is in the best interest of the offender and society. If an offender, while on conditional discharge, violates conditions of his/her probation, a judge may revoke the offender's deferred or suspended sentence. Similarly, the Board may revoke the parole of an offender on conditional discharge.

The Department of Institutions should adopt rules establishing explicit criteria for when a probation and parole officer should recommend a conditional discharge. When developing this criteria, the Department should consider a two-year period with no parole or probation violations as a minimum standard for recommending discharge.

IMPLEMENTATION COSTS

None.

PRISON POPULATION IMPACT

If most offenders were conditionally discharged after satisfactorily completing a given period of supervision (e.g., two years), the number of clients under supervision will drop. A reduction in caseload may permit probation and parole officers to meet current supervision standards for their remaining clients. This may result in a reduction in the number of parole and probation violations. Fewer revocations will reduce prison admissions.

REQUIRED LEGISLATION/ADMINISTRATIVE RULES

See bill draft on pages 51 - 54. To assist probation and parole officers in determining when conditional discharge should be recommended to a court or the Board of Pardons, the Department of Institutions should adopt rules providing explicit guidelines and criteria.

IMPLEMENTATION ISSUES

If inappropriate parolees or probationers are conditionally discharged from supervision, public safety may be jeopardized.

1 BILL NO.

2 INTRODUCED BY

3 BY REQUEST OF THE CRIMINAL JUSTICE

4 AND CORRECTIONS ADVISORY COUNCIL

5

6 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A COURT TO
7 DISCHARGE A PROBATIONER FROM SUPERVISION BEFORE EXPIRATION
8 OF HIS SENTENCE; PERMITTING THE BOARD OF PARDONS TO
9 DISCHARGE A PAROLEE FROM SUPERVISION BEFORE EXPIRATION OF
10 HIS SENTENCE; AMENDING SECTIONS 46-23-1011 AND 46-23-1021,
11 MCA; AND PROVIDING AN APPLICABILITY DATE."

12

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 46-23-1011, MCA, is amended to
15 read:

16 "46-23-1011. Supervision on probation. (1) The
17 department shall supervise persons during their probation
18 period in accord with the conditions set by a court.

19 (2) A copy of the conditions of probation shall be
20 signed by the probationer and given to him and his probation
21 and parole officer who shall report on his progress under
22 rules of the court.

23 (3) The probation and parole officer shall regularly
24 advise and consult with the probationer to encourage him to
25 improve his condition and conduct and inform him of

1 restoration of his rights on successful completion of his
2 sentence.

3 (4) The probation and parole officer may recommend and
4 a court may modify any condition of probation or suspension
5 of sentence at any time. Notice shall be given to the
6 probation and parole officer before any condition is
7 modified, and he shall be given an opportunity to present
8 his ideas or recommendations on any modification. A copy of
9 a modification of conditions shall be delivered to the
10 probation and parole officer and the probationer.

11 (5) The probation and parole officer shall keep
12 records as the department or the court may require.

13 (6) (a) Upon recommendation of the probation and
14 parole officer, a court may discharge a probationer from
15 supervision before expiration of his sentence if the court
16 determines that discharge from supervision is in the best
17 interest of the probationer and society.

18 (b) Nothing in subsection (6)(a) prohibits a court
19 from revoking the order suspending execution or deferring
20 imposition of sentence, as provided in 46-18-203, for a
21 probationer who has been discharged from supervision."

22 Section 2. Section 46-23-1021, MCA, is amended to
23 read:

24 "46-23-1021. Supervision on parole. (1) The department
25 shall retain custody of all persons placed on parole and

1 shall supervise the persons during their parole period in
2 accord with the conditions set by the board.

3 (2) The department shall assign personnel to assist
4 persons eligible for parole in preparing a parole plan.
5 Department personnel shall make a report of their efforts
6 and findings to the board prior to its consideration of the
7 case of the eligible person.

8 (3) A copy of the conditions of his parole shall be
9 signed by the parolee and given to him and to his probation
10 and parole officer, who shall report on his progress under
11 the rules of the board.

12 (4) The probation and parole officer shall regularly
13 advise and consult with the parolee, assist him in adjusting
14 to community life, and inform him of the restoration of his
15 rights on successful completion of sentence.

16 (5) The probation and parole officer shall keep such
17 records as the board or department may require. All records
18 shall be entered in the master file of the individual.

