

The Board of Pardons and Parole

Chairman: Steven Hurd

Board Member: Jimmy Patelis

Board Member: Brad Newman

Board Member: Melanie Etchemendy

Board Member: Joseph McElroy

Board Member: Christie Slaughter

Chief of Staff: Michael Buckley

Institutional Screening Coordinator: Steve Peek

Victim Witness Coordinators: Tanyalee Brackenbury and Darren Zent

Administrative Support Supervisor: Cathy Leaver

Administrative Assistants: Audrey Morrison and Chandler Middlemas

20.25.201 OBJECTIVES

- (1) The principal objective of the board is to affect the release from confinement of appropriate eligible offenders before the completion of the full term of commitment while still fully protecting society. A hearing panel may only grant a release when, in the panel's opinion, there is a reasonable probability it can release the offender without detriment to the offender or the community. When a hearing panel grants a release, the offender is subject to the conditions imposed by the panel and the supervision authorized by governing statutes, rules, and policies of the department. The board will conduct business fairly and consistently and the board's hearing panels will base decisions on public safety concerns, successful offender reentry, and sensible use of state resources.
- (2) An offender must serve the statutorily or court-imposed amount of time before the board may consider the offender for release. Release before the offender serves the entire sentence is a privilege, not a right. A hearing panel may only grant a release for the best interest of society and when the panel believes the offender is able and willing to fulfill the obligations of a law-abiding citizen and not as an award of clemency or a reduction of sentence or pardon.
- (3) The board's primary responsibility in making decisions about parole is public safety. The board applies Montana law in affording offenders with impartial hearings, respecting offender rights, and considering the safety of victims and the public.
- (4) Board members and designated staff will participate in federal, state, and regional criminal justice planning efforts and meet periodically with relevant criminal justice personnel.

Authorizing statute(s): 46-23-218, MCA Implementing statute(s): 46-23-201, MCA

- Nonmedical Parole Criteria -- Information Board May Consider
- **46-23-208. Nonmedical parole criteria -- information board may consider.** (1) The board may release an eligible prisoner on nonmedical parole only when:
 - (a) there is reasonable probability that the prisoner can be released without detriment to the prisoner or to the community;
 - (b) release is in the best interests of society;
 - (c) the prisoner is able and willing to fulfill the obligations of a law-abiding citizen; and
 - (d) the prisoner does not require:
 - (i) continued correctional treatment that cannot be found in the community; or
 - (ii) other programs available only in a correctional facility that will substantially enhance the prisoner's capability to lead a law-abiding life if released, including mental health therapy or vocational training.
- (2) Parole may not be ordered as an award of clemency or a reduction of sentence or pardon.
- (3) For a prisoner sentenced to be committed to the custody of the director of the department of public health and human services as provided in [46-14-312](#):
 - (a) the board may require as a condition of parole participation in a supervised mental health treatment program, if consistent with mental health services recommendations provided by a mental health professional, as that term is defined in [53-21-102](#), to ensure that the prisoner continues to treat the prisoner's mental disorder; and
 - (b) parole may be revoked if a prisoner fails to comply with the terms of a supervised mental health treatment program described in subsection (3)(a), in which case the prisoner must be recommitted to the custody of the director of the department of public health and human services pursuant to [46-14-312](#).
- (4) In making its determination regarding nonmedical parole release, a hearing panel shall consider all available and pertinent information regarding the prisoner, including the following factors:
 - (a) the circumstances of the offense;

