INTENSIVE SUPERVISED PROBATION
AND PAROLE IN
MONTANA

by

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A professional paper submitted in partial fulfillment of the requirements for the degree of
Master of Public Administration

MONTANA STATE UNIVERSITY
Bozeman, Montana

June 1990
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ACKNOWLEDGEMENTS

A special expression of gratitude and appreciation is extended to Dr. Richard Haines, Chairperson of my graduate committee, for his willingness to work on this subject, especially through the summer months, and for his willingness to edit this paper.

Also I would like to thank Dr. Karen Carlson for her continuous support and encouragement to get it done. My appreciation to Dr. Robert Harvie for his participation on the committee.

I am grateful to those in the Montana corrections field who lent their support and help.

My deepest gratitude to my wife, Christine, who was extremely patient with me and for her help typing the rough and final drafts.
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ABSTRACT

Current sentencing practices, both nationally and within the State of Montana, have resulted in longer prison terms and increased numbers of offenders going to prison. In addition, the costs of incarceration and prison construction have skyrocketed in recent years. States can no longer afford the high cost of incarcerating more and more offenders, particularly nonviolent offenders. Prisons are operating at or beyond capacity all around the nation. Alternatives to incarceration need to be explored and instituted.

The use of alternative forms of sentencing for nonviolent offenders will enable jurisdictions to lower incarceration rates. In addition to fewer offenders being incarcerated, those offenders in such programs as Intensive Supervised Probation/Parole can be adequately supervised in the community at a fraction of the cost of incarcerating an equal number.

The use of alternative sentences, in particular Intensive Supervision, has proved to be quite successful in several jurisdictions throughout the country. In Montana, Intensive Supervision has been utilized on a limited trial basis but with some success. Offenders on Intensive Supervision are held accountable for their offenses, are well supervised, make restitution to their victims, and adapt well to the community in which they are supervised.

The use of Intensive Supervised Probation and Parole throughout the State of Montana will more than pay for itself. Such a program can be accomplished with less money than would be required to incarcerate an equal number of offenders. The use of intensive supervision will also assist in lowering incarceration rates and ultimately ease the overcrowded conditions in the State Prison.
CHAPTER 1

INTRODUCTION

Prisons throughout the United States are faced with the problem of overcrowded conditions. In Montana, the State Prison is currently housing inmates in excess of its maximum capacity. A major contributing factor to the problem of overcrowding, both nationally and in Montana, has been more strict sentencing guidelines and the lack of alternative sentencing, alternative to incarceration.

Current sentencing practices nationally and within the State of Montana have resulted in longer lengths of stay in prisons as well as more offenders being sentenced to prison. Up until the 1980's the primary alternative to incarceration was the use of probation and parole. This procedure is utilized in all 50 states for both juveniles and adults. The federal government, on the other hand, utilizes probation but no longer practices parole.

According to government statistics, new prison space is occupied beyond its capacity shortly after construction is completed. Construction of new prison space can cost as much as $50,000 per cell, while housing an inmate can run as high as $35,000 a year. The Montana State Prison is
currently operating in excess of its maximum capacity, and the cost per inmate is $36.40 per day.

If the Montana Legislature wishes to eliminate the potential problem of higher expenditures on new prisons and crowded conditions in the prison system, it must be willing to consider some creative and practical alternatives to the correctional system as it now exists. There are a number of innovative programs that, if implemented, could reduce the State Prison population. One such program is the use of Intensive Supervised Probation and Parole.

It has been shown that states that have utilized intensive supervision have realized lower incarceration costs with fewer people being sent to prison, saving valuable tax dollars. The hypothesis expounded in this paper, therefore is that statewide implementation and use of Intensive Supervised Probation/Parole (ISP) can save the State of Montana a substantial amount of money.

This paper surveys literature and data on the philosophy of corrections, current trends involving incarceration, and viable alternatives to incarceration. In Chapter 2 overcrowding in prisons, specifically Montana State Prison, will be discussed and the correctional process will be explored. In addition, the status of incarcerated offenders in Montana will be examined. The chapter will conclude with a detailed explanation of the concepts of parole and probation. Rehabilitation and alternatives to
incarceration will be defined and examined in Chapter 3. Trends and the use of alternative sentencing will also be discussed, with examples of some innovations involving alternative sentencing. The chapter will conclude with an introduction to Intensive Supervision as well as references to where and how it has been used.

Chapter 4 will describe and define the correctional system in Montana. Parole and probation practices, sentencing and other services within Montana will be described and explained. The chapter will also give a detailed description of costs and figures relative to the Montana system, including the cost of incarceration in Montana's correctional institutions. A detailed examination of Intensive Supervised Probation and Parole will be given in Chapter 5. ISP will be defined and illustrated. The chapter will provide working models of ISP as well as explain the extent to which it is currently utilized in Montana. The Montana model is described and explained. Finally, in the concluding chapter, a recommendation for the statewide use of ISP in Montana is offered. Prison population projections are discussed and the eligibility of offenders is defined. Included in the proposal is a working budget for the program and discussion of some problems and pitfalls regarding the implementation of the program.

The final chapter concludes with a discussion of the overall feasibility of the proposal. A cost benefit
analysis of the proposal reveals that such a program could potentially save the State of Montana a substantial amount of money. The use of ISP statewide would permit the supervision of nonviolent offenders without incarcerating them in the State correctional institutions, and at a fraction of the cost of incarceration.
CHAPTER 2

PRISON OVERCROWDING AND THE CONVENTIONAL SOLUTIONS

This chapter discusses the problem of overcrowding in both state and federal prison systems. It will also define and review some of the conventional practices used to reduce the crowded conditions in prisons, particularly parole and probation.

Overcrowding And Its Causes

Prisons, both state and federal, are faced with inmate numbers beyond their capacities, while trends indicate that the increases in incarceration will likely continue. The combined total of federal and state prisoners on December 31, 1988, was 627,402, an increase of 7.4 percent from 1987. Since 1980 the number of prisoners has grown about 90 percent, currently increasing at about 800 per week.¹ State prison systems reported increases of between 7 and 23 percent last year, with Western states reporting the largest increase (11.5 percent in 1987 and 166 percent since 1980). At the same time the capacity of state and federal prisons only grew by 5.5 percent, which is 1.9 percent short
of what is needed just to keep pace with the increased inmate population. The rate of incarceration of sentenced prisoners in state and federal institutions increased from 104 per 100,000 in 1974 to 170 per 100,000 in 1982.

The problem of overcrowding in state prison systems has resulted in large part from many state legislatures having passed new laws calling for mandatory prison terms for certain offenders. Several states now have "habitual offender" statutes that require mandatory prison time for those convicted of more than two felonies. The same trend is evident at the Federal level.

The Federal Sentencing Reform Act of 1984, which took effect November 1987, requires Federal Judges to select a sentence within guidelines to be set by a new Sentencing Commission; any departure from established guidelines must be specified by the Judge and reasons must be set forth. The Sentencing Commission, consisting of seven members appointed by the President, will specify what sentences should be imposed for various crimes. The new guidelines will generally increase the amount of prison time that federal convicts are required to serve. It is expected that the new federal sentencing guidelines will place an additional burden on the already overcrowded Federal Bureau of Prisons. According to Ilene Nagel, one of the commissioners and law professor at Indiana University, the Sentencing Commission's "major purpose is to control crime,"
and not to deal with the problem of prison capacity.  

The U.S. Supreme Court, in January 1989, upheld the new sentencing guidelines created by the Sentencing Reform Act of 1984.8 The Act was later amended under Public Law 99-363 and labeled the "Sentencing Guideline Adjustment Act of 1986."

**Incarceration in Montana**

References in this paper to the Montana Correctional Institutions includes the Montana State Prison (MSP), Swan River Forest Camp (SRFC), Women's Correctional Center (WCC), and the prerelease centers (PRC). It should be noted that these institutions increased their numbers by 40 percent between 1980 and 1987. The length of stay at Montana correctional institutions has also increased between 1980 and 1988, from 23.7 months to 30.5 months, a 29 percent increase.9

As of May 1989 the Montana State Prison housed 50 inmates over its maximum capacity. On July 12, 1989 Curt Chisolm, Director of the Montana Department of Institutions, announced that the prison wouldn't accept any more inmates until the population at the prison falls below 1,100.10

Between 1980 and 1987, there was a decrease in the overall crime rate, particularly with regard to violent crimes. The rate for all crime in the state fell from 5,950.0 per 100,000 population in 1980 to 5,550.0 per
population in 1987. Length of stay has increased since 1980 as has the prison population; even though crime, in terms of numbers of offenses committed, has decreased.

There are numerous factors influencing the length of stay in Montana's penal facilities. These include court-imposed sentences, parole practices and the use of good time or credit for time served in prison. Most of the increase in prison population can be attributed to public policy changes reflective of state sentencing, parole, and probation practices. For example, several laws were passed by the 1989 Montana Legislature that will likely lead to increases in the population of the Montana State Prison. The new laws impose mandatory minimum prison terms for the sale of cocaine; lower the age limit from 21 to 19 for putting delinquent youth in prison; and require that sentences are to be served consecutively, rather than concurrently, when a judge's sentence is unclear.

Probation does not affect the length of an offender's stay in prison because probationers are not incarcerated, but those placed on probation do have a negative effect on the size of the prison population, because, if fewer numbers of individuals were put on probation there would certainly be an increase in the state prison population.

There appears to be a trend developing in the State of Montana and in other states toward the increased use of incarceration and longer sentences, resulting in overcrowded
conditions in most penal institutions. At this point, there seem to be two solutions; (1) build more prisons and continue to expand our use of incarceration as a means of disposing of criminal offenders; or (2) come up with alternative means of sentencing offenders that do not include incarceration. Up to the 1980s, the means used most commonly as an alternative to incarceration has been the use of Parole and Probation.

The Concept of Parole

Until the early eighteenth century, incarceration was utilized primarily as an alternative to execution in both the American Colonies and Europe. During this period petty offenders were sentenced to prison but weren't executed. Similarly, parole in the twentieth century emerged as an alternative to incarcerating offenders in prison. Parole is designed to provide for the early release of offenders from prison, based on the offender's performance and behavior while incarcerated.