19 (6) (a) Upon recommendation of the probation and
20 parole officer, the board may discharge a parolee from
21 supervision before expiration of his sentence if the board
22 determines that discharge from supervision is in the best
23 interest of the parolee and society.

24 (b) Nothing in subsection (6)(a) prohibits the board
25 from revoking the parole, as provided in 46-23-1025, of a

1 parolee who has been discharged from supervision."

2 NEW SECTION. Section 3. Extension of authority. Any
3 existing authority of the department of institutions and the
4 board of pardons to make rules on the subject of the
5 provisions of this act is extended to the provisions of this
6 act.

7 NEW SECTION. Section 4. Applicability. This act
8 applies to persons under probation or parole supervision on
9 or after the effective date of this act.

-End-

RECOMMENDATION #8
JAIL PLACEMENT FOR PAROLE AND PRE-RELEASE
CENTER VIOLATORS

STATEMENT OF PROBLEM

When a parolee allegedly violates a condition of parole, he/she is entitled to receive an on-site parole violation hearing. Similarly, a pre-release center resident is entitled to a disciplinary hearing on an alleged offense committed while housed at the center. Both types of due process hearings are conducted by a probation and parole regional supervisor.

If the regional supervisor finds a parolee guilty of a serious violation, the parolee may be returned to prison for a hearing before the Board of Pardons. If the Board revokes the offender's parole, he/she may be reparaoled at a later date or be required to serve the remainder of his/her sentence in prison. If the regional supervisor finds a pre-release center resident guilty of a serious offense, the supervisor may take a number of actions, including restricting the resident's privileges, requiring payment of restitution, recommending loss of accrued good time, or returning the resident to prison.

According to regional supervisors, 69 parole revocation hearings and 112 pre-release center disciplinary hearings were conducted in calendar year 1987. These hearings resulted in 54 parolees and 62 pre-release center residents, or a total of 116 offenders, being returned to Montana State Prison (MSP) or the Women's Correctional Center (WCC).

Returning parole and pre-release center violators to MSP or WCC aggravates crowded conditions at the institution. The availability of an intermediate sanction for such offenders,

such as jail placement for a period of time, may reduce prison admissions attributable to these violations.

RECOMMENDATION

Following a due process hearing and a finding of guilt, a regional supervisor should be permitted to place in a county jail an offender who has violated parole conditions or who has committed a serious infraction while residing at a pre-release center. Jail placement should be used in lieu of returning the offender to MSP or WCC and should not exceed 60 days.

IMPLEMENTATION COSTS

The Department of Institutions would be required to reimburse counties for housing parolees and pre-release center residents. Through negotiations, the Department and the counties would determine the appropriate reimbursement rate. Currently, daily boarding rates vary among the counties. For example, for housing federal prisoners, Yellowstone County charges \$38 per day, Missoula County charges \$31 per day, and Silver Bow County charges \$28.50 per day.

Department officials estimate that parolees or pre-release center residents would spend an average of 30 days in jail. If, for example, 58 offenders a year (50 percent of those returned to MSP or WCC by regional supervisors in calendar year 1987) were placed for 30 days in a county jail at a rate of \$38 per day, the following cost would be incurred:

58 violators x 30 days x \$38 = \$66,120
Biennial cost: \$132,240

PRISON POPULATION IMPACT

This recommendation would reduce prison admissions by diverting prison-bound parole and pre-release center violators to jail.

REQUIRED LEGISLATION/ADMINISTRATIVE RULES

For placing parole violators: Legislation is needed to authorize a regional supervisor, upon approval of the Board of Pardons, to place a parole violator in a county jail in lieu of returning him/her to MSP or WCC. In addition, funds must be appropriated to the Department of Institutions for payment to counties for housing parolees.

For placing pre-release center violators: The Department, without additional statutory authority, could adopt a policy providing for placement of pre-release center violators in county jails for a maximum of 60 days. (Current department policy permits a supervisor to place an offender in the county jail for up to ten days.) Funds must be appropriated to the Department for payment to counties for housing residents.

IMPLEMENTATION ISSUES

The success of this recommendation hinges on the availability of space in the county jails. If no space is available, placement of parole and pre-release center violators cannot be made.

RECOMMENDATION #9
SUPERVISED RELEASE PROGRAM: REVISED
ELIGIBILITY CRITERIA

STATEMENT OF PROBLEM

The supervised release program allows an inmate, upon approval of the Board of Pardons, to participate in a recognized educational, treatment, or training program or to be employed in conjunction with any of these programs. An inmate may apply for supervised release when: (1) he/she has served at least one-half the time required to be considered for parole and (2) not more than 15 months remain before the inmate is eligible to be released on parole. While on release, the inmate is supervised by a sponsor and a probation and parole officer. Although the primary purpose of the program is rehabilitation, a vigorous supervised release program could help alleviate prison overcrowding by releasing under supervision appropriate, low-risk offenders.

