

HOUSE APPROPRIATIONS COMMITTEE  
SPECIAL SESSION OF THE 47th LEGISLATURE  
JUNE 21, 1982

The meeting of the House Appropriations Committee was called to order at 1:30 p.m. on June 21, 1982 with Vice-Chairman Jack Moore presiding. All members were present except Representative Shontz.

The purpose of this meeting was to discuss and take action on House Bill 1 which appropriates money for the operation of the special session of the 47th Legislature convening on June 21, 1982.

Representative Spilker introduced the bill and explained how the appropriations were arrived at. She stated that the total amount requested for the second special session is \$233,000 compared with \$420,000 for the first special session. Representative Spilker said that this figure should be a close estimate since they have a better handle on the situation since the first special session. She also stated that more money was put into the contingency fund because of the lower budget. It is difficult to estimate, she stated, how long the staff might be here after we leave.

Representative Spilker pointed out that the reason the Senate budget is larger than last session is because they now rent their voting machine.

Several of the committee members expressed concern about legislators receiving reimbursement for two round trips to and from their home for a one-week session.

Representative Bardanoue stated examples of receiving checks for reimbursement for trips he did not take.

Representative Moore asked if Sharon Connelly, Legislative Auditors Office, could check the statute to see what the law is concerning the issue. Much discussion followed on this issue.

Representative Spilker also pointed out that the printing of bills is being paid for through the Legislative Council instead of through the House and Senate which accounts for part of their budget. They have also hired two extra employees for the special session.

Following further discussion, Representative Hurwitz moved that HB 1 receive a do pass recommendation. A roll call vote was taken and carried unanimously.

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Vice-Chairman Moore said that the Senate Finance and Claims Committee would now join the Appropriations Committee for a joint hearing on House Bill 2.

Vice-Chairman Moore announced that Senator Himsl would be the acting Vice-Chairman of the joint committee.

Representative Moore explained the committee procedures to the members and stated that the hearing would begin with a presentation from the Department of Institutions concerning the prison budget.

Carroll South, Department of Institutions, said that he would refer to the third level budget which could be found in the "Briefing Paper" that the department passed out to all the legislators. A copy is attached and is EXHIBIT 1 of these minutes. Mr. South reviewed the request of the department as stated in the "Briefing Paper" which is attached and is EXHIBIT 2 of these minutes.

Warden Risley, Montana State Prison, explained the modified staff proposals. Mr. Risley said that the main reason for increasing the staff is security. There should always be two sergeants on the floor and one in the control room. At present there is only one on the floor and one in the control room. This, he stated, is a difficult situation especially when the guard is taking an inmate out of his cell. The department is requesting 5.38 FTE C.O. 1s and a .77 FTE Sergeant. Based on the J.J. Clark study, the department requested and the 1981 legislature authorized, a relief factor of 1.55 for each seven-day correctional post. Mr. Risley said that this factor has been closer to 1.62 and therefore they are requesting a relief factor of 1.62 for FY 1983 which results in the increase of FTE's.

Senator Boylan questioned the procedures for filling these positions and wondered if nepotism could be a factor.

Mr. South said that he did not believe this is a factor at Montana State Prison.

Mr. Risley said that they have had so many applications for jobs in the past that they have not had to advertise. He stated that the prison has an investigation panel that reviews the application and selects good candidates for the jobs. He explained that they also have an 80 hour training program that new employees must complete prior to going on assignment. In the past this program could be completed after the new employee had been on the job and could take weeks or months but must be completed before assignment now.

There was discussion by some of the members concerning the security at the prison.

Senator Smith said that during the visit at the prison he was told that they do not impose the "shakedown" rule before visitation periods.

Warden Risley said that there is no way they can force a "shakedown" but they can refuse visitation privileges.

Senator Smith also questioned the final placement of the new guard tower. He said that he was told there are several "blind spots" from the tower.

Mr. South said that the tower was placed where they would have the best visibility of the fence. He said there are no "blind spots" of the fence area.

Senator Aklestad questioned whether the staff at Galen hospital would object to having eight inmates at the hospital. He cited an example of the staff being upset with one inmate who was a paraplegic.

Mr. South said that in that case it was the crime he committed that the staff did not like, not the fact that he was an inmate.

Concerns were brought up that the increase in beds for inmates could have an impact on community alcohol and drug programs.

Senator Haffey said that according to reliable sources 90% of the inmate population has drug or alcohol related problems and he questioned what good adding .5 FTE would do for this large scale problem.

Mr. South said that you could have all the treatment programs and psychologists you needed available and it wouldn't solve the problem unless the person who has the problem is willing to admit he has a problem and wants the treatment. The .5 FTE is needed to help find out what the problems are, decide how to treat the problem when the inmate is ready for help. Mr. South said that they would like to have more treatment programs at the prison, but security has to come first and at this time that is where the priorities are.

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Joint meeting on HB 2 Cont.

Representative Sales questioned why the department was requesting an increase of 2 FTE for the maximum security units.

Mr. South said that if there was more room available to house maximum security inmates it would only be necessary to have three guards on duty at one time but with the overcrowding this is not safe. At present there are only two guards on duty each shift in close units I and II.

Representative Hemstad said that in viewing the prison during the visit the legislators took, it is her opinion that there is something wrong with the system. She said she found the personnel "unorganized, unprofessional, undisciplined," etc.

Mr. Risley said that one of the problems is the high rate of employee turnover. Part of the problem has been an inadequate training program in the past. Mr. Risley said that since he has been Warden they have made several changes in the training program. The employees will be required to complete the program and will be better prepared for working with the inmates. He also added that some of the tour directors were working on their own time and wearing their own clothes which may have contributed to Representative Hemstad's impression of the prison.

Vice-Chairman Moore said that the committee would take a brief break at this time and reconvene in twenty minutes in room 104.

4:00 p.m. HB 2 Cont.

Representative Conroy asked Mr. South to respond as to why the department is not requesting additional funds to supplement the general fund deficit at the prison of approximately \$85,655. (He referred to page 34 of the prison analysis of the Office of the Fiscal Analyst.)

Mr. South said that this is a broad philosophical question and he wondered if it should be addressed at this time.

Representative Moore said that he should continue with the budget request and the question could be addressed later in the meeting.

Senator Wolf asked Mr. Risley if they had considered using horses as a means of searching for escaped prisoners instead of jeeps.

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Joint Hearing HB 2 Cont.

Mr. Risley said that they do use horses sometimes if the prisoner goes into the hills, however, most of the time they head toward traffic areas. The vehicles they use are equipped with special lights and serves as a mobile light.

Representative Bengtson wondered if the disturbance control equipment that the department was requesting would be fully utilized since disturbances only occur occasionally.

Mr. Risley said that they would be using them for training all the time and would be available when there is a disturbance.

At this time Mr. South passed out copies of a proposal for the Missoula Life Skill center staff. A copy is attached and is Exhibit 3 of the minutes.

The Missoula Life Skills Center is located at Fort Missoula. Mr. South explained that the 1981 Legislature authorized the Department of Institutions to move that center. The new site will be at the old Lenox Hotel. Renovation is being completed and the center will be moving to the new location very soon.

Mr. South explained that prior to this time the Missoula Life Center has been used primarily for parolees and probationers rather than pre-release inmates which are still the prisons responsibility. The Department is proposing that the center be used for a bona fide pre-release center for pre-release inmates with six months or less until their parolee date. This would be the same type of center as the Alpha House in Billings. The budget, he stated, was built for 1982 and 1983 based on 16 inmates or residents of the Missoula Life Center. The Lenox Hotel has room to accommodate 24.

Mr. South said that the main difference between what the department is requesting and what has been funded is the relief factor. This relief is currently being handled by overtime or by the exempt working compensatory time when needed.

Mr. South referred to the comparison sheet which is attached and is Exhibit 4 of the minutes. He said that one thing that is not reflected on the budget is the \$3 per day that they propose to charge the inmates for room and board at the center. Unless a revolving account is set up this money would go into the general fund.

HB 2 Cont.

The next item discussed was Alpha House in Billings.

The Alpha House is increasing their population from 20 to 25. The department is requesting an additional \$32.15 per day for the five (5) inmates that were not budgeted for in the last session. There have also been some changes in the budget in the contracted services area. Money from the supplies and services budget was applied to the medical cost. This is reflected on page 16 of the "Briefing Paper".

Judy Rippingale, fiscal analyst office, stated that if the two new release centers are going to be contracted, and the \$3 per day was not taken away from inmate contribution but it has been indicated that they will pay the contribution, and that money goes into the general fund it doesn't make sense in the budget process.

Mr. South said that the \$3 per day for the Missoula center will go into the general fund unless there is some kind of revolving fund set up. The reason, he stated, that they did not subtract the \$3 per day is because one is only going into operation for 9 months the other 6 months and the first few months the bulk of the inmates will not be employed at all. Mr. South said that these costs are only estimates and you have to realize that they have no idea what the actual operating cost will be. He said an adjustment could be made in the 1983 session as the estimate is wrong.

The next issue discussed was the Board of Pardons.

Mr. South pointed out that the department is attached to the board for administrative purposes only. He said the department has no authority over the policies, or the number of parolees granted. The department monitors their budget but they develop their own budget.

Jack Lynch, executive director for the State Board of Pardons, testified concerning this issue. The board is requesting an additional half-time secretary to handle increased work load. Presently the Board is staffed at one and one-half FTE's. Prior to the last legislative session they had two FTE's and they are now requesting that they be given back the half-time position they lost.

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The Board is also requesting an additional \$500 in per diem for a board member to hold hearings with inmates at the new pre-release centers. This is based on an estimated 20 meetings at \$25 per meeting.

The Board is requesting \$6,800 for a state car and \$1,283 for operating costs from September 1, 1982 to June 30, 1983.

Mr. Lynch said that at the present time he and the hearings officer use their private vehicles. They are paid 20 cents per mile reimbursement for using their own car.

Senator Himsel wondered if they wouldn't rather get the mileage on their own vehicles.

Mr. Lynch said that they have to transport prisoners and they would rather not use their personal cars for this. He said that their private cars are not designed for any kind of security measures.

#### Utilities

The department is requesting \$11,880 additional funding for utilities to pay the cost of electricity and natural gas for the new chapel. This request was not included in the 1983 biennium request.

#### Questions by the Committee:

Representative Lory wondered what the department and the prison are doing or what could be done about the 40% turnover in staff at the prison.

Mr. South said that if he were making \$5.60 per hour (starting wage for prison guards) and had to go into close unit I and II every day and someone offered him a job that paid close to the same amount and there was no danger involved, he would take it. It may be more than just the salary. We have to look at promotion. The problem with the prison system is that it is a very flat pyramid. There are a lot of correction officers down at the bottom but as you get closer to the top such as sergeants and lieutenants the chances for promotion are dramatically reduced. He stated that if an indepth look at the salary situation was to be done two things should be considered; the average salary

HB 2 Cont.

of policemen in Montana and the salaries of correctional officers in other states and how that salary relates to other employees in that state. The entire grades classification system would have to be looked at. Mr. South said that he understands that there will be a resolution introduced that will require the Department of Institutions and the personnel division to take a look at the correctional officers salaries.

Senator Dover said that we should probably require more education and training for the guards. He said that if we spend the money to educate and train the guards we want them to stay there long enough to make the investment pay. He indicated that the guard requirements should be upgraded and then we should look at paying them more.

Mr. Risley said that the training programs that they have planned will give the guards and other officers the opportunity to improve their skills and if they receive the appropriation they have requested, physical fitness is a part of the training program.

Senator Keating wondered how the 40% turnover at the prison compared with other states.

Warden Risley said that he did not have an accurate figure on this but he would guess that it is high.

Representative Bengtson wondered if there would be a problem in the pre-release centers in this same area since the employees salaries are not very high and there will not be much room for advancement.

Mr. South said that this will be the responsibility of the director of the program. There is a big difference, he stated, in working in a pre-release center and working in the prison with close unit I inmates. The environment will be much better in the pre-release centers.

Mr. Armstrong, Alpha House, said that they have been very lucky to have such a dedicated staff and have had no turnover since the center started.

Representative Quilici said that he had information about the requirements for correction officers and comparison sheets of the salaries in Montana and other states and of all the sister states Montana correctional officer salaries are the lowest.

