

MINUTES OF THE MEETING  
FINANCE AND CLAIMS  
MONTANA STATE SENATE

March 23, 1977

The fourteenth meeting of the Senate Finance and Claims Committee met on the above date in the House Chambers as a joint meeting with the full committee of the House Appropriations on hearing the sub-committee report on Institutions with Representative Gerke as chairman.

Representative Gerke gave forwarding remarks, introduced the committee, the Secretary, and the fiscal Analysts. He said he would like to thank the new director of the institutions Mr. Zanto, and said Larry had done a lot of work to help them. He introduced Dave Lewis, and mentioned 2 others who had done a lot of work in helping the subcommittee. He said they visited all of the institutions and 5 of the mental health centers. He complimented the Legislative Audit Committee for their work, how much they had used them, and the handle the audit had given them to get ahold of the problems there. The draft bill and the explanation for it were presented, attached as exhibit 1 and 2.

Representative Gerke explained that the light house drug treatment was a drug treatment program housed at Galen. He also said Nebraska was no longer taking our women prisoners.

Question from Representative Marks: With 280 patients at Warm Springs in the communities--what happened to the rest of the people discharged from Warm Springs? Ans. Most of them are in the community. Analyst Tom Briggs said 280 of these people in Warm springs are eligible for being in the communities, they were inappropriately placed in Warms Springs to start with.

Senator Stephens said we have \$425 + thousand for community allocated programs. How much money are we putting in that area in the current biennium. Ans. In general fund--in the neighborhood of \$1 million a year on the out, and about 1+ million dollars in Galen.

Representative Bradley asked about the subcommittee recommendations--What is the first area of differences, or is it a difference all the way through with all the programs. Rep. Gerke said it was a number of programs. He gave a break down as Community Health \$585,000, etc., with the figures ranging \$212,000, 9,000, \$380,000, \$328,000, and a total of about \$1.6 million dollars, and some scheduled. He said it was just an adjustment the subcommittee thought should be made.

Representative Lynch said he understood there would be generated from the alcohol. Did your committee consider this? Ans. Yes. It was taken into consideration. If the bill did pass it would replace the general fund money. Lynch: If it replaced the general fund money would that money then become available to reduce the \$953,000 in the Warm Springs Budget. Ans. It could possibly be, but is not a recommendation of this committee.

Senator asked for elaboration on the \$280,000 on the incarceration for women prisoners. Would this be in one area? Ans. The plans are somewhat inconclusive and indefinite at the moment.

Representative Gerke discussed the community base concept. He said it would take too much money to establish a community base. Two years ago we appropriated money for a pilot correction program. The people in the area did not like the idea, and we still have not found a place to start one. There was quite a bit of citizen protest over the possibility of one at Missoula. He discussed a possible if they could get one at the old army base in Missoula, that it be made available to female offenders rather than to male offenders, they had checked to see if some county might have a jail that would be suitable, and so far nothing had been found. He said there are always some female offenders that need closer supervision, and that always involved contracting them out, possibly California might take some, and there was the cost of travel involved, also.

Senator Roberts asked a question on the probation parole program. He said he understood there are about 60 parole possibilities, but because of the high case load they are already handling, no officer is willing to take them. He wondered if they needed more people to handle parolees. He understood only a secretary was granted. Ans. Yes, but there is some confusion. There are 24 that will be talked about for parole--not 60. We do need more parole officers, the secretary was an economy move. They said if not more parole officers, a secretary could take a lot of the paper work off their load.

Boulder was discussed. He said now that the institution program was under way, he felt we should take all the under developed to Boulder for intensive care to prepare them to go to another institution, or a foster home, or a home. Dr. Conyard at Boulder is proposing to get them off drugs and tranquilizers and to give them intensive care treatment. Some of the highly retarded people will be sent to Warm Springs.

Representative Lynch said there was a reduction in the over all Boulder FTE of about 100 people. The contract was made to the city of Boulder. There will be another 50 some employees required. Will we again hit up the City of Boulder for water sewer, etc.? He said there had been an agreement before that if they built the houses the state of Montana would help. It was much cheaper than to have the state go in and put in pads and sewer and water. These people need to get paid, and we should recognize our obligation to Boulder and pay up.

Representative Gerke said there may have been some understanding and some misunderstanding as to the responsibility of the state of Montana. There was nothing in writing. He said they did not anticipate any new houses having to be built, that the staff that is there is the anticipated staff. Lynch said there had been some sort of agreement made in 1975 and the city of Boulder needs \$49,000 for the contracts. He asked if it was the committees intention to phase out Boulder, that he did not feel there would ever be a time when we did not need a Boulder.

Representative Bardanoue said there was no real impact on Boulder with this budget. What has happened is that with the decrease of population in Boulder they have had to cut down some. They have not entered into any agreement with Boulder. There is a bill in the Legislature to appropriate \$49,000 for a sewer, but the Legislature has not acted on it as yet.

Representative Marks asked if they would consider Boulder to be a place to teach the handicapped so that they would be more comfortable in their homes, and would you consider this as one of the functions of the school?

Representative Lynch was concerned with the headlines in the papers in regard to the Boulder River School. Representative Gerke said we have made none of the remarks contributed to us, and do not feel we can let the papers rule the legislature. Representative Lund said the committee was unanimous to keep Boulder as an intensive care institution for treatment.

Center for the Aged was gone through. Representative Gerke said we have begun to move people into the new wing at Lewistown. He said they had allowed budged money to contract for a doctor to visit since the nurses had been running back and forth before.

He said the geriatrics liked to have visits from their families and the controlled use of the watt line gave them a chance to talk to their families on occasion, which really helped.

Eastmont Training Center was discussed, Representative Gerke saying it is only operated on Monday through Friday, buses that were used before as the result of parent pools or donations were worn out, and needed replacement. The school is for the developmentally disabled and with the new special education programs in the school the attendance has dropped. This is a very small school, really well run, and has produced very good results.

In answer to Representative Marks question as to the number of recipients under their care, the answer was 37 now, although it is generally 35 to 37.

Senator Roberts asked what would happen if they closed Eastmont. Senator Gerke said he did not know, the schools were not ready to accept than many, and Representative Bardanoue said possibly some of the worst would be sent to Boulder. Roberts then asked if this was not education, and why the institution budget, and Representative Gerke answered because they worked together so closely on it. Discussion was held on the high cost ratio per recipient at Eastmont compared to the other institutions.

Galen State Hospital was discussed. Representative Gerke said they have in mind a feeling they can save the state some money on duplication of administrative costs. He said they actually have an agreement to start on the program, and read it to the committee, attached as exhibit. Representative Bardanoue said he was primarily interested in providing care and eliminating duplication of service. He said there would

be no interruption of service in Warm Springs.. He said there are 104 unoccupied certified beds in Galen, some unoccupied in Warm Springs and in Boulder. By eliminating some of the duplication of services, we can give better care. He said while there are only 10 to 13 patients in the category of T.B., they are finding more in the treatment of alcoholics.

Discussion was held on the certified beds, the Bureau of Indian Affairs money put into Galen with the condition that it would remain open and treat Indian patients, the drug and alcohol program. There was discussion of union people and independent union personnel in others as well as other problems involved in the merging of programs by these two institutions which are only 4 miles apart. Warehousing at Warms Springs, etc., but Senator Gerke said no problem was insurmountable if people really worked at it. Analyst, Tom Briggs gave the break-down of patients at Galen. 93 alcoholics, 38 T.B., expect to have 41 mentally retarded and 14 geriatrics. Figures were presented to the committee orally on the probable numbers being transferred from one area to another. They also discussed the futility of treatment which often occurred in treating an alcoholic in his own area among his own defeating surroundings. Much more and lasting treatment was given by removing the patient for treatment where he was kept for a longer period of time. It was suggested that House Bill 909 would make more people aware of this service, and increase the patient load.

Ratio's for transfer's were discussed, since some of the hospitals need more care, such as Boulder on an intensive care, and then sent to another institution where the care was not so intensive. Different costs of the institutional operation would be taken into consideration with the transfer of patients. It was also discussed that in the alcohol program the number of average patients was decieving. The total alcoholics treated in the institution in the year was 5,854. The short term stay was the thing that made the average so decieving.

Mountain View Girls School was discussed, and with no questions the committee went on to the Pine Hills school. Much discussion was held on the farm operation there since there was not a real figure for income. Though the income might be low, the committee felt some of this was off-set by giving the boys an occupation and a work program where otherwise they were to be unoccupied. They said 135 youngsters at the moment, although they generally averaged 140 to 142. In answer to Representative Lynch's question they said the cost was \$14,000 per student.

Senator Roberts said he had had the opportunity of talking with Dr. Holladay and he was talking about an intensive care treatment. Was there any consideration of that concept? Representative Gerke said they are recommending that that building be built. It is a matter of getting it out of Long Range Building and if the Legislature decides if they want it or not.

Montana State Prison. Representative Gerke said the License Plate Manufacturing Plant at the State Prison is old, dilapidated, and dangerous. He felt we would have someone being asphyxiated

or hurt in it. He said they would like to update the prison vehicles since they were old and terribly expensive to operate. He mentioned a sprinkler, some breeding stock for the farm, and some meat processing equipment since they also furnished meat to the other institutions.