Participation in Montana's supervised release program has been minimal. From 1980 through 1987, the Board interviewed 89 inmates for supervised release or furloughs¹³, an average of 11 inmates each year. The Board approved 35 applications or 39 percent of those reviewed; fifty-four applications or 61 percent were denied. Six inmates were on supervised release or furlough on December 31, 1985, five on December 31, 1986, and three on December 31, 1987. Currently, there are two inmates on supervised release or furlough.

If the program's eligibility requirements were revised to allow an inmate to apply earlier for supervised release, the

¹³ The furlough program was the precursor to the supervised release program.

pool of applicants may increase. An increase in applicants may result in more supervised releases.

RECOMMENDATION

The eligibility requirements for the supervised release program should be revised to permit an inmate to apply for the program when he/she is within 24 months (rather than 15 months) of parole-eligibility.

IMPLEMENTATION COSTS

None.

PRISON POPULATION IMPACT

The revised eligibility requirements may result in an increase in supervised release applicants. An increase in applicants, in turn, may result in more supervised releases, if the Board determines that the additional applicants are suitable for release.

REQUIRED LEGISLATION/ADMINISTRATIVE RULES

See bill draft on pages 61 - 62.

IMPLEMENTATION ISSUES

Implementation of this recommendation will likely increase the workload of prison staff who screen inmates before referring them to the Board. In addition, the Board's workload will probably increase because of additional applicants.

1 _____ BILL NO. _____
2 INTRODUCED BY _____
3 BY REQUEST OF THE CRIMINAL JUSTICE
4 AND CORRECTIONS ADVISORY COUNCIL

6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE
7 ELIGIBILITY REQUIREMENTS FOR PRISONER PARTICIPATION IN THE
8 SUPERVISED RELEASE PROGRAM; AMENDING SECTION 46-23-411, MCA;
9 AND PROVIDING AN APPLICABILITY DATE."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 46-23-411, MCA, is amended to read:

13 "46-23-411. Application to participate -- eligibility.

14 (1) Any prisoner, except a prisoner serving a sentence
15 imposed under 46-18-202(2), may make application to
16 participate in the supervised release program if he has
17 served at least one-half of the time required to be
18 considered for parole and not more than ~~15~~ 24 months remain
19 before he is eligible for parole.

20 (2) Prisoners serving sentences with the restriction
21 imposed under 46-18-202(2) are not eligible for
22 participation in the program.

23 (3) In order to be accepted into the program, an
24 applicant must qualify under the rules established by the
25 department."

1 NEW SECTION. Section 2. Extension of authority. Any
2 existing authority of the department of institutions and the
3 board of pardons to make rules on the subject of the
4 provisions of this act is extended to the provisions of this
5 act.

6 NEW SECTION. Section 3. Applicability. This act
7 applies to persons incarcerated at the time of or after the
8 effective date of this act.

-End-

RECOMMENDATION #10
PAROLE RELEASE: REMOVAL OF LIBERTY INTEREST

STATEMENT OF PROBLEM

A 1987 U.S. Supreme Court decision (Board of Pardons v. Allen, 107 S.Ct. 2415 (1987)) ruled that Montana's parole-eligibility statute (46-23-201, MCA) creates an expectation of release because it requires (by the use of the mandatory language "shall") that the Board of Pardons parole an inmate when the Board determines that the statutory criteria for release are present. According to the Supreme Court, this expectation of parole release is a liberty interest entitled to constitutional due process protections.

Because case law concerning due process is constantly changing, there is no guarantee that today's parole board procedures will meet due process requirements in future years. If future courts, in an effort to further ensure the fairness and integrity of the parole system, expand due process protections, the Board may be required to amend its procedures accordingly. Expanding due process requirements may place additional administrative and/or financial burdens on the Board.

RECOMMENDATION

The possible future effects of the Allen decision should be negated by replacing the mandatory language in 46-30-201, MCA ("shall") with discretionary language ("may"). This would remove the liberty interest found in Allen and thus the requirement for due process protections.

IMPLEMENTATION COSTS

None.

PRISON POPULATION IMPACT

None.