- (b) the prisoner's social history and prior criminal record, including the nature and circumstances of the offense, date of offense, and frequency of previous offenses;
 - (c) the prisoner's conduct, employment, and attitude in prison, including particularly whether the prisoner has taken advantage of opportunities for treatment and whether the prisoner is clear of major disciplinary violations prior to the hearing;
 - (d) the reports of any physical, psychological, and mental evaluations that have been made;
 - (e) the prisoner's maturity, stability, sense of responsibility, and development of traits and behaviors that increase the likelihood the prisoner will conform the prisoner's behavior to the requirements of law;
 - (f) the adequacy of the prisoner's release plan;
 - (g) the prisoner's ability and readiness to assume obligations and undertake responsibilities;
 - (h) the prisoner's education and training;
 - (i) the prisoner's family status and whether the prisoner has relatives who display an interest or whether the prisoner has other close and constructive associations in the community;
 - (j) the prisoner's employment history and occupational skills and the stability of the prisoner's past employment;
 - (k) the type of residence, neighborhood, or community in which the prisoner plans to live;
 - (l) the prisoner's past use of chemicals, including alcohol, and past habitual or abusive use of chemicals;
 - (m) the prisoner's mental health needs;
 - (n) the prisoner's attitude toward law and authority;
 - (o) the prisoner's behavior and attitude during any previous experience of supervision and the recency of the supervision;
 - (p) written or oral statements from criminal justice authorities or any other interested person or the interested person's legal representative, including written or oral statements from a victim regarding the effects of the crime on the victim. A victim's statement may also include but is not limited to the circumstances surrounding the crime, the manner in which the crime was committed, and the victim's opinion as to whether the offender should be paroled.
 - (q) whether parole at this time would diminish the seriousness of the offense; and
 - (r) any and all other factors that the hearing panel determines to be relevant.
- (5) A victim's statement may be kept confidential.

What is Parole

- The 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.

The Difference between Parole and Probation

Parole is
NOT
Probation



Parole is the release to the community of a person imprisoned by a District Court for a Felony crime by the decision of the Board prior to the expiration of the inmate's term, subject to conditions imposed by the Board and subject to supervision by the Department.



Probation is the suspension or deferral of a prison or Department commitment by the District Court. The District Court retains Jurisdiction, and the Offender is placed under community supervision subject to the conditions imposed by the court.

Parole Eligibility

An offender may not be paroled earlier than the completion of any judicially set minimum term of imprisonment or other period of parole ineligibility fixed by law governing the offender's sentence. Serving the minimum term of imprisonment only means the offender is eligible to appear before the Board; it does not mean the offender has a right to be released on parole. That decision is in the discretion of the Board.

- **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. 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 who is in secure custody is two months away from their parole eligibility date ($\frac{1}{4}$ of their sentence), the Prison Records department notifies the Parole Board.

Parole eligibility continued

- You are NOT considered Parole Eligible if you do not have a minimum 120 days Clear Conduct. Also, if you have any Court Order conditions that you must complete before being Parole Eligible (such as treatment).
- 20.25.305 ELIGIBILITY
- (4) Unless a hearing panel otherwise orders, before an offender in a community-based program appears before the board, the offender must have at least 90 days free of severe (Class 100) or major (Class 200) disciplinary violations.
- (5) An offender in a secure facility must have 120 days free of major disciplinary violations. (6) Unless a hearing panel otherwise orders, an offender incarcerated at a prison must be classified and have been living in an assigned housing unit for a minimum of 60 days before the offender may appear for parole consideration.

No hearing held and reasons:

Initial Appearance

No Hearing	Total	1,036
	INELIGIBLE_CLASSIFICATION	318
	INELIGIBLE_NONCOMPLIANCE	467
	INELIGIBLE_PAROLE_RESTRICTION	42
	WAIVED	209
Continued	Total	18
	CONTD-Case Continued	18

Reappearance

No Hearing	Total	237
	INELIGIBLE_NONCOMPLIANCE	167
	INELIGIBLE_PAROLE_RESTRICTION	
	WAIVED	70
Continued	Total	12
	CONTD-Case Continued	12

Parole Plan/Report

Each inmate scheduled for Board consideration must prepare a comprehensive parole plan. Each plan will include a suitable living situation and gainful employment, training, treatment, or school program guaranteed by a responsible and reputable person, firm, or institution. All plans will be reviewed by the Adult Probation and Parole staff of the Department prior to release on parole. The Board may grant a parole with the substantial prospect of gainful employment or schooling.