Representative Marks asked if there had been any cost analysis as to profit or loss on the prison farm. Representative Gerke said 2 years ago they had put the ranch on a revolving account, and sold the meat out (or rather, charged) to the other institutions at 90¢ per lb. He said they had a \$28,000 profit in the revolving fund at the end of the year. In addition they have a large dairy which supplies milk to the other institutions as well as to the prison.

Representative Lynch said he could see why we were in trouble with \$3 million over either the recommendation of LFA, or the Executive Budget. He asked Dave Lewis to explain why they had expected to do the same job with \$2 million less than the committee.

Mr. Lewis said they had put the budget together in September and October, and had anticipated less population in the prison. He said they had to go back in and ask for an increase because of the increased population. Representative Lynch then asked, when they came up with this additional \$2.5 million request, what programs were going to suffer. He also asked if we were to anticipate this continuous growth.

Dave Lewis said they had anticipated a population of 550 at the top, and funding was made available by a current review in some increases in the coal tax etc.

Representative Gerke explained the unanticipated and unprecedented growth in the prison. This was about 30% where the highest any one had anticipated was 8 to 10%. He said with the new laws that are in the legislature asking for longer terms, the pressure on the judges from the citizens to incarcerate for longer terms, the shortage of parole officers, etc., we could see more increase again than we expect.

Representative Bardanouye assured the committee there were no plans to get rid of the prison at the present time. There were some plans to give some of the land south of the prison up, but the prison would be ours as long as we needed it.

Senator Smith said he would like to see the prison farm and the livestock situation there checked into, and felt we should be sure to have a competent farm manager.

Representative Gunderson asked about the possibility of duplication between the additional training at the institutions and the State Board of Education. The state board approves some of secondary education that was given to the prison--Electronics and welding was. It was explained that the reason for having electronics was that the new prison was all geared to electronics and an instructor could serve a dual purpose --they would have someone on the grounds who was a specialist.

Senator Roberts asked about the FTE's to staff the prison. He said with the indication that the present staff would run the new prison he was wondering about the promised cut of FTE's on the new type of prison. Representative Gerke said while the staff was not less in numbers, they had increased the load in the prison --they now have 500, not the 300 they had at that time projected. In addition they would have to keep open the closed security area in the old prison which amounted to more staffing. Representative Gerke told of the increase in the amount of prisoners in all the states, and the building program in California and Wyoming to try to catch up.

Discussion was held on close security, the building of 2 more units, or the possibility of another unit such as we have now with close, medium, and minimum security and using more staff. There was also some discussion of the costs of building the closed security wing, and the possibility of having it full just because it was available.

Swan River Youth Camp was discussed and the Veterans Home.

Representative Himsel said there are two types of facilities at the Veterans Home at Columbia Falls. Apartments and nursing home areas. He said there are people who can't pay more, and some who can well afford to do so. They discussed setting up a revolving fund, and the reimbursements not going back to the general fund as it had done previously.

Warm Springs State Hospital was discussed at length, with several questions and answers given by Representative Gerke, and by Representative Bardanouve.

Senator Mehrens said the patients left at Warm Springs are the ones that are really hard to take care of, and did this account for the higher cost of care, and was told yes, the ones left were the really difficult patients. Mehrens then asked how many FTE's were in administration, not in direct care. Rep. Gerke said they had kept direct care at the same level. There were 104 people to care for 469, 600 + to care for about 489. Representative Bardanouve said there will be some consolidation of units with reduction of population, and by consolidating they will have the same ratio of people, but not around the clock in all the units. Representative Lynch questioned the possibility of cutting back the staff and jeopardizing the patients.

Larry Zanto said he would question with this drastic cut, even with the population cut, would we be matching the letter of the law in the requirements made two years ago when we tried to upgrade.

Dave Lewis said their budget was for 717 positions. They had anticipated a population of 500. With the decrease recommendation by the sub-committee they would reduce their recommendations to 697. They felt this would be required by the standards, and do not agree that 696 would meet all the standards. Representative Lynch said he could not believe that the fiscal analyst took it upon himself to dispute a very

valid issue that anything below the 697 (about 90 employees) do the same duties. He asked that this be resolved since he felt it was a very legitimate question. Representative Gerke said he did not think this year, after calling last year the year of the institutions that we should go back below standards.

Representative Roberts asked what the population in Warm Springs is and whether they had transferred the 41 patients to Boulder. Did they have it accomplished yet? Ans. Not yet. Q. With the 451 would your subcommittee find a substantial increase in Warm Springs? More people are going out, but also more are coming in. Do we take the present figure of 459 as a maximum figure? Representative Gerke said it was felt that it could go down to 410. Roberts then asked if with the development in the community service wouldn't that take care of these people? Representative Gerke said they were not sure of how many could not cope in the communities, and would be returned. He said there had not been a heavy return to Warm Springs, but as they got older, some would probably be returned with senility.

Discussion was held on those being moved from one institution to another and how the cost share would be transferred, and about the 6 buildings that were going to be destroyed and if there were plans to replace them, or if they could be salvaged.

Representative Bardanouye said there was no assurance of how many would be destroyed, and Representative Gerke said there are no plans now to remodel or to rebuild. He said the cost of remodeling seemed to be an error. By the time the building was brought up to standards it cost more than a new one, and was still an old building. In answer to a question on the laundry facilities, he said they are putting in a complete new high capacity laundry, and with the higher capacity and the new equipment the present staff should be able to handle it and the increased load with no problems, at least very few more FTE's.

Representative Gerke went through more of the areas, and was asked a question by Senator Roberts on the Mental Health Advisory Council. What is the position of the Governor in regard to that council? and if he should recommend it, were they in a position to fund it? Representative Gerke said no action was taken on it.

Representative Bardanouye asked for witnesses who wished to talk on Galen. Representative Menahan was critical of the statement by Senator Roberts. He said the type of treatment in the community centers was not effective for a great many of the patients. They have to get the patient out of their environment to treat them.

Representative Polly Holmes spoke on alternative methods of prisoner treatment other than incarceration in a state prison. She said there is a team that will come in at no charge and

give the legislature an analysis of what can be done within 3 to 5 days.

Bill Young, 16 years in parole and probation in the State of Washington, spoke on alternative methods to prisons. He said he was not representing the state of Washington. He was presently working with the work release program. At the present time they have 50 inmates from McNeil Island. He said we will always have to have a penal institution in the state, but we also need alternatives to institutionalism in the state.

The main problem is in determining who can return to society. He said not all the people coming out of McNeil Island are making it, but approximately 75% of those on the work release program make it to parole. He said in the program they have now they have 50 people who are there after receiving long sentences for narcotics, income tax evasion, etc. They expect to pay taxes and obey the law while on the work release program. They receive a urine specimen test as well as other tests constantly to be sure they are not taking narcotics, etc., and while it is for our protection they are sent to prison, or to the work release program to begin with, they need a good work release program to get them prepared to go back into society.

Mr. Paul Spengler, Corrections Task Force, said incarceration should be used as a last resort. In Montana it is often used as a first resort. Sometimes they need supervision and training, and not prison, and often to be removed from their environment would be the most drastic and necessary treatment.

Representative Holmes read a letter from Judge Olson, attached.

Dr. Richard Vandever, said he felt we needed more long range planning and not so much rushing into building. He said that 4 years ago no one predicted the prison would not be adequate, and no one could predict that in 4 more it would not be. We should look at long range plans before we commit ourselves.

Jim Orlando who works for a court testified in favor of work release programs.

Mr. Judge, representing the union, said the unions do not take a position as to where the community service should be established.

Representative Waldren said the best deterrent to crime is to make sure we catch our criminals. Testimony was presented.

Donna Schmauck said she opposed building the new wing on the prison and would want the committee to explore other means.

The committee moved on to other areas, and Representative Menahan said he would like to have Mr. Lewis explain in regard to the 690 employees. Mr. Lewis said the governor's budget was prepared on the 700+ employees. The problem is if we include teachers and others in that category, are there still enough left to care for the patients.

There were questions and answers involving Menehan & Representative Gerke in regard to moving the patients, their care and staffing.

Eva Shunkwiler works at Warm Springs. She said she felt the committee was cutting back on the help. Three shifts with 104 employees, a 40 hour week and vacations, sick leave, and turn over meant something was not taken into consideration to come up with the figures the committee appeared to come up with. She told of patients who were kept on tranquilizers and in restraint, who when taken off the drugs, and out of the restraint were violent, needed 2 to 4 husky people to help to settle them down into or out of restraint, and the closeness they had to have to watch over them so they did not hurt themselves or others. She said it took far more help to give these people intensive care treatment than it did to confine them. She said they have more commitments from the courts also. In answer to a question from Representative Bardanouye, she told the committee the supervisors position had been removed, and that was the position that kept the department in order. She said she was concerned for the safety of both the patient and the help when you did not have enough employees.