REQUIRED LEGISLATION/ADMINISTRATIVE RULES

See bill draft on pages 65 - 67.

IMPLEMENTATION ISSUES

There is a legal question as to whether the proposed legislation can be applied to inmates whose crimes were committed before the effective date of the legislation. This issue may have to be resolved by the courts.

1 BILL NO.

2 INTRODUCED BY _____

3 BY REQUEST OF THE CRIMINAL JUSTICE AND

4 CORRECTIONS ADVISORY COUNCIL

5

6 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING PAROLE RELEASE
7 BY THE BOARD OF PARDONS DISCRETIONARY, RATHER THAN
8 MANDATORY, IF CERTAIN STATUTORY CRITERIA ARE MET; AMENDING
9 SECTION 46-23-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
10 DATE."

11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13. **Section 1.** Section 46-23-201, MCA, is amended to read:

14 "46-23-201. Prisoners eligible for parole. (1) Subject
15 to the following restrictions contained in subsections (2)
16 through (6), the board ~~shall~~ may release on parole by
17 appropriate order any person confined in the Montana state
18 prison or the women's correction center, except persons
19 under sentence of death and persons serving sentences
20 imposed under 46-18-202(2), when in its opinion there is
21 reasonable probability that the prisoner can be released
22 without detriment to the prisoner or to the community.

1 53-30-105; except that a convict designated as a
2 nondangerous offender under 46-18-404 may be paroled after
3 he has served one-quarter of his full term, less the good
4 time allowance provided for in 53-30-105. Any offender
5 serving a time sentence may be paroled after he has served,
6 upon his term of sentence, 17 1/2 years.

7 ~~(b)~~(3) No convict serving a life sentence may be
8 paroled until he has served 30 years, less the good time
9 allowance provided for in 53-30-105.

10 ~~(2)~~(4) A parole ~~shall~~ may be ordered only for the best
11 interests of society and not as an award of clemency or a
12 reduction of sentence or pardon. A prisoner ~~shall~~ may be
13 placed on parole only when the board believes that he is
14 able and willing to fulfill the obligations of a law-abiding
15 citizen.

16 ~~(3)~~(5) If the department of institutions certifies to
17 the board that the population at the Montana state prison
18 exceeds its design capacity of 744 by 96 inmates or that the
19 population at the women's correction center exceeds its
20 design capacity of 35 inmates and that the prison or the
21 center has exceeded its capacity for a period of more than
22 30 days, the board shall consider convicts in the
23 institution in which the design capacity has been exceeded
24 eligible for parole 120 days prior to the eligibility date
25 provided for in ~~subsection (1)~~ subsections (2) and (3).

1 ~~(4)~~(6) Regardless of length of sentence, if the
2 conditions of parole eligibility are met within the initial
3 12 months of incarceration at Montana state prison, the
4 provisions of subsection ~~(3)~~ (5) do not apply."

5 **Section 2.** Extension of authority. Any existing
6 authority to make rules on the subject of the provisions of
7 [this act] is extended to the provisions of [this act].

8 **Section 3.** Effective date. [This act] is effective on
9 passage and approval.

-End-

RECOMMENDATION #11
HALF-TIME BOARD OF PARDONS CHAIRMAN

STATEMENT OF PROBLEM

In Montana, parole release decisions are made by the Board of Pardons. The Board is composed of three members and an auxiliary member¹⁴ appointed by the Governor, with consent of the Senate, to four-year terms. The Governor designates the Board's chairman.

In calendar year 1987, the Board chairman worked an equivalent of 159 eight-hour days. Based on a 260-day work year (2,080 hours), the chairman's workload was equivalent to that of a 0.61 full-time employee. The current responsibilities placed on the Board chairman for meeting preparation, conducting parole hearings at Montana State Prison, Swan River Forest Camp, and the pre-release centers, and performing administrative functions such as budgeting and personnel management exceed the duties that reasonably can be placed on a citizen member.

In 31 states, parole board members serve as full-time professionals. Fourteen states (including Montana, Idaho, Wyoming, North Dakota, and South Dakota) have citizen boards. In five states, the chairman serves full-time while the remainder of the board is composed of citizen members.

¹⁴ The auxiliary member attends meetings that another Board member is unable to attend.

RECOMMENDATION

The chairman of the Board of Pardons should be made a half-time salaried state official. The chairman would remain a gubernatorial appointee who is exempt from the state classification system. The chairman's salary would be determined by the Governor.