A major consideration prior to granting parole is to make a determination as to the offender's probability of recidivating or posing a threat to the community. Carter and Wilkins define parole as:

A procedure by which prisoners are selected for release and a service by which they are provided with necessary controls, assistance, and guidance as they serve the remainder sentences within the free community...14
Dressler refers to parole as "a treatment program in which an offender, after serving part of a term in a correctional institution, is conditionally released under supervision and treatment by a parole worker."  

What we consider parole today, in the United States can probably be traced to the use of pardons and commutations as they were used in the sixteenth and seventeenth centuries in Europe. Parole comes from the French word parole and means "word of honor." One of the earliest uses of parole occurred in the British penal colonies of Australia during the late 18th century in the form of conditional releases for certain prisoners.

The first law in the United States to allow for shortened sentences was passed in New York in 1817. This statute was referred to as the "good time law." Offenders were given consideration and credit for good behavior while incarcerated. By 1891 eight states had some sort of indeterminate sentencing laws, in most cases applied only to first time offenders.

Parole is now authorized and used in all states and the District of Columbia. Although most states have made parole a part of their correctional structure, the way in which it is used and administered varies between states. In most states, parole is granted by parole boards or other administrative agencies. Factors entering into the use of parole are state sentencing laws, seriousness of the
offenses, ability to supervise offenders and the willingness of the community to accept the released offenders.

The Concept of Probation

Probation differs from parole in that those on parole actually serve part of their sentence in a correctional facility or prison. Probation, on the other hand, involves a sentence without incarceration. Both probation and parole usually require supervision of the offender by an officer. In addition there are other conditions and requirements placed on the offender as part of the probation/parole agreement, and there also exists the possibility of revocation should the parolee or probationer violate the terms of the agreement.

Probation is:

A non-incarcerative sentence imposed by a Judicial official, usually accompanied by several conditions and behavioral requirements, and involving variable supervision by a probation officer.  

Dressler defines probation as:

A treatment program in which final action in an adjudicated offender's case is suspended, so that he remains at liberty, subject to conditions imposed by or for a court, under the supervision and guidance of a probation worker.

In essence probation is a contract or agreement between the offender and the Court having jurisdiction over him/her.

Probation can be traced to the concept of recognizance,
from the Latin *recognoscere*, which means "recall to mind". Recognizance was utilized in seventeenth century England when dealing with petty offenders. Under recognizance an offender agreed to refrain from doing whatever illegal activity brought him before the Court. In some cases he/she might have been required to make a later appearance before the court for final disposition of the case.

It wasn't until 1836 that Massachusetts revised its law and gave legislative recognition to "release upon recognizance," with sureties. The Massachusetts law applied primarily to petty offenders in the lower courts. John Augustus has often been referred to as the "father" of American probation. Augustus was a Boston shoemaker who became interested in helping criminals who had committed minor offenses. A Boston judge released selected individuals to Augustus rather than incarcerate them (2,000 between 1841 and 1859); Augustus would supervise and assist those placed in his charge.

Massachusetts was the first state to formally adopt probation by statute in 1887. Between 1878 and 1938, 37 states and the District of Columbia had juvenile and adult probation. Mississippi being the last state to authorize adult probation in 1956. Montana had adopted the use of probation in 1913.

The purposes of probation include, but may not be limited to: rehabilitation, deterrence, crime control,
reintegration, punishment, restitution, and reduction of prison or jail space. The philosophy of probation, as it was originally envisioned by John Augustus and others, was primarily to attempt rehabilitation of an offender. However, reduction of prison overcrowding, has become the primary functional benefit of utilizing probation in the state and federal prison system.

By 1987, in the United States, there were 2,094,405 persons on probation. Montana had 2,943 individuals on probation on December 31, 1986, an increase of 11.6 percent from January 1, 1986.

It can't be disputed that there exists a definite problem with regard to prison overcrowding. This problem is evident throughout the nation and in the State of Montana. At this point, the two practices that are available to deal with this problem are probation and parole. The following chapter deals with a variety of new ideas that may provide solutions to the problem of overcrowding prisons.
ENDNOTES


2. Ibid, p. 6.


11. Ibid, p. 16.


18. Evrard, 7 – 8.

19. Dressler, 76.


21. Dressler, 16.

22. Dressler, 18.


27. Ibid, p. 7-11.

CHAPTER 3

ALTERNATIVES TO INCARCERATION

This chapter discusses research in the area of rehabilitation and examines some new proposals aimed at eliminating the problem of overcrowding in prisons. It concludes with a review and discussion of proposed alternatives to incarceration, including innovations that utilize non-prison sentencing.

Rehabilitation or Custodial Care

In 1979 The National Academy of Science founded a research committee on law enforcement, criminal justice, behavioral science and the social sciences. The panel defined rehabilitation as:

The result of any planned intervention that reduces an offender's further criminal activity, whether that reduction is mediated by personality, behavior, abilities, attitudes, values or other factors. The effects of maturation and the effects associated with "fear" or "intimidation" are excluded, the results of the latter have traditionally been labeled as specific deterrence.

Taking into consideration this definition, it appears as though probation practices have little to do with
rehabilitation. It appears that probation is increasingly becoming the practice of custodial care in a nonprison environment. It serves primarily as a means of "controlling a segment of the offender population at varying levels of supervision."\(^3\)

The panel made several observations regarding the future prospects of rehabilitation. To begin with, the panel found that the use of alternative sentencing hasn't really been explored to any great extent. Further, the panel determined that there has as yet never been exhaustive evaluation of innovative sentencing. The panel found that although the current literature does afford hints of interventions that may have promise, they found "no basis for positive recommendations about techniques to rehabilitate criminal offenders." The panel did recommend that any proposed intervention or program to be tested should be accompanied by a research protocol reflecting the strongest possible design to permit any causal influences. In conclusion, the panel found that better resources and renewed effort is required to develop a useful knowledge about rehabilitating criminal offenders.\(^4\)

In 1981, responding to a perceived need to look at new approaches for controlling the increase in prison population, the Edna McConnell Clark Foundation and the National Institute of Corrections funded the National Prison Overcrowding Project. The project was planned and managed
by the Center for Effective Public Policy. The goal of the Project was to incorporate a very broad and systematic view in efforts to control prison overcrowding. The Project invited four states to participate: Colorado, Michigan, Oregon, and South Carolina. Because the focus was on involving state policymakers, the teams consisted of representatives from the three branches of government, ranking members of the criminal justice field and law enforcement, and private citizens.®

The Project made recommendations in Colorado to expand prison capacity and to increase use of the transitional community correction facilities. The Colorado team also considered a plan to develop sentencing guidelines, but expressed doubt that the use of intensive probation supervision would have an impact on prison population. The team did pass a resolution to authorize the parole board to use a risk assessment in establishing the length of parole supervision.

The Michigan project team passed resolutions recommending that the prison administration give certain offenders time off for good behavior. It also proposed that county officials be allowed to release certain offenders if the jail's population is over 95 percent of designed capacity. Michigan will also consider legislation that would keep certain offenders, who would otherwise go to prison, in the community.
The Oregon team offered a proposal to reform sentencing guidelines but failed to get a bill through the State Senate that would have allowed the Governor to release prisoners up to 90 days early in order to reduce prison population. The Oregon group recommended adding parole officers and increasing the number of offenders released on supervised furloughs.

In South Carolina, the State Legislature enacted the team's recommendation to give the Governor power to release prisoners 90 days early when the prison population exceeds operating capacity.

The Prison Overcrowding Project concluded that their work helped to educate the public and therefore lessened opposition to the difficult decisions that have to be made regarding corrections. The Project also pointed out that above all, decision makers could now view criminal justice policymaking more systemically.

Any plan to reduce prison populations, regardless of the means utilized, will require that offenders either diverted from prison or released early from their sentence be properly supervised. It will be imperative that supervision of offenders meet the needs of both the offender and the community where they are supervised.

**Supervision and Sentencing**

Whatever form of supervision is utilized it will
require that participation be selective, that the issue of risk be addressed, and that supervision of offenders be adequate. In addition, it is vital that the interests of the victims of crime be served. This could be accomplished through restitution, compensation, community service and reconciliation agreements, when possible. There will also be a need for changes in statutory authority regarding sentencing guidelines and sentencing laws.

Thomas Quinn suggests a kind of hierarchical framework of sentencing he calls "sequential sanctioning." Consisting of ten levels of accountability, each level having a prescribed mix of restrictions on mobility. Quinn's concept utilizes certain guidelines to insure consistent assignment of offenders to the appropriate level of supervision or accountability. The offender's criminal record, background and current offense are all considered in making a sentencing decision.

Whether such alternative sentencing involves restitution, supervised and intensive supervised probation, community service, house arrest, halfway houses, or parole, there are a number of factors to be considered. Statutory sentencing guidelines must be amended to allow the use of non-prison sentences in certain selective situations. There should be public support of nontraditional programs involving alternative sentencing. Policy makers need to weigh carefully the enormous costs of continuing the
traditional form of corrections with its emphasis on incarceration. If we don't put more emphasis on preparing and assisting the return of the criminal offender to society as a contributing citizen, then we must reconcile ourselves to the fact that we will be spending more and more money on prisons with little or nothing to show for it except an excess of eligible offenders to fill them.

Winston Churchill characterized the correctional dilemma as follows:

The treatment of crime and criminals is one of the most unfailing tests of a civilization.... A desire and an eagerness to rehabilitate... and tireless efforts towards the discovery of a regenerating process for criminals mark and measure the stored-up strength of a nation.

**Alternative Sentencing**

A study funded by the U.S. Justice Department and conducted in 1980 found that new or added-on prison space is filled to 130 percent of capacity within five years. Housing one inmate in a state prison typically costs around $24,000 per year and for maximum security facilities the cost can go as high as $35,000 per year.

In the United States we spend over $9 billion a year to operate existing state prisons. Billions more go to the Federal prison system and to fund capital outlays and construction of new prisons.

An additional factor contributing to the increased
awareness of non-prison sentencing has been the pressure brought to bare by the state and federal courts. Currently 38 states are under some sort of state or federal court order or consent decree to reduce prison populations. The National Prison Project reports that entire prison systems in ten jurisdictions are operated under court order or consent decree. These jurisdictions are Alabama, Alaska, Florida, Mississippi, New Mexico, Rhode Island, South Carolina, Tennessee, Texas, and Puerto Rico.