Mr. Judge said he understood the committee and the independent workers there had not taken into consideration the turn over or the untrained people, and it took more to do the work of a trained person. His figures were based on no turn over and all workers being trained.

Representative Gerke said in closing he would like to state that so far as the prison situation was concerned, they had investigated Washington, and had asked if they had room for any women prisoners there--they did not. He thanked everyone for the job they had done.

Representative Bardanouye closed the hearing and adjourned the meeting at 12:45 P.M.



SENATOR THEISSEN, Chairman

## MONTANA LEGISLATIVE COUNCIL

## LIBRARY

## ROLL CALL

## FINANCE AND CLAIMS COMMITTEE

45th LEGISLATIVE SESSION 1977

Date 8/10/81

NAME	PRESENT	ABSENT	EXCUSED
THIESSEN, CH	✓		
HIMSL, V.C.	✓		
STORY			
ETCHART	✓		
KOLSTAD	✓		
LOCKREM			
NELSON	✓		
SMITH	✓		
STEPHENS	✓		
FASBENDER	✓		
BOYLAN	✓		
FLYNN	✓		
MEHRENS	✓		
REGAN	✓		
ROBERTS	✓		
THOMAS	✓		

*Joint - ~~Senate~~*  
SENATE COMMITTEE  
~~Institution~~  
VISITORS REGISTER

**BILL**

DATE

3/23

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPPOSE
Dave Lewis	OBPP			
Douglas Bomberger	OBPP			
David Bremner	Myself			
W. D. Bremner	Attention one			✓
Dee Clegg	Indigenous W. S. H.			
Dee Clegg	Wine Springs Ranchingers			
Dee Clegg	Indigenous W. S. H.			
✓ G. P. Bennett	Judge			✓
Randy Moore	Warm Springs State Hos.			
✓ M. K. Morgan, M.D.	Warm Springs M.			
✓ member	Corrections Task Force			✓
✓ Jim Shumard	Self			✓
✓ Jim Shumard	WSST			
✓ Jim Shumard	HRDI-A2L-C10			✓
✓ Jim Shumard	Community Justice			
✓ Jim Shumard	Community Justice			
✓ Jim Shumard	www.Engage			
✓ Jim Shumard	Boulder ATSCME			
✓ Jim Shumard	Salon ATSCME			✓
✓ Jim Shumard	Salon ATSCME			
✓ Jim Shumard	Salon ATSCME			
✓ Jim Shumard	CSA			✓

March 23, 1977

TO: Committee on Appropriations

RE: DESCRIPTION OF ADULT OFFENDER DEFERRAL PROGRAMS  
IN OPERATION OR IN PLANNING STAGES IN MONTANA

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BACKGROUND:

At each point where discretion exists in the criminal justice system, that discretion may properly be used to divert selected adult felony offenders from succeeding processes in the system. For example, judges use discretion in setting bail and in sentencing and prosecutors invoke discretion in charging decisions. In Montana, such discretionary decisions are usually made informally, subjectively, and on a case-by-case basis. There is frequently little latitude available for the exercise of discretion because alternatives are few, those available are unknown, or no follow-up is possible.

PROGRAMS IN DEFERRED PROSECUTION:

Interviews and conversations indicate that most county attorneys in Montana divert certain offenders from the criminal justice system on an informal basis. Structured programs in deferred prosecution have become popular nationally and a few are in initial stages in Montana. Such programs rest on the discretion of a prosecutor to charge or not to charge in any given case, and if the decision to charge is made, to decide what charge or charges are appropriate.

In a formal deferred prosecution program, a county attorney may decide to establish screening criteria to sift out certain good-risk, non-dangerous offenders, provide referrals for such offenders to volunteer organizations or publicly funded social service agencies, and follow-up the behavior or response of the selected offenders for a certain period of time - usually six months to a year. If the selected offender successfully completes the assigned program, no charges are preferred. Fundamental to a successful deferred prosecution program are voluntariness of entry and waiver of the right to a speedy trial by the selected offenders. Selected offenders must also understand that departures from the terms of the program (including re-arrest) will result in speedy prosecution on the initial offense.

As far as we know, only one formal program like that described generally above has been established in Montana. The Yellowstone County Attorney has had such a program in operation since September, 1975. It was initially funded by the Board of Crime Control. Costs have now been assumed by the county, on a basis of demonstrated cost-effectiveness and reduction in repeat offenses. The program has admitted approximately 90 offenders, of whom about five have failed to meet the conditions. Most were on welfare or unemployment compensation initially and have since been removed from public assistance rolls.

Two other formal deferred prosecution programs are in planning stages: one in Missoula County and one in Flathead County. It is currently anticipated that both will be initiated with funds from the Board of Crime Control. Both should be operational in about six months if planning proceeds without unforeseen difficulties.

Bill Lueke

Commissioner, Am. Corrections Inc.

Technical assistance contract  
to assess the M.T. situation. NO COST  
here within a week, with some pressure from us  
~~Can be done in 2 or 3 weeks~~  
Contracts are usually 2 or 3 days. Never more than 10

500 <sup>(at)</sup> prisoners - \$12,899,832 for 79 bins. = \$12,899 yr.

100 prisoners \$1,520,000 for bins. = ~~\$~~ \$1600 yr.

March 22, 1977

Representative Holmes

TESTIMONY ON ALTERNATIVE CORRECTIONS

Ours is a very hard-nosed approach. It's just cold, pragmatic figures. We're going to try to find a system that works.

The responsibility of corrections institutions is not to mete out justice or be sure that everybody is deserving. Our job is not to make the public feel revenged. The job of corrections is to correct. And we must use the programs that work best for that purpose - measured on a cold hard cash basis. For so much money, how many people can you get out of a life of crime and keep them out? - [REDACTED]

That's the only question we're addressing. Apparently we can find \$3.8 million to do the job of containing 200 people at any one time. Now, just as in any big business, we are required to be cost-efficient. What are we getting for our money and could we get more permanent value at less risk with another system? We're going to try to convince the legislature that we can.

Prisons do not correct. No matter how perfect a prison, it is not the best way to correct. Other programs do. The figures demonstrate clearly that a program that puts an offender in a position where his self-esteem is reinforced and where he has hope of a productive life, he corrects his behavior at a [REDACTED] higher rate than when he remains closeted in an abnormal social atmosphere within an institution with wards of the state who are given no freedom to escape each other. It's as simple as that. In states where morality has given way to cold, hard facts, it has been discovered that Jesus was right all along - life isn't a matter of fairness; it never was. We live by grace. Life treats us not as we deserve.

(Heaven help us all if it did) - but according to what we commit ourselves to from now on.

What we want to achieve is the pragmatic result of getting lawbreaking individuals to commit themselves to going straight. Our contention is that there are better ways to do that than to keep enlarging the sick communities that you put them in.

And one way is to put them in the most un-sick social structure you can find - one that is geared toward the goal of success rather than failure. A social situation where ~~all~~ the members want to go straight because life is better for you if you do.

This is the only way that works. Now you can manage this in many different forms of programs. Our bill is suggesting six.

We've called to Montana a representative of the state that has far more experience with this approach than we do, and we've asked him a simple question. How has it worked?

To answer this, we called Norman Chamberlain, national authority in community-based corrections, and he referred us to William ~~W.~~ Young, who spent 16 years as regional administrator of the Division of Probation and Parole in Washington, is a national consultant on corrections planning, and now runs a 50-bed federal work-release center, and is a member of the board of the federal corrections planning authority.

Washington puts thousands of people out on work and education, and treatment furloughs and center-based work-release programs every year. This is by far the cheapest way to handle prisoners (it allows for them to pay ~~half of~~ their expenses and pay restitution to the victim). So we're just going to ask Dr. Young how is it working? What are the figures? How does it compare in rates of repeated crime with the record of prisoners who are restricted behind bars?

*Montana  
June  
Study*

A number of major studies have recently been conducted which have determined the effectiveness of halfway houses. Preliminary indications suggest that recidivism among former community corrections center residents is lower when compared to offenders directly released to the community. In some studies conducted by Ohio State University, it points out, <sup>that</sup> community security is, in general, not jeopardized by community based centers. An American Bar Association study indicated that in most cases crime rates do not go up, nor do property values go down in neighborhoods where centers are located.

Economics are directly related to the attractiveness of community based corrections. New prisons now cost taxpayers \$20,000 to \$50,000 per bed to construct, and from \$5,000 to \$20,000 per person in annual operating costs. By comparison most community based corrections options are less costly. The American Bar Association Correctional Economics Center has conducted a study indicating that community corrections centers are less expensive in daily operating costs than prisons or jails and offer more in terms of services.

In many instances the Center residents pay their own room and board, transportation fees, medical expense, federal and local taxes, restitution and sometimes family support. In most cases the direct dollar costs to the public represents a good investment in terms of cost effectiveness.

~~Most~~ states are finding community programs are less expensive than institutions, and yet effective in offender control.

#### Montana Corrections

It appears there may be a need for a new community based correctional sub-system for Montana prisoners who do not need the close custody now being given to the overwhelming majority of inmates. There are, at this time, 99 inmates who are within six months of parole who could possibly qualify for such a system. Such offenders could be gotten out of the overcrowded prison and into smaller facilities located in the communities to which the offenders would return upon release. Work release, pre-parole release and restitution centers can be established to accommodate them.