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Senator Keating asked Mr. South why the Missoula Life Center was not going to be operated as a private facility in the same way the Alpha House is.

Mr. South said that before he turns this over to a private organization he wants to make sure that the two new pre-release centers that they have requested are running smoothly. He would not be opposed to turning it over to a private organization down the road.

Representative Winslow asked about the community involvement in the pre-release centers.

Mr. South said that Mr. Armstrong might want to address the question but he felt that if the centers get local business involved and they tell other citizens that the center will not be a bad influence in the community this helps a great deal. The community has a tendency to not trust the state so setting up these programs can be better handled by the local citizens who are respected in their community.

Senator Van Valkenburg asked if Mr. Russell could elaborate on the groundwork that went into the Missoula Life Skill center and what kind of community involvement there was.

Mr. Russell, Department of Institutions, said that the Missoula Life Center was moved from Fort Missoula to downtown Missoula after four years in that location. Mr. Russell said that the department had a difficult time deciding on the location of Ft. Missoula. About one and a half years ago they were informed that they would have to move and they got an appropriation from the last legislature to do so. At that point, he stated, we involved a great number of local citizens who had particular concerns about how well the Missoula Life Skills center would run. These people acted as advisors to us for some time. Mr. Russell said that they also met with the Home School Association and other groups in the community and after a long period of time were able to convince the community that the center was a viable option to move into the new location. Mr. Russell said that he feels that they have done many positive things as a State agency and the program has proven to work well. He feels that we need to look at both models. He said we have only been working with non-profit corporations for a short period of time and we need more time to determine

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which of those methods (non-profit corporations or State operated) is the best method to pursue.

Representative Waldron said that he was concerned that if they started putting a lot of inmates in the Galen Hospital they would block other community programs from using that facility. Many people who cannot afford alcohol and drug treatment rely on that facility. What effect, he asked, will picking up these eight beds have on community placements?

Mr. South said that they have 72 beds and using 8 of them for inmates would just mean that they would have to do a better job of prioritizing their admissions.

Representative Conroy said that he would like to have clarification on the general fund deficit at the prison as stated on page 34 of the fiscal analyst report. He said that it was stated earlier that overtime is being paid to man the new guard tower and yet they are not requesting more money because the deficit will be made up with pay plan funds.

Mr. South said that he feels this is an extremely important philosophical question in terms of what kind of flexibilities the executive branch of government is going to have, in particular myself as director of the Department of Institutions. Mr. South said that he asked the last legislature for authority to transfer money between units and institutions. Also, he stated, he does not feel the department will be operated properly until the director has the authority to transfer funds between the 10 institutions.

Mr. South explained that in the 1981 Legislature the appropriations were line itemed and the only flexibility he had within personal services budget was flexibility within the internal pay plan between institutions. Also, he stated, the utilities appropriation was line itemed and stated that if the amounts needed exceeded the appropriation the department could come back in the 1983 session and ask for a supplemental, however, if the amount was in excess of what was needed it would revert to the general fund. Mr. South said that he had no intentions of coming to the 1983 Legislature and asking for a supplemental for utilities. I was sure, he stated, that we could manage our budget in such a way that we could use salary savings

HB 2 Cont.

to encounter those excess utilities. Our utilities are projected to run \$131,000 above what has been appropriated. Up until I read the language in the fiscal analyst report, he stated, I had no intention of asking for a supplemental. Mr. South said that the department has enough money from salary savings to cover this. Mr. South said that if the Legislature is saying that he cannot use these savings in this way they are tying his hands as an administrator to do what he feels is necessary. Mr. South said that they have two kinds of money that will be reverting at the end of the fiscal year. There is the pay plan allocation that has not been spent and basic salary savings because the department has kept positions open. Mr. South said that in his building alone he deleted five positions which saved the department \$51,000. He said that there were no restrictions in HB 500 (HB 2) that said he could not use salary savings money for operations.

Judy Rippingale asked Mr. South if he had the legislative authority to move his appropriations from one institution to another and from one line item to another.

Mr. South said that he believes they have the authority to transfer pay plan money around.

Mrs. Rippingale said that this raises a question as to whether the pay plan money was given to the Governors office for salary increases or to use as a "slush fund". How can the Governor expand the FTE's with pay plan money?

Mr. South said that if there is going to be a problem over what authority he has, he will simply revert the \$102,000 and the legislature can reappropriate it. However, he stated, as an administrator I have lived within my budget department-wide, despite the problem we had at the prison.

Mr. South said that four months ago at the Legislative Finance Committee, at which Dave Hunter from the Worker's Compensation Division was also present, we discussed a bill the Department of Institutions recieved from Workmen's Compensation Division in May of 1981 in the sum of approximately \$900,000 for additional worker's compensation premiums. We had no idea, he stated, that this bill was coming. Mr. South said that he told the committee at that time that he was going to do everything he could to reduce the department's liabilities and claims against the fund and do everything he could to save money at the institutions so the department could pay that bill.

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We have saved enough money to pay this bill. The question now is do I pay the bill or do I let the money revert and get a supplemental in 1983.

Judy Rippingale said that she wonders if it really is a philosophical question. She questioned whether he had the authority to take money that was line itemed in HB 840 for pay plan increases and treat that money the way he as the director of the department sees fit. She stated that this was not the intention of the Legislature. Even though the Legislature will probably appropriate you the money in 1983, it would then be money that the Legislature appropriated for a specific item rather than you taking line items that the Legislature appropriated for something else and using them to fund that item. The net result, she stated, would be the same but it would preserve the legislative integrity of the appropriation.

Mr. South said that next legislative session the department should be given the authority to do some interdepartmental transferring.

Representative Conroy asked Mr. South why some of the positions were not filled.

Mr. South replied that there are two kinds of vacancy savings, forced vacancy savings and unavoidable vacancy savings. He asked the department superintendents to look at the non-direct care positions and make reductions in those areas if possible. If they needed additional on hand employees they would make those exchanges, if not they would use the savings toward the worker's compensation liability. The unavoidable vacancy savings are from positions that can not be filled such as nurses at the institutions. It is very difficult to fill these positions. Mr. South said they have been advertising for nurses at the institutions for about a year.

Representative Conroy asked how many positions that were allocated for were not filled.

Mr. South said very few direct care positions went unfilled.

There was discussion among the committee members as to whether they agreed or disagreed with what Mr. South was doing and some personal opinions were expressed.

Representative Bardanouve pointed out that last session he tried to give Mr. South the authority to transfer funds between institutions but he was "slapped down".

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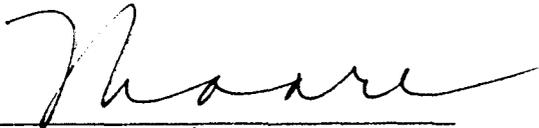
Mr. South said that another philosophical question is now that the department has the money to pay the worker's compensation liability, should they pay it. He said that after meetings with the Workmen's Compensation Division they project that they will only owe \$638,000 of the \$900,000 bill.

No answer was offered to this question. However, Representative Moore said that after the Appropriations Committee and the Senate Finance & Claims Committee and the full House and Senate Committees agree on some figure in the Governor's request then it will be up to the Governor to effectively administrate in accordance with what the Legislature has told him to do.

Vice Chairman Moore said that the meeting would now adjourn and reconvene at 10:45 a.m. in the morning to continue and finish the hearing on HB 2. Following the joint hearing the Appropriations Committee would meet and take executive action on HB 2.

The meeting was adjourned at 6:30 p.m.

Respectfully submitted,



Representative Jack Moore  
Vice-Chairman



Cathy Martin/Secretary

MONTANA STATE PRISON  
Budget for 750 Population  
FY 1983

	Current Level 1983 FY	Request For Special Session	Budget at 750 Pop.
<u>Personal Services</u>			
HB #2	4,573,946		4,573,946
B #840 Pay Plan	1,086,260		1,086,260
Relief Factor:			
5.38 COI Positions			
5.38x2088 hrs x			
6.513 hr. (Gr. 9/2) x			
1.16976 Benefits +			
5 x \$960 (Health Ins.)		90,384	90,384
7.77 Sgt. Positions			
7.77 x 2088 x			
8.18 hr. (Gr. 12/2) x			
1.16976 Benefits +			
1 x \$960 (Health Ins.)		16,345	16,345
Additional Staff - Close I & Close II, Max. Tower Visiting Room:			
30.78 COI's			
30.78 x 2088 x			
6.513 hr. (Gr. 9/2) x			
1.16976 Benefits			
+ 31 x \$960 (Health Ins.)		519,400	519,400
1.62 Sgts.			
1.62 x 2088 x			
8.18 hr. (Gr. 12/2)			
1.16976 Benefits			
+ 2 x \$960 (Health Ins.)		34,286	34,286
Psychologist III - Gr. 15/2			
2088 x 10.515 hr.			
1.16976 + \$960 (Health Ins.)		26,642	26,642
Friday, Overtime, New Sgts			
		34,713	34,713
<b>TOTAL PERSONAL SERVICES</b>	<b>5,660,206</b>	<b>721,770</b>	<b>6,381,976</b>

MONTANA STATE PRISON  
Budget for 750 Population  
FY 1983

Contracted Services	Current Level FY	Request For Special Session	Budget at 750 Pop.
Dr. Valins - Psychiatrist Increase number of visits From one to two per week at \$297/visit (\$297 includes 8% increase over FY 82)	15,547	15,341	30,888
<u>Medical Costs:</u>			
Outside Guards at Hospitals FY 82 Projection \$53,000 x 1.067 Population increase (703 - 750) x 1.081 Inflation			61,132
Deer Lodge Clinic FY 82 Projections 0.160 x 1.067 (Pop Inc.) x 1.25 inflation (Quote from Clinic)			93,576
Podiatry FY 82 Projection \$1000 x 1.031 Inflation			1,081
Outside Physicians \$63,898 (thru 3/15)- 179578 inmate days (thru 3/15) x 256,688 Inmate days (FY 82 Proj) = 91,335 FY 82 Projection x 1.067 (Pop) x 1.081 (Inflation)			106,128
Hospital Costs \$161,407 - 190,713 (thru 3/31/82) x 256,688 = 217,244 (FY82) x 1.067 x 1.089			252,429
Ancillary \$8,270 - 190,713 (thru 3/31/82) x 256,688 = 11,131 (FY 82) x 1.067 x 1.089 =			12,934
<b>TOTAL MEDICAL</b>	<b>404,096</b>	<b>123,184</b>	<b>*527,280</b>

\* Due to the unpredictability of Medical Cost we are requesting that \$27,280 be line itemed as were the utility budgets in HB #500.

MONTANA STATE PRISON  
Budget for 750 Population  
FY 1983

Contracted Services	Current Level 1983 FY	Request For Special Session	Budget 750 P.
Data Processing 8,642 ÷ 672 (Bud Pop) x 750 =	8,642	1,004	9,646
Printing 3,490 ÷ 672 x 750 =	3,490	405	3,895
Legal Services 81,629 ÷ 672 x 750 =	81,629	9,475	91,104
Out of State Inmates + Jails:			
Powell County 2 Inmates x 365 days x \$13/day =			9,490
Crow Agency 1 Inmate x 365 x \$10.80			3,942
Federal 3 Montana State Inmates x 365 x 66.05			72,325
<b>TOTAL Others</b>	<b>60,264</b>	<b>25,493</b>	<b>85,757</b>
Other Contracts Balance	139,915	-	139,915
<b>Total Contracted Service</b>	<b>713,583</b>	<b>174,902</b>	<b>888,485</b>
<u>Supplies &amp; Materials</u>	1,225,123	-	1,225,123
<u>Communications</u>	40,269	-	40,269
<u>Travel</u>	20,228	-	20,228
<u>Int</u>	9,790	-	9,790

MONTANA STATE PRISON  
Budget for 750 Population  
FY 1983

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	Current Level 1983 FY	Request For Special Session	Budget at 750 Pop.
<u>Utilities</u>	267,766		267,766
New Religious Center			
Electricity		648	648
Natural Gas		11,232	11,232
<b>TOTAL UTILITIES</b>	<b>267,766</b>	<b>11,880</b>	<b>279,646</b>
<u>Repairs</u>	86,309		86,309
<b>TOTAL REPAIRS</b>	<b>86,309</b>	-	<b>86,309</b>
<u>Other Expenses</u>	97,327		97,327
255 New Inmate Jobs			
@ 260 days per year			
x .918/day		36,995	36,995
Gate Pay			
389 releases @			
\$85/each =	28,190	4,875	33,065
<b>TOTAL OTHER</b>	<b>125,517</b>	<b>41,870</b>	<b>167,387</b>
<u>Equipment</u>	47,291		
Purchase an additional			
4-wheel Drive Blazer			
with Diesel Engine"			
(Quote from 4/1/82 Bid Call)		16,000	63,291
<b>TOTAL EQUIPMENT</b>	<b>47,291</b>	<b>16,000</b>	<b>63,291</b>
<b>TOTAL PROGRAM</b>	<b>8,196,082</b>	<b>966,422</b>	<b>9,162,504</b>

1982 SPECIAL SESSION

Briefing Paper

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Special Session  
Briefing Paper

INTRODUCTION

The Special Session of the Legislature has been called to address problems and conditions at Montana State Prison (MSP) and the state's adult correctional programs. (A copy of the Special Session Call is attached as Attachment A.) Action is necessary in order to reduce overcrowding and to authorize additional staff and physical security improvements. Discussion of short-term solutions must include consideration of long-term needs. The Executive branch has, therefore, proposed for legislative consideration a long-term solution to the overcrowding at MSP. Outlined in this briefing paper are short and long-term problems, and an outline of the Governor's proposal.