Throughout the United States in the last ten years overcrowding and astronomical costs have led to a significant increase in the use of alternative sentencing. Alternative sentencing is any sentence not involving imprisonment. These sentences usually involve probation as well as any combination of additional restrictions such as house arrest, restitution, fines, community service, counseling, drug testing, mandatory employment, electronic monitoring of an individual's movement, supervision of varying degrees, and the loss of certain privileges.

Most states have begun to look at some form of alternative sentencing of criminal offenders, primarily nonviolent offenders, involving increased supervision with added conditions and requirements. Sentencing advocacy programs are also on the increase.

The Sentencing Project in Washington, D.C. reports that there are now 115 defense based sentencing advocacy
programs in twenty-seven states. The purpose of sentencing advocacy is to develop alternative sentencing proposals for "prison bound offenders." An advocacy group compiles information about a defendant's criminal history, background, education, family, employment, and medical/psychological history. The advocate then makes a recommendation that may include supervision, counseling, community service, restitution, drug treatment, or other conditions. Of the 115 programs, forty are affiliated with public defender offices; others are private groups. Sources of funding for the advocacy programs range from state and local governments and fees provided by the offender for service, to federal drug enforcement grant money.

These advocacy programs may prove to be most beneficial. Such programs are but one example of the innovative thinking directed toward the resolution of the problem of overcrowding prisons.

Some Innovations In Corrections

An interesting innovation in the area of correction and supervision of criminal offenders is the increased use of electronic monitoring. Electronic monitoring is a process that enables the surveillance of offenders by the use of electronic tracking and transmitting devices. This type of surveillance does not rely on face-to-face contact
with a supervising officer, making it possible to provide supervision of multiple offenders at the same time. It was first used in Palm Beach, Florida in 1984. By 1988, thirty-three states utilized some form of electronic supervision involving 2,300 offenders; the average cost for supervised offender was about $15 dollars per participant per day.¹⁵

Benjamin F. Baer, chairman of the U.S. Parole Commission, recently stated that electronic supervision "could result in significantly reduced costs over methods that are now being used." He also feels that electronic monitoring could provide an alternative to incarceration for certain offenders.

The U.S. Justice Department is currently conducting tests involving electronic monitoring; there are eleven offenders participating in the test. This test is being administered by Guardian Alternatives Technologies of Denver, an organization specializing in electronic surveillance and monitoring. In this test the cost of supervising an offender ranges from $5.00 to $30.00 a day for a parolee in a halfway house. The Justice Department anticipates that as many as 7,000 inmates could potentially be eligible for electronic monitoring. Those convicted of sex offenses and those with ties to organized crime are not eligible for the federal program.¹⁶ Given the cost of incarcerating federal offenders there is potential in such a program for enormous savings to the American taxpayers.
Florida has a computerized control program that has proven to be an "efficient method of alternative sentencing and part of the solution to the state's prison overcrowding crunch." The Florida program tracks offenders 24 hours a day and they must pay a fee to help defer maintenance costs. So far, 1,700 offenders have participated in the Florida program. The program has several levels of control; only offenders convicted of non-violent crimes are eligible and offenders who participate must not be considered a security risk. Florida Department of Corrections officials are planning to expand the use of electronic monitoring because such a program provides for the constant surveillance of offenders. Electronic monitoring of offenders is more cost effective than incarcerating them in Florida institutions.

The Texas Attorney General recently ruled that the use of electronic means to monitor the whereabouts of probationers was constitutional (Aug. 11, 1987). Texas is using electronic devices on a limited basis in two counties. Probation officers in Texas agree that electronic monitoring will be a helpful tool and will allow the state to increase the number of probationers.

Electronic monitoring could be a useful tool as an augmentation to probation and parole. Electronic monitoring alone won't provide the kind of service that most probationers require. Most offenders on probation will need
counseling, direction, and support in their efforts to establish new patterns for living a crime free life. A positive aspect of electronic supervision is that it will provide for the constant surveillance of the offender when he/she is not directly involved with a probation or parole officer.

**Halfway Houses and Prerelease Centers**

Prerelease centers, halfway houses and other facilities that are less restrictive and less costly than prison are also viable alternatives to incarceration. Most of the argument one hears against halfway houses or prerelease centers has to do with possible threat or risk to the community. The residents of halfway houses and prerelease centers can be adequately supervised and at a cost substantially lower than the costs of incarceration.

In most halfway houses an inmate must work, turn over his/her pay to the supervisor, pay rent, go directly to and from work, and adhere to very strict curfew rules. Inmate resident of The Highland House in Phoenix said "in many ways this is tougher than the joint," just one mistake and it's back to prison. In a halfway house, an inmate is permitted the opportunity to re-enter society in a way that will provide him/her with valuable experience dealing with the pressures of the outside world. Another positive aspect is that halfway houses can serve the needs of an inmate at a
fraction of the cost of incarceration.

When one considers the costs of incarceration, prison construction, and the problems relative to overcrowding conditions, it certainly does appear to be in society's best interest to insure that inmates are returned to society with the best possible chance of success.

**Intensive Supervised Probation/Parole**

The most promising form of alternative sentencing is the practice of intensive supervised probation (ISP). With ISP there is little or no need for additional physical facilities in order to implement and operate such a program. There will be a need for additional start-up funds, however, the total amount would be substantially less than the funds required to incarcerate an equal number of individuals for the same amount of time.

Critics often point to the high recidivism rates of those placed on probation. Champion, however, points out that the recent innovations in probation programs, specifically intensive supervision, have resulted in substantially lower recidivism rates among probationers in such programs.22

One of the leaders in corrections innovations has been the State of Georgia with its Intensive Probation/House Arrest Program, often referred to as "the future of American corrections."23 The purpose of the Georgia program is to
demonstrate that serious offenders could be supervised effectively within the community. Offenders normally spend from 6 to 12 months on intensive supervision/house arrest. The program is worked by a team consisting of a probation officer and a surveillance officer. The Georgia program limits an individual officer's case load to 25. To date 3,000 offenders have participated, and only 16 percent have been removed from the program or returned to prison for technical violations.  

Those who participate in the Georgia Program must either work or receive educational/vocational training. Offenders pay a fee of $10 to $50 per month, observe a very strict curfew, and keep the probation officer notified of all activities. Offenders also pay restitution, if required, and perform up to 132 hours of community service. The probation officers provide a list of all those being supervised to local law enforcement agencies. The program has been credited with contributing to a 10 percent reduction of felons who are incarcerated and with lower recidivism rates. 

Funds for parole supervision in Texas were tripled in 1983. In addition, $26 million was appropriated for intensive probation and restitution centers. These steps were taken as an alternative to providing the $1 billion needed for prison construction in order to keep pace with the projected prison population growth. Texas authorities
hope to divert 9,000 offenders from the state's prisons over a two-year period.\textsuperscript{26}

In New Jersey, intensive supervision requires participants to hold a job, observe curfew, perform community service, pay victim restitution, and contribute to the cost of the program. Of 275 offenders in the New Jersey program thus far, only 2.5\% have been jailed for new crimes; this program started in 1987.\textsuperscript{27}

Kentucky has an intensive supervised probation program that boasts a success rate of 83\%. Of 1,337 offenders who have participated, only slightly more than 2\% were removed because they were convicted on new charges. The expected cost of the program in 1988 is estimated to be $3.72 per offender per day, compared to $32 per day to incarcerate the same offender.\textsuperscript{28} George Wilson, Secretary of the Kentucky Corrections Cabinet cited an estimated yearly savings of $1.9 million. This savings represents the difference between the cost of intensive supervision and the cost of incarceration for the same period of time. The goal of the program was to "enhance public safety, provide an alternative to incarceration and reduce costs to the taxpayers." According to Wilson, the goals "are being achieved and are even being exceeded."\textsuperscript{29}

Alternative sentencing isn't the only possible solution to the problem of overcrowded prisons and higher rates of incarceration. To some, the option of building
more prisons at a faster rate is the only viable alternative to the problem of overcrowding in prisons. The political consequences of appearing soft on crime are of paramount importance to policy makers and elected officials. The majority of Americans view criminals as deserving punishment and the majority of our prisons operate from a punitive rather than a rehabilitative perspective. This trend, however, appears to be changing, primarily as a result of the extraordinarily high cost of incarcerating individuals, the majority of which repeat or recidivate and end up back in prison. The need to save scarce public resources seems to be the primary motivating factor for changing existing correctional systems throughout our country.
1. The committees title was "Panel on Research on Rehabilitative Techniques." Members were: Lee B. Sechrest, Nathan H. Ozrin, Eugene Eidenbug, Steven Fienberg, Jack Bibbs, Gary Bottfredson, Claudewell S. Thomas, Ann White and Samuel Krislov. The panel spent nearly two years on the project.


4. Panel of Research on Rehabilitation Techniques, pg. 102-104.


18. Ibid, pg. 127.


24. Ibid. p. 19.


29. Ibid. pg.7.
CHAPTER 4

CORRECTIONS IN MONTANA

This chapter provides background on the Montana correctional system as it now exits. It also reviews the Montana adult probation and parole programs as well as the current situation at the Montana State Prison and other correctional institutions in the state. The purpose of the chapter is to provide insight into how the current correctional process works in Montana.

Sentencing

Montana faces the same problem of prison overcrowding as do many other states, albeit on a smaller scale. The incidence of serious crime in Montana, those crimes being homicide, rape, robbery and assault, have decreased from 1,680 in 1980 to 934 in 1988. During the same period of time, Montana's prison population has increased from 714 inmates in 1980 to 1007 in 1988.

The Corrections Division of the Montana Department of Institutions (MCI) reports that there are a number of factors responsible for the continual growth of the MCI
population. Its 1988 annual report cites several sentencing practices as contributing to the increased state prison population.

Among the current sentencing practices that seem to be contributing to the increased prison population in Montana is that more offenders are being sentenced to prison on their first conviction. In addition, offenders are receiving longer terms. The average length of stay for a prisoner has also increased, particularly during the 1980's. The number of offenders being sentenced to prison as a result of probation and parole violations has also increased. At the same time, throughout the 1980's, offenders receiving probationary sentences decreased. All of these sentencing practices have contributed to increased prison population in Montana.

The dangerous offender designation has been imposed more often in the last ten years, also resulting in an increase of population at the prison. When an offender is designated a dangerous offender by the sentencing judge, he must serve half of the sentence before becoming eligible for parole; those offenders not designated dangerous are eligible for parole after serving one-quarter of their sentences. In 1980, the prison population designated as dangerous offenders was 8.4 percent of the total; in 1988, the percentage of dangerous offenders in the state prison population was 14.6 percent. A dangerous offender
designations will most certainly have a major impact on an individual's length of stay in prison.4

If these sentencing practices constitute a trend, it will be imperative that the legislative branch of government, as well as the courts, seriously examine nonincarcercative sentencing practices if they desire to bring about a reduction in state prison population.