IMPLEMENTATION COSTS

Because the chairman's salary would be set by the Governor, no definitive cost estimate may be made for this recommendation.

If, however, the salary was proportionately competitive with salaries received by full-time chairman in other states, the chairman would earn approximately \$20,000 annually.¹⁵ With current state benefits, the biennial cost for a half-time chairman would be \$48,896.

Note: During fiscal years 1987 and 1988, the chairman received a total of \$15,950 for his services.¹⁶ If this amount is deducted from the biennial cost above, the net cost for implementing this recommendation is \$32,946.

PRISON POPULATION IMPACT

None.

¹⁵ In 1985, full-time chairmen in other states earned an average of \$40,240 a year.

¹⁶ Board members receive \$50 for each day in which they are "actually and necessarily engaged in the performance of board duties." (2-15-125(7), MCA)

REQUIRED LEGISLATION/ADMINISTRATIVE RULES

See bill draft on pages 73 - 74. In addition to this substantive legislation, the budget for the Board of Pardons must be increased to reflect the conversion to a half-time chairman.

IMPLEMENTATION ISSUES

Most state employees are not reimbursed for travel expenses if they choose to reside in a city or town other than the one where they work. If this requirement is not applied to a half-time Board chairman and the chairman resides a substantial distance from Deer Lodge, adequate funds must be included in the Board's budget to cover travel expenses.

1 BILL NO. _____

2 INTRODUCED BY _____

3 BY REQUEST OF THE CRIMINAL JUSTICE AND

4 CORRECTIONS ADVISORY COUNCIL

5

6 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING THE CHAIRMAN OF
7 THE BOARD OF PARDONS A HALF-TIME SALARIED OFFICER; AMENDING
8 SECTION 2-15-2302, MCA; AND PROVIDING AN EFFECTIVE DATE."

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 2-15-2302, MCA, is amended to read:

12 "2-15-2302. Board of pardons -- composition --
13 allocation -- quasi-judicial. (1) There is a board of
14 pardons.

15 (2) The board consists of three members and an
16 auxiliary member, at least one of whom shall have particular
17 knowledge of Indian culture and problems. Members of the
18 board, including the auxiliary member, shall possess
19 academic training which has qualified them for professional
20 practice in a field such as criminology, education,
21 psychiatry, psychology, law, social work, sociology, or
22 guidance and counseling. Related work experience in the
23 areas listed may be substituted for these educational
24 requirements.

25 (3) The governor shall designate one member, other

1 than the auxiliary member, as a chairman. The chairman shall
2 serve as a half-time salaried officer and must be
3 compensated at a rate determined by the governor.

4 ~~(3)~~(4) The auxiliary member shall attend any meeting
5 that a regular board member is unable to attend, and at that
6 time the auxiliary member has all the rights and
7 responsibilities of a regular board member.

8 ~~(4)~~(5) The board is allocated to the department for
9 administrative purposes only as prescribed in 2-15-121.
10 However, the board may hire its own personnel, and
11 2-15-121(2)(d) does not apply.

12 ~~(5)~~(6) The board, including the auxiliary member, is
13 designated as a quasi-judicial board for purposes of
14 2-15-124, except board members shall be compensated as
15 provided by legislative appropriation."

16 Section 2. Effective date. [This act] is effective
17 July 1, 1989.

-End-

RECOMMENDATION #12
STAGGERED TERMS FOR BOARD OF PARDONS MEMBERS

STATEMENT OF PROBLEM

In Montana, the Governor appoints three of the members of the Board of Pardons at the beginning of his/her term of office. The fourth member is appointed in January of the third year of the Governor's term. All members serve four-year terms and may be reappointed.

Every four years, a potential exists for a majority of the Board (three members) to be replaced. If this occurs, continuity in parole decision-making may be jeopardized. Continuity is essential given the critical nature of the release decisions made by the Board.

RECOMMENDATION

Under this recommendation, Board of Pardons members (except the auxiliary member) would serve staggered four-year terms. The Governor would appoint one member and the auxiliary member in January of the first year of his/her term. A third member would be appointed in January of the second year of the Governor's term. The remaining member would be appointed in January of the third year.

To implement the staggered term system, the first terms of the successors to the three members whose terms expire January 2, 1989 would be as follows: (1) one member and the auxiliary member would be appointed to four-year terms and (2) one member would be appointed to a three-year term. (Successors to the member serving the three-year term would be appointed for four years.)

IMPLEMENTATION COSTS

None.

PRISON POPULATION IMPACT

None.