- In early 2026, the Board revisited the parole process to include available information to inmates. The Board and the Department of Corrections has teamed up to review all information to assist inmates who will appear before the Board. To include not limited to parole application, paroling process power point and website updates to include community resources. Inmates have an opportunity to provide supplemental application and supporting documentation such a treatment certificates and educational courses completed.
- On July 29th, the Board will meet with prison officials to develop a video to further assist and inform inmates on the paroling process.

Final Decision (Approval)

1. The Parole Board does not supervise offenders. That is done by the Department of Corrections; Probation & Parole Bureau.
2. While you are still incarceration waiting for release your designated Institutional Probation & Parole Officer (IPPO) (Now known as Case Program Specialist (CSP)) will be your supervising officer.
3. Any disciplinary you receive while still incarcerated, the supervising officer will conduct an investigation along side with the Disciplinary Hearing Officer (DHO). Upon completion of the investigation, all information will be forwarded to the BOPP. If deemed necessary, the BOPP will place Parole release on HOLD, and a rescission hearing will take place.

- A final decision of the hearing panel must be by a majority vote, must be in writing, and must be signed by at least two panel members. Following the parole hearing, the hearing panel may make any of the following dispositions: grant parole subject to approval and verification of the parole plan; grant conditional parole to occur within a specified time period or upon completion of a contingency, including but not limited to completion of treatment or prerelease, completion of additional clear conduct, or completion of a specific amount of time on the sentence; continue the offender to a subsequent reconsideration hearing at an interval consistent with ARM 20.25.402(2) and (3), but in any case not to exceed six years.

Parole Considerations Options

Straight Parole: Returning to the community to a residential address, to a semi restrictive housing or a mental health group home.

Interstate Compact: Paroling to another State.

Parole upon completion: Pre-Release Centers/ Watch/ CCP/STEP.

Parole to a Detainer (If applicable)

Notification and Community Response

The Board notifies, accepts input, and reviews any public comments received relative to the release of an offender from sentencing court judges, related county attorneys, law enforcement . Also reviewed are victim impact statements (oral and/or writing) relatives and area citizens with interest in a particular case (oral and/or writing). Upon request, victims and victim's families are notified of any Board action (Victim Information and Notification Everyday (VINE). and may appear before a hearing panel to present testimony. In certain circumstances, this testimony may be held confidential.

46-24-203. Prompt notification to victims and witnesses of certain offenses.

(1) A person described in subsection (2) who provides the appropriate official with a current address and telephone number must receive prompt advance notification, if possible, of proceedings relating to the person's case, including:

- (a) the arrest of an accused;
- (b) the release of the accused pending judicial proceedings;
- (c) the crime with which the accused has been charged, including an explanation of the elements of the offense when necessary to an understanding of the nature of the crime;
- (d) proceedings in the prosecution of the accused, including entry of a plea of guilty or nolo contendere and the setting of a trial date;
- (e) if the accused is convicted or pleads guilty or nolo contendere:
 - (i) the function of a presentence report;
 - (ii) the name, office address, and telephone number of the person preparing the report; and
 - (iii) the convicted person's right of access to the report, as well as the victim's right under [46-18-115](#) to present a statement in writing or orally at the sentencing proceeding and the convicted person's right to be present at the sentencing proceeding and to have access to the victim's statement;
- (f) the date, time, and place of any sentencing hearing, the sentence imposed, and the term of imprisonment, if imposed;
- (g) the right under [46-24-212](#) of a victim of a felony offense to receive information from the department of corrections concerning the convicted person's incarceration; and
- (h) the right under [46-23-215](#), [46-23-509](#), or [46-23-1011](#) of a victim of a sexual offense, as defined in [46-23-502](#), to request a sentencing order, condition of parole, or condition of probation to require the convicted person to refrain from direct or indirect contact with the victim.

(2) A person entitled to notification under subsection (1) must be a victim or witness of a felony offense or a misdemeanor offense involving actual, threatened, or potential bodily injury to the victim, a relative of a victim or witness who is a minor, or a relative of a homicide victim.