Parole Practices

The overcrowded conditions at Montana State Prison have become so severe that offenders are now given early parole in order to alleviate the problem. The Montana Board of Pardons paroled 63 inmates during July 1989. This reflected an increase of almost three times the current monthly average of twenty-two inmates paroled per month. On August 7, 1989 Board of Pardons Chairman Henry Burgess said, "the Board will continue to parole inmates to help ease overcrowding at Montana State Prison." According to Burgess, violent offenders and sex offenders weren't considered for the early parole. Most of those paroled were convicted of nonviolent offenses such as property crimes and theft. Burgess said, "our concern is for public safety." The prison population at Montana State Prison as of August 8, 1989 was 1,095 inmates, this is 65 inmates over its maximum capacity.5
Montana's correctional system consists of three correctional facilities and five prerelease centers, all of which are operating near or over capacity and are expensive to maintain. These facilities include the Montana State Prison (MSP) located in Deer Lodge. The State Prison operates five programs: (1) Care and custody; (2) Prison Ranch; (3) License Plate Factory; (4) Prison Canteen; (5) a prison industries training program. The original capacity of the prison was 754 inmates. There are currently 1,095 inmates housed at the prison. A 96 bed addition is currently under construction. The total cost of housing an inmate in 1988 was $36.42 per day. This compares to $34.16 in 1984, a 6.6 percent increase over the last four years.

The Swan River Forest Camp (SRFC), is a minimum security prison for 18 to 25 year old males. Swan River has a capacity of 54 inmates and is currently operating at capacity. SRFC has rehabilitation programs consisting of vocational training, general education, work programs, and chemical dependency treatment. The total cost per inmate per day at (SRFC) is $48.62. The Women's Correctional Center (WCC) is located at Warm Springs. The WCC is a converted dormitory and was designed to house 30 inmates; as of July 1989 there were 47 inmates. The WCC has educational/vocational programs, treatment programs, recreational activities, parental training, and spiritual
services. The cost per day per inmate is $40.46.®

**Adult Community Based Services**

Community based correctional services in Montana consist of prerelease centers and the probation and parole services. With community based service, an offender receives supervision, training, treatment, and employment in the community in which he/she resides.

Montana has five prerelease centers, four for males and one for females. The three centers in Butte, Great Falls, and Billings are operated by non-profit organizations on contract to the state. The remaining two centers in Missoula and Billings are state operated.10

The combined capacity of the five prerelease centers is 132 beds, with 12 beds reserved for female offenders. All of the centers are nonsecure, minimum security. Their purpose is to encourage and assist the offender with employment, family relations and citizen participation, and to promote offender stability in the community. To be eligible for placement in a prerelease center an inmate must be within one year of parole and, typically, be convicted of a non-violent offense. The prison as well as a local screening committee must approve a center placement, while final approval rests with the Correction Division Administrator. An offender is seen as successfully completing prerelease when he/she is "considered
economically stable, free of chemical dependency, and capable of living a constructive life."\textsuperscript{11}

The daily per capita costs of incarceration in the prerelease centers is comparable to, or slightly higher than, the cost of incarceration in the state prison. The costs per day for all of the centers for fiscal year 1988 are as follows:\textsuperscript{12}

<table>
<thead>
<tr>
<th>Center</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missoula Prerelease</td>
<td>$31.96</td>
</tr>
<tr>
<td>Billings Prerelease</td>
<td>$48.87</td>
</tr>
<tr>
<td>Butte Prerelease</td>
<td>$36.05</td>
</tr>
<tr>
<td>Alpha House Prerelease</td>
<td>$39.12</td>
</tr>
<tr>
<td>Great Falls Prerelease</td>
<td>$40.72</td>
</tr>
</tbody>
</table>

The prerelease centers are all supervised by the Community Corrections Bureau and are classified as correctional institutions.

**Adult Probation and Parole Services**

Adult probation and parole services in the State of Montana make up the Community Correctional Services. Probation and parole services for adults in Montana are defined by statute as:

**Parole:** The release to the community of a prisoner by the decision of the Board of Pardons prior to the expiration of his/her term, subject to conditions imposed by the board and subject to the supervision of the Department of Institution.\textsuperscript{13}

**Probation:** The release by the Court without
imprisonment, except as otherwise provided by law, of a defendant found guilty of a crime upon verdict or plea, subject to conditions imposed by the Court and subject to the supervision of the department upon direction of the Court. 14

Probation and parole services are divided into four geographic regions: Missoula has eleven officers; Helena has ten officers; Great Falls has seven officers; and Billings has ten officers. Billings has one additional officer assigned to intensive parole/probation supervision.

Probationers and parolees are assigned to one of three levels of supervision:

**Maximum:** Those assigned to this level must meet with their supervising officer at least twice a month. They must file monthly reports.

**Medium:** Offenders assigned this level of supervision must meet with their assigned officer once a month. They must file monthly reports.

**Minimum:** Offenders must meet with their assigned officer at least quarterly and file quarterly reports. 15

Although there are administrative rules governing the Adult Probation and Parole services, it is the District Court Judge who grants probation and sets the conditions. "The department (Department of Institutions) shall supervise persons during their probation period in accord with the conditions set by a Court." 16 In addition to supervising an offender, the probation officer also advises and consults with the probationer, encourages him/her, and keeps any
records that the Department of Institutions or the court may require. The probation and parole officer may also recommend, and the court may modify, any condition of supervision of sentence at any time. A sample probation agreement is listed in the appendices.

The Montana State Board of Pardons is responsible for executive clemency and the granting of parole. The granting of parole for both male and female prisoners is subject to the statutory restrictions as defined in Section 46-23-201 of the Montana Code Annote 1987.

A prisoner must have served at least one-quarter of his/her sentence and at least one-half if he/she has been designated a dangerous offender. Offenders serving life sentences must serve at least 30 years, less "good time." Good time credits are awarded to an inmate for good conduct and/or satisfactory performance of an assignment. Parole is to be granted only in the best interests of society and not as a pardon. A prisoner must show a willingness to fulfill the obligations of a law-abiding citizen. The current policy at the prison allows for the early parole of prisoners when the prison population exceeds its maximum by 96 inmates for more than 30 days.

As of the end of fiscal year 1988 (based on daily averages), there were 3,222 adults on probation or parole in Montana; 451 adults on parole and 2,771 adults on some form of supervised probation.
This chapter has provided an overview of the Montana Correctional System. The correctional facilities and services in Montana are both costly and are operating at or above capacity. The programs and services that are currently available in Montana are not sufficient to provide any substantial relief to the problem of overcrowding. The early release of offenders from prison and the diversion of offenders who would normally be sentenced to prison must be accompanied by an adequate program of supervision.

The only correctional program in Montana not discussed in this chapter is the Intensive Supervised Probation program currently in use in the City of Billings, the Thirteenth Judicial District. This program, will be discussed in the following chapter.
ENDNOTES


2. MONTANA, Department of Institutions, Corrections Division Annual Report Fiscal Year 1988, (Helena, Montana) 1989: 16.


7. Ibid, p. 3.

8. Ibid, p. 4.


15. Corrections - Division Annual Report, p. 49.


19. Corrections Division Annual report, p. 47.
CHAPTER 5

INTENSIVE SUPERVISED PROBATION IN MONTANA

This chapter defines, discusses and illustrates the concept of intensive supervised probation. The current limited use of ISP in Montana is described and examined, including discussion of eligibility of offenders and supervision techniques.

Intensive supervised probation can be defined as a program under which offenders are placed on probation with their freedom of movement more strictly and closely supervised than has traditionally been the case with conventional probation. Petersilia and Turner refer to ISP as "tougher than traditional probation, but less punitive and costly than imprisonment."¹ Champion defines intensive supervised probation as "something more than standard probation but less than incarceration."² The Montana Board of Crime Control defines intensive supervision as:

Generally, the confinement of convicted felons at their place of residence in the community, under supervision of a probation and parole officer, in which a felon may normally leave the residence only to go to work or attend treatment programs. Depending on the type of intensive supervision, the felon may also be electronically monitored.³
Typically, the probationer under intensive supervision would have more frequent contacts with a probation officer, confinement to home or place of employment, strict curfew, and any number of other restrictions necessary to closely monitor the offender’s activities.

**Eligibility of an Offender**

There are currently at least twenty-six states that have instituted some form of intensive supervised probation or house arrest programs. The specific eligibility criteria for an offender to participate in these programs are often as varied as the number of jurisdictions utilizing ISP programs. However, there is a certain amount of uniformity in the overall eligibility criteria.

Most of the intensive supervised programs appear to be geared toward nonviolent or first-time offenders. Programs typically exclude offenders who have been convicted of violent offenses, i.e. murder, rape, assault, and robbery. In Oregon, for example, the criteria for intensive probation exclude persons with any history of violence, not just those who are arrested for violence.

In the New Jersey intensive supervision program, only offenders who are already serving a sentence in prison are eligible for the program and then only if they are serving a sentence for a nonviolent offense. The offender must successfully complete two ninety-day periods in the
community before being completely accepted. Electronic monitoring is required in some cases.6

The Georgia Intensive Probation Supervision Program targets those who are not serving time in prison and among these, those who are high risk but are at the same time nonviolent offenders. Offenders who would have normally been sent to prison may be placed in the ISP program instead.7

Most ISP programs seem to have some uniformity with regard to criteria for participation and also for standards and means of supervision for those in the programs. For example, the caseload size for probation officers in ISP appears to be substantially lower than the caseloads of probation officers practicing the conventional type of supervision.8

Working Models of ISP

The key to a successful program for supervising offenders is close monitoring of the offender's activities and movement. Supervision must fit the needs of the particular offender but at the same time, adequately protect the interest of the public. There should be as many conditions or requirements as are necessary to make an offender accountable and to allow for the offender to progress and hopefully succeed in a program. The terms or conditions of probation range from electronic monitoring of
his/her whereabouts to restitution, employment/education, chemical dependency counseling, treatment, curfew, fees, fines, or any combination of these. Most of the models in use incorporate these conditions as well as other stipulations.

