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MINUTES OF THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
INSTITUTIONS
January 22, 1983

The meeting was called to order at 7:15 a.m. in Room 108 of the Capitol Building.

Members present were Sen. Mark Etchart, Sen. Bill Thomas, Sen. Donald Ochsner, Rep. Steve Waldron, and Rep. Glenn Roush. Rep. Bob Thoft was excused on personal business.

Also present were Peggy Williams of the Legislative Fiscal Analyst's Office (LFA), Bill Gosnell of the Governor's Office of Budget and Program Planning (OBPP), Carroll South, director of the Department of Institutions, Hank Burgess, chairman of the Board of Pardons, and Gary Broyles, member of the Board of Pardons.

(022) Carroll South gave an overview of the Board of Pardons and introduced Hank Burgess and Gary Broyles.

(031) Hank Burgess provided an indepth review of the duties and purpose of the Board. The Board of Pardons is a quasijudicial board appointed by the Governor to serve at his pleasure. It is attached to the Department of Institutions for administrative purposes.

(069) Peggy Williams presented the LFA's proposed budget recommendations for the Board.

In the area of Contracted Services, the LFA increased contracted services over current level except for the court reporter, which was reduced.

In the area of Supplies and Materials, a one-time expense for film was deleted.

In the area of Communications, the Board received an increase in communications during Special Session 2.

In the area of Travel, the Board received a car during Special Session 2. Due to this addition, the LFA took out car mileage reimbursements for staff. However, there are two staff members who use the car and sometimes they both have to travel on the same day but in different directions. The LFA feels that \$1,100 should be added back into the Travel budget to cover this expense.

Out-of-state travel was eliminated because parole boards in other states can hold parole hearings for Montana prisoners incarcerated in those states. The LFA feels some out-of-state travel should be put back into this budget because not all states can hold hearings for Montana prisoners.

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In-state travel was increased to allow travel to the new pre-release centers.

In the area of Rent, the LFA increased the rent on office equipment from \$0 to \$1,545. The OBPP increased rent more than the LFA.

In the area of Repairs and Maintenance, the LFA increased the appropriation for repairs for the new car.

In the area of Other Expenses, the LFA increased this category.

In the area of Equipment, the OBPP included money for two attache cases.

The LFA recommended no vacancy savings for the Board of Pardons because they only have four employees.

(122) Hank Burgess addressed the LFA's presentation. Through research of other state's parole boards and with the advise of the Board's legal counsel, it was deemed necessary that the Board have a professional court reporter at parole revocation proceedings. Mr. Burgess outlined the problems encountered without this court reporter. The Board included the cost of reproducing court transcripts with their request for funding for a court reporter.

(210) Mr. Burgess addressed the LFA's inclusion of out-of-state travel. Legislature was passed during the last session that allowed other states with parole boards to hold courtesy hearings for Montana residents incarcerated in out-of-state institutions. Thirteen states have determinate sentencing so they do not have a parole board. The advantages and disadvantages of these courtesy hearings were discussed. The agency stated that, if the committee authorizes additional travel money, the agency will revert any unused travel funds.

(398) Mr. Burgess addressed the LFA's return of some personal car mileage reimbursement funds.

(444) Mr. Burgess addressed the agency's request for replacement of tires for the car. The car has standard tires and the Board does not feel they will last three years. Part of this request is for studded snow tires.

Side 24

(003) The Chairman requested that the Board trim down their request for travel and utilize the courtesy hearing process more.

(007) There was discussion regarding the residents of Swan River Youth Forest Camp and whether they are subject to the decisions of the parole board.

(052) Mr. Burgess addressed the additional .5FTE secretary position. The workload of the board is steadily increasing which requires more clerical work.

(166) Mr. Burgess defended the agency's request for two attache cases.

(254) The Chairman brought up the problem of over-crowding at Montana State Prison. The question was raised whether the Board is keeping inmates in the Prison longer than they really need to be kept and whether the Board is being stricter than they should be when hearing parole cases.

Sen. Thomas supported a strict process of paroling prisoners.

The Chairman brought up the fact that many of the prisoners have drug and alcohol related problems and the Prison does not offer much in the way of drug and alcohol rehabilitation. Due to the over-crowding at Montana State Prison and trying to deal with this problem, there is not a lot of effort going into programs to rehabilitate.