Short-Term Problems

Staffing

The March 24, 1982, inmate disturbance at MSP illustrated inadequacies in staffing levels. Since March 24, the staffing of Close Units I and II and Maximum Security has been bolstered to provide additional security, and staff has been hired to man the new guard tower. Additional correctional officers are needed to improve control over the main control sally port and to better monitor the visiting room.

Additional funding is also requested to establish four disturbance control teams. A summary of short-term staffing needs and detail on calculation of staffing levels are shown in Attachment B.

## Equipment and Facilities

The number of escapes from MSP over the past few months, coupled with the March 24 disturbance, have dramatized the inadequacies of equipment and facilities at the Prison. Several modifications and improvements are required in Close Units I and II, such as: installing metal bars over glassed areas, providing an additional exit for staff, and strengthening day room doors. The administration building needs to be modified to improve accessibility to the armory and to improve observation and control of the sally port and visiting areas. Additional metal detectors are also needed to control the flow of contraband into and within the Prison. The existing electronic sensing system and the perimeter lighting are inadequate, and an additional pursuit vehicle is needed to improve security at the prison.

## Crowded Facilities

Overpopulation at the prison will be discussed in the context of the long-term problem. Several problems resulting from overcrowding, however, require immediate attention. The prison's present water supply is barely adequate, and no back-up supply exists. Funding is requested to develop an additional water supply. The kitchen at the Prison is operating well beyond its design capacity and requires immediate expansion. Transfer of 32 inmates to the dairy barn dormitory would ease population pressure inside the compound.

The staff required to use the dairy barn is indicated in Attachment B. Cost estimates for all short-term equipment and facility needs are shown in Attachment C.

## Treatment and Community Facilities

Several inmates at MSP could be housed in community programs and more effectively treated there. Community pre-release programs are designed to aid inmates who expect to be paroled within a few months. Community programs aid their transition by allowing them to work and live in the community, under strict supervision before their release.

The Alpha House program has demonstrated that inmates can be housed and treated successfully in a community program. Authorization of two new community programs, as well as expansion of the existing programs, would remove an additional 55-65 inmates from the Prison. The proposed community corrections programs would add eight beds to the Missoula Life Skills Center and convert that center to a pre-release program. Funds are requested for five additional beds at Alpha House, and two new 20 to 25-bed community programs. The cost details of the expanded community programs are shown in Attachment D.

Overcrowding at MSP has severely hampered the ability of the institution to treat inmates. An assessment of inmate needs indicated that 83 percent of the population have alcohol and drug related problems. In addition, 63 percent of MSP inmates have emotional problems. Inmate needs and risk assessments are described in Attachments E and E-2. To meet those needs, the Administration proposes that: eight beds be set aside at Galen to treat inmates with substance abuse problems, an additional psychologist be hired, and additional psychiatric services be purchased. A vacant social worker position has recently been converted to a psychologist position.

## Inmate Work

Too many prison inmates have too little to do. The 1981 Legislature authorized a prison industries program, and it is being expanded as quickly as markets and facilities will allow. The expansion envisioned as a part of the long-term prison recommendation would allow more inmates to work within the prison compound.

Budget changes and costs required to deal with the short-term problems at the Prison are detailed in Attachments F-1, 2 and 3.

## Long-Term Problem

Montana does not have adequate facilities in size, or type of security, to accommodate the current or projected populations of the correctional system. Montana, as of June 7, 1982, had 838 adult males committed to the correctional system -- excluding those on parole. The adult male corrections system is designed to accommodate 620 inmates. Montana State Prison was constructed to accommodate 515 inmates and as of June 7, housed 718. With strong public sentiment to incarcerate more felons for longer periods of time, pressures on the system will likely increase.

## Population Projections

There have been many projections of Montana prison populations dating back to 1958. Different sources have used different methods and arrived at different results, however, all conclude that Montana's prison population will remain higher than the design capacity of the current prison. A summary of population projections is provided in Attachment G.

Population projections are only forecasts and carry no guarantees. The legislature, the parole board and the courts can and do significantly affect prison populations. A law to increase the average sentence by 30 days, for example, could have the effect of adding 70 inmates to our current prison population. Longer sentences affect the prison population just as dramatically as the number of people actually convicted and sent to prison.

### Need for Close Security

The problem is not simply one of providing a bed for each inmate. Any new facility must possess an appropriate security level to meet the current and projected inmate populations, and must meet standards established by federal litigation.

The most critical need is to ease overcrowding in the close security areas. As of June 7, 1982, there were 285 inmates housed in the two Close Units originally designed to house 192. Overcrowding in the close security units can only be significantly relieved by the construction of additional high security facilities. While additional medium security beds would reduce the population of Close I and II by allowing transfer of medium security inmates housed there to other housing units, double bunking would still be required in the Close Security Units.

Sound correctional planning encourages building higher levels of security as opposed to lower levels simply because lower security inmates can be housed in high security facilities, but high security inmates cannot be housed safely in low security facilities.

## Federal Standards

The federal courts have increasingly dictated the standards of prisons in terms of size, availability of support facilities, and level of out-of-cell activity. Montana's prison is not currently the subject of a federal court order. The possibility of federal intervention, however, must be a major consideration in developing short and long-term solutions to the overcrowding at Deer Lodge. A summary of federal court actions in other states is presented in Attachment H.

## Criteria for Selecting a Long-Term Solution

Any long-term solution to overcrowding at Montana State Prison must meet the following criteria:

1. New facilities should provide an adequate number of beds to handle existing population, and a cost-effective means of dealing with population increases.
2. New facilities should provide an appropriate level of security for the type of inmate housed there.
3. New facilities should be cost-effective not only in terms of initial investments in construction, but also in terms of ongoing operational costs.
4. New programs or facilities should meet standards established by federal courts for facilities and treatment.

## Proposed Long-Term Solution

Correctional practices discourage mixing inmates of medium/minimum classifications with inmates of close or maximum classifications.

The administration proposes that the current prison at Deer Lodge be expanded to provide a new 120-cell high security unit and to divide the current facility into two separate and distinct compounds. The proposal would initially cost \$9,638,775 to implement and add an estimated \$1 million to prison operational costs. The new facility would expand the prison's capacity to 635 inmates and would increase the system's capacity to 798, if proposed community correction facility recommendations are approved.

Separation of the existing prison into two compounds would avoid the problems associated with large prisons. Separation, combined with the use of existing support facilities, would require that additional facilities also be constructed for inmate visitation, education, exercise, administration, and enhanced security. The prison compound would be reshaped and space provided for future housing expansion. A diagram and description of the proposed compound are provided in Attachment I and a construction cost estimate in Attachment J. A cost comparison of the proposed facility with other alternatives considered is included in Attachment K.

STATE OF MONTANA

Office of the Governor

PROCLAMATION

CALL TO THE 47th LEGISLATURE  
FOR A SPECIAL SESSION

WHEREAS, Article V, Section 6, of the Constitution of the State of Montana provides that the legislature may be convened in special sessions by the Governor; and

WHEREAS, Article VI, Section 11, of the Constitution of the State of Montana also provides that whenever the Governor considers it in the public interest, he may convene the legislature; and

WHEREAS, inmate population at Montana State Prison is in excess of levels determined to be commensurate with sound prison policy; and

WHEREAS, overcrowding was a factor in the March 24, 1982, disturbance at Montana State Prison; and

WHEREAS, several proposals have been developed by the Executive Branch to reduce inmate population at Montana State Prison and enhance security at that institution; and

WHEREAS, it is necessary that a decision be made by the legislature as to the most appropriate proposal; and

WHEREAS, these proposals require the expenditure of general fund monies in excess of appropriated levels; and

WHEREAS, a special session to consider these matters is in the public interest of all Montanans.

NOW THEREFORE, I, TED SCHWINDEN, Governor of the State of Montana, pursuant to the authority vested in me by the Constitution of the State of Montana, do hereby convene the 47th Legislature in special session in the Capitol, in Helena, at the hour of 10:00 a.m., the 21st day of June, 1982, and hereby direct the special session of the 47th Legislature to consider the following subjects:

1. Conditions and problems existing at Montana State Prison and within the state's adult corrections programs, and the resolution thereof;
2. Amendments, repealers, new sections to existing statutes or new acts, so that the problems existing in Montana State Prison and within the state's adult corrections programs may be resolved; and
3. Appropriations to state agencies and programs necessary to alleviate and adequately address the problems and conditions existing in Montana State Prison and within the state's adult corrections programs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the GREAT SEAL OF THE STATE OF MONTANA to be affixed. DONE at the City of Helena, the Capital, this 24<sup>th</sup> day of May, in the year of our LORD, one thousand nine hundred and eighty-two.

  
TED SCHWINDEN, Governor

ATTEST:

  
JIM WALTERMIRE, Secretary of State

## ATTACHMENT B

### Modified Staff

Based on the J.J. Clark study, we requested and the 1981 legislature authorized, a relief factor of 1.55 for each seven-day correctional post at Montana State Prison. Our experience during the past year has shown that 1.62 is a more realistic relief factor. We are therefore requesting a relief factor of 1.62 for FY 1983 which results in the addition of 5.38 FTE C.O. ls and a .77 FTE Sergeant.

The March 24 disturbance demonstrated the need for properly trained and equipped disturbance control teams. We are requesting funding to establish four such teams.

Since the March 24 disturbance, the staffing of Close Units I and II and Maximum Security has been bolstered to provide additional security. We believe these higher staffing levels are critical to the safe operation of these units. Therefore, we are requesting funding for these positions through FY 1983. Funding for sufficient staff to provide 24 hour coverage at the new guard tower is being requested. We are requesting two seven day posts for the expanded sally port to provide better traffic control in and out of the prison as well as additional monitoring of the visiting room.

The far right hand vertical column represents the posts which we are requesting in excess of those budgeted by the 1981 legislature. As the total of the "difference column" indicates, we are requesting 19 more correctional officer posts and one Sergeant. These are seven day posts, so in order to calculate the number of FTE required for these seven day posts the relief factor of 1.62 should be multiplied times 19. ( $19 \times 1.62 = 30.78$  FTE Correctional Officers and  $1 \times 1.62 = 1.62$  FTE Sergeant).

We are proposing that the Dairy Barn dormitory be used to house 32 inmates who are currently employed at the prison ranch. The number of seven-day posts required to house 32 inmates is as follows: 6:00 A.M. to 2:00 P.M., (1) - 2:00 P.M. to 10:00 P.M., (2) - 10:00 P.M. to 6:00 A.M., (2). A total of five posts times the 1.62 relief factor results in a required FTE of 8.1 to properly staff the dairy barn. Housing 32 inmates in the dairy barn is a temporary measure only until such time as permanent housing is constructed.