Don Smarto, presenting one such model, feels that intensive supervised probation can be successful and that an offender who might fail after incarceration could indeed make progress under an intensive supervised probation program having the following characteristics:

1. The probation officer should have a small caseload (between fifteen and twenty offenders).

2. The criminal history of the offender must be carefully reviewed, looking for habitual criminal patterns and past failures with probation. Out of this study, the probation officer would develop a specific case strategy to help the offender solve his problems.

3. The conditions of the supervision should include therapy, when necessary, and support from additional professionals, including drug counselors and clinical psychologists.

4. The probation officer should meet with the offender two to three times a week for at least one hour.

5. The probation officer should make regular home visits, verify employment, and network with other professionals who interface with the offender.

6. Any violations, technical or criminal, should be brought to the court's attention swiftly.
7. The probation officer's supervisor should carefully monitor the probationer's compliance with agreed goals.

Smarto also suggests that technical violations alone should not be the only basis for terminating the intensive supervision. Only a new criminal conviction should result in resentencing or prison.°

The State of Georgia appears to be the frontrunner, having the most emulated ISP program in the United States. In Georgia the supervision standards include but may not be limited to:

1. Five face to face contacts per week with an officer,
2. 132 hours of mandatory community service work,
3. Mandatory curfew,
4. Mandatory employment,
5. Regular records checks, and
6. Routine and unannounced alcohol and drug testing.

In the Georgia ISP program, caseloads are kept as low as 25. Two officers work together as a team on the same caseload. One visits the offender at home and at his place of employment. This officer functions in an enforcement capacity and provides surveillance of the offender. The second officer operates in a more conventional capacity, in an agency office. In Georgia, offenders are all nonviolent and would normally have been sent to prison. The program is supported by fees imposed by the sentencing judge. Savings to the state of Georgia are impressive. The daily expense for supervising a probationer in Georgia's Intensive
Supervised Probation was found to be under $5 a day, while the daily cost for incarceration in a Georgia penal facility is $30 a day and up.\textsuperscript{11}

In Illinois, inclusion in the Intensive Probation Supervision program is limited to first time offenders not convicted of violent crimes or drug offenses. A presentence investigation must show that offenders do not pose a danger to the community.

Offenders in the Illinois ISP program must go through the following three phases, each of which must be completed before the offender can move on to the next:

**Phase I**

1. Duration is three months.
2. There is face-to-face contact between probationer and the ISP officer at least five times per week.
3. The Probationer must submit verification of employment or attend appropriate job training courses.
4. A 7 A.M. to 7 P.M. curfew must be observed, unless employment or community service obligations alter the requirement.
5. Arrest checks are made weekly.
6. The probationer is required to perform a minimum 60 hours of community service.
7. Drug testing may be conducted at anytime.

**Phase II**

1. Duration is from three to six months.
2. Face-to-face contact is required between probationer and the IPS officer three times per
week.

3. Curfew regulations are more relaxed.

4. Community service of 40 hours is required.

5. Drug testing is continued.

6. Arrest checks are made weekly.

7. Offenders must submit verification of employment and continue to attend appropriate job training courses.

Phase III

1. Duration is a minimum of six months.

2. All requirements of previous phases are continued, but at a "less intense level."\textsuperscript{12}

The typical case load for a probation officer operating in the conventional probation setting is anywhere from thirty to one hundred-fifty depending on the jurisdiction and the type of supervision required. The caseload recommended in the ISP models cited is twenty-five. Therefore, ISP programs will necessitate increase in the number of officers needed.

\textbf{ISP in Montana}

Montana is currently utilizing intensive supervised probation in one jurisdiction, the Thirteenth Judicial District in Billings. The ISP program in Billings is funded by the state legislature and a federal grant written by Jim Pomeroy of the Community Corrections Bureau, Montana Department of Institutions.\textsuperscript{13}
The Montana Intensive Supervision Project with electronic monitoring was designed to "provide supervision for chemically dependent offenders who would otherwise be sentenced to prison and parole violators who would have been returned to prison."

The stated goals and objectives of the program are as follows:

Goal 1: To provide a cost-effective sentencing and/or placement option that satisfies punishment, public safety and treatment objectives.

Objectives:

1.1 Provide a cost-effective community option for offenders who otherwise would be incarcerated.

1.2 Promote public safety by providing surveillance and risk control strategies indicated by offender risk/needs profiles.

1.3 Increase the availability of treatment resources to meet offender needs.

1.4 Promote crime-free lifestyles by requiring program participants to be employed and/or attend school, to avoid alcohol/drug use and to make restitution.

Goal 2: To decrease burdens of substance abuse related crimes on the criminal justice system.

Objectives:

2.1 Redirect behavior from crime by promoting a substance-free lifestyle.

2.2 Enhance the use of community resources in the identification, control and treatment of chemically dependent offenders.

2.3 Increase the likelihood of successful offender reintegration within the community.

2.4 Provide an alternative to incarceration in Montana State Prison.
2.5 Provide information relevant to sentencing decisions, parole conditions, and admission to intensive supervision programs.15

The client selection criteria call for assessment of offender risk. In making this assessment the likelihood of an offender posing a threat to the community or committing new offenses is considered. Those potential clients designated as non-dangerous will receive priority for selection. Offenders who are known to be assaultive may be excluded. All clients must be sentenced by a Montana District Court prior to being admitted into the program and those offenders with a history of drug abuse or chemical dependency will be considered likely candidates for the program. The reason for selecting offenders with a history of drug abuse or chemical dependency is that their usage can be closely monitored.16

The client caseload is limited to 31, shared by two officers.

The referral for each candidate is prepared by the intensive supervision officer and contains the following information:

1. Referrals for the ISP will originate from:
   - District Court
   - Probation/Parole Hearing Officers

2. The Intensive Supervision Officer will:
   - Assess risk/needs.
   - Document history of chemical dependency.
3. The referral packet is to be prepared by the Intensive Supervision Officer and will contain the following information:

- Completed risk/needs assessment form.
- Pre-sentence reports as well as copies of criminal history and summation of institutional behavior if applicable.
- Information pertaining to screening and/or assessment of chemical dependency.
- Complete information on offense as charged, not just offense as pled.
- Any other information available that will assist the ISP staff in screening referrals.

All of the referral materials are screened by a committee made up of the Regional Supervisor, ISP officer and an optional member of the 13th Judicial District. The next step is an orientation meeting between the offender and an ISP officer. During the meeting, the following procedures are accomplished:

1. Contracts and special conditions are reviewed to insure the offender's understanding.

2. A deposit of one hundred dollars ($100.00) is collected from the offender for utilization of electronic monitoring equipment. The deposit is to be made in the form of a money order.

3. Referrals are made to other agencies for evaluations, recommendations and/or treatment. Specific time frames for initial contacts with these programs will be included.

4. A photograph of the offender is made and
placed in the file. A copy is sent to local law enforcement officials.

5. Electronic monitoring equipment is issued and instructions in its use and maintenance are provided.

6. A list is submitted by the offenders of all persons residing in his/her home and all persons that may visit his/her home. Both lists are reviewed by ISP and are subject to the ISP officer's approval. Visitors presently under probation and parole supervision or having lengthy criminal histories may be unauthorized to visit the participant's home.

7. The status of offender's home telephone is verified by the ISP officer.

8. An initial, individualized contract plan of supervision is developed. The individualized contract plan will be revised prior to each phase change. The treatment needs and referrals based on Risk/Needs Assessment and other available information, reporting schedule, curfew hours, and community service schedule are outlined in the plan.

This intensive supervised probation program closely resembles the Georgia program. Only those clients who complete Phase II programming will be considered as candidates for referral to Phase III (traditional supervision). A contract must be signed prior to beginning each new phase. All clients and collateral contacts will be documented in the ISP Officer's chronological log.

All clients must remain in Phase I for a minimum of 60 days and are required to maintain a drug-free lifestyle. Clients must submit to at least one drug test per week.
which will utilize the breath analyzer and urinalysis. Random testing will also be conducted at the discretion of the ISP officer. Other requirements for clients will include face-to-face contacts with ISP officer twice a week and telephone contacts throughout the week. The ISP officer will also make random collateral checks with schools, employer, and any counselor the offender may be seeing.

Clients must maintain a strict curfew. Curfew hours will be monitored by electronic equipment, home visits, phone calls, and by law enforcement officers.

Each client must verify 40 hours of employment or educational programming per week. Clients must also complete at least 40 hours of community service in the first phase.

In addition, there are requirements that clients seek employment, verify all activities, keep a running log of time and dates and turn in all logs and contacts at the end of each week. A client must successfully complete all of the requirements for each phase before moving into the next phase.

Phase II status lasts a minimum of 120 days. The drug-free lifestyle and testing continue in phase II just as with phase I. Face-to-face contacts with the offices are decreased to once a week in this phase and telephone contact with the ISP officer is weekly.

The home visits will continue, as will contacts by law
enforcement and corrections personnel. The electronic monitoring will be continued if deemed necessary by the ISP officer. The requirements for employment or education continue and there is a continuation of the community service, 40 more hours in this 120 day phase.

The third and final phase is basically the same as the second phase except that offenders must remain on maximum supervision for at least 90 days and supervision is by a regular probation or parole officer other than the ISP officer. Drug testing continues, but face-to-face contacts with the officer are now limited to twice a month. Although they are not required to perform community service during the third phase, clients must comply with all other requirements and conditions.

Other conditions that may be imposed on clients throughout the three phases of ISP include, but are not limited to, making restitution to victims, individual counseling, chemical dependency counseling or other treatment programs.18

The purpose of the discipline is to provide closely monitored supervision in order to protect the community and at the same time maintain the offender in the least restrictive environment possible. For those who violate the rules, the disciplinary procedures are progressively more severe. The sanctions progress in intensity from the use of stricter curfews to incarceration or possible return to the
State Prison. Alternatives involve increased testing for alcohol or drugs, more frequent office visits, increased electronic monitoring, additional community service, or more stringent modification of the probation/parole contract agreement.¹⁹

A formal description of the three-phase system as well as an outline of disciplinary procedures can be found in Appendix B.

After successfully completing the program at the end of nine months, the client will be considered for traditional probation/parole supervision.²⁰ (The electronic monitoring system and procedure are explained in Appendix C).