PRISON POPULATION DATA

BOARD OF PARDONS FIGURES

60 inmates are now eligible for parole

99 are within six months of parole

159 should be in pre-release programs being prepared for reintegration into normal society.

83% of those paroled in '75 were first - time offenders

BOARD OF CRIME CONTROL FIGURES

60-70%- alcohol-related crimes (Everything from D.W.I. to people who suffer toxic psychosis when they drink)

10-15%- drug related  
(Many of these should be in a drug therapy program Galen)

7% are mentally deficient.  
(Some of these should be at Boulder)

10-15% for all practical purposes incorrigible. Probably need to be permanently institutionalized.

# Quotations from Norman Chamberlain

## Director of National Training Institute on Community Residential Centers

Crime is a social problem that will not go away. It is not like a disease that can be cured or a war that can be won. It is a perpetual and perplexing problem that remains, in spite of massive assaults of reason and resources. We must face certain realities if we are to develop positive public policies:

1. Crime is here to stay. It has been observed that "crime is a young man's business." We are confronted with an expanding population of persons between the ages of fifteen and twenty-five, the most crime prone years. There appears to be a strong and direct correlation between

the crime rate and the birth rate which is aggravated by social and economic conditions in modern industrialized societies. We may decriminalize and legalize such things as drug use and victimless crimes, but history indicates criminal behavior of more serious types will remain.

2. There are no quick and easy solutions. Recently a great deal of research has been conducted related to the question of what works or does not work in correcting criminals. The honest answer seems to be that there is no sure method whereby anyone can guarantee that bad behavior can be permanently changed. Norman A. Carlson, Director of the Federal Bureau of Prisons, has observed, "There are no panaceas in the treatment of offenders. There is no single modality . . . which is appropriate to all inmates under all conditions." There is, as yet, no known method of noncoercively modifying behavior in persons who are not motivated to change. The only persons who can be rehabilitated are those who want to be. Fortunately, many offenders want to change and do.

3. Whatever policies we adopt, we must be prepared to pay the social and economic costs. If we choose to overcrowd our present prisons, we must be prepared for riot and rebellion by a new breed of sophisticated inmates who are sensitive to political issues and militant regarding human rights. If we choose to build new institutions we must be prepared to pay huge sums for such construction, followed by very heavy annual operating costs. We can adopt more repressive measures to combat crime, but only at great public expense during a time of economic uncertainty and, more importantly, at risk to our democratic and constitutional system.

The community residential center can serve the entire criminal justice system by allowing public officials to make decisions that are appropriate to the seriousness of the crime and the severity of the sentence. The existence of community residential centers within the system allows responsible distinctions to be made between crimes against persons and crimes against property. Non-dangerous offenders can be placed in programs which are geared to the nature of their offense sparing society the high human and economic costs of unnecessary incarceration in heavy security facilities. Authorities are now armed with a new arsenal of alternatives for dealing with each individual case on its merits.

Research reveals that recidivism is highest during the period immediately after a person is released from custody. Paradoxically, the person's motivation to succeed is also strongest at the time of release, yet many persons fail at this critical juncture. The evidence indicates that if offenders are provided with supportive services in a structured environment for a reasonable period of time during this critical re-entry period, the probability of success will be enhanced. A recent study by the Washington State Division of Adult Corrections indicates that the relative adjustment of an individual in a halfway house program while on a post-prison community re-entry program is the best known indicator of future parole success.

Several criminal jurisdictions are emphasizing the victim and "victimology," and are utilizing restitution as a form of punishment and correction. The problem: a person in prison cannot earn the money to repay. The solution: sentence the offender to a community residential center for restitution cases where there is strong supervision, strict accountability, and an opportunity to work and repay the victim.

Judge Olson: " The real problem is to have training, jobs, and supervision on parole. We are not giving rehabilitation a real try if we have no supervision on parole."

~~Polly Holmes should challenge the whole room full of people by asking them to indicate by a show of hands, how many of them think that the recidivism rate, that is the return rate of criminals, is 60%. That is how many of the people in the room think that 60% or more repeat their criminal activity. How many people think that the recidivism is more than 50%? How many people think that the recidivism is more than 30%?~~

The most recent national figure on juvenile and adult offenders who have been through standard procedures (conviction, court, incarceration, training, and parole with supervision) is a 24% recidivism rate - this is from a 3,000 case study from across the country.

That figure goes up to a 30% return rate with standard procedures with parole without supervision.

Diversion from standard procedures with no incarceration or training or supervision while on parole, the figure goes up to a 40% return rate.

MARCH 21, 1977

NEWS RELEASE

A BILL WAS INTRODUCED ON MONDAY OUTLINING A SERIES OF ALTERNATIVE CORRECTIONS PROGRAMS WHICH BACKERS CLAIM WILL KEEP AT LEAST 200 NON-DANGEROUS OFFENDERS AT ANY ONE TIME OUT OF THE PRISON AND WILL DO A BETTER JOB OF REFORMING LAW BREAKERS THAN PRISON CAN DO.

SENATOR JOE ROBERTS (D., LIBBY) DESCRIBED THE BILL AS A SERIES OF PILOT PROGRAMS HAILED BY JUDGES AND COUNTY ATTORNEYS FOR THEIR CREATIVE APPROACH TO LOW-RISK OFFENDERS. ROBERTS SAID IT IS IMPERATIVE THAT THE LEGISLATURE CONSIDER ALTERNATIVES TO STATE IMPRISONMENT IN LIGHT OF THE EXECUTIVES' \$3.8 MILLION REQUEST FOR AN ADDITIONAL WING TO THE NEW PRISON.

COMING TO MONTANA TO HELP THE STATE EXPLORE ALTERNATIVE PROGRAMS FOR TURNING OFFENDERS INTO PRODUCTIVE CITIZENS IS DR. WILLIAM A. YOUNG OF SEATTLE, A NATIONAL CONSULTANT ON CORRECTIONS PLANNING. YOUNG WILL MEET WITH CRIMINAL JUSTICE AND STATE GOVERNMENT OFFICIALS ON TUESDAY AND WEDNESDAY AND WILL APPEAR BEFORE THE JOINT FINANCE COMMITTEES OF THE HOUSE AND SENATE ON WEDNESDAY AT 8 A.M. IN THE GOVERNOR'S RECEPTION ROOM.

YOUNG, A VETERAN OF 16 YEARS AS NORTHWEST REGIONAL ADMINISTRATOR FOR THE DIVISION OF PROBATION AND PAROLE IN THE WASHINGTON DEPARTMENT OF CORRECTIONS, NOW ADMINISTERS A 50-BED FEDERAL PRISON WORK-RELEASE FACILITY AND SERVES AS A CONSULTANT ON THE BOARD OF THE NATIONAL CORRECTIONS PLANNING ADMINISTRATION. HE HAS PARTICIPATED IN THE PLANNING OF PRISONS, JAILS AND DETENTION CENTERS IN WASHINGTON STATE

WHERE MORE FORMER OFFENDERS ARE NOW SUCCESSFULLY EMPLOYED THAN IN ANY OTHER STATE IN THE UNION.

ORIGINATORS OF THE NEW BILL INSIST THAT THE PROGRAMS OUTLINED WOULD ASSURE THE STATE OF A HIGHER RATE OF SUCCESS AT AVOIDING REPEATED CRIME THAN COULD BE HOPED FOR IN THE BEST OF PRISONS. EXPERIENCE IN OTHER STATES INDICATES THAT BETWEEN \$1.6 AND \$1.7 MIL. A YEAR COULD SUCCESSFULLY REINTEGRATE 200 PRISONERS EVEN IF NOT A CENT WERE PAID BACK BY THE OFFENDER. IN THE PROGRAMS PROPOSED IN MONTANA'S PROPOSED LEGISLATION, THE PRISONER WOULD BE PAYING BACK ONE-HALF OF HIS COSTS TO THE STATE. IN ADDITION, HE WOULD BE PAYING TAXES, KEEPING HIS FAMILY OFF WELFARE AND RECEIVING THE EDUCATIONAL, MENTAL HEALTH, DRUG OR ALCOHOL AND OTHER SERVICES THAT CAN NOT BE PROVIDED IN AN ISOLATED PRISON.

ASKED IF THERE WAS THE SLIGHTEST HOPE THAT THE NEW BILL WOULD BE ACCEPTED BY THIS LEGISLATURE, SPEAKER JOHN DRISCOLL SAID: "I THINK THAT A SUGGESTION OF THIS SORT HAS TO BE COMBINED WITH THE PROPOSAL TO EXPAND THE FACILITY AT DEER LODGE. IF THERE IS NOT ENOUGH MONEY THEN A PORTION OF BOTH PROPOSALS MUST BE KEPT. THIS CHEAPER FORM OF HANDLING LAW BREAKERS, WILL GIVE US THE FLEXIBILITY OF HANDLING THE 200-300 EXCESS PRISONERS WE WILL CERTAINLY HAVE AFTER THE NEW PRISON IS FINISHED." DRISCOLL GAVE AS THE REASONS FOR FUTURE EXCESS PRISONERS: "A NATURAL NATIONAL TREND, THE MANDATORY SENTENCING LAWS NOW BEING PASSED BY THIS LEGISLATURE AND THE COURT SYSTEMS' TENDENCY TO FILL PRISON SPACE AS SOON AS IT BECOMES AVAILABLE."