### Treatment

Immediate efforts to increase our treatment capability include the use of eight beds at Galen State Hospital for the treatment of inmates with serious substance abuse problems. Due to the security environment at Galen, this program must be limited to minimum security inmates.

We have recently converted a Social Worker position to a Psychologist position to better treat inmates with mental health problems. Our revised FY 1983 budget for Montana State Prison includes a request for one additional psychologist position and the purchase of additional hours of service from the prison's contracted psychiatrist. Our ability to treat inmates with mental health problems will be greatly enhanced if the above request is granted.

We are also proposing that additional job opportunities be made available to the inmate population during FY 1983.

STAFFING BREAKOUT BY POST ASSIGNMENT

<u>HOUSING UNIT</u>	<u>SHIFT</u>	<u>OLD STAFFING</u>	<u>NEW STAFFING</u>	<u>DIFFERENCE</u>
Close Unit I	6-2	3	6	3
	2-10	3	6	3
	10-6	2	3	1
Close Unit II	6-2	3	4	1
	2-10	3	4	1
	10-6	2	3	1
Maximum Security	6-2	2	4	2
	2-10	2	4	2*
	10-6	2	3	1
	8-4	1	0	-1
Tower II	6-2	0	1	1
	2-10	0	1	1
	10-6	0	1	1
Visiting Room	12:30-8:00 PM	3	3	0
	8-4	0	1	1
Sally-Port Officer	6-2	0	1	1
	2-10	0	1	1
SUB TOTAL NEW 7-DAY POSTS				19 COs
*1 post = Sgt.				+ 1 Sgt
				20x1.62=32.4
Dairy Barn Staffing				8.1 COs
Relief Factor Change 1.55-1.62				5.38 COs
				.77 Sgt
				46.65
I Psychologist III				1
				47.65

ATTACHMENT C

One-Time Facility Renovation  
and Equipment Expenditures

1. Security Improvements	\$ 397,100
2. Addition to Kitchen	\$ 205,000
3. Upgrade Water System	\$ <u>400,000</u>
	\$1,002,100

## ATTACHMENT C

### SHORT-TERM PROPOSAL

#### Physical Security Improvements, Existing Prison

Physical security improvements in Close Unit I and II should include the relocation of the Sergeant's office adjacent to the main entry of the building. This relocation would allow for better monitoring of the entrance and provide an egress for the staff should a disturbance occur. Steel bars should be installed over all glassed areas in Close Unit II and day room doors should be strengthened in both Close Units I and II. Windows should be installed in existing Sergeant's offices for ventilation. Pass-throughs should be modified in the Control Centers of Close Units I and II to accommodate the passing of tear gas canisters.

Physical improvements in the Administrative building should include the remodeling of Main Control to accommodate the armory, thereby allowing quicker and easier access to weapons, should the need arise. The Board of Pardons hearing room should be improved by strengthening walls, which are currently of frame construction, and increasing security of the entrance and exit doors. We are proposing that the sally-port at main control be enlarged by reducing the size of the bathrooms adjacent to the sally-port and extending a portion of the sally-port to the visiting room. The expansion described above would allow for a common wall with an observation window between the sally-port and the visiting room resulting in additional observation of the visiting room.

We are proposing a dual system of electronic security at the first of the two perimeter fences. One system would detect vibration on the fence itself, while the second system would detect movement through an electronic field which would be established just inside the first fence.

A five-foot-high chain link fence is being requested to provide a buffer zone just inside the perimeter fence in the recreation yard. Inmates should be kept away from the perimeter security fence and the simplest way to accomplish that is to provide a physical barrier.

#### Lighting

We are requesting that perimeter lighting be upgraded to provide adequate lighting levels. A system of six 60 foot light towers with additional lighting installed on each of the two guard towers is being considered.

#### Metal Detectors

Three additional airport terminal type metal detectors are being requested to enhance our capability to detect metal contraband entering

the prison compound and to detect the movement of contraband within the compound.

One detector would be installed in the sally-port guard station at the industry compound entrance to provide complete metal detection capability at that entrance to the prison. This capability should reduce the number of tools, weapons, and breaching devices entering the prison compound from the industry area.

The second metal detector would be installed at the dining room entrance to reduce the number of kitchen utensils carried into housing units and ultimately fashioned into weapons.

The third metal detector would be installed in the remodeled sally-port at main control. Everyone entering the compound through main control would be required to pass through this detector. The addition of this detector would prevent a person who has passed through the first detector at the guard station from obtaining metal contraband in the yard outside the administration building or in the administration building itself and transporting that contraband through the sally-port into the compound.

The proposed sally-port/main control remodeling would require that all visitors pass through two metal detectors prior to entering the visiting room.

Approximately \$60,000 of the guard tower appropriation remains available for other projects. We suggest that it be reappropriated for these security improvements.

#### Pursuit Vehicle

We are also requesting another four-wheel drive pursuit vehicle to increase the effectiveness of our response if an escape should occur.

#### Kitchen

The kitchen at Montana State Prison is totally inadequate to prepare the required number of meals. We suggest that expansion of the food service area begin immediately to: Eliminate potential health hazards; reduce meal serving time; prevent additional citations by the Department of Health; allow for the installation of badly needed kitchen equipment. Kitchen expansion is necessary even if prison population is reduced.

#### Water Supply

The prison's total water supply consists of one well and a storage tank. There is currently no back-up water supply available to the prison should the existing well's production diminish below the demand placed on it by the prison compound. We are requesting funding for a back-up water supply system.

COMMUNITY CORRECTIONS  
FY '83

Missoula Life Skills Summary

	Current Level	Additional Request	Total
FTE	6.00	5.50	11.50
Personal Services	120,188	93,014	213,202
Contracted Services	27,942	(14,882)	13,060
Supplies and Materials	22,777	11,514	34,291
Communications	3,659	936	4,595
Travel	1,610	-0-	1,610
Rent	30,000	-0-	30,000
Utilities	6,866	676	7,542
Repairs	2,044	-0-	2,044
Other	<u>500</u>	<u>6,180</u>	<u>6,680</u>
Total Operating Costs	95,398	4,424	99,822
Equipment	-	5,027	5,027
Total Program Costs	215,586	102,465	318,051

COMMUNITY CORRECTIONS  
FY ' 83

Alpha House - Billings \$ 29 TD Budget

Increasing Population from 20 to 25

FY ' 83  
Additional  
5 Inmates @ \$32.15  
per day

FY ' 83  
Additional  
Needed

TOTAL

<u>Contracted Services</u>	FY '83 Budget		
Consultant & Professional	\$ 1,177	294	1,471

Medical	4,680		
Room & Board	217,029		
Dentistry	<u>1,143</u>	<u>286</u>	<u>1,429</u>
TOTAL CONTRACTED SERVICES	224,029	71,250	295,279

Supplies & Materials

Clothing & Personal	10,858		
Total Current	234,887	66,092	300,979

Increasing projection costs  
@ 1020 mo. in FY '82  
1020x9%=1112x12=13,341  
13,341-20x25 = 16,676

5x32.15x365= 58,674  
-20x25 = 1,429

Reduced projection for  
FY '83. Anticipated '82 costs  
@70 per inmate average stay  
4 months  
70x9% inflation = \$76x75= 5,700

(5,158)

66,092

Total Additional

300,979

## INMATE PROFILE

## NEEDS ASSESSMENT

## PROFILE

The following profiles were compiled in order to establish an accurate, current picture of the Montana State Prison system's population. An analysis of the characteristics of the population should assist in future program and facility development. The tables also provide a method to determine the number of inmates in the current population who may be appropriate for community placement, and who need mental health - substance abuse treatment.

The profiles are based on a random sampling of the entire prison population (833) as of May 10, 1982, a sample of 250 cases. The needs upon which the profiles are based are those which have been found to be highly associated with criminality.

Table 1 represents the general population of incarcerated offenders in Montana; Table 2, those offenders convicted of crimes against persons and parole eligible within twelve months; Table 3, those convicted of property and victimless crimes and parole eligible within twelve months; Table 4, a combination of numbers of inmates from Tables 2 and 3. The numbers in Table 1 are applied to a total prison population of 833. In Tables 2 and 3, it is applied to the general population less those inmates already paroled to an approved plan but still in the system.

Table 1

Table 1 provides an overview of the needs of the inmate population. Alcohol abuse remains the most significant problem on the scale. Poor employment record, which includes skills and work habits, impedes a successful return to the community. Marital/family relations also play a significant role in an inmates successful assimilation into society.

Table 2

Table 2 examines the needs of those inmates convicted of crimes against persons and who are parole eligible within one year. Since research indicates that a portion of this population may pose a low risk of recidivism and violence, they have been studied here as a group.

As with the general population, alcohol abuse is the greatest problem. Compared to the general population, their need for help in the area of sexuality and related behavior is more marked.

### Table 3

Table 3 profiles those inmates who are property offenders, generally considered most appropriate for community-based programs. While the current offenses of this group are not demonstrative of violent behavior, their need levels remain high in most areas.

### Table 4

Table 4 represents the number of inmates potentially available, within one year, for community programs.

In summary, Tables 1, 2 and 3 show a high level of need for all inmates, especially those involving alcohol abuse, employment, and marital/family relationships. Tables 2 and 3 are indicative of the differences in needs of two distinct groups.

Table 4, indicates an estimated 215 property offenders who could be considered for community-based programs. There are up to 72 inmates, convicted of crimes against persons who are eligible for parole within six months. This population could also be considered for community placements.

For the purpose of these profiles, crimes against persons include: homicide, negligent homicide, assaults, rapes, robbery, intimidation, kidnap, and sexual assault.

Property crimes include: burglary, receiving stolen property, theft, criminal mischief, forgery, bad checks, fraud, deceptive practices. Other crimes combined in this category are: bribery, perjury, obstructing justice, drug offenses, contempt, escapes, bigamy, obscenity, etc.

Table 1

INMATE NEEDS PROFILE  
MONTANA STATE PRISON SYSTEM  
TOTAL POPULATION 833  
May, 1982

	Academic/ Vocational Skills	Employment Record	Financial Management	Marital/ Family Relations	Emotional Stability	Alcohol Use/Abuse	Drug Use/Abuse	Mental Ability	Health	Sexual Behavior	Raters' Impressions of Needs	Approximate Number of Inmates
1. Severe Problems High Need Level	125	241	158	308	183	458	241	67	5	100	375	
	15%	29%	19%	37%	22%	55%	29%	8%	.6%	12%	45%	Percentage of Inmate Population
2. Problems require attention before satisfactory functioning can be obtained	241	400	417	308	341	233	225	216	83	41	283	Approximate Number of Inmates
	29%	48%	50%	37%	41%	28%	27%	26%	10%	5%	34%	Percentage of Inmate Population
3. Total of 1 and 2 above.	366	641	575	616	524	691	466	283	88	141	658	Cumulative Number of Inmates
	44%	77%	69%	74%	63%	83%	56%	34%	10.6%	17%	79%	Cumulative Percentage of Inmates

Table 2

PROFILE OF INMATE NEEDS  
 Crimes Against Persons - Twelve Months or Less Until Parole Eligibility Date (Estimated 142 Inmates)  
 MONTANA STATE PRISON  
 May, 1982

	Academic/ Vocational Skills	Employment Record	Financial Management	Family Relations	Emotional Stability	Alcohol Use/Abuse	Drug Use/Abuse	Mental Ability	Health	Sexual Behavior	Raters' Impressions of Needs	Approximate Number of Inmates
1. Severe Problems High Need Level	28	40	18	71	24	80	40	18	3	31	77	
	20%	28%	13%	50%	17%	56%	28%	13%	2%	22%	54%	*Percentage of Inmate Population
2. Problems require attention before satisfactory functioning can be obtained	34	68	74	37	74	42	31	43	21	13	40	Approximate Number of Inmates
	24%	48%	52%	26%	52%	30%	22%	30%	15%	9%	28%	*Percentage of Inmate Population
3. Total of 1 and 2 above.	62	108	92	108	98	122	71	61	24	44	117	Cumulative Number of Inmates
	44%	76%	65%	76%	69%	86%	50%	43%	17%	31%	82%	*Cumulative Percentage of Inmate Population

\*Percentage of the 142 inmates in this category

Table 3

PROFILE OF INMATE NEEDS  
 Property Offenders having Twelve Months or Less Until Parole Eligibility Date (Estimated 215 Inmates)  
 MONTANA STATE PRISON  
 May, 1982

	Academic/ Vocational Skills	Employment Record	Financial Management	Marital/ Family Relations	Emotional Stability	Alcohol Use/Abuse	Drug Use/Abuse	Mental Ability	Health	Sexual Behavior	Raters' impressions of Needs	Approximate Number of Inmates
1. Severe Problems High Need Level	36	56	49	52	19	116	54	9	2	6	60	
2. Problems require attention before satisfactory functioning can be obtained	17%	26%	23%	24%	9%	54%	25%	4%	1%	3%	28%	*Percentage of Inmate Population
	77	118	123	103	77	58	56	43	15	0	84	Approximate Number of Inmates
3. Total of 1 and 2 above.	36%	55%	57%	48%	36%	27%	26%	20%	7%	0%	39%	*Percentage of Inmate Population
	113	174	172	155	96	174	110	52	17	6	144	Cumulative Number of Inmates
	53%	81%	80%	72%	45%	81%	51%	24%	8%	3%	67%	*Cumulative Percentage of Inmates

\*Percentage of the 215 inmates in this category

## RISK ASSESSMENT

The following tables present information collected from a random sample of the May inmate population described in the preceding table assessment.

