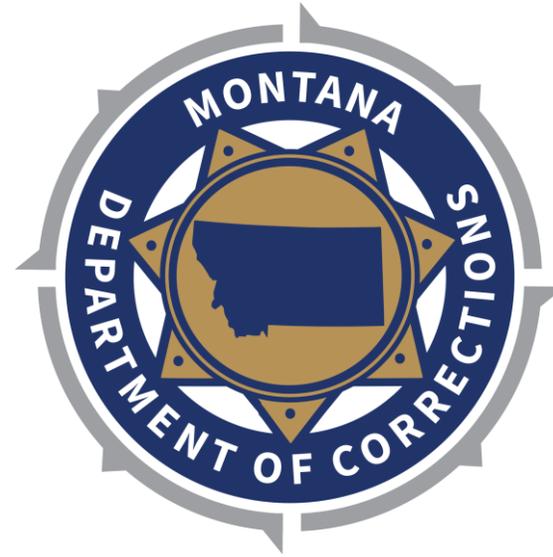
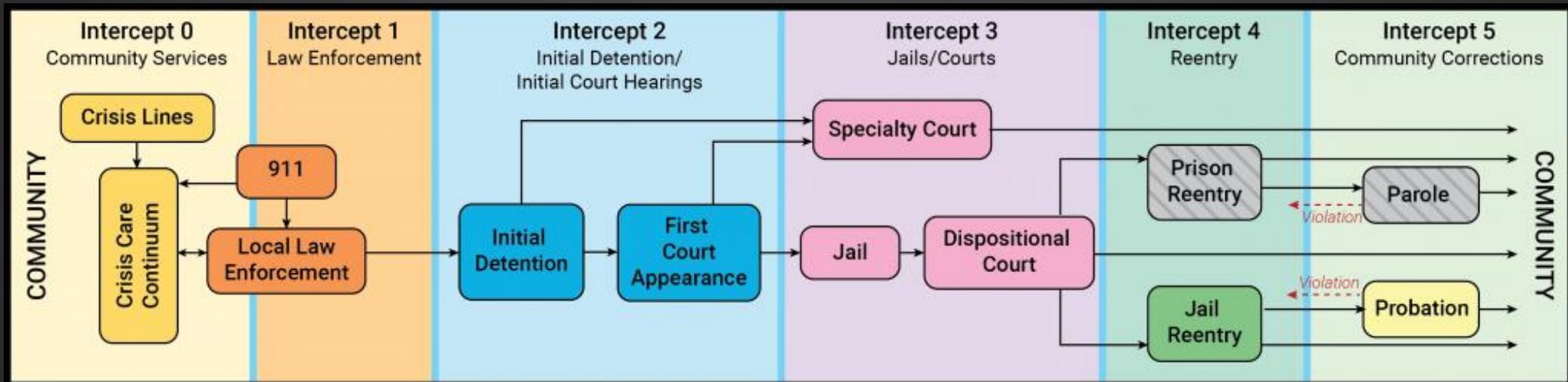