At the present time, Billings is the only region in the state of Montana utilizing an ISP program. The original grant expired in 1988 and the Montana Legislature has continued to fund it. Currently, there is a proposal to fund a similar project in Missoula.

Intensive Supervised Probation and Parole has the potential of providing quality supervision of offenders. The important aspects of such a program include determining the eligibility of participants. This chapter has shown, in fact, that ISP does work in other jurisdictions. It appears to be working in Montana on a limited basis.

The next chapter will outline a proposal recommending adoption of ISP for Montana. The proposal will include the
costs effectiveness as well as the benefits of implementing such a program on a statewide basis.
ENDNOTES


5. Petersilia and Turner, 66.


8. A more detailed description of alternative sentencing and Intensive Supervised Probation programs can be found in Expanding Options for Criminal Sentencing, Joan Petersilia, the Rand Corp. Santa Monica, California, 1987.


10. Erwin and Bennett, 2.


13. For a detailed exploration of the Montana Intensive Probation project, objectives and goals, see the Intensive Probation Project Manual, Community Correction Division, State of Montana, Department of Institutions.


15. Ibid, 1.

16. Ibid, p. 3.

17. Ibid, p. 3 - 4.


CHAPTER 6

PROPOSAL FOR ISP IN MONTANA

This chapter will look at population projections for the State Prison and review the cost associated with incarceration. ISP will be recommended as a means of reducing prison population at a cost lower than that of incarceration. The chapter will also discuss some anticipated problems with implementation as well as some social and moral implications if ISP is implemented.

Cost Comparisons In Montana

Projections are only as accurate or realistic as the data utilized in making them. There are several factors that permit forecasts of prison population: length of stay, crime rate and statutory requirements. The Montana Department of Institutions has made correctional institution population projections for 1989 through 1995. These were based on a combination of assumed future admissions, length of stay, and the projected state population. They were derived using a program marketed by the Criminal Justice Statistics Association named impact.¹
The Department of Institution projections indicate a steady growth in prison population, length of stay, and total male institutional jurisdiction in the State, as shown in Table 1.

**TABLE 1: CORRECTIONAL INSTITUTION POPULATION PROJECTIONS.**
**FISCAL YEARS 1989 - 1995.**

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Future Length of Stay (Months)</td>
<td>31</td>
<td>31.25</td>
<td>31.5</td>
<td>31.75</td>
<td>32.0</td>
<td>32.25</td>
<td>32.5</td>
</tr>
<tr>
<td>Montana State Prison</td>
<td>1022</td>
<td>1059</td>
<td>1095</td>
<td>1118</td>
<td>1139</td>
<td>1157</td>
<td>1174</td>
</tr>
<tr>
<td>Male Total Jurisdiction</td>
<td>1208</td>
<td>1245</td>
<td>1281</td>
<td>1304</td>
<td>1325</td>
<td>1343</td>
<td>1360</td>
</tr>
</tbody>
</table>


The cost per day of incarceration is not included in the Department of Institutions projections, however, the current cost per inmate per day for incarceration at Montana State Prison is $36.42. The Swan River Forest Camp costs $48.62 per day and the Pre-release centers range from $31.96 to $48.87.²

In 1988 there were 3,222 individuals on adult probation or parole in Montana. Not including one ISP officer currently operating in Billings, there are thirty-eight probation and parole officers in the state: Region I- Missoula has eleven, Region II Helena has ten, Region III Great Falls has seven, and Region IV Billings has ten. The active caseloads of each officer range from 70 to 123 offenders. The state's overall average caseload is eighty-
In 1988 the cost of supervision per probationer/parolee per day was about $3.13, including administrative costs and equipment.  

The Intensive Supervised Program in Billings supervises 21 clients at a cost of $12.95 per day, including cost of training, equipment, and operating expenses. When the total cost of electronic wristlets and verifiers ($66,161.00) is deducted the daily cost of supervision drops to $4.32 a day per client supervised. Hence, even with the higher cost of $12.95 per day to supervise offenders, a savings of $176,678.25 a year is realized, compared to costs if the twenty-one clients on ISP were incarcerated in the State Prison for the same period.

**Eligible Offenders**

According to Randy Gowen, ISP officer in Billings, there doesn't appear to be a potential problem of eligible offenders for intensive supervision. The selection criteria, as stated in the Intensive Supervised Probation Manual, calls for clients who are nonviolent, don't pose a risk to the community, and have a history of drug/alcohol problems.

Based on information provided by Theodore Clack, a research analyst with the Montana Department of Institutions, as of June 30, 1989 there were 1,421 inmates in Montana correctional institutions. The figure provided
by Clack includes females and all offenders in the five prerelease centers. Of the 1,421 inmates in fiscal year 1989, 409 were classified as violent offenders, those convicted of assault, rape, robbery, murder and kidnapping. Excluding those convicted of a combination of offenses and drug offenders there were 452 incarcerated for nonviolent offenses.\(^6\)

The 452 nonviolent inmates at Montana State Prison are potential candidates for ISP. Also eligible for ISP would be those who come before a District Court for sentencing on new convictions. It is difficult to determine how many of these offenders would be first-time offenders; however those convicted of nonviolent offenses would be possible candidates for ISP.

The crime rate for Montana in 1988 indicates a total of 32,183 reported crimes in the State. The three property crimes, burglary, larceny/theft, and motor vehicle theft, accounted for 97.1 percent. Violent crimes, homicide, rape, robbery, and aggravated assault, accounted for 2.9 percent of the total.\(^7\) These figures are based on the seven common crimes used in the state crime index: homicide, rape, robbery, assault, burglary, larceny, and motor vehicle theft.

The total number of criminal cases filed in Montana's District Courts is substantially lower than the total number of offenses committed in a given year. The latest year in
which records are available, 1987, indicates that there were less than 4,000 criminal cases or 10.4% of the total number of cases filed.®

Based on the available data a conservative estimate would indicate that the majority of criminal cases filed are for nonviolent offenses. There doesn't appear to be a shortage of potential eligible candidates for participation in an Intensive Supervised Probation/Parole Program.

A Recommendation

The proposal outlined in this chapter recommends that an Intensive Supervision Program could be instituted throughout Montana by implementing ISP in the major city within each of the four existing regions. This would make ISP available in Missoula, Helena, Great Falls, and Billings. The larger cities in Montana would be better equipped to provide services such as medical labs for drug and alcohol testing as well as employment opportunities, educational facilities and counseling services.

The 1989 Montana Legislature has funded the Billings program for fiscal year 1990-91, this includes funding of one additional ISP officer. The cost of the Billings ISP for the first year was $99,276 with 75% funded through a grant from the Montana Board of Crime Control. This year's funding will include $24,225 for the new ISP officer position, Grade 13, step 7. After deducting the $66,000
initial outlay for electronic monitoring equipment, the budget for fiscal 1989-90 will be about $58,000. Funding the remaining three regions will involve a substantial appropriation of money. Each of the three regions will require additional personnel as well as the one time purchase of the electronic monitoring equipment.

It will also be necessary for each region to arrange with a medical laboratory to conduct backup verification of drug and alcohol tests. In Billings, this is accomplished by utilizing Medical Labs of Billings, at a yearly cost of $780. It will also be necessary for each region to contract for jail space. The local jails will be used to hold violators and will cost as much as $45.00 per day per inmate.

The combined budgets of the three new regions, including the Billings ISP program with a budget of $81,726 would be $489,729 for the first year. Since the one time purchase of the wristlets and the electronic monitoring system would not be included in future allocations, the cost of each program will be reduced by $66,000 after the first year. There would also be a combined reduction of about $33,000 for purchase of three vehicles for the three new ISP Programs. The total to be budgeted for the second year of ISP in Montana would be approximately $258,729. This figure does not include pay raises or increases in the cost of laboratory services.
Each regional office would supervise no more than 31 clients. Clients would be required to pay a $100 deposit upon acceptance in the program. This money would be used to cover any damage to the electronic wristlet.

During the first year of statewide operation the total cost per day for each supervised client would be about $13.50. After the first year with the initial outlay for electronic equipment and vehicles, the cost per supervised client per day will drop to about $7.10 per day. These figures are based upon the assumption of 25 clients per region.

The proposed budget for each region for the first year of operation will be of $136,001 and all four of the newly created regional ISP programs will service a maximum of 31 clients at a time. Table 2 in the appendices provides an item breakdown of the proposed budget for the first year of operation in each new region.

Potential Savings to The State of Montana

If ISP were implemented as suggested, in all four existing community correction regions, the savings to the State of Montana for new prison construction and incarceration at existing correctional institutions would be substantial. Even for the first year of operation, at $13.50 per day per supervised client, the net savings would be about $836,580. After the first year the amount of
savings to the State of Montana would increase to around $1,070,180 a year.\textsuperscript{10} This, of course, assumes that all of the ISP Programs were operating at the capacity of 25 supervised clients per region. Even at 80\% of client participation, 20 per region, the savings to the State would be around $856,144 a year, after the first year. The potential savings to the State of Montana over a period of just five years could range from $4,280,720 to $5,350,900, with 100\% participation of 25 clients participating in each region.

The budget for the Montana State Prison for fiscal biennium 1990 - 1991, including the Swan River Forest Camp, is $27,905,862.\textsuperscript{11} After the first year a five year operation of ISP in each state Region, would constitute nearly 19\% of the 1990 - 1991 biennium budget for the Montana State Prison.

Implementation of ISP in the four Community Correction Regions has the potential of reducing prison construction and operation costs to the State of Montana. This would be accomplished by supervising nonviolent offenders on probation and parole in the community rather than incarcerating them at the Montana State Prison. ISP would likely reduce the current and anticipated crowded conditions at the Montana State Prison.

\textbf{Implementation Issues}

The paramount difficulty in implementing ISP will be
convincing the State Legislature that ISP is both desirable and practical as a statewide program. This report is an attempt to address these issues.

With respect to getting cooperation from the courts the procedure for diverting offenders through the District Court is working quite well in the Thirteenth Judicial District. This suggests that Judges will need the statutory authority to amend sentences and divert offenders to ISP as a condition of probation.

The selection criteria for statewide ISP will be modeled after those already used in the pilot project in Billings. The procedures are clearly spelled out in the Intensive Supervision Manual, Department of Institution.

Other problems that could be anticipated might be slow start-up times and logistical and training problems regarding the use of officers in State regions who would be using ISP for the first time. In general, though experience indicates that once these matters are resolved the program goes smoothly.