The concept of risk is generally stated in one of two ways: "the risk of continued criminal activity (recidivism) or the risk of future assaultive behavior." Measures of both were taken from the sampling. The first is called Risk Scale Score and is designed to measure continued criminal activity"; the second is called Risk of Violence and is designed to assess that specific risk.

Risk assessment is not necessarily accurate when applied to an individual, given the many factors related to recidivism. Risk assessments are, however, generally accurate for aggregate populations. Predictions about which individuals in a group may commit a new offense is impossible, but predictions about which group is more likely to recidivate than another is possible.

The tables we have included here describe only the risk of violence for our current inmate population who are within 12 months of their parole eligibility date. Assessing the possibility of violence by those who may be candidates for "pre-release" placements is an important consideration that must be addressed by this Department as well as the communities involved.

Table 1

Table 1 indicates the risk of violence by type of offense for those inmates who will be parole eligible within 12 months in each group. As expected, there are more inmates convicted of offenses against persons who are very high risks of violence than those convicted of property offenses. It is important to note, however, that in addition to the estimated 130 low risk of violence property offenders (within 1 year of parole eligibility) there are an estimated 71 medium to low risk of violence offenders against persons; a total of 201 inmates. Approximately 56% of the inmates who are expected to be parole eligible within 1 year present medium-low risks of violence.

Table 2

Those inmates within 1 year of parole eligibility are further analyzed in Table 2 which breaks the group down into six month intervals. There are an estimated 115 medium-low risk of violence offenders within 6 months of parole eligibility, many more than are high risk or very high risk. In other words, of the estimated 194 parole eligible inmates within the next 6 months, 59% are considered medium to low risk of violence.

Table 1

Risk of Violence  
Inmates Within 12 Months of Parole Eligibility  
By Type of Offense

Type Offense	Very High Risk		High Risk		Medium-Low Risk	
	Percent of Eligible Inmates	Number	Percent of Eligible Inmates	Number	Percent of Eligible Inmates	Number
AGAINST PERSONS	14.7%	52	5.2%	19	19.8%	71
AGAINST PROPERTY	10.3%	36	13.8%	49	36.2%	130
TOTAL	25%	88	19%	68	56%	201

<sup>1</sup> Based on Population Less PAP

Risk of Violence  
by  
Time to Parole Eligibility

Risk of Violence	Parole Eligible 1 - 6 months		Parole Eligible 7 - 12 months	
	Percent	Number	Percent	Number
Very High	4.5%	35	6.7%	52
High	5.7%	44	3.2%	25
Medium-Low	14.9%	115	11.3%	88
TOTAL	25.1%	194	21.2%	165

<sup>1</sup> Percent of total population less PAP

ATTACHMENT F - 1

Short-Term Proposal

Prison Budget

Operations *	\$842,854
Dairy Dorm	136,533
Disturbance Control Training	<u>43,066</u>

\* The operations budget for the prison was reduced by \$123,568 to reflect the movement of inmates to the community corrections facilities

\$ 1,022,453

Prison Capital Expenditures

Security Improvements	397,100
Kitchen Addition	205,000
Upgrade Water System	<u>400,000</u>

\$ 1,002,100

Community Corrections Budget

Increase population at Alpha House	66,092
Missoula Life Skills	102,465
2 - New Pre Release Centers	<u>500,819</u>

\$ 669,376

Total Short-Term Proposal

\$ 2,693,929

ATTACHMENT F - 2  
SUMMARY SHEET

	Montana State Prison			Community Corrections			Total Addl. Request	
	Population	F.F.E. Authorized	Requested	Total	Population	F.F.E. Authorized	Requested	Total
Prison (inside compound)	718	296.34	8,196,082	966,422	9,162,504			
Dairy Dorm (outside compound)	32	8.10	-	136,533	136,533			
Disturbance Control	-	-	-	43,066	43,066			
Sub Total Prison Budget	750	304.44	8,196,082	1,146,021	9,342,103			
Galen	(8)	-	-	(17,240)	(17,240)	8	-	-
Alpha House	(5)	-	-	(10,774)	(10,774)	1 5	234,887	66,092
Missoula Life Skills	(24)	-	-	(46,790)	(46,790)	24	11.50	215,586
Pre-Release Center (9-1-82) <sup>2</sup>	(20)	-	-	(29,258)	(29,258)	1 20	-	293,491
Pre-Release Center (1-1-83) <sup>2</sup>	(20)	-	-	(19,506)	(19,506)	1 20	-	207,328
Sub Totals	673	304.44	8,196,082	1,022,453	9,218,535	77	11.50	450,473
Total Additional Operational Budgets								669,376
Security Improvements				397,100				
Addition to Kitchen				205,000				
Upgrade Prison Water System				400,000				
Total Additional One Time Requests				1,002,100				1,002,100
Total Additional Request								2,693,929

1 Budgets are based on 25 inmates  
2 641 inside compound  
32 outside compound  
673

MONTANA STATE PRISON  
 Program 12 - Care & Custody Operational Budget  
 Including Dairy Barn  
 FY 1983

	Current Level 1983 FY	Request For Special Session	Budget at 750 Pop.
FTE	256.79	47.65	304.44
Personal Services	5,660,206	858,303	6,518,509
Contracted Services	713,583	174,902	(1) 888,485
Supplies & Materials	1,225,123	-	1,225,123
Communications	40,269	-	40,269
Travel	20,228	-	20,228
Rent	9,790		9,790
Utilities	267,766	11,880	279,646
Repairs & Maintenance	86,309		86,309
Other Expenditures	125,517	41,870	167,387
Equipment	47,291	16,000	63,291
<b>SUB TOTAL PROGRAM</b>	<b>8,196,082</b>	<b>1,102,955</b>	<b>9,299,037</b>
Disturbance Control Teams			<u>43,066</u>
<b>TOTAL REQUEST</b>			<b>9,342,103</b>
<b>Funding</b>			
General Fund (HB #2)	7,035,842		
Other Funds (HB #2)	73,980		
Pay Plan (HB #840)	<u>1,086,260</u>		
<b>Total Funding</b>	<b>8,196,082</b>		

- 1) Medical Services: This amount includes 527,280 for medical expenses. Due to the unpredictability of our medical costs, we are requesting that this amount be line itemed as were utility appropriations in HB #500.

## ATTACHMENT G

### POPULATION PROJECTIONS

A report by the National Institute of Law Enforcement and Criminal Justice states that no precise methods of predicting population exist, and that "the task is complex and pioneering"<sup>1</sup>. "There is no single methodology which has been adopted by a majority of the states, nor has any one technique consistently supplied the most reliable predictions"<sup>2</sup>. Across the states the methods range from a "best guess" to sophisticated computer-based multiple regression and simulation models. (See appendix 1) The information used to predict varies greatly from state to state, however, the most frequently used factors are listed in appendix 2.

A 1980 "Survey of Projection Techniques" done by the Commonwealth of Kentucky concludes "perhaps the bottom line concerning population projection is that no one methodology has yet been developed which will consistently produce valid, reliable predictions for all systems. It appears that any given method is capable of producing fairly accurate results on short-range projections if they are revised to compensate for changes in population trends and errors in past predictions. But even this data manipulation cannot, in most instances, predict when policy on population trends will change. Thus, two very important factors necessary for accurate predictions about future inmate population are not subject to control".

Don Hutto, a consultant for the National Institute of Corrections in the Bureau of Prisons noted that making inmate population projections is "like shooting at a moving target". In his report on Montana he writes, "Projections of the population can very accurately predict future numbers based on current practices.... The projections do not predict shifts in public attitudes which affect laws regarding sentencing and parole which have a profound effect".

In summary, prediction methods vary; all must be subject to some error and seldom are they 100% accurate. The predictions cannot well account for policy and attitude changes. They are only one tool to obtain a generalized view of the future.

To examine the generalized future for Montana we can begin with an examination of the past. In 1958 the Montana Legislative Council projected the inmate population through 1990 using a ratio method based on the size of the state population. The predictions are fairly accurate for this moment, but they failed to predict the policy shifts in the mid 1960's which plummeted prison populations to about 250 in 1970. Their prediction was, however, for a steady increase in population. In 1977 the National Clearinghouse for Criminal Justice Planning and Architecture at the University of Illinois made predictions for Montana using a ratio based on males aged 18-34 in Montana. Their predictions peak at 803 in 1985 and decline to 684 in 1990. Subsequently the Master Plan project of 1979 made projections which peak at 1,065 in FY 1983.

In late 1979 the Department of Institutions re-examined the Master Plan projections and made new ones through the end of 1985 using a simulated admission and release model (SARM). These projections show an increase in population throughout the period (1985) to a level of about 884 inmates. The

SARM predictions were examined and re-analyzed in December 1979 by Western Analysis. Western Analysis' predictions follow a similar pattern, although at a lower level, as SARM, peaking in 1990 at 813. In early 1982 the Department replicated the Colorado Cohort model (also used in Texas) for shorter term projections through the end of 1982 which predict from 874 to 926 inmates. With much reluctance, due to the qualifications previously noted, general predictions based on the population at risk age 18-34 were made for 1983 through 1990. These predictions peak in 1985 at about 931 inmates with a gradual decline to 865 in 1990. Table 1 compares the predictions specific to Montana.

Even if we ignore the specific predictions for Montana, there are numerous other indicators of swelling prison population.

- 1) A nationwide increase in incarceration. "Between 1978 and 1981 the number of state prisoners increased 22.7%, or from 268,189 to 329,122. The nation's governors were told that they would have to absorb another 40,000 to 50,000 new inmates in state prison systems in 1982 if the recession holds".<sup>3</sup> From 1972 to 1977 there was a 39% increase and the general trend has been increasing since 1930. (See appendix #3).<sup>4</sup> The average annual change in prison population since 1930 is + 7.4%.
- 2) A five volume report prepared for a congressional survey by ABT Associates for the National Institute of Justice states that the states were largely unprepared for the unprecedented explosion in prison population that occurred. Looking at regional changes they noted a 31% increase in the west (compared to 84% in the south).
- 3) The U.S. Department of Justice reports the 1981 increase in prison population to be the largest since records were started in 1925 (12.1%). Federal prisons increased 16%.
- 4) ABT made forecasts by three means for various regions of the country through 1983. In the west, two models project increases, one a stabilized population.<sup>5</sup>
- 5) A research study by the National Council on Crime and Delinquency (The Unmet Promise of Alternatives to Incarceration) reflects a 30% growth in institutional populations from 1965-1979.
- 6) The incarceration rate is high in the U.S. overall. (154/100,000) Montana's is low in comparison and in comparison to other western states (Idaho, Nevada, Utah, New Mexico, Colorado, Washington). It will probably increase to reflect the increasing fear of crime.
- 7) The causes of the increase are generally cited as "the baby-boom reaching crime prone years, increases in crime, a retributive public mood resulting in mandatory and longer sentences, conservative parole policies and an increase in the number of persons per capita committed to prison".<sup>6</sup>

Year	82	83	84	85	86	87	88	89	90	91
82	469 <sup>1</sup>	469 <sup>2</sup>								.
83		460 <sup>1</sup>	460 <sup>2</sup>							.
84			466 <sup>1</sup>	466 <sup>2</sup>						.
85				465 <sup>1</sup>	465 <sup>2</sup>					.
86					460 <sup>1</sup>	460 <sup>2</sup>				.
87						453 <sup>1</sup>	453 <sup>2</sup>			.
88							445 <sup>1</sup>	445 <sup>2</sup>		.
89								437 <sup>1</sup>	437 <sup>2</sup>	.
90									428 <sup>1</sup>	428 <sup>2</sup>

Total Estimate	(Med. Range)	(High Range)	(Low Range)							
(Med. Range)	900	929	926	931	925	913	898	882	865	.
(High Range)	926	967	966	971	965	953	938	922	905	.
(Low Range)	874	889	886	891	885	873	858	842	825	

<sup>1</sup> Prison admission for that year.  
<sup>2</sup> Previous year admissions still at the prison based on the 24 month average stay.