REQUIRED LEGISLATION/ADMINISTRATIVE RULES

See bill draft on pages 77 - 79.

IMPLEMENTATION ISSUES

This recommendation may diminish gubernatorial influence over Board procedures and decisions because the Governor cannot appoint a majority of members until his/her second year in office.

1 BILL NO.

2 INTRODUCED BY _____

3 BY REQUEST OF THE CRIMINAL JUSTICE AND

4 CORRECTIONS ADVISORY COUNCIL

5

6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR STAGGERED
7 TERMS FOR CERTAIN MEMBERS OF THE BOARD OF PARDONS; AMENDING
8 SECTION 2-15-2302, MCA; AND PROVIDING A RETROACTIVE
9 APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE."

10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 2-15-2302, MCA, is amended to read:

13 "2-15-2302. Board of pardons -- composition --
14 allocation -- quasi-judicial. (1) There is a board of
15 pardons.

(2) The board consists of three members and an auxiliary member, at least one of whom shall have particular knowledge of Indian culture and problems. Members of the board, including the auxiliary member, shall possess academic training which has qualified them for professional practice in a field such as criminology, education, psychiatry, psychology, law, social work, sociology, or guidance and counseling. Related work experience in the areas listed may be substituted for these educational requirements.

1 (3) The auxiliary member shall attend any meeting that
2 a regular board member is unable to attend, and at that time
3 the auxiliary member has all the rights and responsibilities
4 of a regular board member.

5 (4) One member and the auxiliary member shall serve
6 terms concurrent with the governor. The remaining members
7 shall serve staggered 4-year terms.

8 ~~(4)~~(5) The board is allocated to the department for
9 administrative purposes only as prescribed in 2-15-121.
10 However, the board may hire its own personnel, and
11 2-15-121(2)(d) does not apply.

12 ~~(5)~~(6) The board, including the auxiliary member, is
13 designated as a quasi-judicial board for purposes of
14 2-15-124, except board members shall be compensated as
15 provided by legislative appropriation and the terms of board
16 members shall be staggered as provided in subsection (4)."

17 **Section 2. Implementation of staggered terms.** (1) To
18 implement the staggered-term system provided for in
19 2-15-2302(4), the first terms of the successors to the three
20 members whose terms expire January 2, 1989, are as follows:

21 (a) one member and the auxiliary member shall serve
22 4-year terms; and

23 (b) one member shall serve a 3-year term.

24 (2) Upon expiration of the terms provided in subsection
25 (1), each member shall serve a 4-year term.

1 **Section 3. Applicability.** [Section 2] applies
2 retroactively, within the meaning of 1-2-109, to the members
3 of the board of pardons appointed after January 2, 1988.

4 **Section 4. Effective date.** [This act] is effective on
5 passage and approval.

-End-

COUNCIL RECOMMENDATIONS: PROJECTED BED SAVINGS AND COSTS

	FY 1990	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995	FY 90-91 COSTS
<u>Direct Impact</u>							
State-wide Intensive Supervision Program	54	54	54	54	54	54	\$430,962
Diverting Eligible Offenders To Pre- Release Centers	8	8	8	8	8	8	\$233,600
Discretionary Early Discharges	53	54	55	56	57	58	-NONE-
<u>Indirect Impact</u>							
Increase In Probation And Parole Officers	18	25	26	26	25	25	\$755,025
Expanded Sex Offender Treatment Program	5	6	5	5	5	5	\$212,513 ¹⁷
Pre-parole Programming	9	18	24	30	35	38	\$73,712
Conditional Discharge From Supervision	-- CANNOT CALCULATE --						-NONE-
Jail Placement For Parole And Pre-release Center Violators	-- CANNOT CALCULATE --						\$132,240
Supervised Release Program: Revised Eligibility Criteria	-- CANNOT CALCULATE --						-NONE-
<u>Other Recommendations</u>							
Parole Release: Removal Of Liberty Interest	-- NONE --						-NONE-
Half-time Board Of Pardons Chairman	-- NONE --						\$48,896 ¹⁸
Staggered Terms For Board Of Pardons Members	-- NONE --						-NONE-
DIRECT IMPACT	115	116	117	118	119	120	\$664,562
INDIRECT/OTHER	32	49	55	61	65	68	\$1,222,386

¹⁷ This amount was revised from the original recommendation submitted to the Governor on September 13, 1988 to include operational expenses and additional equipment.