On August 22, 1989 Randy Gowen, ISP Officer in Billings, and Phil Sanderson, Probation Supervisor, were interviewed in Billings. Both Officers feel the program has worked and has the potential to continue to work well. It is Gowen's opinion that probationers who have never been to prison have a better success rate than parolees. The first phase of supervision under ISP appears to be the most
difficult for offenders. Randy Gowen noted that occasionally offenders have difficulty in getting phones and a suitable place to live. Those offenders in the program who enjoyed the most success were those living with or near family members and having a strong support system.

There are currently 21 offenders in ISP, four are parolees and the other 17 are on probation. According to Gowen about sixty-five percent are currently employed; all would be in prison were it not for the availability of the ISP program. A total of 30 individuals have been in the program to date, eight placements have been revoked and the offenders returned to prison, while two have been graduated to regular probation.

Policy Implications

One important item that must be addressed when offenders are placed within a community is concern for the welfare and safety of citizens. In addition, it is of paramount importance that offenders not be released to the community if there appears to be a likelihood that they would commit new offenses. The issue of risk does not appear to be a major potential problem. There may be some in the community who are opposed to ISP, but the fact that participants will not include those convicted of a violent offense should help to alleviate their fears. This should be made clear to the community, and it would be advisable
that Community Corrections personnel make themselves available to educate the public as to the purpose as well as the process of ISP.

The current trend among a majority of the public, appears to be a philosophy that is punitive in nature, and that punishment means incarceration. Some may believe that alternative sentencing and, in particular, ISP will allow law violators to get off too easy. The key here is that there may be more than one way to punish. It is a misconception to believe that ISP does not constitute a form of punishment. Offenders are held accountable for their past and present behavior; they must make restitution to their victims and in all cases be required to perform a substantial amount of community service.

Of the most important elements of ISP is that offenders must be self-sufficient, employed or enrolled in a recognized vocational/educational program.

Colson suggests that the issue isn't whether to punish but how to punish. Colson goes on to say that prisons are indeed necessary for violent offenders; however, about half of those currently behind bars could be classified as nonviolent offenders.\textsuperscript{13}

Sound alternatives to prison are available. Restitution, community service and intensive supervised probation are tough and effective punishments that limit freedom and place demands for compensation upon the offender.\textsuperscript{14}
Intensive supervised probation and parole can relieve the crowding in Montana correctional institutions and provide for adequate offender supervision at a fraction of the cost of incarceration. Offenders will be held fully accountable for their actions. Hopefully they will be provided the opportunity to re-enter society with the ability and the desire to lead productive, crime free lives.
ENDNOTES


2. Ibid, p. 3-8.


4. Department of Institutions, 1988 Budget, Corrections Division, p. 15.


10. These calculations are based on the figure of $36.42 per day to incarcerate an offender in the State Prison. This figure is provided by the Montana Department of Institutions, Corrections Division Annual Report, January 1989: p. 3.


12. Randy Gowen and Phil Sanderson were interviewed at the Probation and Parole Office in Billings on August 22, 1989.

14. Ibid., p. 60.
REFERENCES CITED


Montana Department of Institutions. Corrections Division Budget 1988, [Helena: Department of Institutions 1988].


Sanderson, Phil. Personal Interview. 22 August 1989.


Appendix A

Options Considered by
State Prison Overcrowding Projects
### TABLE 2: OPTIONS CONSIDERED BY STATE PRISON OVERCROWDING PROJECTS

<table>
<thead>
<tr>
<th>Options Considered</th>
<th>Present Status (as of 8/84)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Adopted</td>
</tr>
</tbody>
</table>

**Colorado**

1. Expansion of prison capacity: adding bed space to existing facilities  
   - Adopted

2. Increased use of transitional community corrections beds: 75 beds  
   - Implemented

3. Intensive probation supervision: diverting designated felons from prison into intensive probation supervision  
   - Doubts about prison impact

4. Capping legislation: establishing a population limit and providing for emergency release measures to maintain a desired population level  
   - Vetted by governor

5. Site-selection authorized: authorizing state officials to identify a site for construction of a corrections facility  
   - Passed

6. Criminal justice commission: establishing a commission to develop sentencing guidelines  
   - Under consideration

7. Extended parole: directing the parole board to use risk assessment in establishing length of parole supervision  
   - Passed

**Michigan**

1. Disciplinary credits Bill: permitting prison administration to give certain offenders time off for good behavior; good time had been abolished by public referendum  
   - Passed

2. Establishments of the Sentencing Guidelines Commission  
   - Passed State House; awaiting state senate action

3. Jail Emergency Powers Act: established criteria by which county officials can release offenders early if the jail is over 95% of design capacity  
   - Passed effective 3/83
4. Community Corrections Act: keeping certain offenders in the community who would otherwise be sent to prison

5. Prison Overcrowding project appropriation: continuing the work of the Michigan Prison Overcrowding Project

Oregon

1. Accelerated release bill: giving the governor the power to release state inmates up to 90 days early to reduce population to 95% of capacity

2. Blocking enhancement legislation: blocking various bills designed to increase penalties for criminal behavior

3. Facility development: supporting corrections division request for converting mental health facility to a 350-bed medium-security prison

4. Various proposals for sentencing reform

5. Proposal to reform sentencing practices

South Carolina

1. Sentencing Guidelines Commission: legislation continuing the commission and providing funds for staff
2. Emergency Powers Act: permits the governor to release state inmates up to 90 days early when prison population exceeds operating capacity

3. Amendments to supervised furlough program: increasing numbers being released to supervised furlough and adding parole officers

4. Intensive probation supervision

5. Pretrial diversion

6. Closing of the Central Correctional institution: Built before the Civil War

7. Funds to continue operation of SCPOP

<table>
<thead>
<tr>
<th></th>
<th>Adopted</th>
<th>Rejected</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Emergency Powers Act</td>
<td>Passed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Amendments to supervised furlough program</td>
<td>Passed</td>
<td></td>
<td>Under consideration by policy group</td>
</tr>
<tr>
<td>4. Intensive probation supervision</td>
<td></td>
<td></td>
<td>Dropped</td>
</tr>
<tr>
<td>5. Pretrial diversion</td>
<td></td>
<td></td>
<td>Being planned by committee of policy group and local government officials</td>
</tr>
<tr>
<td>6. Closing of the Central Correctional institution: Built before the Civil War</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Funds to continue operation of SCPOP</td>
<td>Approved</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Appendix B

State of Montana ISP
Phase System and Disciplinary Procedures
PHASE I

The minimum standards are as follows:

All ISP clients are required to complete all aspects of Phase I to be eligible for Phase II programming.

Phase I requirements:

1. All clients will be in Phase I status for a minimum of 60 days.

2. All clients must maintain a "drug-free" lifestyle. This will be measured via:
   a. Urinalysis
   b. Breath analyzer

All testing will be done on a random basis at the discretion of the ISP office. All clients will be subject to a minimum of one test per week. Any positive test results will require disciplinary actions and will inhibit a client from entering Phase II.

3. Clients will be required to:
   a. Meet face-to-face with ISP officer twice weekly. (One of these contacts must be outside ISP office).
   b. Converse telephonically with ISP officer weekly.
   c. The ISP officer will make weekly collateral contacts with employer and/or counselor. All collateral contacts will be random at the discretion of the ISP officer.

4. Phase I clients will be required to maintain specific curfew hours. The curfew hours will be monitored via:
   a. Electronic surveillance equipment.
   b. Home visits by ISP officer or his designee.
   c. Phone contact by Community Corrections personnel.
d. Local law enforcement officers.

5. All Phase I clients are required to secure and maintain full-time employment and/or and educational program.

The Phase I client must be capable of verifying 40 hours of employment/educational programming weekly.

6. All Phase I clients must complete a minimum of 40 hours of verified community service. Additional community service hours may be required if client is unemployed. The additional hours are up to the discretion of the Intensive Supervision Officer.

7. All Phase I clients must comply with all treatment program requirements as designated by ISP officer.

8. All Phase I clients must comply with all conditions stipulated in his/her court order.

9. Phase I clients accepted into the program who are unemployed must abide by the following conditions:

   - Contact a minimum of 10 prospective employers per day.

   - Submit a signature sheet to prospective employers. The signature sheet will be designed to verify time and date of prospective employer contact. The signature sheet is to be turned in weekly, or more often at the discretion of the ISP officer.

   - Program clients will keep a running "log" of times and dates of all prospective employer contacts. The log must include information pertaining to the participant's whereabouts between prospective employer contacts. The running "log" is to be turned into the ISP officer weekly.

   - Program clients who are terminated from employment will be subject to the previously stated conditions. The conditions will be in effect until the program participant secures employment.
PHASE II

All clients will be required to successfully complete all requirements of their Phase I program for a minimum sixty days. If the ISP Officer feels that a client is ready to progress to Phase II the client will be moved into Phase II of the program.

1. Clients are required to remain on Phase II status a minimum of 120 days.

2. Phase II clients must maintain a "drug-free" lifestyle. This will be measured via:
   a. Urinalysis
   b. Breath analyzer
   - All testing will be done on a random basis with a minimum of one test per week.
   - Positive test results will prohibit clients from entering Phase II.

3. Phase II clients will be required to:
   a. Meet face-to-face with ISP officer weekly.
   b. Converse telephonically with ISP officer weekly. The ISP officer will make a minimum of one collateral contact bi-weekly (i.e., employer, CD Counselors).

4. Phase II clients will be required to maintain specific curfew hours. The curfew hours will be monitored via:
   a. Home visits by ISP officer or his designee
   b. Phone contacts by Community Corrections personnel.
   c. Local law enforcement officers.
   d. If deemed appropriate by ISP officer electronic surveillance equipment will continue to be utilized.

5. Phase II clients are required to maintain full-time employment and/or an educational program. Phase II clients must be capable of verifying 40 hours of employment/educational weekly. Loss of
employment or withdrawal from an educational program may result in a phase reduction.

6. Phase II clients must complete a minimum of 40 hours of verified community service.

7. Phase II clients must comply with all treatment requirements as designated by ISP officer.

8. Phase II clients must comply with all conditions stipulated in his/her court order.

PHASE III

All clients will be required to successfully complete all requirements of the Phase II program for minimum of 120 days. If the ISP Officer and Regional Supervisor feel that a client is ready to progress to the third and final phase, the client will be moved into Phase III.