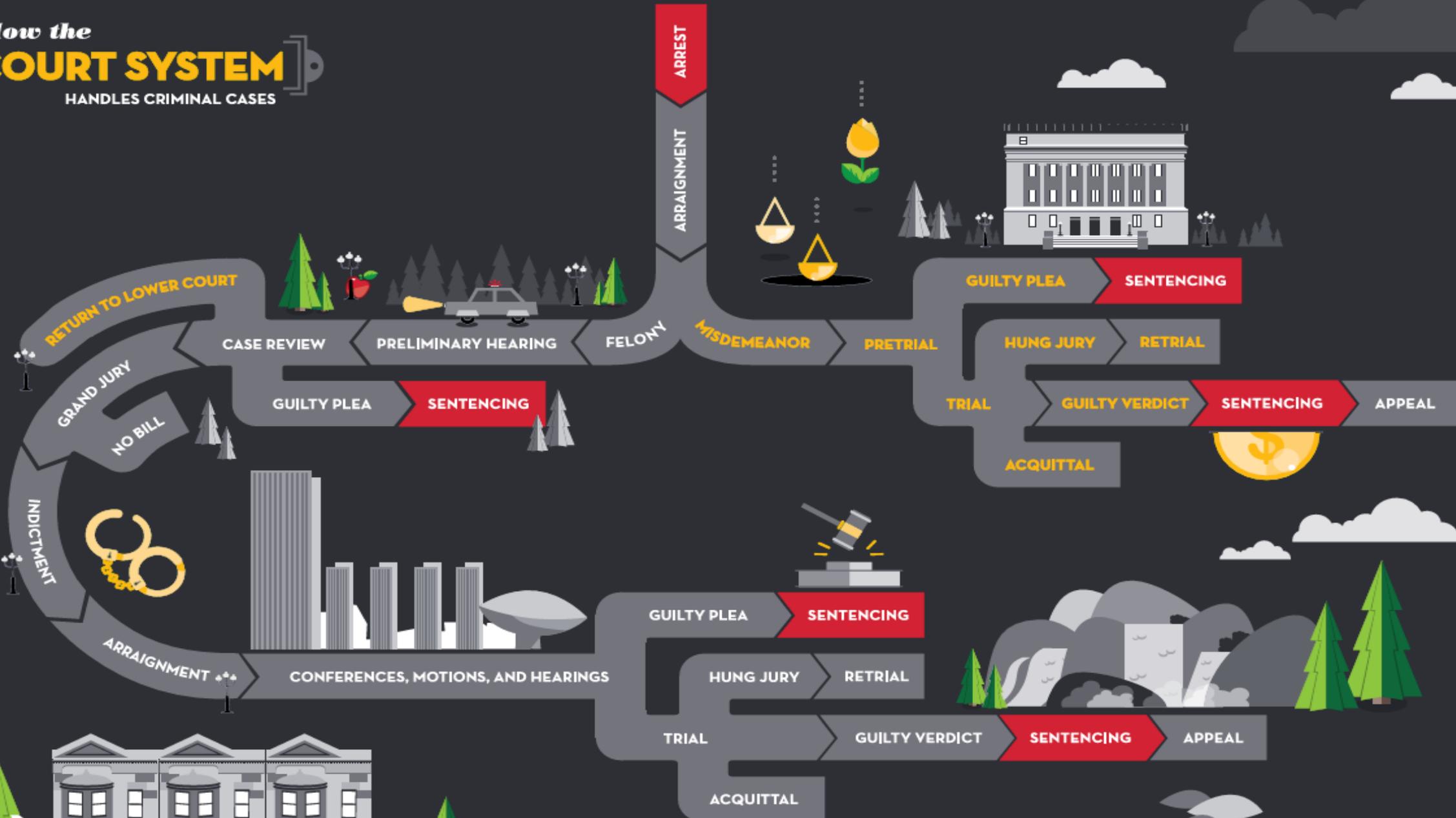
# Montana Criminal Justice System

Part 1: A Walk Through the Montana  
Criminal Justice System

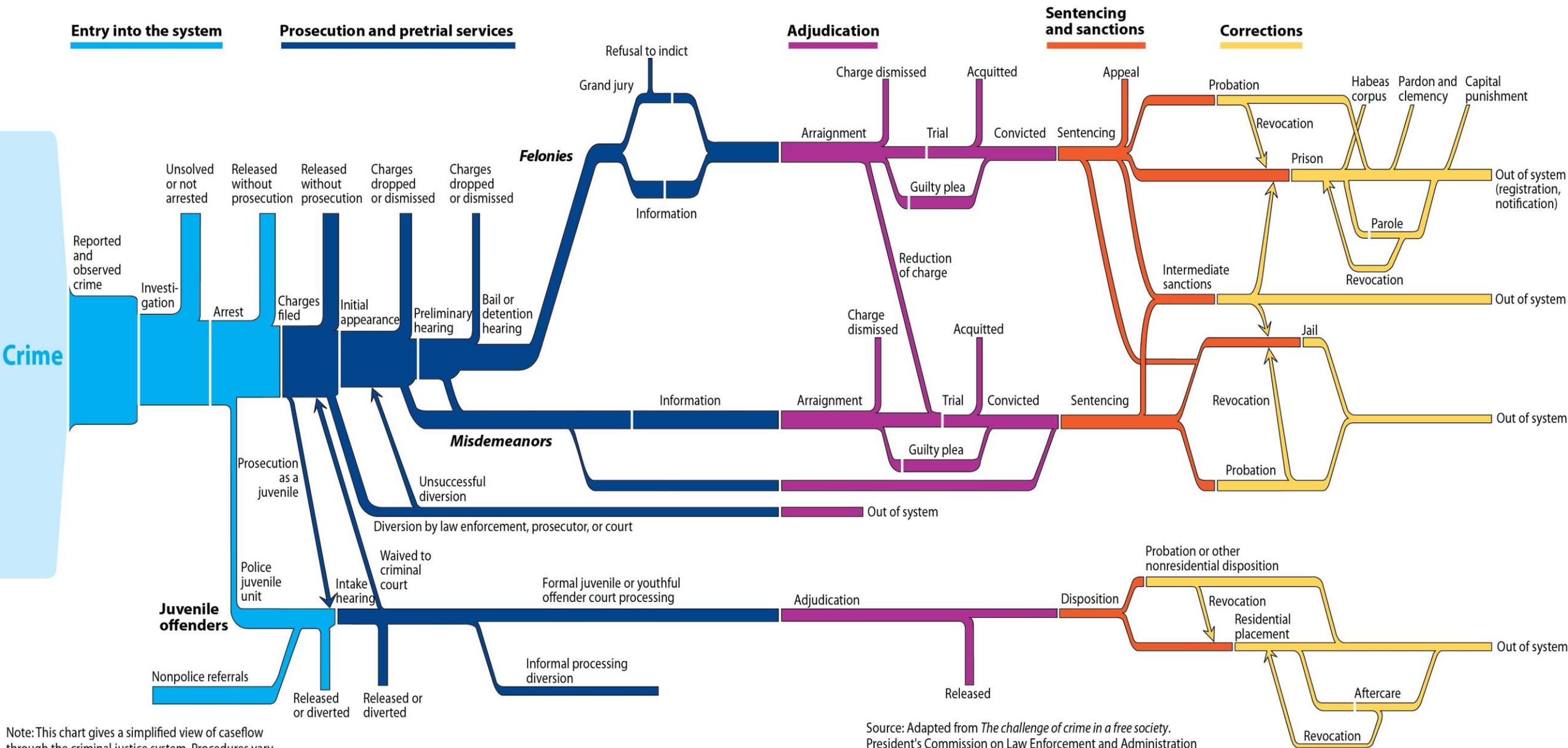




# How the COURT SYSTEM HANDLES CRIMINAL CASES



# What is the sequence of events in the criminal justice system?

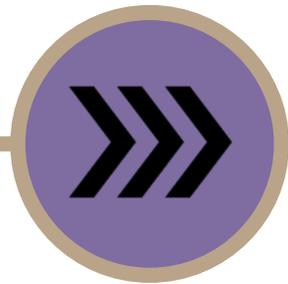


Note: This chart gives a simplified view of caseload through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

Source: Adapted from *The challenge of crime in a free society*. President's Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.

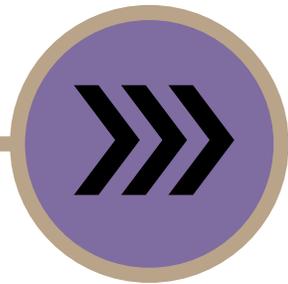
# Montana Criminal Justice System

## A Walk Through the Montana Criminal Justice System: Felony



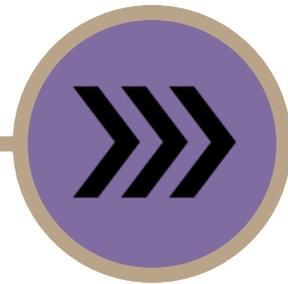
*Arrest*

Local law enforcement forwards report to County Attorney office



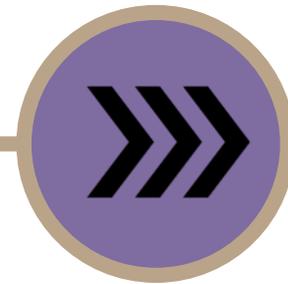
*Arraignment*

Trial or guilty plea. Charges can be dismissed, can include plea deal/bargain



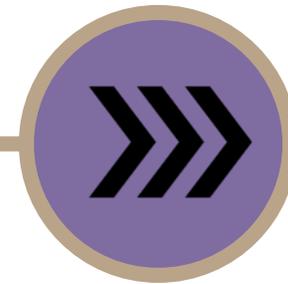
*Sentencing*

Appeal, Pre-Sentencing Investigation Report, Restitution



*Corrections*

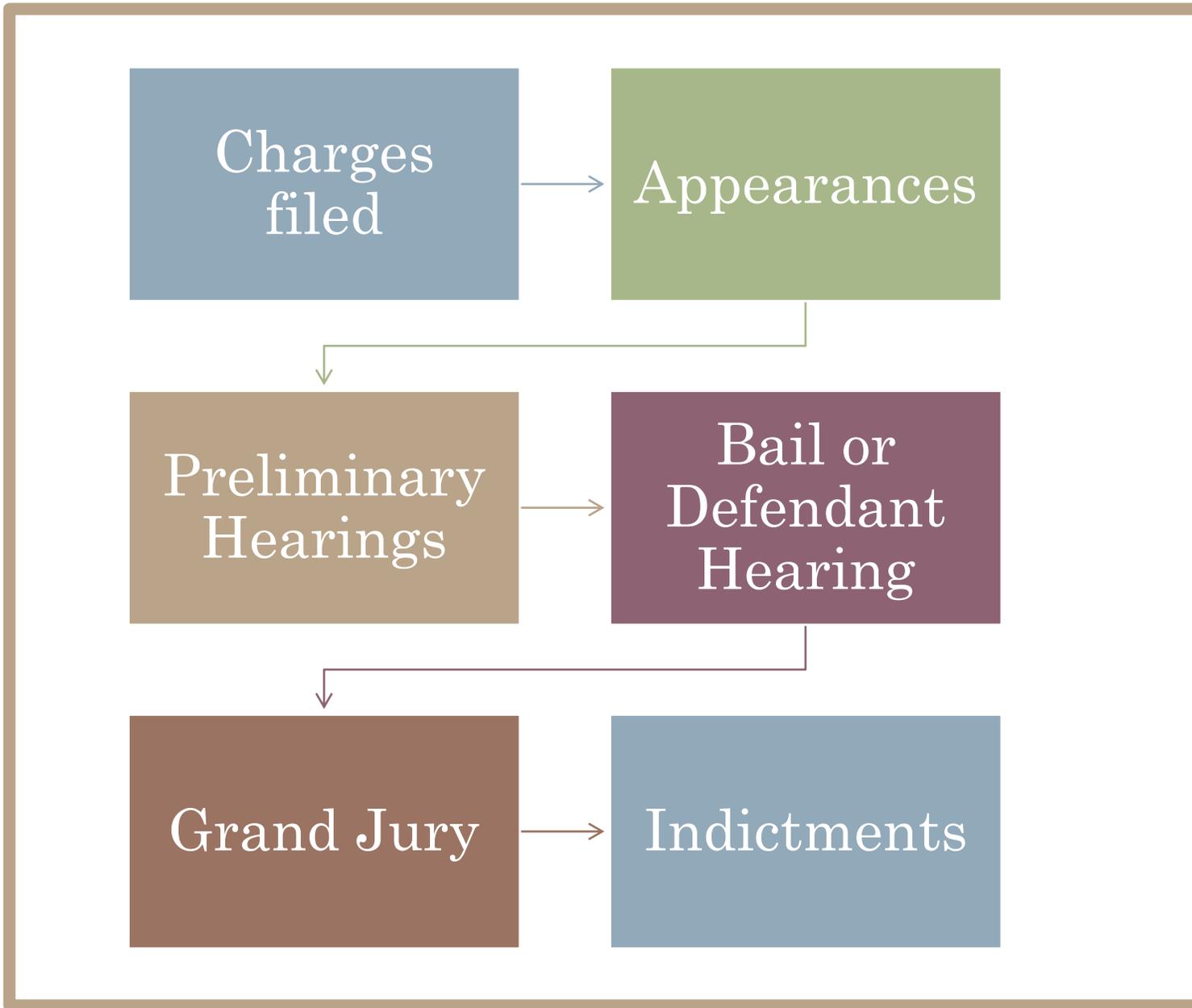
Immediate sanctions, probation, prison, probation revocation