POLLY HOLMES, WHO DID SOME OF THE RESEARCH AND PREPARATION FOR

THE BILL, REPORTS THAT VIABLE PROGRAMS IN OTHER STATES GIVE IMPRESSIVE EVIDENCE THAT RETRAINING WORKS IN FOUR OUT OF FIVE CASES WHERE THE OFFENDER'S ABILITY TO MAKE SOMETHING OF HIMSELF IS ENHANCED. "WHEN YOU CRUSH A PERSON'S HOPE AND SELF-RESPECT, YOU ARE AN ACCOMPLICE TO HIS NEXT CRIME," SAYS HOLMES.

REPRESENTATIVE STEVE WALDRON (D. MISSOULA) SAID, "THE CHAMBER OF COMMERCE IN ROCHESTER, MINNESOTA, HAS SETUP A BUDDY PROGRAM WHERE EVERY RETURNING PRISONER IS MET AT THE BUS BY A CITIZEN WHO COMMITS HIMSELF TO HELPING THE PRISONER TO BECOME A CONSTRUCTIVE MEMBER OF THE COMMUNITY. LESS THAN 1% OF THEIR CLIENTS EVER GO BACK TO JAIL AGAIN."

REPRESENTATIVE WALDRON NOTED THAT THESE TYPES OF PROGRAMS AS WELL AS DIVERSIONARY PROGRAMS ARE NECESSARY "FURTHERMORE", WALDRON ADDED, "WE ARE IN NEED OF COMMUNITY BASED CONFINEMENT AND RESTITUTION FACILITIES SO THAT THE CRIMINAL OFFENDERS WILL BE ABLE TO REPAY THE MONETARY COSTS TO THE VICTIMS OF THEIR CRIMES." IN KEEPING WITH THIS CONCERN, WALDRON HAS PREPARED A PROPOSAL FOR BUILDING 4 NEW RESTITUTION CENTERS IN AREAS NEAR METROPOLITAN CENTERS WHERE EDUCATIONAL TRAINING AND TREATMENT SERVICES ARE AVAILABLE.

"LESS THAN 20% OF OUR FELONY OFFENDERS ARE BEYOND PRACTICAL HOPE OF RETRAINING," SAYS WALDRON. "IT'S THAT 20% THAT PRISONS ARE BUILT TO CONTAIN."

HOLMES TOLD OF A PROGRAM IN BILLINGS WHICH OPERATES OUT OF THE COUNTY ATTORNEY'S OFFICE. BY ADDING ONE FULL TIME EMPLOYEE, YELLOWSTONE COUNTY HAS SUCCESSFULLY DIVERTED 86 OFFENDERS IN ONE YEAR FROM THE ENTIRE COURT PROCEDURE. THROUGH THE USE OF A NETWORK OF TRAINED

VOLUNTEERS, THE COUNTY ATTORNEY'S OFFICE HAS INTERVIEWED 200 OFFENDERS, ACCEPTED 91 FOR THE DIVERSIONARY PROGRAM AND ONLY 5 HAVE BEEN REFERRED TO THE COURTS. ALL THE OTHERS ARE NOW WORKING REGULARLY STAYING OUT OF TROUBLE. "THIS ONE PAID EMPLOYEE HAS SAVED THE STATE THOUSANDS OF DOLLARS IN COURT COSTS, JAIL COSTS, WELFARE COSTS FOR FAMILIES AND THE COST OF FUTURE CRIME THAT HAS BEEN AVOIDED BY PROVIDING THE OFFENDER WITH THE SERVICES HE NEEDED.

A SIMILAR PROGRAM IS PART OF THE CURRENT LEGISLATION.

MARCH 14, 1977

NEWS RELEASE

STIFFER PRISON SENTENCES MANDATED BY THE LEGISLATURE FOR ALL LAW-BREAKERS WILL NOT CURB CRIME OR REPAY THE VICTIM. ALL THIS WILL DO IS CRAM OUR BULGING PRISON (AND LATER OUR SOCIETY) WITH BITTER, UNREPENTANT WARDS OF THE STATE. 98% OF THESE PEOPLE WILL BE RELEASED FROM PRISON EVENTUALLY, AND WITHOUT MORE REALISTIC PROGRAMS, MANY OF THEM WILL TURN AGAIN TO CRIME.

FIRST, WE NEED TO DO A BETTER JOB OF IDENTIFYING, CONVICTING, SENTENCING AND SEGREGATING OUR TRULY DANGEROUS OFFENDERS, THE HARDENED CRIMINALS FOR WHOM THERE IS LITTLE HOPE OF REHABILITATION. WE WILL PROBABLY ALWAYS NEED TIGHT SECURITY FACILITIES TO CONTAIN THESE PEOPLE. BUT THE MINIMUM SECURITY OFFENDERS ARE A DIFFERENT ISSUE. WHY NOT, AFTER A PERIOD OF CAREFUL DIAGNOSIS AND EVALUATION, PREPARE THE LOW-RISK, NON-DANGEROUS OFFENDER TO MAKE RESTITUTION TO THE VICTIM OF HIS CRIME? SEGREGATE THOSE NON-HABITUAL OFFENDERS WHO, IF THEY QUALIFIED, COULD CHOOSE TO WORK UNDER CAREFUL SUPERVISION IN A PRISON CAMP OR RESTITUTION CENTER IN ORDER TO REPAY THEIR VICTIMS AND BE RESPONSIBLE FOR THEIR OWN ROOM AND BOARD.

THE LEGISLATURE IS NOW CONSIDERING SPENDING \$3.3 MILLION ON AN ADDITIONAL 200-MAN UNIT AT THE NEW PRISON. SOME OFFICIALS REPORT THAT AT LEAST 200 OF THE LOWEST RISK OFFENDERS (ESPECIALLY FIRST OFFENDERS AND THOSE CONVICTED OF DRIVING WHILE INTOXICATED, WRITING BAD CHECKS, USING MARIJUANA, STEALING FOOD, ETC.) COULD, WITHIN A FEW MONTHS, BE FAR MORE

MARCH 14, 1977

EFFECTIVELY HANDLED IN RESTITUTION PROGRAMS AT WORK CAMPS, CAREFULLY SUPERVISED COMMUNITY CENTERS OR ON WORK-TRAINING FURLough CONTRACTS. (THE PRISON FURLough PROGRAM HAS NOT HAD A SINGLE VIOLATION SINCE THE NEW LAW REQUIRING A VOLUNTEER DAILY SUPERVISOR WENT INTO EFFECT IN 1975.) RESTITUTION PROGRAMS WOULD NOT ONLY MAKE SUCH A LARGE PRISON ADDITION UNNECESSARY, BUT WOULD ALSO COST FAR LESS AND PRODUCE MUCH BETTER CITIZENS. PRISON COSTS \$25 A DAY; COMMUNITY TREATMENT CENTERS \$1/1, AND WORK FURLough 97 CENTS. IN ADDITION, THE OFFENDER, RATHER THAN THE STATE - REPAYS THE VICTIM.

IN STATES WHERE SUCH PROGRAMS HAVE BEEN WELL DESIGNED, AS MANY AS 70% OF THE NON-DANGEROUS FELONY OFFENDERS HAVE BEEN TURNED AWAY FROM LIVES OF CRIME -- PRESUMABLY FOREVER. NO PRISON IN THE COUNTRY CAN ROAST THIS KIND OF RECORD.

SUCH A PLAN WOULD ALLOW THE PRISON STAFF MORE TIME AND ROOM FOR FULFILLING THEIR MAJOR PURPOSE -- TO PROTECT SOCIETY FROM THE TRULY DANGEROUS, HARDENED CRIMINALS WHO ARE BEYOND MUCH HOPE OF REHABILITATION.

RESTITUTION CENTERS, PROPERLY MANAGED, WORK BETTER FOR YOUNG FIRST OFFENDERS THAN PRISON, COST LESS MONEY, AND SAVE MANY YOUNG PEOPLE FROM LIVES OF HABITUAL CRIME. IF MONTANA IS EVER GOING TO MOVE IN THIS MORE PRODUCTIVE DIRECTION, NOW IS THE TIME TO START.

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BILL NO.

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY TO BE USED FOR THE PURPOSE OF DEVELOPING THE NECESSARY SERVICES AND FACILITIES TO ACCOMMODATE A CERTAIN NUMBER OF NONDANGEROUS FELONY OFFENDERS IN MONTANA."