1. Phase III clients will be transferred to a "standard" form of supervision. The Phase III client will be under maximum supervision and supervised by a probation & parole officer other than the designated ISP officer. The ISP client will remain on this status for a minimum of 90 days.

2. Phase III clients must maintain a "drug-free" lifestyle. This will be measured via blood alcohol level and urinalysis as deemed appropriate by his/her supervising probation and parole officer.

3. Phase III clients will be required to meet face-to-face with probation and parole officer twice monthly.

4. Phase III clients are required to maintain full-time employment and/or an educational program. Loss of employment or withdrawal from an educational program may result in phase reduction.

5. Phase III clients must comply with all treatment requirements as designated by the probation and parole officer.

6. Phase III clients must comply with all conditions stipulated in his/her court order.

Appendix C

Electronic Monitoring System
ON GUARD-VERIFIER CLIENT INFORMATION SHEET

As a person wearing the On Guard WRISTLET you are expected to follow certain rules as a condition for probation, parole or home supervision status. Failure to do so may result in loss of that status.

The WRISTLET will not be harmed by normal human actions and may be exposed to water, heat, cold, etc. without concern. You may not remove the WRISTLET unless you are told by a supervisor or officer. It is a violation of this program to remove or attempt to remove the WRISTLET.

You are supplied in addition to the WRISTLET with an On Guard Verifier unit, consisting of a Verifier wand and a Coupler box. This unit is to be connected to your home telephone. When you get home, you may install the Verifier by this simple procedure:

1. Disconnect the wire from your telephone and plug it into the connector on the Coupler Box marked "LINE." It will only fit in one way.

2. Take the short wire supplied with the Verifier and connect it between your telephone and the connector marked "PHONE" on the Coupler box. With this method you do not have to remove the telephone wire connected at the wall.

3. Take the coiled cord supplied with the Verifier and connect it between the Verifier wand and the connection marked "VERIFIER" on the Coupler box.

4. The Coupler box can be secured near the phone by using either the screws or the double-faced tape supplied with the Verifier.

After installation of the Verifier your telephone should operate in the normal manner. Check the receiver to make sure you have a dial tone. If you do not have a dial tone, check to make sure the wires have been installed in the proper marked positions. If after checking you still do not have a dial tone, remove the Verifier, re-connect your telephone and call your control agency.

If you have difficulty installing the Verifier or if your telephone is not equipped with a standard telephone jack, contact your supervision office at once.
HOW DOES THE ON GUARD SYSTEM AND WRISTLET WORK:

During your curfew period(s), you will receive telephone calls at random times which will identify themselves as curfew supervision calls. The number of calls and the time of the calls will vary from day-to-day. It is even possible that on some days you will not receive a call. Each call will tell you what to do. For example: "State you name, the time and insert your WRISTLET." If someone else answers the phone, there will be a delay to allow you time to come to the phone. If the message has been completed by the time you get to the phone you can still insert your WRISTLET and complete a curfew check. As a minimum, you should always state your name before inserting the WRISTLET. ONLY THE PHONE WITH THE VERIFIER SHALL BE IN USE WHEN INSERTING THE WRISTLET.

The WRISTLET will only fit into the Verifier in one direction and should be inserted so that it reaches the bottom of the opening. You can tell that it is inserted correctly when you hear a beep followed by four or more beeps. If you do not hear more than one beep you should contact your control agency by telephone immediately.

REMEMBER!!!

1. Wait at least 2 rings before answering all calls.
2. When you receive a curfew call wait until you hear the tone before you answer and insert your WRISTLET.
3. Make sure that you respond to each curfew call.
4. Call your control office immediately if for any reason you have been unable to successfully complete a call.
5. Do not attempt to remove the WRISTLET, stretch the wristband, etc., unless authorized to do so. Removal should only be performed by a control officer. Exceptions for medical or other reasons should be reported immediately to the control agency.

Local law enforcement agencies, medical facilities and the telephone company have been informed of this program. In the event of an emergency or problem, common sense should be used to assure your safety and well being. All exceptions to conditions of probation, parole or home supervision should be reported immediately to your control agency.

Note: ALL WRISTLETS and VERIFIERS are the property of Digital Products Corporation. Your acceptance of the use of the WRISTLET and Verifier as a condition or probation/parole and/or early release confirms your agreeing not to open or abuse this equipment. Opening, destroying, loss or theft of either item constitutes a crime punishable under the law.

Control Agency Telephone Contact Number: ____________________
Your Control Officer: ____________________

Client Signature                                    Date
Appendix D

Miscellaneous Tables
### TABLE 3: PROPOSED BUDGET FIRST YEAR FOR EACH REGION.

<table>
<thead>
<tr>
<th>Personnel</th>
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<tr>
<td>Two Intensive Probation Officers</td>
<td>$39,278.00</td>
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<tr>
<td>Grade 13 step 7.</td>
<td>$9,172.00</td>
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<td>Total</td>
<td>$48,450.00</td>
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<table>
<thead>
<tr>
<th>Contract Services</th>
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</thead>
<tbody>
<tr>
<td>Jail fees (60 days @ $40.00 per day.)</td>
<td>$2,400.00</td>
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<td>Total</td>
<td>$2,400.00</td>
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</table>

<table>
<thead>
<tr>
<th>Equipment</th>
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</thead>
<tbody>
<tr>
<td>Automobile and Maintenance (fleet purchase).</td>
<td>$12,500.00</td>
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</tr>
<tr>
<td>Alco Sensor Intoximeter</td>
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</tr>
<tr>
<td>Alco Sensor Mouthpiece</td>
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<tr>
<td>On-Guard Central Electronic Monitoring System.</td>
<td>$17,500.00</td>
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</tr>
<tr>
<td>31 Wristlets and verifiers @ $1,550.00 each.</td>
<td>$48,050.00</td>
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<tr>
<td>Refrigerator</td>
<td>$450.00</td>
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<tr>
<td>Total</td>
<td>$78,661.00</td>
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<table>
<thead>
<tr>
<th>Operating Expenses</th>
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</thead>
<tbody>
<tr>
<td>Urinalysis Reagents/31 tests per week @ $3.75 X 44 weeks.</td>
<td>$5,115.00</td>
<td></td>
</tr>
<tr>
<td>Supplies, materials, printing.</td>
<td>$595.00</td>
<td></td>
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<tr>
<td>Back-up urinalysis verification at a Medical Laboratory, to be used for positive results on the EMIT system 65 @ $12.00.</td>
<td>$780.00</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$6,490.00</td>
<td></td>
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Total Budget for on region.  Grand Total $136,001.00
### TABLE 4: DISTRIBUTION OF PROBATIONER/PAROLE SUPERVISION BY LEVEL

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Probationers</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum No.</td>
<td>891</td>
<td>869</td>
<td>837</td>
<td>779</td>
</tr>
<tr>
<td>% Probationers</td>
<td>32.2</td>
<td>32.1</td>
<td>33.2</td>
<td>31.9</td>
</tr>
<tr>
<td>% Total</td>
<td>27.7</td>
<td>27.6</td>
<td>28.5</td>
<td>27.4</td>
</tr>
<tr>
<td>Medium No.</td>
<td>581</td>
<td>605</td>
<td>559</td>
<td>551</td>
</tr>
<tr>
<td>% Probationers</td>
<td>21.0</td>
<td>22.3</td>
<td>22.1</td>
<td>22.6</td>
</tr>
<tr>
<td>% Total</td>
<td>18.0</td>
<td>19.2</td>
<td>19.0</td>
<td>19.4</td>
</tr>
<tr>
<td>Minimum No.</td>
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<td>497</td>
<td>410</td>
<td>392</td>
</tr>
<tr>
<td>% Probationers</td>
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<td>18.3</td>
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<tr>
<td>% Total</td>
<td>16.6</td>
<td>15.8</td>
<td>14.0</td>
<td>13.8</td>
</tr>
<tr>
<td>New No.</td>
<td>764</td>
<td>738</td>
<td>718</td>
<td>721</td>
</tr>
<tr>
<td>% Probationers</td>
<td>27.6</td>
<td>27.2</td>
<td>28.4</td>
<td>29.5</td>
</tr>
<tr>
<td>% Total</td>
<td>23.7</td>
<td>23.5</td>
<td>24.5</td>
<td>25.4</td>
</tr>
<tr>
<td><strong>Parolees</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum</td>
<td>145</td>
<td>141</td>
<td>136</td>
<td>127</td>
</tr>
<tr>
<td>% Parolees</td>
<td>32.1</td>
<td>32.0</td>
<td>33.1</td>
<td>31.8</td>
</tr>
<tr>
<td>% Total</td>
<td>4.5</td>
<td>4.5</td>
<td>4.6</td>
<td>4.5</td>
</tr>
<tr>
<td>Medium No.</td>
<td>95</td>
<td>98</td>
<td>91</td>
<td>90</td>
</tr>
<tr>
<td>% Parolees</td>
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Source: Corrections Division Annual Report, Montana Department

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*Excludes admissions to SRFC and pre-release center, to eliminate double counting.
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Source: Corrections Division Annual Report, Montana Department of Institutions, January 1988: 17.
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Appendix E

Flowchart, Disposition of Alleged Offenders
TABLE 7 FLOWCHART, DISPOSITION OF ALLEGED OFFENDER

ARREST
  └─ CHARGES DROPPED

DISTRICT COURT TRIAL
  └─ DISMISSAL, ACQUITTAL

CONVICTION
  └─ RELEASE
     └─ DEFERRED SENTENCE ── PROBATION ── DISCHARGE
     └─ SUSPENDED SERVICE

INCARCERATION
  └─ MONTANA STATE PRISON ── SWAN RIVER FOREST CAMP
     └─ WOMEN'S CORRECTIONAL CENTER
           └─ PRE-RELEASE CENTER ── SUPERVISED RELEASE

BOARD OF PARDONS (BOP)
  └─ DISCHARGE
     └─ PAROLE
        └─ PROBATION TO FOLLOW*
             └─ RETURN TO BOP
              └─ REMAIN ON PAROLE
                  └─ POSSIBLE PAROLE REVOCATION W/ RETURN TO INCARCERATION

*Probation may be 1) continued; or 2) revoked with a sentence to prison to serve out the remainder, or to serve a new sentence if found guilty of a new crime; or 3) probation may be revoked with imposition of a new suspended or deferred sentence. Source: Montana Board of Crime Control, Data Book, 1988: 63.