*Release*

Conditional Release, Parole Granted, Flat Discharge from sentence, CDFS





# Prosecution & Pretrial Services

# Appearances

- **How soon is the first court hearing after being arrested?**
  - The judge or Justice of the Peace will have a hearing the next day. If arrested on Friday night or the weekend, the judge will have a hearing on Monday.
- **Release on own recognizance (OR)**
  - Being released on OR means the Judge or Justice of the Peace releases the defendant from jail upon the promise to appear in court for all hearings and trial.
  - When this happens, the judge will also list conditions that must be followed, like obey all laws, report phone and address changes to the court, and no drugs, alcohol, bars, or casinos.

# Pretrial Services

- A program used by criminal justice systems across the United States to reduce the number of individuals sitting in jail while they wait up to three months for their trial date.
- Improves the rate of court appearances, and enhances overall public safety
- The [Laura and John Arnold Foundation](#)'s Public Safety Assessment (PSA) to determine the risk level of each person charged with a crime. The PSA is used by the judges when deciding if individuals should be released while awaiting trial or if they should wait in the jail.
- To get into the Pretrial Services Program, the Judge overseeing the defendant's case needs to order them to the program. Once in the Program, a Pretrial Officer will assist the defendant in connecting to necessary resources, help the defendant abide by court orders, and make sure they appear at all their scheduled court dates.

# Pretrial Services in Montana

- Rosebud County
- Gallatin County
- Richland County
- Lewis and Clark County
- Missoula County

# Adjudication



ARRAIGNMENT



TRIAL



GUILTY PLEA



CONVICTION

# Adjudication Process

## Arraignment

- The stage at which the defendant formally is told what the charges are and is given a copy of them. The defendant then enters a plea responding to those charges, which generally is not guilty or guilty

## Trial

- The proceeding during which the government and the defense present evidence to prove or disprove the charges. Ordinarily, a trial is held before a jury, but there are circumstances in which the case will be tried to the judge alone, which is known as a bench trial.
- A victim may be called to testify as a witness to the crime or to explain how the victim was harmed by the crime. Moreover, except in extraordinary circumstances, a victim cannot be excluded from the trial, even if the victim later will testify, which enables a victim to observe the in-court proceedings.

## Guilty Plea

- Plea bargain is an agreement that the defendant will plead guilty to the original or another charge in return for some concession from the prosecutor.
- If charges have been filed, a victim will have a reasonable opportunity to confer with the prosecutor before the plea bargain results in a formal guilty plea. Nonetheless, a victim does not have a right to veto the prosecutor's decision to engage in plea negotiations or to accept a guilty plea from a defendant as part of a plea bargain.
- If a plea agreement has been reached, the government and defense counsel present that agreement to the court. A victim may appear in court and make a statement regarding the plea agreement. If the court accepts the agreement, the court will set a date for sentencing and decide whether the defendant should be held in custody until then. The law does not require a federal court to accept a plea agreement. Rather, the court may accept the agreement, reject it, or discuss with the parties alternatives that are acceptable to the court. If the court rejects the plea agreement, the defendant may withdraw the guilty plea, and the case will proceed to trial.

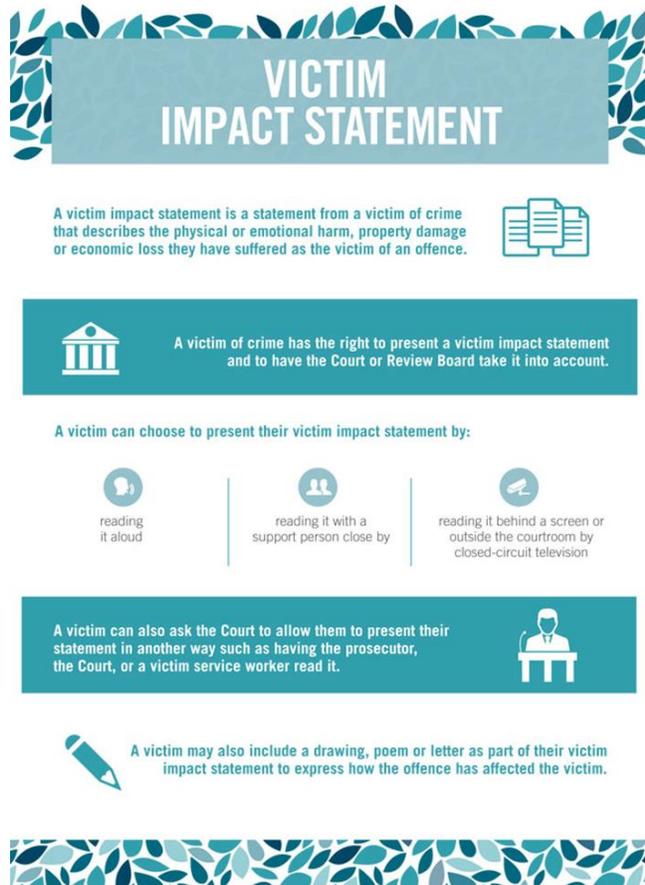
## Conviction

- When the jury has reached its decision, the jury will return to the courtroom and announce its verdict.
- If there is no jury, the judge will deliberate and return a verdict.

# Pre-Sentence Investigation

- The probation officer will investigate any aggravating and mitigating factors present in the case and will prepare a pre-sentence report summarizing those factors for the judge.
- Most reports contain a variety of information that may be helpful to the court:
  - information about the offender's prior criminal record
  - personal characteristics
  - financial condition
  - social history
  - circumstances affecting his or her behavior
  - information regarding the effect of the crime on the victim
- The victim also will have an opportunity to prepare a victim impact statement—a statement describing, in the victim's own words, the effect of the crime on the victim. This is presented to the judge and made a part of the record at sentencing.
- The victim may also complete a pecuniary loss affidavit form and provide any documents the victim may have showing losses or expenses caused by the crime (e.g., medical bills, lost income, etc.)

# Victim Impact Statement



**VICTIM IMPACT STATEMENT**

A victim impact statement is a statement from a victim of crime that describes the physical or emotional harm, property damage or economic loss they have suffered as the victim of an offence.

A victim of crime has the right to present a victim impact statement and to have the Court or Review Board take it into account.

A victim can choose to present their victim impact statement by:

- reading it aloud
- reading it with a support person close by
- reading it behind a screen or outside the courtroom by closed-circuit television

A victim can also ask the Court to allow them to present their statement in another way such as having the prosecutor, the Court, or a victim service worker read it.

A victim may also include a drawing, poem or letter as part of their victim impact statement to express how the offence has affected the victim.