Table 1

Comparison of Projections

YEAR	1955	1960	1965	1970	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1995	2000
Actual <sup>1</sup>	590	585	575	250	380	485	550	680	710	715	775	833 <sup>5</sup>	-	-	-	-	-	-	-	-	-	-
1958 Council	-	613	656	704	754	-	-	-	-	807	-	-	-	-	865	-	-	-	-	-	926	-
Clearinghouse	-	-	-	-	-	-	-	-	-	597	646	685	726	765	803	-	-	-	-	-	684	429
Master Plan <sup>2</sup>	-	-	-	-	-	458	590	643	757	838	930	1014	1065	1064	1010	936	845	741	704	636	-	-
S.A.R.M. <sup>3</sup>	-	-	-	-	-	-	-	-	-	796	826	850	867	880	884	-	-	-	-	-	-	-
Western Analysis <sup>2</sup>	-	-	-	-	-	-	-	-	-	693	707	721	733	746	760	773	789	795	804	813	-	-
Cohort <sup>4</sup>	-	-	-	-	-	-	-	-	-	-	-	900	-	-	-	-	-	-	-	-	-	-
1982 Age Ratio <sup>4</sup>	-	-	-	-	-	-	-	-	-	-	-	-	929	926	931	925	913	898	882	865	-	-

1 YR End

2 FY

3 End CY

4 Mid range

5 May 1982

alleged that he received a physical examination by a person who was not a licensed physician, contrary to state law. The examiner's recommendation resulted in a work assignment that the inmate was unable to carry out. The assignment caused him injury and pain, he claimed.

E. In re Rich (81-296)

The Supreme Court refused to hear an inmate's appeal of a lower court ruling which held that the prison system's rule of allowing inmates to receive written materials only from publishers is a reasonable response to security needs and does not violate inmates' First Amendment rights.

F. Hewitt v. Helms (81-638)

The Supreme Court will hear Pennsylvania's appeal of a lower court decision regarding administrative and disciplinary segregation in the prison. That decision held that criteria by which inmates are segregated create a constitutionally protected right to procedural safeguards in connection with segregation. The process and safeguards include notice to the inmate, hearings, availability of counsel, qualified right to present evidence and witnesses, and a written record of the decision and its basis.

G. Rushen v. Taylor (81-789)

The Supreme Court has not yet acted on California's appeal of a lower court decision dealing with classification procedures for maximum security inmates. The lower court held that if the state chooses to keep an inmate in secured housing after the term established on disciplinary grounds, then the inmate is entitled to due process safeguards before further detention may be imposed.

II. Cases Before the Courts of Appeal

A. Welsh vs. Mizell, (80-1862) (7th Cir. January 12, 1982)

The Seventh Circuit ruled in favor of an inmate who challenged the constitutionality of a state statute changing parole eligibility requirements. The court ruled that legislation enacted nine years after his crime was retrospective, disadvantaged the plaintiff, and effectively enhanced his punishment.

B. Williams v. Treen, (5th Circuit, March 31, 1982)

The Fifth Circuit ruled that state prison officials who violated state law in maintaining prison conditions later found to be unconstitutional were not entitled to good faith immunity defense in prisoners' 42 USC 1983 damage suit.

Officials who may claim this defense, if they are acting within the scope of their authority, lose that defense if their actions contravene established state law, even if acting in the belief of the rightness of their actions.

ATTACHMENT H

SUMMARY OF MAJOR PRISON LITIGATION

SEPTEMBER, 1981 - MAY, 1982

I. Petitions Filed with the Supreme Court

A. Leeke v. Timmerman (80-2077)

The Supreme Court reversed the lower court's decision, which had held that:

1. the prison inmates' right of access to courts was denied when the corrections director and his legal advisor tried to prevent inmates from seeking a warrant against guards who allegedly beat inmates;
2. that the director and advisor did not satisfy the conditions for qualified immunity from prosecution, and were liable under 42 USC 1983; and
3. that the defendants were liable for punitive damages, having conspired to deprive inmates of their rights of access to courts, in violation of 42 USC 1985(3).

B. Rowe v. Chavis (80-2082)

The Supreme Court refused to hear the appeal of a lower court's decision that the prison administration's failure to provide evidence that would have exonerated an inmate in a disciplinary hearing violated due process.

C. Ward v. Powell (80-2104)

The Supreme Court refused to hear New York state's appeal of a case which found a prison superintendent in contempt for violating a 1975 order. The order:

1. required prison officials to provide written notice explaining why an inmate was denied a request to present witnesses at a disciplinary hearing;
2. required the prison administration to give notice of disciplinary action in Spanish to those inmates who know only Spanish;
3. generally forbade officials to confine inmates in special units for more than seven days pending investigation of charges; and
4. disqualified anyone who witnessed or participated in an offense from serving on the disciplinary hearing panel.

D. Reed v. Grissom (81-121)

The Supreme Court refused to hear North Carolina's appeal of a lower court's decision not to grant summary judgment. In this case, an inmate

STATUS REPORT - THE COURTS AND PRISONS

States in which there are existing court decrees, or pending litigation, involving the entire state prison system or the major institutions in the state and which deal with overcrowding and/or the total conditions of confinement (does not include jails except for D.C.):

1. Alabama: The entire state prison system is under court order dealing with total conditions and overcrowding. Pugh v. Locke, 406 F.Supp. 318 (M.D.Ala. 1976), cert. denied, 98 S.Ct. 3057 (1978); Receiver appointed, 466 F.Supp. 628 (M.D.Ala. 1979). To relieve overcrowding and backup of state prisoners in county jails, 400 state prisoners (number later modified) were ordered released. Newman, supra, Slip Op. (M.D.Ala., July 15, 1981), application for stay denied, No. 81-7606 (5th Cir., July 23, 1981), stay denied, Graddick v. Newman, 50 U.S.L.W. 3021 (July 25, 1981), reapplication denied, 102 S.Ct. 4 (1981). A second prisoner release order was issued, Newman, supra, Slip Op. (M.D.Ala., December 14, 1981), application for stay granted pending expedited appeal, Graddick v. Newman, No. 81-8003 (11th Cir., Dec. 21, 1981). The expedited appeal was argued on February 8, 1982.
2. Arizona: The state penitentiary is being operated under a series of court orders and consent decrees dealing with overcrowding, classification and other conditions. Orders, August 1977-1979, Harris v. Cardwell, C.A. No. 75-185 PHX-CAM (D. Ariz.).
3. Arkansas: The entire state prison system is under court order dealing with total conditions. Finney v. Arkansas Board of Corrections, 505 F.2d 194 (8th Cir. 1974). Special Master appointed, Finney v. Mabry, 458 F.Supp. 720 (E.D.Ark. 1978).
4. California: The state penitentiary at San Quentin is being challenged on overcrowding and conditions. Huff v. Commissioner C80 3931 (N.D.Cal.); Wilson v. Brown, Superior Court, Marin County.
5. Colorado: The state maximum security penitentiary is under court order on total conditions and overcrowding. The prison was declared unconstitutional and ordered to be ultimately closed. Ramos v. Lamm, 485 F.Supp. 122 (D.Col.1979); aff'd in part and remanded, 639 F.2d 559 (10th Cir. 9/25/80) cert. den. 101 S. Ct. 1259 (1981), on remand, 520 F.Supp. 1059 (D.Col. 1981).
6. Connecticut: The Hartford Correctional Center operated by the state is under court order dealing with overcrowding and some conditions. Lareau v. Manson, 507 F.Supp. 1177 (D.Conn.1980) aff'd 651 F.2d 96 (2nd Cir. 1981).

7. Delaware: The state penitentiary is under court order dealing primarily with overcrowding and some conditions. Anderson v. Redmon, 429 F.Supp. 1105 (D.Del.1977).
8. Florida: The entire state prison system is under court order dealing with overcrowding. Costello v. Wainwright, 397 F.Supp. 20 (M.D.Fla.1975), aff'd 525 F.2d 1239 and 553 F.2d 506 (5th Cir.1977). See also 489 F.Supp 1100 (M.D.Fla.1980), settlement on overcrowding approved.
9. Georgia: The state penitentiary at Reidsville is under court order on total conditions and overcrowding. A special master was appointed in June 1979. Guthrie v. Evans, C.A.No.3068 (S.D.Ga.).
10. Illinois: The state penitentiary at Menard is under court order on total conditions and overcrowding. Lightfoot v. Walker, 486 F.Supp. 504 (S.D. Ill. 2/19/80). The state penitentiary at Pontiac is under a court order enjoining double celling and dealing with overcrowding. Smith v. Fairman, 80-3076 (C.D. Ill. 11/3/81). Litigation is pending at other institutions.
11. Indiana: The state prison at Pendleton is being challenged on total conditions and overcrowding. French v. Owens. The state penitentiary at Michigan City is under a court order on overcrowding and other conditions. Hendrix v. Faulkner, 30 Cr.L 2159 (W.D.Ind. 10/21/81).
12. Iowa: The state penitentiary is under court order on overcrowding and a variety of conditions. Watson v. Ray, C.A.No.78-106-1, 90F.R.D.143 (S.D.Ia.1981).
13. Kentucky: The state penitentiary and reformatory are under court order by virtue of a consent decree on overcrowding and some conditions. Kendrick v. Carroll, C76-0079 (W.D.Ky.) and Thompson v. Bland (April 1980). The women's state prison is being challenged on the totality of conditions. Canterino v. Wilson, No.80-0545-L(J)(W.D.Ky.).
14. Louisiana: The state penitentiary is under court order dealing with overcrowding and a variety of conditions. The trial was concluded in the fall of 1981. Lovell v. Brennan, C.A.No.79-76SD (D.Me.).
15. Maine: The state penitentiary is being challenged on overcrowding and a variety of conditions. The trial was concluded in the fall of 1981. Lovell v. Brennan, C.A.No.79-76SD (D.Me.).
16. Maryland: The two state penitentiaries were declared unconstitutional on overcrowding. Johnson v. Levine, 450 F.Supp. 648 (D.Md. 1978) Nelson v. Collins, 455 F.Supp. 727 (D.Md. 1978), aff'd 588 F.2d 1378 (4th Cir. 1978), on remand F.Supp.\_\_\_\_ (D.Md.1/5/81), rev. and remanded, 30 Cr.L 2053 (4th Cir. 9/14/81) (en banc).
17. Massachusetts: The maximum security unit at the state prison in Walpole is being challenged on total conditions. Blake v. Hall, C.A. 78-3051-T (D.Mass.). A decision for the prison officials was affirmed in part and reversed in part and remanded. \_\_\_ F.2d \_\_\_, No.80-1792 (1st Cir.12/18/81).

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17. Massachusetts: The maximum security unit at the state prison in Walpole is being challenged on total conditions. Blake v. Hall, C.A. 78-3051-T (D.Mass.). A decision for the prison officials was affirmed in part and reversed in part and remanded. \_\_\_\_ F.2d \_\_\_\_, No.80-1792 (1st Cir.12/18/81).