(452) Mr. Burgess handed out a chart of statistics for the Board from 1976 until 1982. (See Attachment 1) There was some discussion regarding these statistics and what they mean in terms of current trends.

Side 25

There was some discussion regarding the prerelease programs and their success.

The need for a separation of the population of the Prison by first time offenders and career offenders was discussed but this discussion will be covered more thoroughly when this committee hears the Corrections Division budget.

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The Chairman scheduled Executive Action on the Board of Pardons for 7:00 a.m. on Monday, January 31.

The meeting was adjourned at 8:30 a.m.

Respectfully submitted:


Steve Waldron, Chairman
Approved

SW/lt

Column	1	2	3	4	5	6	7
	<u>Total Cases</u>	<u>Interviewed for Parole</u>	<u>Paroled-%age</u>	<u>First Time Offenders</u>	<u>Average Months Incarcerated</u>	<u>Parole Revocations</u>	<u>Revoked for New Crimes</u>
1976	590	371	274 (73%)	83%	13.8	90 (32.8%)	20 (13.7%)
1977	743	446	322 (72%)	80%	12.5	105 (32.6%)	25 (7.0%)
1978	799	390	253 (65%)	68%	13.9	125 (49.0%)	31 (12.0%)
1979	730	382	279 (73%)	61%	15.5	83 (29.7%)	18 (6.0%)
1980	727	380	267 (70%)	67%	18.2	75 (28.0%)	18 (7.0%)
1981	866	437	336 (76%)	48%	16.9	95 (28.3%)	22 (6.0%)
1982	913	470	329 (70%)	46%	14.4	78 (23.7%)	19 (5.7%)

Notable Observations:

1. The Board's workload is steadily increasing (Columns 1 & 2).
2. The Board consistently paroles a high percentage of those interviewed (Column 3), e.g. 69% in 1982.
3. The number of first time felony offenders interviewed for parole has decreased considerably, e.g. 83% in 1976 to 46% in 1982.
4. Average incarceration until parole eligibility has increased considerably over the years, although this year's has decreased.
5. Parole revocation (Column 6) is much lower than national rates, at 20% for 1982, a drop of 4.6% over 1981.
6. A very low percentage of revocations involves new felony offenses (Column 7) at only 19 for the year or 5.7% of the number paroled.
7. The total number of Montana offenders on parole during 1982 (both in and out of state) was 892. During 1982 there were 78 parole revocations; this constitutes a 9.5% rate of return.

Board of Pardons - Operating Expenses

84 over 85 over
(under) LFA (under) LFA

2100 Contracted Services

2,752 2,922

Contracted services were increased over current level, but not to the level requested because the board received a .5 FTE secretary during Special Session 2.

2200 Supplies & Materials

121 131

A one-time expense for film showing was removed from case.

2300 Communications

157 183

The board received an increase in communications during Special Session 2. The FY 83 appropriation was not fully cor.

2400 Travel

5,883 6,196

In-state personnel cost increase was eliminated because the board received a staff cut in state Session 2.

2500 Rent

191 295

LEA increased rent from 0 to \$345

2600 Repairs

448 486

LEA increased this category from \$358 to \$358

2800 Other

119 133

LEA increased this category from \$100 to \$100

3100 Equipment

143 0

LEA included funds for 2 office cases

Board of Pardons - Issues

	1	2	3	4	5	6
					FY84	FY85
<u>1. Court Reports/Transcript Charge</u>						
FY82 Spent:	1,248					
Exec. Request (original)	3,023				3,205	
Rev. Request	2,442				2,589	
LFA included originally	277				287	
<u>2. Out of State Travel</u>						
FY82 spent:	2,283					
Executive Request (original)	4,087				4,287	
Rev. Request	3,775				3,725	
LFA included originally	0				0	
<u>3. Repairs</u>						
FY82 spent:	0					
Executive Request (original)	422				447	
Rev. Request	422				0	
LFA included originally	0				0	
<u>4. In state travel (staff personal car)</u>						
FY82 spent:	Staff board	2,587 3,216				
		5,803				
In FY83, they got a car for the staff. Special Staff reduced their staff personal car mileage to \$1,837.						
FY82 spent: \$2587						
Executive Request (original)	1,862				1,444	
LFA included	0				0	