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

Section 1. Appropriation. There is appropriated for the purpose of developing the necessary services and facilities to accommodate at least 200 nondangerous felony offenders in Montana for the biennium ending June 30, 1979, the sum of \$2,346,520 from the general fund, to be apportioned as follows:

(1) \$1,520,000 to the department of institutions for the operation of four restitution centers;

(2) \$50,000 to the Montana Supreme Court for the establishment of a corrections coordinator pilot program in the first judicial district for the purpose of recruiting, training, and assigning volunteer daily and weekly supervisors to nondangerous felony offenders recommended by the district court, the county attorney, the board of pardons, and the parole field services of the district;

(3) \$166,520 to the Montana supreme court for the

1 operation of a public works restitution pilot program  
2 attached to the second judicial district;

3 (4) \$400,000 to the department of institutions for the  
4 purpose of providing the necessary staff and training to  
5 assure effective adult parole and probation field services;

6 (5) 160,000 to the board of pardons for the  
7 establishment of a community coordinations office at the  
8 prison for the purpose of helping incoming prisoners plan  
9 and arrange for their in-prison and post-prison  
10 self-advancement programs and to coordinate these programs  
11 with the communities to which they will return. Attention  
12 shall be given to the need for continuing services in drug,  
13 alcohol, or mental health treatment, thorough medical  
14 diagnosis, employment preparation, basic education,  
15 financial management, family counseling, and other programs  
16 designed to decrease the risk of repeated crime.

17 (6) \$150,000 to the department of institutions for the  
18 purpose of providing a meaningful classification system for  
19 felony offenders sentenced in Montana. Including but not  
20 limited to a careful delineation of medical, psychological,  
21 employment, addiction, education, and risk factors.

-End-

March 21, 1977

#### SUMMARY OF CORRECTIONS' ALTERNATIVES

The proposals recommended here would remove from the prison's jurisdiction those offenders who should never have been there in the first place unless all other programs had been tried and failed—first offenders, non-violent property offenders and those whose crimes were victimless or who acted as a result of drugs or alcohol. Examples might be bad checks, possession of marijuana, D.W.I., etc., offenses which are illegal but do not imply a criminal nature.

Some of the people who fit this description might still belong in prison, but prison should be the last alternative for them after other realistic and effective programs had been tried and failed.

After two years of exhaustive study the Montana Justice Project concluded, in part of the first recommendation of its Corrections Task Force, that:

AN OFFENDER'S CORRECTIONAL PROGRAM SHOULD BE THE LEAST DRASTIC MEASURE CONSISTENT WITH THE OFFENDER'S NEEDS AND PUBLIC SAFETY. CONFINEMENT, WHICH IS THE MOST DRASTIC DISPOSITION FOR AN OFFENDER AND THE MOST EXPENSIVE FOR THE PUBLIC, SHOULD BE THE LAST ALTERNATIVE CONSIDERED.

Montana has just begun some realistic and effective programs to provide for this minimum security group. A pre-prosecution diversion program operating out of the County Attorney's office in Billings for the last year is a prime example. The results of that program, costing a mere \$18,000 a year (since it uses existing office space and secretarial help and only one full-time employee) have been remarkable.

Since September, 1975, 200 cases have been considered.

Ninety one of these were accepted for the program. Of these, only 5 went on to court. Eighty six are getting along fine. Many of them who had been consistently unemployed and on welfare are now holding steady jobs.

Another program that has worked with outstanding success is Montana's two-year-old work, treatment and training prison furlough. This program has been very slow in starting. Only ten people have gone through it to date, but not one violation has been committed under this program since the first application was accepted. Even before the new law was enacted, furlough programs in Montana had an over 90% success rate. Now that daily supervision is provided in the critical period following release from prison, the success rate is 100%. In Washington state, where over 35,000 prisoners have been assigned to furlough programs since 1970, less than 1% have returned to the courts. That's a far better track record than that of the general public.

The proposals presented here would capitalize on the same principles that motivate these two successful programs. They would provide attention to the cause of the crime and would enforce rigid corrective work programs-either home-based, center-based, or jail-based - that would be entered into by voluntary contract, if the applicant qualified. Should an accepted candidate violate the rules, he would be automatically reconsidered for a harsher program.

The secret of these programs is individual trained volunteer supervision on a one-to-one basis. The supervisor takes each individual on as his personal responsibility. He or she is trained to persist in matching the offender up with the services he needs in order to overcome the problem that has caused his criminal behavior. He will receive employment counseling or training, adult basic education,

program for restitution, financial responsibility, mental health, drug treatment or family counseling, or any combination of these services. If the program succeeds he will be a law-abiding citizen, for the rest of his life. If he violates his contract, he moves to a more restrictive program.

With a very few F.T.E.s scattered about the state, such programs could be instituted at any level of the system to remarkable advantage. Within a few months of inception, the proposed combined programs could remove at least 200 people from the prison, hopefully not to return to the courts again.

The alternative approach-building a larger fortress for him in Deer Lodge, promises the opposite effect. The longer the non-dangerous minor offender remains in a total lock-up situation, the less chance he has of returning successfully to normal society.

By the time the new prison addition could be finished, the 200 beds emptied by the minimum security people who have been removed would be available for the close security prisoners who now remain at the old prison. In addition, the number of new commitments to M.S.P. could have narrowed to the higher-risk variety of criminals. This category has never yet risen about the 300-mark. Even when there were over 700 in Deer Lodge, in the late sixties, there were never as many as 300 hard-core or violent criminals. The proportion of felony offenders who appear to be beyond reasonable hope of rehabilitation is usually estimated at 10-15%. Never more than 20%. If modern problems make it seem higher, under no stretch of the imagination could a figure of 40% be verified. Yet we are now holding 300 people who, by a highly questionable classification procedure, have been labeled as "close and maximum security offenders" and over 200 who, by the same unverifiable method, have been given a lower security designation.

• An additional 200-man unit at the prison would imply that Montana's percentage of non-rehabilitatable criminals would rise to 340 in the next few years. This is not a likely prospect. Most of us agree that the maximum security unit is needed for truly bad apples. Probably many of the close "security" prisoners now being held in the old prison should be transferred to the new facility as soon as the non-dangerous people have moved to more productive programs. However, by that time, if the community programs have been working as expected on the pre-trial and pre-incarceration levels, the number of repeat crimes will have dropped and the population at the prison will follow suit. If, at that time, it appears that close and maximum security people, plus any failures from the work and restitution programs, would continue to rise, at that time the enlargement could be reconsidered on the basis of evidence.

Meanwhile, this bill proposes to explore a few more positive alternatives.

MARSHALING  
CITIZEN POWER  
TO MODERNIZE  
CORRECTIONS

PRISON POPULATION DATA

BOARD OF PARDONS FIGURES

60 inmates are now eligible for parole

99 are within six months of parole

159 should be in pre-release programs being prepared for reintegration into normal society.

83% of those paroled in '75 were first - time offenders

BOARD OF CRIME CONTROL FIGURES

60-70% alcohol-related crimes (Everything from D.W.I. to to people who suffer toxic psychosis when they drink)

10-15% drug related  
(Many of these should be in a drug therapy program  
Galen)

7% are mentally deficient.  
(Some of these should be at Boulder)

10-15% for all practical purposes incorrigible. Probably  
need to be permanently institutionalized.

Washington State - In 1975

In:

16 locations

260 in work release camps

in work release facilities

cost to state

Cost \$11.00 a day to staff or contract with non-profit organizations

Each prisoner contributes:

\$6.00 a day

Inmates

earned \$663,000 in 1975

Estimated taxes paid - \$160,000

They paid \$40,000 in required family support

They paid \$360,000 toward their room

— Robert Tropp, Department Director, adult corrections, Washington State.

"You could probably divert 200 prisoners from your population of 500 - within two years - more effectively and for less money." — Tropp

PROPOSED LEGISLATION FOR ALTERNATIVES TO EXPANDED PRISON

PROGRAM	STATUS	APPROXIMATE NO. OF CLIENTS TO BE DIVERTED FROM PRISON AT ANY ONE TIME WHEN FULLY OPERATIONAL (by conservative estimate)	COST PER YEAR f.t.e.'s required
Four restitution centers	to be built or rented	100	36
(see attached sheet for building costs)			
Community corrections coordinator (pilot program in Helena?) Judicial Visit #1	pending	30	1
Public works restitution pilot program ( Butte?)	pending	6	1
six 20-hr/wk. jobs at minimum wage for total of 50 weeks			15,000
Upgrading parole field services	pending	?	26
TOTAL COSTS OF NEW PROGRAMS			\$1,241,600
Employment counselors at prison (H.B. 723 - Appropriations)	H.B. 723 favorable	60 (prison inmates now eligible for parole except for job placement)	65,000 (BIENNIAL)
2 new LEAA diversion programs in Missoula & Kalispell	just starting	?	0
TOTAL CLIENTS DIVERTED 196			

## PROGRAM I: RESTITUTION CENTERS

We are considering a series of four restitution centers where low-risk offenders can work, pay restitution to the victim, pay room and board, and have access to medical, drug, mental health, education, employment and financial counseling and training.

The centers would be built (or possibly rented) in urban areas where contracted services are available, or in rural areas near such cities.

Referral to the center would come from pre-sentence, pre-trial, judicial sentence, and post-incarceration referral from the county attorney, the court, or the board of pardons.