- Michigan: The women's prison is under court order, Glover v. Johnson, 478 F.Supp. 1075 (E.D.Mich. 1979). The entire men's prison system is under court order on overcrowding, and the state prison at Jackson is being challenged on other conditions. Everett v. Milliken, C.A.80-73581 (E.D.Mich.).
- Mississippi: The entire state prison system is under court order dealing with overcrowding and total conditions. Gates v. Collier, 501 F.2d 1291 (5th Cir.1974).
20. Missouri: The state penitentiary is under court order on overcrowding and some conditions. Burks v. Teasdale 603 F.2d 59 (8th Cir.1979), on remand, 27 Cr.L.2335 (W.D. Mo.5/23/80).
21. Nevada: The state penitentiary is under court order on overcrowding and total conditions. Craig v. Hocker, C.A. No. R-2662 BRT (D.Nev.) (consent decree entered 7/18/80). New addition to state penitentiary is being challenged on total conditions. Maginnis v. Wolff, CVR-77-221-ECR (D.C.Nev.).
22. New Hampshire: The state penitentiary is under court order dealing with total conditions and overcrowding. Laaman v. Helgemce, 437 F.Supp. 269 (D.N.H.1977).
23. New Mexico: The state penitentiary is under a court order on overcrowding and total conditions. Duran v. Apodaca, C.A.No. 77-721-C(D.M.Mex.) (consent decree entered 8/1/80).
- North Carolina: A lawsuit was filed in 1978 at Central Prison in Raleigh on overcrowding and conditions and a similar lawsuit is pending involving the women's prison. Batton v. No.Carolina, 80-0143-CRT (E.D.N.C.), see also 501 F.Supp. 1173 (E.D.N.C.1980) (denying motion for summary judgment).
25. Ohio: The state prison at Lucasville was under court order on overcrowding. Chapman v. Rhodes, 434 F.Supp. 1007 (S.D.Oh.1977), aff'd 6/6/80 (6th Cir.), rev'd, 101 S.Ct. 2392 (1981). The state prison at Columbus is under court order resulting from a consent decree on total conditions and overcrowding and is required to be closed in 1983. Stewart v. Rhodes, C.A.No. C-2-78-220 (S.D.Ohio) (12/79). The state prison at Mansfield is being challenged on total conditions. Boyd v. Denton, C.A.78-1054A (N.D.Oh.).
26. Oklahoma: The state penitentiary is under court order on total conditions and the entire state prison system is under court order on overcrowding, Battle v. Anderson, 564 F.2d388 (10th Cir. 1977).
27. Oregon: The state penitentiary is under a court order on overcrowding, Capps vs Atiyeh, 495 F.Supp. 802 (D.Or.1980), appeal pending (9th Cir.) stay granted, 101 S.Ct.829 (1981), stay vacated by decision in Rhodes v. Chapman (see Ohio above).
28. Rhode Island: The entire state system is under court order on overcrowding and total conditions. Palmigiano v. Garrahy, 443 F.Supp. 956 (D.R.L. 1977). A Special Master was appointed in September 1977.
29. South Carolina: The state penitentiary is being challenged on overcrowding and conditions. Mattison v. So.Car.Bd.of Corr., C.A.No. 76-318.

30. Tennessee: The entire state prison system declared unconstitutional on total conditions. Decision in August 1978 with preliminary order closing one unit by state court Judge. Trigg v. Blanton, C.A. No. A6047-Chancery Court, Nashville, vacated in part and remanded, Tenn. Ct. of Appeals, decision to abstain in favor of federal court by Tenn. Supreme Court which dismissed state court suit, Feb. 1982. Trial held fall 1981 in Federal Court, Grubbs v. Bradley, 80-34-4 (M.D.Tenn.).
31. Texas: The entire state prison system has been declared unconstitutional on overcrowding and conditions. Ruiz v. Estelle, 503 F.Supp. 1265 (S.D.Tex.12/10/80), stay granted and denied, 650 F.2d 555 (5th Cir. 1981), stay granted and denied (5th Cir.1/14/81). A Special Master has been appointed.
32. Utah: The state penitentiary is being operated under a consent decree on overcrowding and some conditions. Nielson v. Matheson, C-76-253 (D:Ut.1979).
33. Vermont: State prison closed.
34. Virginia: The state prison at Powhatan is under a consent decree dealing with overcrowding and conditions. The maximum security prison at Mecklenburg is being challenged on the totality of conditions. Brown v. Hutto, 81-0853-R(E.D.Va.).
35. Washington: The state reformatory is being challenged on overcrowding and conditions. Collins v. Rhay, C.A. No. C-7813-V (W.D.Wash.). The state penitentiary at Walla Walla has been declared unconstitutional on overcrowding and conditions and a special master has been appointed. Hoptowit v. Ray, C-79-359 (E.D.Wash. 6/23/80), aff'd in part, rev'd in part, vacated in part and remanded, F.2d\_\_ (9th Cir.2/16/82).
36. West Virginia: The state penitentiary at Moundsville is being challenged on overcrowding and conditions.
37. Wisconsin: The state prison at Waupun is being challenged on overcrowding. Delgado v. Cady, 79-C-1018 (E.D.Wisc.). Trial concluded December 1981.
38. Wyoming: The state penitentiary is being operated under terms of a stipulation and consent decree. Bustos v. Herschler, C.A.
39. District of Columbia: The District jails are under court order on overcrowding and conditions. Inmates, D.C.Jail v. Jackson, 416 F.Supp.119 (D.D.C.1976), Campbell v. McGruder, 416 F.Supp. 100 and 111 (D.D.C.1976), aff'd and remanded, 580 F.2d 521 (D.C.Cir. 1978).
40. Puerto Rico: The Commonwealth Penitentiary is under court order on overcrowding and conditions. Martinez-Rodrigues v. Jiminez, 409 F.Supp. 582 (D:P.R.1976). The entire commonwealth prison system is under court order dealing with overcrowding and conditions, Morales Feliciano v. Jiminez (D.P.R.).
41. Virgin Islands: Territorial prison is under court order dealing with conditions and overcrowding. Barnes v. Gov't of the Virgin Islands, 415 F.Supp.1218 (D.V.I.1976).

Source: The National Prison Project, ACLU, March 8, 1982

## ATTACHMENT I

### LONG TERM PROPOSAL

#### Expansion at Montana State Prison

We consider this a long-term proposal because it adds 120 secure beds to our housing capacity and provides support service capability levels for 900 to 1,000 inmates. Should additional beds be required in the future, the construction of additional housing units will not require further relocation of the perimeter fence or seriously disrupt the operation of the prison.

We do not believe that additional housing units should be constructed at Montana State Prison without a division of the compound and an expansion of support service capability.

The suggested division enhances security by isolating the more dangerous assaultive inmate from those inmates who present fewer behavioral problems and by confining that high risk inmate in a more secure environment. A division of this type also provides for better tailoring of programs to the needs of two distinct inmate populations. The division of the compound by classification also reduces the chance of a major disturbance in one portion of the compound spreading to the other.

Disruption of operations and potential security deficiencies are of major concern when construction and expansion of an existing prison are being considered. To assure that construction does not detrimentally affect the operation and security of Montana State Prison, all new buildings will be constructed outside the perimeter security fence as shown on the sketch. Upon completion of the three new buildings and the two guard towers the perimeter fence would be relocated to enclose them. The relocated fence would be complemented by razor barb tape and a dual electronic sensing system.

The compound should be separated by a double security fence, equivalent to the existing perimeter fence, thereby providing complete separation of the existing facility into a Close security compound and a Medium security compound. The kitchen would be enlarged to accommodate the equipment necessary to provide adequate food preparation service for an increased population. All food would be prepared in this kitchen.

The enlarged kitchen and existing dining room would be segregated into the Close security compound. The existing dining facility would be used exclusively for the feeding of inmates housed in that compound. Food would be transported to a new dining facility constructed in the Medium compound and all inmates housed in that compound would be fed in the separate dining facility.

The existing gymnasium would also be segregated into the Close security compound and would be used exclusively by inmates housed in that compound. A new gymnasium would be constructed in the Medium security portion to be used exclusively by inmates housed in that compound. Our plans call for the new gymnasium and the dining room to be constructed as one building.

The new prison chapel would be totally isolated from both compounds by a double security fence complemented by a dual electronic sensing system. The chapel would be accessible from each compound only by sally-port gates operated from the guard towers, to prevent unauthorized access from one compound to the other.

The existing administration building would remain in the Medium security compound and the education, library, and visiting function of the building would be available only to inmates housed in that compound. Board of Pardon's hearings would continue to be conducted in the administration building. Most of the administrative staff would remain in the existing administration building.

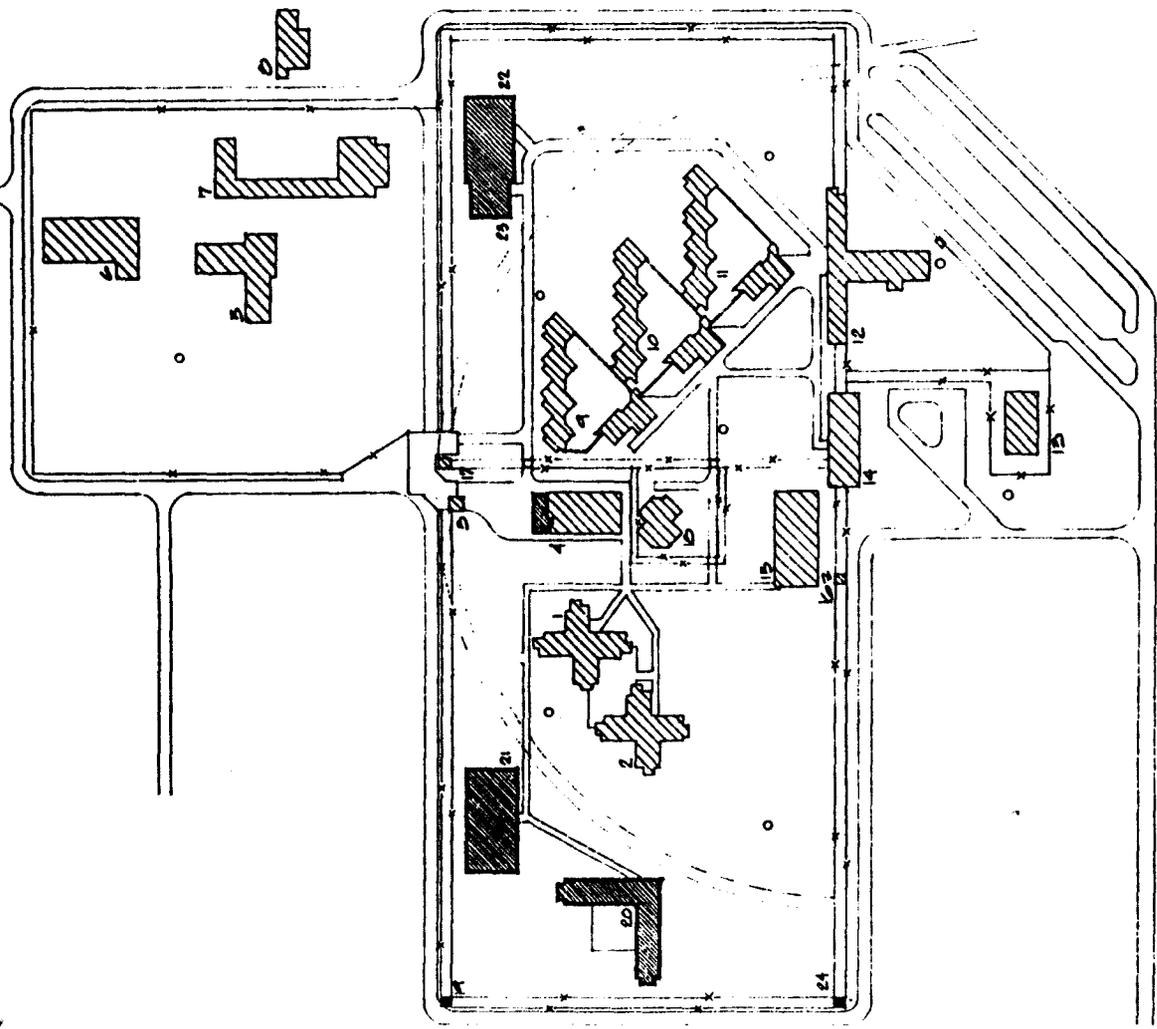
A building would be constructed in the Close security compound to house education-library services, a sick-call area, and visiting room for inmates housed in that compound.