- Addressed to the court
- Can be reused for co-defendants
- Things to consider:
  - Emotion and mental impact
  - Financial impact
  - Opinion on the sentence or sentencing conditions
  - If you do/do not agree with the plea agreement
  - Additional information regarding the crime you feel would assist the Judge in making an informed decision
  - Your perspective on what occurred during the crime



# Sentencing

- If the jury or judge finds the defendant guilty of at least one count charged in the indictment, the court will impose some sentence on the offender.
- A Pre-Sentence Investigation can be ordered or waived
- The offender has the right to be present for sentencing, as does a victim.
  - Both persons may make a statement before the court imposes sentence.
  - The lawyer for the government and the offender also will address the court regarding the sentence.
- The court may sentence the offender to:
  - imprisonment,
  - probation,
  - community service,
  - treatment,
  - or deferral or suspended a portion or all of the sentence.
- The court also can fine the offender or order the offender to pay restitution to the victim.
  - Restitution is a monetary payment made by an offender to the victim to compensate the victim for the financial harm caused by the crime.

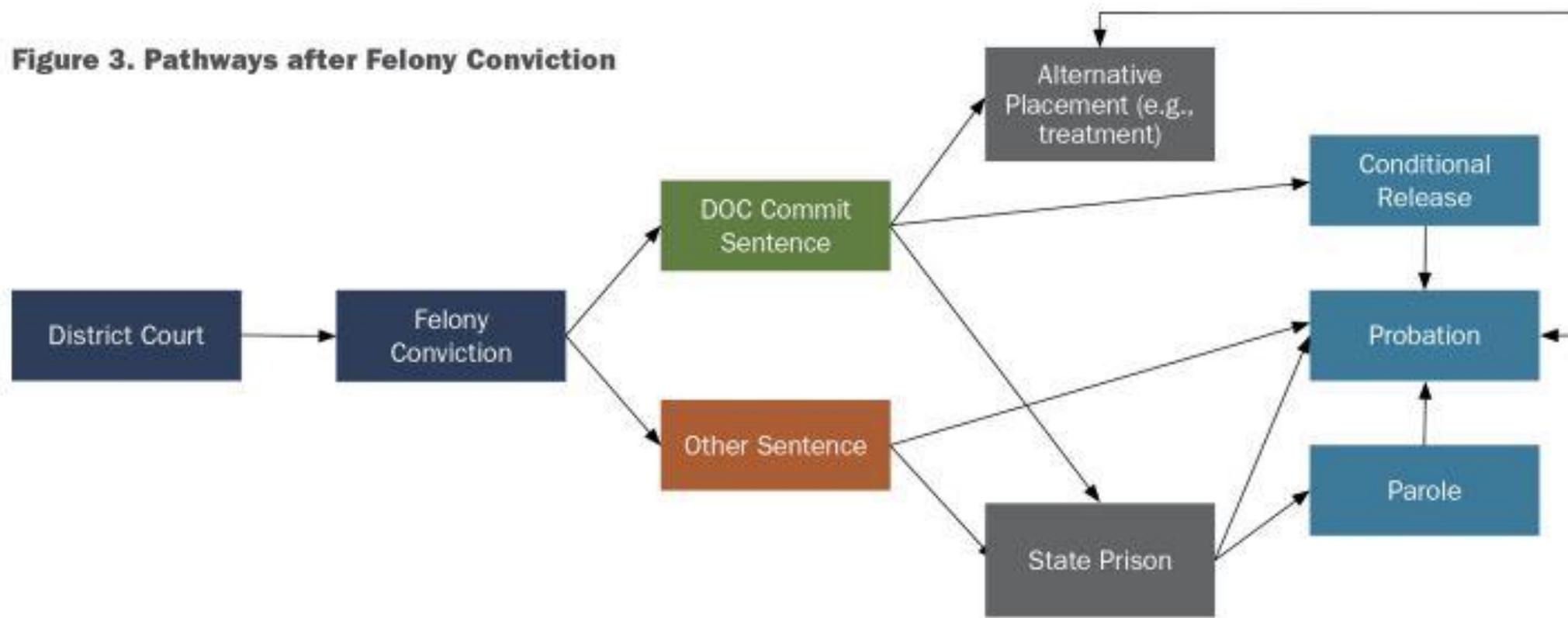
# Sentencing for Non-Violent Felony

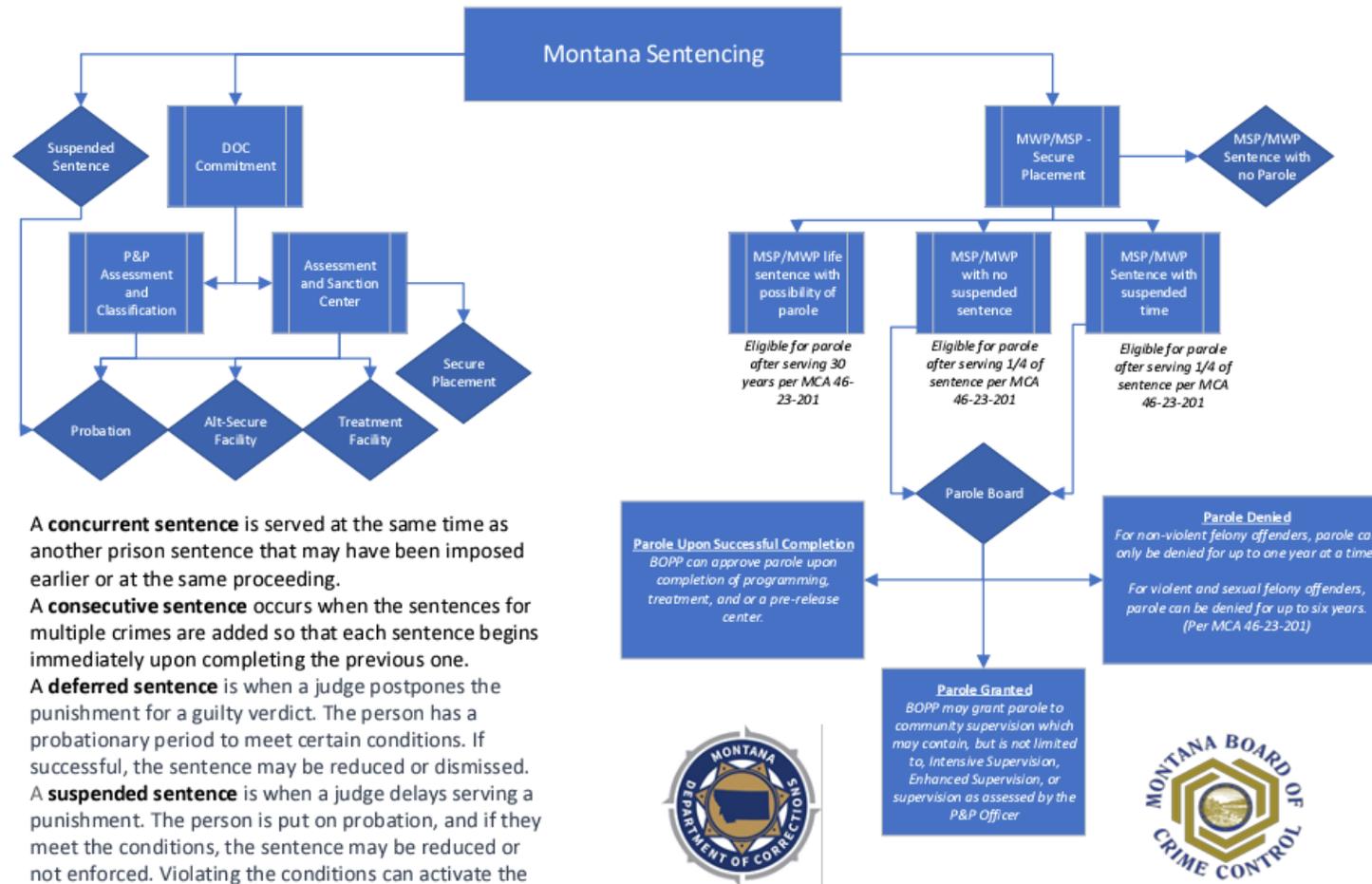
1. Sentencing judge shall first consider alternatives to imprisonment of the offender
  1. Community corrections facility or program
  2. Prerelease center or program
  3. Day reporting program
2. Sentencing judge shall take into account
  1. The interests of justice and the needs of public safety truly require the level of security provided by imprisonment
  2. The needs of the offender can be better served in the community or in a facility or program other than a state prison
  3. There are substantial grounds tending to excuse or justify the offense, though failing to establish a defense
  4. The offender acted under strong provocation
  5. The offender has made restitution or will make restitution to the victim of the offender's criminal conduct;
  6. The offender has no prior history of conviction for a criminal act or, if the offender has a prior history of conviction for a criminal act, the offender has led a law-abiding life for a substantial period of time before the commission of the present crime
  7. The offender's criminal conduct was the result of circumstances that are unlikely to recur
  8. The character and attitude of the offender indicate that the offender is likely to commit another crime
  9. The offender is likely to respond quickly to correctional or rehabilitative treatment; and
  10. Imprisonment of the offender would create an excessive hardship on the offender or the offender's family
3. If the judge sentences the offender to a state prison, the judge shall state the reasons why the judge did not select an alternative to imprisonment, based on the criteria contained in subsection