Each center would house 25 clients and would have a staff of 9 full-time employees with 24-hour supervision. Residents would do their own cooking and cleaning chores and would pay for their own room and board and pay restitution to their victims at an agreed-upon rate during their employment.

Plans for the building would require the following costs:

per center construction	\$500,000
per center furnishing	
& one-time costs	25,000
\$525,000	x 4 = \$2,100,000

operating costs \$190,000 per unit per year	
x 4	
760,000 total per year x 2 =	
	\$1,520,000
TOTAL COST PER BIENNIAL	\$3,620,000
(RECURRING & NON-RECURRING)	

No consideration is given here to the income from board and room payments, the reduction in prison costs, or the reduction in welfare and other social costs caused by the absence of the wage-earner during incarceration.

## PROGRAM 2: COMMUNITY CORRECTIONS COORDINATOR PILOT PROGRAM

A coordinator would be hired by the department of justice to be attached for administrative purposes only to a district court (Helena has been suggested) for the purpose of recruiting, training, and assigning volunteer daily and weekly supervisors for restitution, education and treatment programs in an urban area where there was not a restitution center, whose assistance would include but not be limited to:

- (a) pre-prosecution diversion (responsible agency - county attorney)
- (b) pre-sentence diversion (resp. agency - cty. atty or judge or both)
- (c) sentencing alternatives (judge)
- (d) jail-based release (responsible to sheriff)
- (e) work, treatment and education furloughs from prison  
(responsible to parole field services)

### COST:

Salary:	\$13,000
Part-time secretary	5,000
Travel (150 mi/mo. at \$0.15 per mile), telephone, printing, office supplies	<u>7,800</u>
	\$ 25,800 x 2 = \$51,600

NUMBER OF CLIENTS DIVERTED FROM IMPRISONMENT - 80 per year

This estimate is based on the experience at Billings where a very successful program has been in operation for just a little over a year.

Since Sept., 1975:

No. interviewed:	200
No. accepted	91
Re-referred to court	5
NUMBER SUCCEEDING:	86

People who had been on welfare or unemployment for years are now working regularly and seem to be well on their way to successful lives. The reason for the extraordinary success rate is that each offender is matched with an individual supervisor who makes it his responsibility to see that the client gets the kind of attention he requires in order to become a productive citizen. Those who do not respond positively are referred to the court.

March 21, 1977

**PROGRAM 3: PUBLIC WORKS PILOT PROJECT**

This appropriation will be directed by the Supreme Court into a public works program operated out of the Second Judicial District. The director of the program, working in conjunction with both the court and the local public works administrator, will have responsibility for the management and deployment of approximately six qualified felony offenders at any given time. Clients may be referred by the court, the Board of Pardons, or the parole field services.

Jobs will be created by the public works administrator which would not otherwise be available to the general public. The county public works department will provide all supplies and equipment necessary for the work assigned. Referrals from the prison may be accepted on the basis of work furlough contracts as required by law.

Clients will be compensated at the prevailing wage for persons employed in similar occupations in the area. The prevailing wage for any job created shall be determined by the department of labor and industry, but in no instance shall be less than the state or local minimum wage for the most nearly comparable covered employment.

PUBLIC WORKS PILOT PROJECT

-2-

At the direction of the referring agency, clients' contracts will include restitution to the victim at a rate to be determined by the referring agency. The director will be responsible to aid the client in obtaining the training, treatment, medical or educational assistance, and financial accountability which is needed for responsible citizenship.

SUGGESTED BUDGET

Salary of director at \$13,000 year.	\$ 26,000
Wages (for 6 clients at any given time, at \$3.00 an hour, 40 hours per week, for 50 weeks in each year of the biennium.)	\$120,000
Fringe benefits	17,520
Travel (200 mile week at 15 cents per mile for 100 weeks.)	3,000
Total Appropriation	<hr/> <u>\$166,520</u>

Single

Cost of 6 men in prison  
for 2 years. = \$132,000

In addition, family men in prison encumber the government with welfare costs, the cost of mental health, medical and educational costs of families, and future costs and repeated crime, induced by family breakdown.

## PROGRAM 4

Problems within Parole Field Services.

Why this program needs more officers & staff.

Presently P.F.S. has 23 supervising officers at the end of November, 1976

1,560 probationers

455 Parolees

2,015 under direct supervision

This is an average of 84 individuals for each office to supervise, counsel, try and provide community services such as alch. prog. or marital counseling or psyc. counseling or Vocational Education.

Predictions for 1978: 90-120 clients per officer.

Not only must these officers deal with 84 or 88 individuals a month, they must handle the paper work for 606 parolees and probationers who are placed out of state.

In addition, probation officers must also prepare pre-sentence investigations, pre-release investigations, pardon and work furlough investigations. The average investigations being done by individual P.O. are 11.7 per month and the average time for pre-sentence alone is between 6 hours and a thorough investigation would take 15 hours. (Federal Prob. average 14 hours per and I was told by a parole officer that 20 hours would be better).

The average time spent on counseling cases is 17 minutes per month.

ROLL CALLAPPROPRIATIONS COMMITTEE

45th LEGISLATIVE SESSION 1977

11/21/77  
Date 11/21/77

NAME	PRESENT	ABSENT	EXCUSED
BARDANOUVE	✓		
GERKE	✓		
BRADLEY	✓		
ESTENSON	✓		
GUNDERSON	✓		
HALVORSON	✓		
HANSEN	✓		
LYNCH	✓		
MANUEL	✓		
SOUTH	✓		
AAGESON	✓		
ELLIIS	✓		
KVAALEN	✓		
LUND	✓		
MARNS	✓		
MOORE	✓		
WOOD			

WARM SPRINGS STATE HOSPITAL  
WARM SPRINGS, MONTANA

MEMORANDUM  
March 8, 1977

TO: Harold Gerke, Chairman  
Appropriation Subcommittee

FROM: H.C. Xanthopoulos, M.D.  
Superintendent - Warm Springs State Hospital

Richard T. Moore  
Hospital Administrator - Warm Springs State Hospital

E. P. Higgins, M.D.  
Superintendent - Galen State Hospital

Joe Balkovatz  
Hospital Administrator - Galen State Hospital

RE: Consolidation of Certain Services at Galen State Hospital and  
Warm Springs State Hospital.

There are many areas of mutual benefit which could arise through the consolidation of specific services between both institutions. However, we must caution you that such a consolidation should take place on a step by step basis. Planning should be thorough and all facets should be investigated as they relate to the quality of patient care.

It is our recommendation that the following specific phases could be done in order to ensure some cost savings in terms of staffing and reduction of fixed costs:

Phase I - Implementation prior to 6/30/77:

1. Dental Services - There are 2.0 full-time dentists at Warm Springs State Hospital who could provide preventive and emergency dental services to patients at Galen State Hospital. This would eliminate a personal services contract that Galen has with a private practitioner in the community.
2. Respiratory Therapy - There would be the provision of a Respiratory Therapist to provide emergency coverage for patients with acute respiratory problems at Warm Springs State Hospital. There is sufficient staff ~~now~~ <sup>now</sup> at Galen State Hospital to provide this coverage.
3. Physical Therapy - Galen State Hospital could utilize the physical therapists from Anaconda Community Hospital, who are on a contractual basis at Warm Springs State Hospital at a rate of \$17.50 per hour to provide two  $\frac{1}{2}$ -day per week coverage at Galen State Hospital. At the present time, Galen State Hospital receives services from a private practitioner at a rate of \$24 per hour.

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4. Speech and Audiology - There could be a merger of contractual services with Easter Seals to cover both institutions at a rate mutually agreed upon by both administrations.

Phase II:

1. Laundry Services - All equipment and modifications to the laundry at Warm Springs State Hospital would be completed on or about July 1, 1977. At this time, this department could service all of the laundry needs at Galen State Hospital and the Deer Lodge Prison. This would eliminate duplication of laundry personnel at the respective institutions. It is also recognized that there are labor savings through the purchase of specialized equipment. We should recognize that there should be an adequate inventory of linen in order to achieve a 5-day operation, as opposed to operating the laundry on the weekends. We would utilize the upholstery shop at Warm Springs for mending and special upholstery needs at Galen State Hospital.
2. Psychology, Social Services and Psychiatric Services - On or about July 1, there could be a clinical team from Warm Springs comprised of a Medical Social Worker (MSW), Psychologist and Psychiatrist to cover all evaluations and pertinent treatment of patients at Galen State Hospital. This would eliminate contracted services for social services and psychiatry with professionals in the community.
3. Acute Medical/Surgical Services - This could be consolidated for services on patients requiring acute medical services to be located at Galen State Hospital, provided that adequate security within the institution is available. There would have to be prior consultation with medical staff and nursing service prior to the implementation of this service.
4. Food Service
  - a. Dietitian - The Dietitian from Warm Springs could service the dietetic needs of patients at Galen State Hospital, including the menu, special diets and patient consultation.
  - b. Bakery - The bakery at Warm Springs State Hospital could be utilized for the needs at Galen's Food Service. This would eliminate all purchasing of bakery supplies from the open market at Galen.
5. Motor Pool - There can be a consolidation of all vehicles and teamsters at Warm Springs State Hospital. This would allow for better utilization of vehicles and staff in the motor pool. There would be an elimination of any contracted services for maintenance which now occurs through the acquisition of private services in the community by Galen State Hospital.
6. Maintenance - There could be a sharing of on-call responsibilities for weekends within the maintenance departments. This would also include the evenings. This would include Electrical, Plumbing, Carpentry, Painting and Stationary Engineers, under a priority format which would be developed by the administration of both institutions. There are no problems with union jurisdictions.