Additional housing capacity in the Medium security compound could be accomplished simply by adding one or two additional housing units inside the relocated perimeter fence.

#### Treatment Programs for an Expanded Montana State Prison

As a part of our substance abuse treatment program at the expanded prison, we would suggest that a wing of upper Close Unit II (12 cells) become a substance abuse treatment unit for inmates with serious substance abuse problems, but who cannot be treated at Galen because they must be treated in a secure environment.

If our recommendation to expand Montana State Prison is approved we would suggest that one or two wings of Upper Close Unit II (12 to 24 cells) become a treatment unit for sex offenders and other inmates with mental health problems who must be treated in a secure environment. Our recommended staffing level for the expanded facility includes a Psychologist III and a Social Worker II who will also be a certified alcohol and drug abuse counselor.



**LEGEND**

1. CLOSE SECURITY
2. CLOSE SECURITY
3. REPAIR SHOP
4. FOOD SERVICE
5. INDUSTRIAL
6. INDUSTRIAL
7. VOCATIONAL EDUCATION
8. REPAIR SHOP
9. MINIMUM SECURITY
10. MINIMUM SECURITY
11. MEDIUM SECURITY
12. ADMINISTRATION / VISITING
13. INFIRMARY
14. MEDIUM SECURITY
15. GYMNASIUM
16. GUARD TOWER
17. GUARD TOWER
18. CHURCH
19. FUTURE GUARD TOWER
20. FUTURE CLOSE SECURITY
21. FUTURE VISITING
22. FUTURE EDUCATION & ADMINISTRATION
23. FUTURE GYMNASIUM & MUSIC
24. NEW LIGHT POLES

**MONTANA STATE PRISON  
CLOSE SECURITY EXPANSION**



DEER LODGE MONTANA

ATTACHMENT J

M.S.P. CLOSE SECURITY EXPANSION

STATE PRISON RANCH EXPANSION

DEER LODGE, MONTANA

MONT A/E 82-43-01

June 1, 1982

One 120-Man Close Security Housing Unit:

29,568 s.f. @ \$97.51	\$ 2,883,175	
Contractor's Overhead & Profit @ 25%	<u>720,795</u>	
	\$ 3,603,970	
Architect's Fee @ 8.0%	<u>288,315</u>	
	\$ 3,892,285	
Contingency @ 10%	<u>389,225</u>	
Total Cost		\$ 4,281,510

2. New Dining Hall (Excluding Kitchen):

5,000 s.f. @ \$43.90	\$ 219,500	
Contractor's Overhead & Profit @ 25%	<u>54,875</u>	
	\$ 274,375	
Architect's Fee @ 8.0%	<u>21,950</u>	
	\$ 296,325	
Contingency @ 10%	<u>29,635</u>	
Total Cost		\$ 325,960

3. New Gymnasium & Music Building:

15,500 s.f. @ \$35.15	\$ 544,850	
Contractor's Overhead & Profit @ 25%	<u>136,215</u>	
	\$ 681,065	
Architect's Fee @ 8.0%	<u>54,485</u>	
	\$ 735,550	
Contingency @ 10%	<u>73,550</u>	
Total Cost		\$ 809,100

4. New Administration, Library, Education  
and Visitor's Building:

33,408 s.f. @ 54.40	\$ 1,817,395	
Contractor's Overhead & Profit @ 25%	<u>454,350</u>	
	\$ 2,271,745	
Architect's Fee @ 8%	<u>181,740</u>	
	\$ 2,453,485	
Contingency @ 10%	<u>245,345</u>	
Total Cost		\$ 2,698,830

5. Sitework & Utilities:

Fence: Lump Sum from M.S.P. Expansion	445,225	
Underground Utilities: Lump Sum	25,000	
Paving: 116,600 s.f. @ \$2	233,200	
Sally Ports: Lump Sum from MSP Expansion	44,200	
Guard Tower: Lump Sum from MSP Expansion		
2 ea. @ \$128,000 =	<u>256,000</u>	
	\$ 1,003,625	
Contractor's Overhead & Profit @ 25%	<u>250,905</u>	
	\$ 1,254,530	
Architect's Fee @ 8%	<u>100,360</u>	
	\$ 1,354,890	
Contingency @ 10%	<u>135,490</u>	
TOTAL COST		\$ 1,490,380

COST ESTIMATE SUMMARY  
 M.S.P. CLOSE SECURITY EXPANSION  
 DEER LODGE, MONTANA  
 MONT A/E 82-43-01  
 June 1, 1982

1.	ONE 120-MAN CLOSE SECURITY HOUSING UNIT	\$ 4,282,000
2.	NEW DINING HALL	326,000
3.	NEW GYMNASIUM & MUSIC BUILDING	809,000
4.	NEW ADMINISTRATION, LIBRARY, EDUCATION AND VISITORS BUILDING	2,699,000
5.	SITWORK & UTILITIES	\$ <u>1,490,000</u>
	SUB TOTAL	\$ 9,606,000
		' <u>32,775</u>
		\$ 9,638,775

NOTE: This estimate does not include the cost of furnishings.

\* Salaries and benefits for 4,176 hours of security staffing during the period in which the fence is being relocated.

ATTACHMENT K

Comparison  
Glasgow - Governor's Proposal  
750 Inmates

1983 Fiscal Year

	Prison Budget Pop. 610	Glasgow Budget Pop. 140	Total Pop. 750	Total Governor's Proposal
FTE	288.24	75.30	363.54	350.12
Personal Services	6,235,452	1,476,568	7,712,020	7,385,068
Contracted Services	789,862	258,799	1,048,661	888,485
Supplies and Materials	1,055,471	402,717	1,458,188	1,225,123
Communications	40,269	25,534	65,803	46,869
Travel	20,228	10,439	30,667	20,228
Rent	9,790	14,994	24,784	9,790
Utilities	279,646	138,000	417,646	318,246
Repairs	86,309	30,856	117,165	109,709
Other	133,972	62,822	196,794	167,791
Equipment	63,291	306,225	369,516-	67,791
<b>TOTALS</b>	<b>8,714,290</b>	<b>2,726,954</b>	<b>11,441,224</b>	<b>10,238,696</b>

Cost per day (excluding equipment of 306,225 at Glasgow and 16,000 at Prison) \$40.62

Construction Governor's proposal	<u>9,638,775</u>
Renovation Glasgow	<u>2,598,000</u>
Difference	7,040,775

Comparison  
Old Prison - Governor's Proposal  
750 Inmates

1983 Fiscal Year

	Prison at 550	Old Prison at 200	Total 750	Total Governor's Proposal
FTE	273.66	112.02	385.68	350.12
Personal Services	5,979,486	2,251,449	8,230,935	7,385,068
Contracted Services	702,651	196,987	899,638	888,485
Supplies and Materials	1,047,255	394,179	1,441,434	1,225,123
Communications	36,097	20,786	56,883	46,869
Travel	13,924	8,590	22,514	20,228
Rent	9,790	16,760	26,550	9,790
Utilities	279,646	296,862	576,508	318,246
Repairs	86,309	30,856	117,165	109,709
Other	134,937	37,080	172,017	167,387
Equipment	63,291	294,346	357,637	67,791
<b>TOTALS</b>	<b>8,353,386</b>	<b>3,547,895</b>	<b>11,901,281</b>	<b>10,238,696</b>

Cost per day (excluding equipment of 294,346 at Old Prison and 16,000 at Prison) \$42.34

Construction Governor's proposal	<u>9,638,775</u>
Renovation Old Prison	<u>6,185,000</u>
Difference	3,453,775

MISSOULA LIFE SKILL

Existing Security Staff

Proposed Security Staff

<u>1st Shift</u>	7:30 a.m. - 3:30 p.m. - 1 (7) day post	7:30 a.m. - 3:30 p.m. - 1 (7) day post
<u>2nd Shift</u>	3:30 p.m. - 11:30 p.m. - 2 (7) day posts	3:30 p.m. - 11:30 p.m. - 2 (7) day posts
<u>3rd Shift</u>	11:30 p.m. - 7:30 a.m. - 0 (7) day post (1)	11:30 p.m. - 7:30 a.m. - 2 (7) day post (1)
TOTAL EXISTING	7 - day posts 3	TOTAL PROPOSED 7 - day posts 5

Proposed 8  
 Existing 3  
 Additional Security FTE Requested - 5

Existing 5 - day positions

Proposed 5 - Day Shift

Director -	1	Director -	1
Social Worker -	1	Social Worker -	1
Transportation Officer -	1	Transportation Officer -	1
Secretary -	<u>0</u>	Secretary -	<u>.5</u>
Total Existing		Total Proposed	
5-day staff	3	5-day staff	3.5

Additional 5-day FTE Requested .5  
 Total New FTE requested 5.5

- 1) Three (3) University of Montana students share the double coverage security coverage on the 11:30 p.m. - 7:30 a.m. shift. This concept will be discontinued as shown in the attached budget and coverage will be provided by state employees.
- 2) We have no relief factor at this time for the three 7-day posts. Relief is being accomplished by exempt working compensatory time and non-exempt employees working overtime.

4

ATTACHMENT F - 2  
SUMMARY SHEET

	Montana State Prison				Community Corrections				Total Addl. Request	
	Population	F.I.E.	Authorized	Requested	Total	Population	F.I.E.	Authorized		Requested
Prison (inside compound)	718	296.34	8,196,082	966,422	9,162,504					
Dairy Dorm (outside compound)	32	8.10	-	136,533	136,533					
Discurance Control	-	-	-	43,066	43,066					
Sub Total Prison Budget	750	304.44	8,196,082	1,146,021	9,342,103					
Calen	(8)	-	-	(17,240)	(17,240)	8	-	-	-	-
Alpha House	(5)	-	-	(10,776)	(10,776)	1	5	234,887	66,092	300,979
Missoula Life Skills	(24)	-	-	(46,790)	(46,790)	24	11.50	215,586	102,465	318,051
Pre-Release Center (9-1-82) <sup>2</sup>	(20)	-	-	(29,258)	(29,258)	1	20	-	293,491	293,491
Pre-Release Center (1-1-83) <sup>2</sup>	(20)	-	-	(19,506)	(19,506)	1	20	-	207,328	207,328
Sub Totals	673	304.44	8,196,082	1,022,453	9,218,535	77	11.50	450,473	669,376	1,119,849
Total Additional Operational Budgets				1,022,453					669,376	1,691,829
<u>One Time Requests</u>										
Security Improvements				397,100						
Addition to Kitchen				205,000						
Upgrade Prison Water System				400,000						
Total Additional One Time Requests				1,002,100						1,002,100
										Total Additional Request
										2,693,929

1 Budgets are based on 25 inmates  
 2 641 inside compound  
 32 outside compound  
 673

VISITORS' REGISTER

HOUSE APPROPRIATIONS COMMITTEE

HOUSE BILL 2

Date 6/21/82

SPONSOR MOORE

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOSE
Ken Ruile	Deer Lodge	Mont State Prison	✓	
Don Russell	Helena	Dept. of Inst	✓	
Tom Crossen	HELENA	OBPP	✓	
Phil Hauck	Helena	DIV. of A/E	✓	
Jaycee Foster	"	"	✓	
Bjorn Tompsett	Deer Lodge	Mont. State Prison	✓	
W. Ross Donaldson	Helena	MT Council 9 AFSCME	✓	
K. Madrian Jensen	Helena	MT. C <sup>89</sup> AFSCME	✓	
Elen Dyck	Mont <del>Butte</del> Helena	MPEA	✓	
Thomas Schneider	MPEA Helena		✓	
William G. Wagner	Deer Lodge	MPEA PRISON	✓	
Ken Rouds		Leg		
Margaret Davis	917 Harrison Hl.	League of Women	✓	
Bob Jamsh	Deer Lodge	C.R.A.	✓	
William Williams	Helena		✓	
Jim Hansen			✓	
William Wells	Deer Lodge	(NSI?)	✓	
Lois O'Brien	Deer Lodge	Montana State Prison		✗
	350	st		
Peter R. Blanke	1500 MT Helena Dr.	LWV		
Chris Baker	1500 MT Helena Dr.	self		