# Key Victim Involvement/Input

- County Attorney Office
  - Plea agreement, hearing scheduling, conditions of sentence
- PSI Process
  - Victim Impact Statement, Pecuniary Loss Affidavit (Restitution)
- MASC/START Assessment
  - Victim input on needs/assessment process. Safety concerns and history of offender's potential treatment needs
- Conditional Release
  - Victim input on conditions, community request, employment and residence location (if applicable).
- Montana Board of Pardons & Parole
  - Victim Impact Statement, hearing schedule, statement during parole hearing
- CDFS/Early Termination
  - Victim Input for consideration of early termination or discharge from supervision

**Figure 3. Pathways after Felony Conviction**





A **concurrent sentence** is served at the same time as another prison sentence that may have been imposed earlier or at the same proceeding.

A **consecutive sentence** occurs when the sentences for multiple crimes are added so that each sentence begins immediately upon completing the previous one.

A **deferred sentence** is when a judge postpones the punishment for a guilty verdict. The person has a probationary period to meet certain conditions. If successful, the sentence may be reduced or dismissed.

A **suspended sentence** is when a judge delays serving a punishment. The person is put on probation, and if they meet the conditions, the sentence may be reduced or not enforced. Violating the conditions can activate the original sentence.

A **life sentence** is when a convicted person spends the rest of their life in prison (or, if parole eligible, becomes parole eligible after 30 years).

For additional questions, please reach out to Department of Corrections, Victim Services Bureau  
 Helpline - (406) 444-0447 or Toll Free (888) 223-6332  
 Email - CORVictimLiaison@mt.gov

# Notification and Information

Montana Department of Corrections

# Victim Information & Notification Every Day

- **Registration is not automatic – participation is voluntary**
- **VINE (Victim Information & Notification Every Day)** is a free, confidential, automated telephone, text messaging, and email system that provides custody status information about adult felony offenders under Montana Department of Corrections supervision – in prison and community-based facilities and programs.
  - Offender must be under DOC supervision prior to registration
  - Location and custody status updates on all adult offenders under DOC supervision – prison and community corrections and programs
  - Option to register for automated notification by phone, email, mobile app, and/or text messaging
  - Free to users (DOC contracts with Appriss, Inc.)
  - Anyone can register or call for information 24/7
  - Free mobile app
  - Anonymous and confidential
  - Victim recognition – Most states have VINE
  - Interstate Compact varies from state to state which notifications are available
    - MT VINE will no longer send notifications for offender's on Interstate Compact

It is the victim's responsibility to keep contact information current with VINE, DOC, District Court, BOPP

To access: <https://vinelink.com>





**25+ million victims and  
concerned citizens rely on**

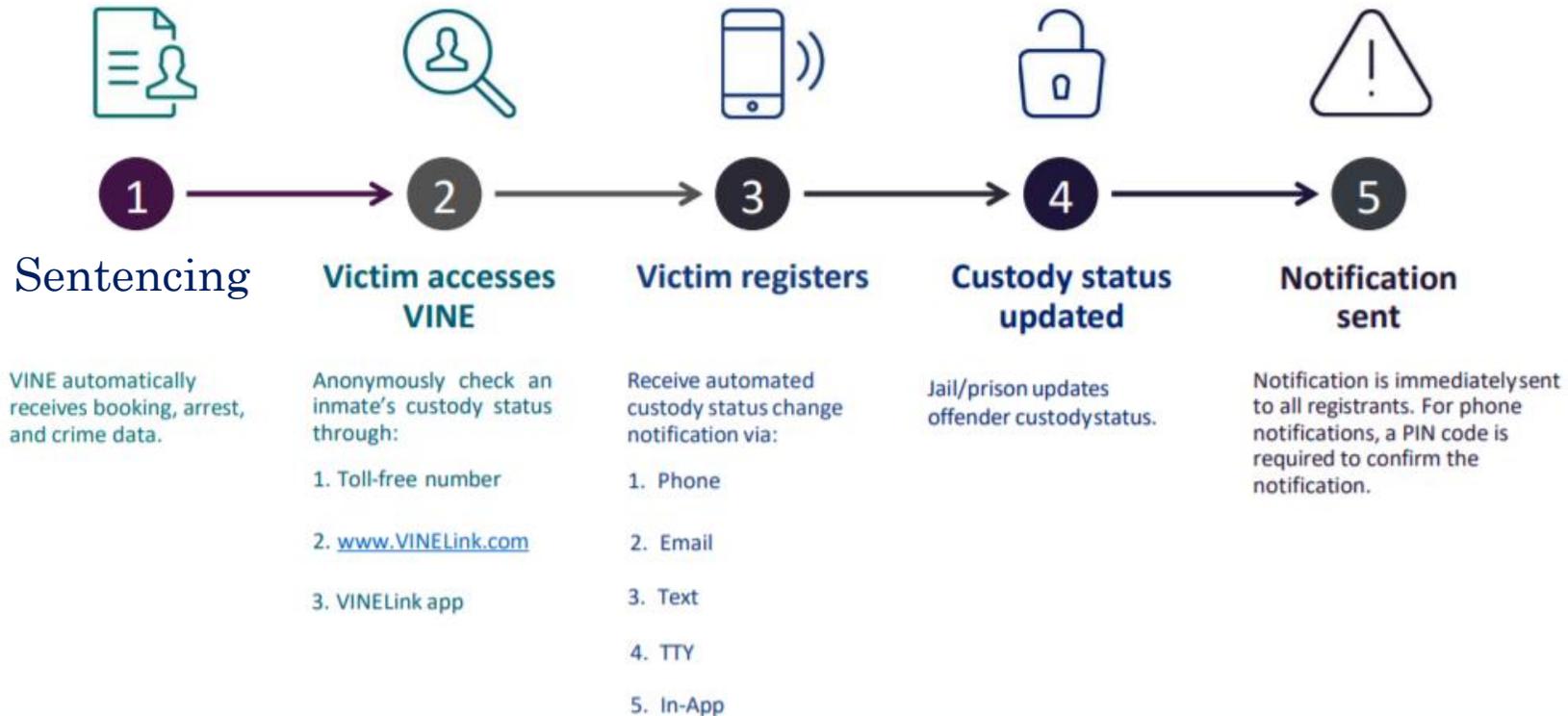


**VINE®**

**...the nation's leading automated  
victim notification service**

# VINE Workflow

## Offender Data





# OFFENDER SEARCH

"PUBLIC SAFETY & TRUST"

[INSTRUCTIONS](#) | [SEARCH TIPS](#) | [CONTACT US](#)

## Offender Search

Department of Corrections I.D. Number	
<input type="text" value="Example: 5737100"/>	
Last Name	First Name
<input type="text" value="Last"/>	<input type="text" value="First"/>
<input type="button" value="Reset"/>	<input type="button" value="Submit"/>

The Offender Search service searches for the records of convicted felons in the state of Montana.