¹⁸ The chairman's salary under this proposal would be set by the Governor. This figure is based on salaries received by chairmen in other states.

APPENDIX A

STATE OF MONTANA OFFICE OF THE GOVERNOR EXECUTIVE ORDER 16-87

EXECUTIVE ORDER CREATING THE CRIMINAL JUSTICE AND CORRECTIONS ADVISORY COUNCIL

WHEREAS, the inmate population at Montana State Prison continues to increase and will soon exceed the Prison's capacity; and

WHEREAS, the 51st Legislature will be required to consider major expenditures for prison construction and increased prison operational costs; and

WHEREAS, incarcerating additional prison inmates will reduce the funding available for education and other state programs, and

WHEREAS, practical alternatives to another expansion of Montana State Prison should be explored before costly, long-term decisions are made.

NOW, THEREFORE, I, TED SCHWINDEN, Governor of the State of Montana, by virtue of the authority vested in me pursuant to the Constitution and laws of the State of Montana, specifically Section 2-15-122, MCA, do hereby create the Criminal Justice and Corrections Advisory Council.

I. PURPOSE

The Council is charged with thoroughly reviewing Montana's existing Criminal Justice and Correctional Systems, and recommending modifications to those systems which will better serve the public interest. Specifically, the Council shall:

- a. Review Montana's sentencing statutes and, if necessary, recommend modifications.
- b. Determine whether sentences imposed for similar crimes differ significantly from one judicial district to another and recommend appropriate action if sentencing disparities are found.
- c. Review present parole and good time statutes and policies to determine whether parole and the rewarding of good time accomplish their intended purpose and, if necessary, recommend modifications.

- d. Determine the feasibility of establishing additional pre-release centers.
- e. Review sentencing alternatives used by other states which have proven effective and recommend those alternatives which are most appropriate to Montana.
- f. Review Montana's correctional programs which are designed to assist the inmate's transition back into society, such as chemical dependency treatment, mental health therapy, education and job training, to determine the effectiveness of such programs, and whether such programs should be modified or expanded.
- g. Recommend a practical method to require that offenders financially compensate their victims and/or provide service to tax supported entities.
- h. Project future inmate population and inmate housing requirements based on current policies and practices, and modify those projections based on any recommendations to change current practices.
- i. Solicit public comment on the existing Criminal Justice and Corrections Systems, and on Council recommendations to modify those systems.

The Council's findings and recommendations shall be submitted in writing to the Governor no later than September 1, 1988.

II. COMPOSITION AND TERMS OF APPOINTMENT

The Council shall consist of the following persons who shall serve at the pleasure of the Governor:

Senator Al Bishop
2713 Downer Lane
Billings, MT 59102

Ms. Margaret L. Borg
317 Woody St.
Missoula, MT 59801

Rep. Dorothy Bradley
919 West Lamme
Bozeman, MT 59715

Mr. Henry E. Burgess
1506 Leslie
Helena, MT 59601

Mr. B.F. "Chris" Christiaens
2110 36th St. North
Great Falls, MT 59401

Mr. Frank M. Davis
Box 149
Dillon, MT 59729

Mr. Donald D. Dupuis
Tribal Court
Box 278
Pablo, MT 59855

Mr. David E. Fuller
Box 4124
Helena, MT 59604

Mr. Mike Lavin
Board of Crime Control
303 N. Roberts Rm. 463
Helena, MT 59620

Mr. Mike McGrath
514 Hayes
Helena, MT 59601

Mr. Ted L. Mizner
Powell County Courthouse
Deer Lodge, MT 59722

Mr. Henry Risley
Montana State Prison
400 Conley Lake Road
Deer Lodge, MT 59722

Mr. Daniel D. Russell
Department of Institutions
1539 Eleventh Avenue
Helena, MT 59620

Mr. Mike Schafer
Yellowstone County Sheriff's Office
Box 35017
Billings, MT 59107

Representative Bob Thoft
219 South Burnt Fork Rd.
Stevensville, MT 59870

Senator Fred Van Valkenburg
219 University Avenue
Missoula, MT 59801

The chairman of the Council shall be Mr. David E. Fuller.

III. ADMINISTRATIVE ASSISTANCE

The Department of Institutions shall provide staff assistance to the Council.


IV. COMPENSATION

Each council member who is not a full-time salaried employee of the state or a political subdivision of the state is entitled to be compensated \$25 for each day in which he or she is actually and necessarily in the performance of council duties. All council members are entitled to reimbursement for travel expenses as provided in 2-18-501 through 2-18-505, MCA, incurred while in performance of council duties. The Department of Institutions shall pay the compensation and expense reimbursement.