Parole Hearing Types:

INITIAL HEARING

An offender appears before the full Board or a hearing panel. Public notice is provided, and the Board hears testimony from all persons having relevant testimony for or against parole

REAPPEARANCE

An offender denied parole may be granted an appearance later. An offender appears before the full Board or waives a full Board hearing. Public notice is provided, and the hearing panel hears testimony from all persons having relevant testimony for or against parole.

ADMINISTRATIVE REVIEW

An offender denied parole may be set for an administrative review. Progress and conduct reports are reviewed by Board members, and a decision is rendered. An offender is notified in writing of the decision. Generally, the Board does not release from this review violent offenders, sex offenders, or any other offender who has had opposition at previous hearings. Exceptions may include an imminent discharge date, lack of up-to-date community opposition, or failure of a requesting party to notify the Board of a change in status in accordance with 46-24-213, MCA. If parole is proposed, a public hearing is normally scheduled, and notices are provided to interested persons.

Rescission

The Parole may be withdrawn prior to release as a result of improper conduct, Substantial Changes in the Parole Plan as originally presented to the Board, or new evidence or information which was not available for the hearing at which parole was granted.

Rescission hearing reduction of 44.2%

Rescission hearing totals:

2026-158

2025-178

2024-283

Paroling rates

- Initial appearances in FY 2026- total 938.
580-denied (**61.8%**). 358-granted (**38.2%**).
- Reappearance in FY 2026 total 549.
274-denied (**50%**). 275-granted (**50%**).
- In 2025 the initial appearances had a grant rate of 39%
- In 2025 the reappearance had a grant rate of 54%
- In 2024 the initial appearances had a grant rate of 38%
- In 2024 the reappearance had a grant rate of 54%

Revocations hearings

FY 2026-125

FY 2025-176

FY 2024-163

FY 2023-146

FY 2022-204

- Of the 125 FY 2026 compliance violations is 25 cases. Absconding cases were 10 . New criminal conduct cases were 55. Possession of a firearm cases were 4. Contact with the victim was 1. Sex offender treatment termination cases were 9.
- 19 were returned to parole. 2 cases were continued.

Possible Reasons Reduction in Revocation Rate:

- Number one reason is accountability
- We evaluate a re-parole after 120 clear conduct after revocation.
- Better commutation with program services to assist in making informed decision when granting parole.
- Better practices for community supervision per CJI study July 2022.
- Progress reports after 90 and 180 days to Board Members on high-risk cases.
- Customized dispositions per each inmate to address risk and needs. (see example on next slide)

Disposition Example:

- Parole upon successful completion of a PRC to an approved DOC plan. Highest level of supervision as deemed necessary by PO. You will complete a progress report and send it to Joseph.Mcelroy@mt.gov after 120 days of parole. For the first year of parole increased drug and alcohol monitoring. GPS monitoring for the first 180 days of parole. Total of 4 unannounced home visits within the first year of supervision. Regular mental health aftercare as deemed necessary by PO. Regular chemical dependency aftercare as deemed necessary by PO. Restricted from drugs/alcohol, recreational marijuana or participating in any medical marijuana program. Restricted from gambling or entering any place where gambling takes place. Shall not enter any place where intoxicants are the chief item of sale. Comply with court conditions and standard conditions of parole set forth in ARM 20.25.702.

Goal for FY 2027

- As a strategic goal for FY 2027 Board is currently reviewing all federal detainers to best evaluate state resources.
- Explanation: Identify and prioritize appearances for inmates with federal detainers to optimally address inmate programming needs, increase efficiency in the use of limited state resources, and maintain the integrity of the parole process.
- Key Measure: Work with US Courts and Probation to open pathways to identify inmates in Montana custody that have Federal Detainers and are parole eligible to consider parole to federal custody when appropriate. As of June 15, 2026, 108 inmates have a federal detainer. Currently vetting all inmates identified.