- [Correctional Status Glossary](#)
- [D.O.C. Victims Information](#)
- [Board of Pardons and Parole](#)
- [Sexual or Violent Offender Registry](#)
- [Disclaimer](#)

- Montana Interactive manages : Pulls public information about offender from OMIS
- Provides:
  - Current location
  - Physical and Demographic characteristics
  - AKA's
  - Scars, Marks, Tattoos and other physical conditions
  - Legal record

To access: <https://app.mt.gov/conweb/>

# Sexual or Violent Offender Registry

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Montana's Sexual or Violent Offender Registration Act is designed to protect the public from sexual or violent offenders by requiring offenders to register with local law enforcement agencies in the jurisdiction where they reside. Information about these offenders is then made available to the public.

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This Registry provides an up-to-date listing of sexual and violent offenders who are required to register their whereabouts

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To access: <https://app.doj.mt.gov/apps/svow/search/>

# Post Conviction Process

# Post-Conviction Process following Sentence

## Prison

- A sentence including placement at Montana State Prison (MSP) or Montana Women's Prison (MWP).
- Offenders transported upon sentencing and transportation schedule.

## DOC Commit

- A commitment by the District Court to the authority of the Department of Corrections for the determination of the offender's appropriate placement.
- This could include secure placement, assessment, conditional release, and/or treatment

## Deferred (Postponed)

- A period of 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 guilt 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.

## Sentence Review

- A Defendant who has received a sentence of incarceration for a term of one year or more in the Montana State Prison or to the custody of the Montana DOC, has a right to apply to the Sentence Review Division for a review of his/her district court sentence.
- The Sentence Review Division has the ability to not only decrease, but also increase someone's sentence.

## Appeals

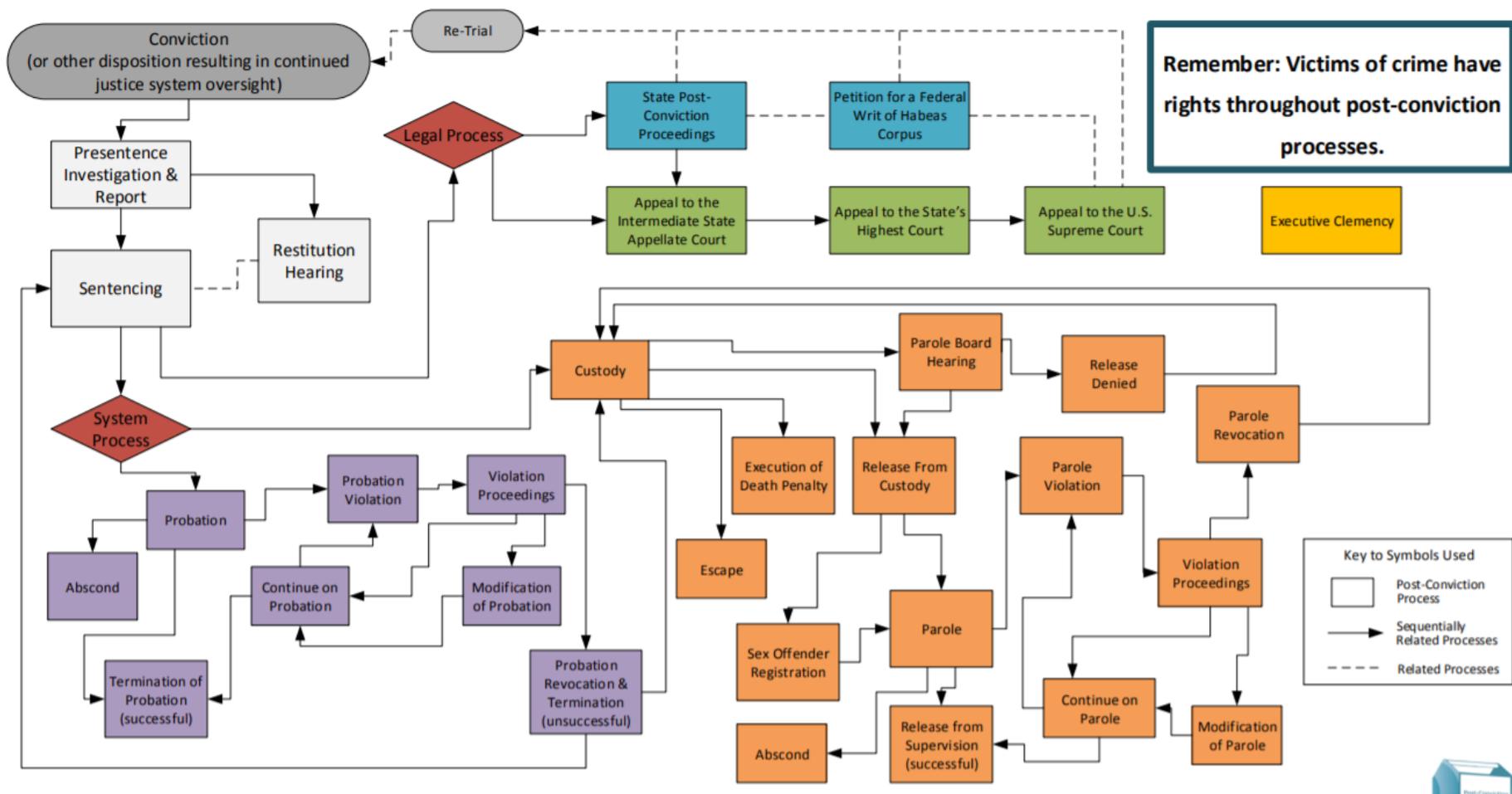
- Offender has 30 days to file a Notice of Appeal after the ruling

# Sentence Review Division

- The Sentence Review Division (the "Division") is established and governed pursuant to Section 46-18-901, et. seq., MCA, wherein the Chief Justice of the Montana Supreme Court appoints three district court judges to act as a review division of the Montana Supreme Court. Each judge serves a three-year term, with one judge designated as the presiding officer or chairperson. Additionally, the Chief Justice appoints an alternate judge to serve a three-year term. The alternate judge substitutes in the hearing(s) when the sentencing judge is a member of the Division.
- A Defendant who has received a sentence of incarceration for a term of one year or more in the Montana State Prison or to the custody of the Montana Department of Corrections, has a right to apply to the Sentence Review Division for a review of his/her district court sentence. The Division has adopted Rules that clarify and expedite its application and review process. The sentence imposed by the district court is presumed correct. However, upon its review, the Division may order a different sentence to be imposed if it is clearly inadequate or clearly excessive (increase, decrease or modify) or may affirm the sentence imposed by the district court. The Defendant has a right to appear and be represented by counsel at his/her sentence review hearing or may waive that right.
- A Decision of the Division in each case is final. The Decisions are published annually in the Montana State Reporter, are filed with the Clerk of District Court where the case originated and will be posted on this site for two years.

# Appeals

- In most cases, the offender has 30 calendar days to file a Notice of Appeal after the ruling they are appealing was filed in the district court.
- However, if any government or government agency or employee is a party, including the United States, the State of Montana, a city or a county and any governmental officer or agency, the offender must file their Notice of Appeal within 60 calendar days.
- If the appeal involves a “youth in need of care,” and the government is the other party, the Notice of Appeal must be filed within 30 calendar days.