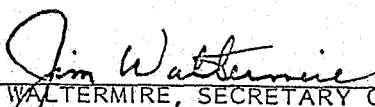
V. DURATION

This Council shall exist until September 1, 1989.

GIVEN under my hand and the GREAT
SEAL of the State of Montana, this
12th day of August,
in the year of our LORD One
Thousand Nine Hundred and Eighty-
Seven.


TED SCHWINDEN, GOVERNOR

ATTEST:


JIM WATTERMIRE, SECRETARY OF STATE

APPENDIX B

CRIMINAL JUSTICE AND CORRECTIONS ADVISORY COUNCIL STAFF REPORTS

The following staff reports are available from the Corrections Division, Department of Institutions, 1539 Eleventh Avenue, Helena, Montana 59620:

Sentencing Alternatives

"An Overview of Sentencing Alternatives in Montana," David Elenbaas, Staff Researcher, February 1988.

"Alternative Sanctions: A Review," David Elenbaas, Staff Researcher, April 1988.

"Alternative Sanctions Checklist," David Elenbaas, Staff Researcher, June 1988.

"Implementing a State-wide Intensive Supervision Program: Preliminary Cost Estimates," David Elenbaas, Staff Researcher, August 18, 1988.

Parole

"An Overview of Parole in Montana," Lois Menzies, Project Director, January 1988.

"Board of Pardons v. Allen: A Postscript," Lois Menzies, Project Director, March 1988.

"Early Release Mechanisms," Lois Menzies, Project Director, March 1988.

"Parole Eligibility Designations," Lois Menzies, Project Director, March 1988.

"Supervised Release," Lois Menzies, Project Director, April 1988.

"Data on the Parole Process in Montana," Lois Menzies, Project Director, May 1988.

"Mutual Agreement Programming (Contract Parole)," Lois Menzies, Project Director, May 1988.

"Parole Revocations Among Pre-release Center Graduates," Lois Menzies, Project Director, May 1988.

"Part-time and Full-time Parole Boards," Lois Menzies, Project Director, May 1988.

"Issues and Options Checklist: Parole," Lois Menzies, Project Director, June 1988.

"Parole Guidelines," Lois Menzies, Project Director, July 1988.

Good Time

"An Overview of Good Time Practices in Montana", Lois Menzies, Project Director, January 1988.

"Good Time: Accrual, Forfeiture, and Restoration," Lois Menzies, Project Director, March 1988.

"Good Time Options Checklist," Lois Menzies, Project Director, July 1988.

Sex Offenders

"Sex Offenses of MSP Current Offenders, Third Quarter FY 1988: Victim Age and Sentencing," Susan Byorth, Staff Researcher, May 1988.

"Length of Stay Study for Sex Offenders Released From MSP," Susan Byorth, Staff Researcher, June 1988.

"Sex Offender Program at Montana State Prison," Susan Byorth, Staff Researcher, August 1988 (Revised).

Inmate Profiles

"Inmate Admissions and Inmate Population In Montana: A Preliminary Profile," David Elenbaas, March 1988.

"Profiles of Felony Offenders in Montana," David Elenbaas, Staff Researcher, May 1988.

Miscellaneous

"Preliminary Data on Montana Prison Crowding," Ted Clack, Research and Analysis Manager, Corrections Division, Department of Institutions, October 1, 1987.

"Brief Narrative -- Initial Data Tables For CJACAC October 1, Meeting," Ted Clack, Research and Analysis Manager, Corrections Division, Department of Institutions, October 1, 1988.

"Misdemeanor/Felony Theft Value Limits: A State Review," David Elenbaas, Staff Researcher, March 1988.

"Recidivism: A Review of Selected Studies," Susan Byorth, Staff Researcher, June 1988.

"Probationers Snap-shot Study," Susan Byorth, Staff Researcher, June 1988.

"Summary of Recommendations Made to the Council At Public Hearings," David Elenbaas, Staff Researcher, July 26, 1988.

"Prison Industries Program: A Thumbnail Sketch," Lois Menzies, Project Director, August 1988.

"Proposals For Discussion and Adoption," Criminal Justice and Corrections Advisory Council, September 9, 1988.

200 copies of this publication were produced at a unit cost of \$3.97 per copy, for a total cost of \$794.25, which included sales of \$54.00 printed and \$907.50 for distribution.