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7. Warehouse - There could be a centralized warehouse set up at Warm Springs State Hospital providing there is adequate facilities for cooling facilities for produce and frozen foods. This could be coordinated through an appropriate distribution system with the consideration for the addition of the Prison to such an arrangement.
8. Administration - There could be a consolidation of Personnel and Payroll at Warm Springs providing that the technical problems can be worked out with respect to System 7. At this time, Galen State Hospital is providing payroll services on a manual basis and the Personnel responsibilities are shared between the Business Manager and Department Heads without the professional guidance of a trained personnel director.

Phase III:

Laboratory, X-ray, EEG and EKG - There should be a study provided to consider arrangements whereby the above ancillary services could be consolidated with the availability of coverage on an emergency basis.

Phase IV:

Long-Range Consolidation - There should be a contingency plan developed within the next biennium concerning the feasibility and/or implementation of a consolidation between Galen and Warm Springs which is in the best interests of the parties.

There could be benefits from a reimbursement and fiscal standpoint. For example, at this time, under Medicaid regulations, there is no reimbursement to Warm Springs for per diem costs, due to the fact that the character of the institution is for acute psychiatric care. There would be essential benefits in merging medical staff and para-medical staff in terms of effective utilization of their time.

Eventually, perhaps 10-15 years in the future, there could be one institution, which could service the entire state for those patients who require in-patient care for acute psychiatric, alcoholic, drug addiction and developmentally disabled, who are non-ambulatory. At the present time, because of the high fixed costs in the institution, there is inefficiency due to duplication of staff and services at the three institutions.

During the past year, there has been a close working relationship developed between Galen and Warm Springs. There has been an open line of communication and there has been a sharing of services, such as equipment, vehicles, sewage treatment, psychology and social service. It is important that we don't rush into a consolidation without appropriate planning. If this isn't the case, there would be chaos and most important, the patients would not be provided with the appropriate treatment.

RTM:sj  
Tr: 3/8/77

## THEY GO TO PRISON ON PURPOSE

the State of Washington \$4500 a year to keep a man in custody, plus another \$4500 for welfare for his wife and children, you can see what enormous savings our volunteers can produce. If we're successful in keeping, say, 100 married and 200 single men out of jail, that's a saving of over a million dollars each year."

High officials throughout the State of Washington support Simmons' work. Says Gov. Daniel J. Evans, "It pays off three ways: The ex-offender is helped to become a useful citizen, the taxpayer is saved a great deal of money, and the volunteer himself becomes a better person."

Job Therapy's effort, with volunteers leading the way, is in accord with

a philosophy that seems to be gaining momentum all over the country: that big government is inefficient in social reform, and that the concerned citizen, not the bureaucrat, must carry the burden.

"If it hadn't been for my white sponsor," says a former black inmate of Monroe, now a reporter in Seattle. "I'd probably be an enraged militant today. I think this approach would

### Citizens, You're Needed!

*Myrl E. Alexander, recently retired  
Director of the U.S. Bureau of Prisons*

THE EXTREME isolation of American prisoners from mainstream society has helped defeat the very goal of criminal justice: the reduction of crime by diverting offenders from criminal to acceptable and useful behavior. In recognition of this, our system of corrections is undergoing vast re-examination. New educational, vocational-training and counseling approaches are being designed. New bridges to community life are slowly evolving. Work release, for example, study in community schools, furloughs, halfway houses.

But the critical ingredient in the transition to life in the outside world is seldom available: support and understanding by those in the community with whom the ex-prisoner will work, live and search for acceptance. Here the private citizen can be of critical help. The example set by the people of Washington through the work of Job Therapy, Inc., can be widely copied. It will make a difference!

work in the ghettos too—or anywhere the people will go out of their way to show other people that they care about them as individuals. I mean, really care."

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# They Go to Prison On Purpose

*Condensed from ROTARIAN*

**O**NE OF THE grimdest aspects of today's crime problem is the percentage of lawbreakers who are repeaters: men who emerge from prison only to be jailed again within a few months. Mostly, these repeaters are men who have been released with no job, no friends, very little money and even less acceptance by society. Their chance of failure in the outside world runs as high as 90 percent, and they are one of the chief reasons why crime

costs this country at least 30 billion dollars a year—and why law-abiding citizens are afraid to walk the streets at night.

These men have long been considered virtually unredeemable. In the last few years, however, an eager young idealist named Richard Simmons—"a minister turned lay-

How a group of ordinary citizens in Washington State has shown that a simple man-to-man commitment can help prisoners become self-respecting, contributing human beings

man," he says of himself—has proved that a high proportion of such offenders can be salvaged—by ordinary citizens.

In 1963, having served as a missionary in the slums of New York, Simmons, then 32, moved with his family to Snohomish, Wash.

There, at the request of a friend, he began visiting two young men in the Washington State Reformatory at Monroe. Increasingly, he was haunted by the loneliness of the prisoners. Like so many inmates,

these men were almost completely isolated from the outside world. No letters, no visitors, disowned by their families. Sullen and bitter, they lived with a festering hate of society.

"When you get out," Simmons asked one inmate, "won't they help you find a job?" "They'll," said the pris-

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over butterfly. "There is no *they*," reason only; because he *cares*. I'd like to call the program M-2—Man-to-Man."

But would ordinary citizens find it would take courage—to go into a prison and offer an inmate friendship and moral support? Would prison officials welcome such an offer—or even tolerate it? In the end, Dr. Garrett Heyns, then Director of Institutions for Washington, gave his approval, and in March 1965 a non-profit corporation was chartered: Job Therapy, Inc.

One of the first volunteer sponsors was Bill Bates, editor and publisher of the Snohomish County *Tribune*. He was matched with Louie, a 22-year-old printer-trainee under sentence for second-degree assault. "The first ten minutes were the worst," Bates says. "I tried to talk about printing, but Louie was tongue-tied. Finally, he blurted out, 'What are you doing this for?' I just stared at him. Then I said, 'I don't know. When I find out, I'll tell you!'"

For more than a year, Bates visited Louie at least once a month. When Louie was released, Bill hired him. "Today, Louie is a valued member of the *Tribune* staff," Bates says. "He has a lot to be proud of—and so have we."

In the last five years, Job Therapy has recruited, screened and matched over 500 reputable business, laboring and professional men as volunteer citizen-sponsors with almost 600 confined men. At first, some inmates viewed such volunteers with sus-

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ption. But sponsors have found almost no prisoners who do not respond, sooner or later, to friendly interest and kindness.

An inmate named Gary describes his own case: "I was all twisted up inside. I believed that work was for suckers, that everybody was out for what he could get. But I've come a long way. This sponsor has knocked the foundation from under my old life, leaving me no choice but to build a new one. The faith I am able to put in another person for the first time is the basis for a whole new way of life for me."

Like Gary, many inmates have found in their sponsor a substitute for the father they never had. Psychologists say that the need to identify with a father-figure is acute. Prisoners seldom make such identification with prison counselors. But they have no such resistance to unpaid volunteers. Now that word of Job Therapy has spread to other Washington prisons, the demand for sponsors is running far ahead of the supply.

Would-be sponsors are carefully screened, and Job Therapy also checks with the applicant's neighbors and pastor. "We really ask three basic questions," says a staff worker. "Is this person responsible? Is he attractive in his responsibility—a person can be responsible, but also cold and forbidding. And, finally, will he stick with it? There's really no cut-off point in the relationship; once you take the plunge, you may find yourself walking step by step

with your adopted felon for years."

Typically, sponsors make prison visits for about a year, usually twice a month. Some volunteers, trying to convey a touch of family warmth, bring their wives and children on visits to the prison.

Each sponsor signs a pledge that on release-from-prison day, he will escort his friend from the institution and remain with him throughout his first day in free society. He is also pledged to assist him with all the problems of re-entry into the community, and there are many.

Less dramatic than Job Therapy's man-to-man program, but just as important, is its job-placement service. Statistics show that if an ex-offender is employed full-time, he has an 87-percent chance of successful parole. If he works part-time, that percentage drops to 55. If he works only occasionally, to 27. Job Therapy energetically canvasses Seattle firms, emphasizing that it is not only humane but often economically advantageous to hire men who have had specialized training in prison. At the moment, 300 companies are actively cooperating. Periodically Job Therapy sends these firms—plus 500 others—a printed brochure called "Futures Wanted," listing thumbnail biographies of prisoners soon to be released. In May 1970, 77 out of 90 applicants were placed in suitable jobs.

Simmons figures that the cost per man for the Job Therapy program is a fraction over \$400. "When you remember," he says, "that it costs