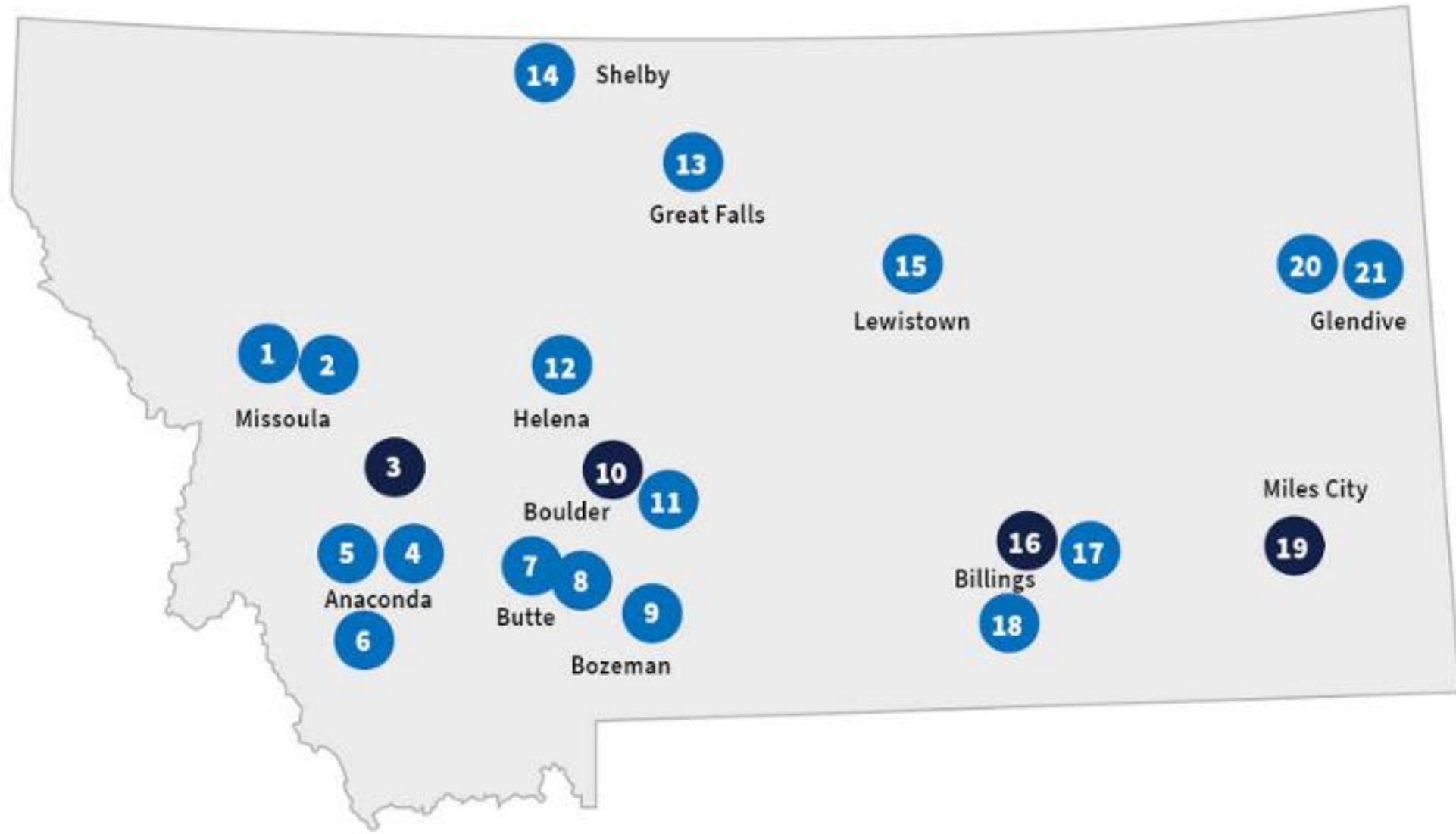
Executive Clemency



# Secure Custody

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# State-owned and Contracted Correctional Facilities



State - owned Facility

Contracted Facility

# Secure Facilities- State Owned

- **Montana State Prison | Deer Lodge, MT**
  - Houses nearly 1,600 male inmates in a secure, 68-acre compound.
  - The facility serves inmates requiring low to high levels of security and provides them with a variety of evidence-based programming designed to assist them when they transition back to Montana communities.
  - MDIU: Every inmate that goes through institution – MDIU, while at MDIU (14-day quarantine).
- **Riverside Special Needs Unit | Boulder, MT**
  - A sub-unit of Montana State Prison. It houses male inmates with serious, long-term medical needs. It has a capacity of 25

# Secure Facilities- State Owned

- **Montana Women's Prison | Billings, MT**

- A 250-bed secure facility that houses approximately 225 female felony inmates.
- The facility provides a secure environment that emphasizes accountability, productivity and personal growth for the women who live within its walls.
- The women participate in a variety of gender-specific, evidence-based programming designed to assist them when they transition back to Montana communities.

- **Pine Hills Correctional Facility | Miles City, MT**

- Plays a dual role for the Montana Department of Corrections.
- First, the facility is the only state-operated long-term facility for adjudicated male youthful offenders (ages 10-17), with an operational capacity of 38.
- Pine Hills is a fully functioning school.
- In addition, the facility serves as an assessment center for males on the eastern side of the state, with 44 adult treatment beds and 22 adult beds for residents awaiting transfer.

# Secure Facilities- Contracted

## Crossroads Correctional Center | Shelby, MT

- Contacted men's prison with CoreCivic
- Approximately 900 inmates between CCC and DCF
- DOC's Contract Placement Bureau is responsible for coordinating movement of inmates, contract compliance and oversight

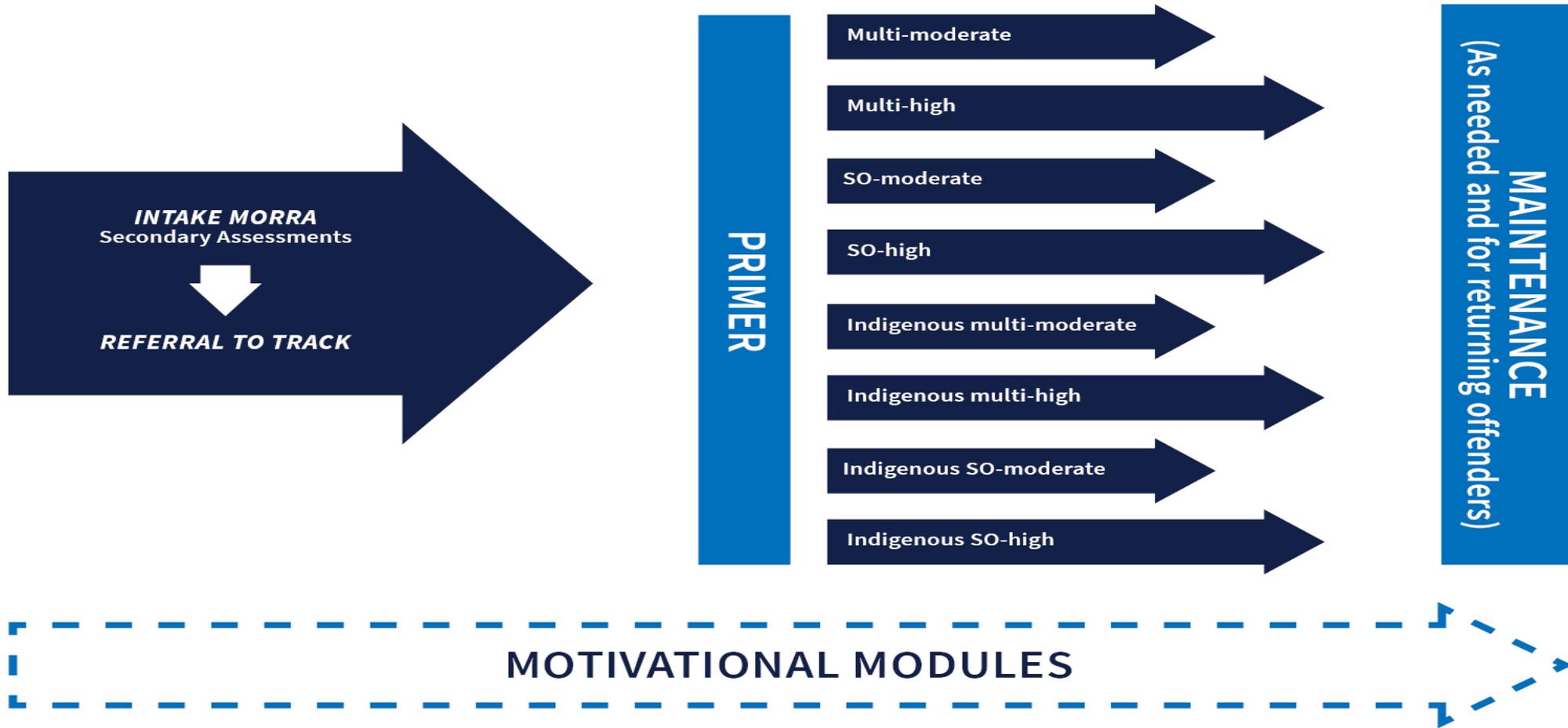
## Dawson County Correctional Facility | Glendive, MT

- Contracted facility with Dawson County

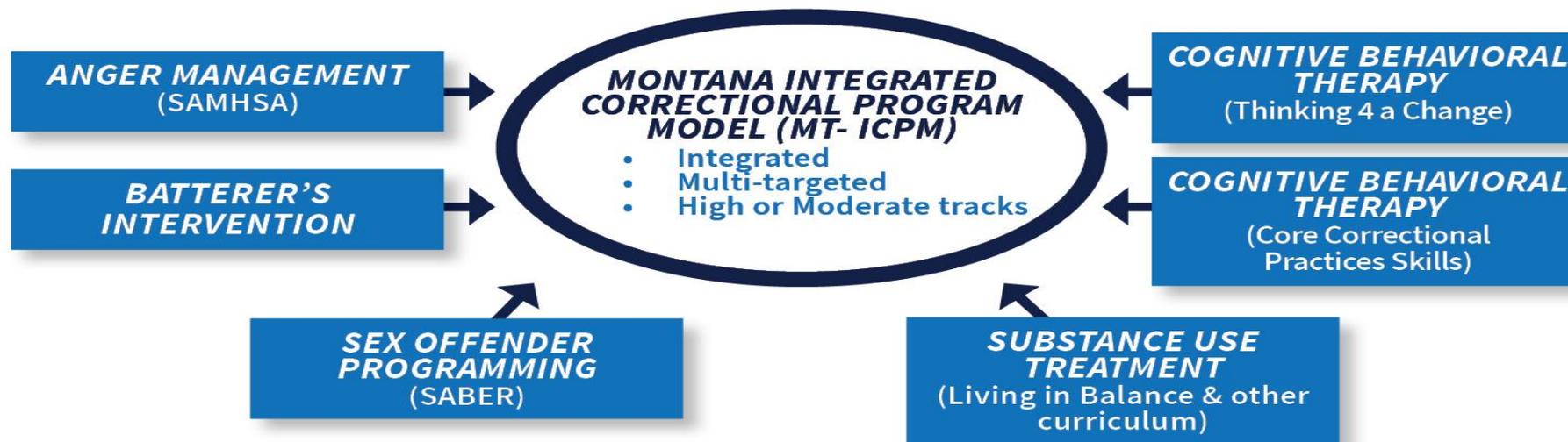
# Programming at MSP

- Montana Integrated Correctional Program Model (MT-ICPM)
  - Offers three tracks
    - Multi-Targeted
    - Sex Offender
    - Indigenous
  - High-Intensity and Moderate-Intensity Options
  - Primer at intake and maintenance programs after completion (if needed)
- Victim Impact (VI)
  - 13 weeks
  - Concluding the course, a Victim Impact Panel (VIP) is held with volunteer crime victim/survivor speakers

# MONTANA INTEGRATED CORRECTIONAL PROGRAM MODEL (MT-ICPM) TRACK



# MEN'S PROGRAMMING CHANGES



# Community Worker Program

- An inmate may be eligible
  - Minimum custody level (WRC)
  - Within 3 years of discharge or parole eligibility
  - Completed or enrolled in recommended or court-ordered treatment, work or skill development programs
  - Acknowledge and accepted responsibility for crime(s)
  - Received positive work reports
  - Proven the ability to work independently
  - Sex offenders must have completed or be actively participating and progressing in sex offender treatment as determined by a treatment provider to be considered eligible
- Each application is screened initially by the housing unit management team, victim notification, followed by a review by MSP administration screening committee, and then the final review which includes local business leaders and law enforcement personnel.



# 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

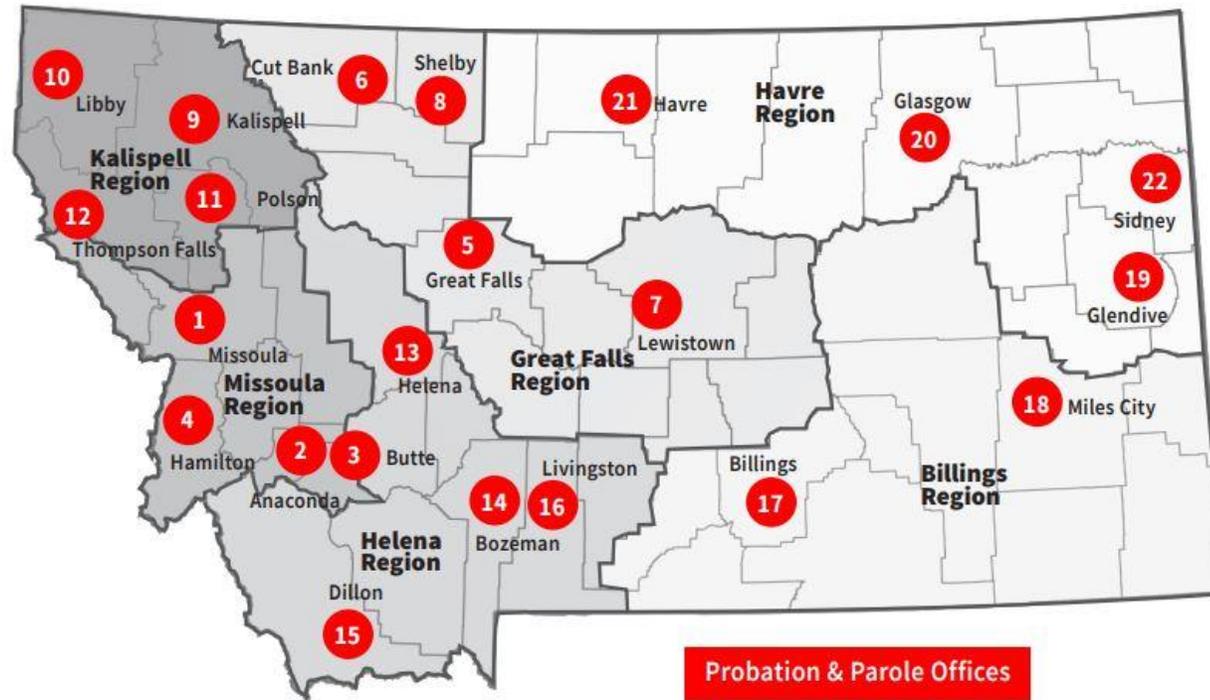
- Inmate worker time length is 6 months
  - To request a parole hearing while on this status, they must have 6 months +90 days clear conduct
  - Cannot leave the facility
- If transferred to Pre-Release Status immediately following inmate worker status, another 120 days of clear conduct must be achieved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



**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



# 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