

MINUTES OF THE JOINT COMMITTEE OF THE SENATE AND HOUSE JUDICIARY  
COMMITTEE

June 21, 1982

The Joint Committee of the Senate and House Judiciary Committees was called to order on June 21, 1982 at 2 P.M. in room 108 of the Capitol by Chairman Senator Mike Anderson. Rep. Kerry Keyser, Vice Chairman, was also present. All members of the House Judiciary Committee were present except Rep. Alison Conn. All members of the Senate Judiciary Committee were present. John MacMaster and Lois Menzies, researchers, were also present.

CHAIRMAN ANDERSON gave committee members an agenda for the meeting. EXHIBIT A. Chairman Anderson discussed whether the committee would accept the message the Governor gave, sticking strictly to his requests of the special session or whether committee bills should be addressed. It was mentioned that SENATOR VAN VALKENBURG was drafting two bills for the committee's consideration.

Classification of the prisoners would be discussed since most of the legislators had toured the prison. Chairman Anderson thought it might be worthwhile to have a subcommittee contact other states concerning their policies about classification.

As of this meeting, there were no bills assigned to the committee, yet some are in the process of being drafted.

REPRESENTATIVE KEEDY stated the governor was asking the legislature to look at the whole range of security of the prison to try to find long term plans, yet the governor stated not to have complete plans until the regular session. Representative Keedy felt this was an opposing argument and the committee should look at the other bills which might have a serious impact on the prison to come up with a long-range solution to the problem.

REPRESENTATIVE SEIFERT felt at the time the prison was built it should have been made larger. The Youth Camps, therefore, are being destroyed because prisoners are being sent directly to the camps. The way the problem is being solved is against the statute and is one reason why we have overcrowding.

REPRESENTATIVE BROWN felt that Item # 2 of the agenda should be moved to Item # 6 because the committee should consider bills that will be assigned to the committee before considering drafting committee bills.

REPRESENTATIVE TEAGUE questioned why there are a number of prisoners receiving A+ grades yet are being held for various reasons.

JOHN LYNCH, Board of Pardons, stated that the percentage of people being paroled is a very consistent rate. LYNCH stated they are dealing with a younger offender all the time. Prisoners have a two month wait before their eligibility date. June prisoners are not eligible for parole, therefore, until August. The 64 prisoners that have parole but no plans, are in the Alpha House.

Many prisoners have been paroled to other custodies, for example to other states. The Board of Pardons has no control over when prisoners will leave the institution. LYNCH also stated the Board of Pardons is restricted in what they can do. CHAIRMAN ANDERSON asked if a prisoner is paroled to another state would that make a significant reduction in the population of the prison. LYNCH answered no. There is only one prisoner presently LYNCH knew of that could be paroled to another state. REPRESENTATIVE KEEDY asked if there was anything in the Governor's plan to help the Board of Pardons pay higher salaries or to hire additional staff. LYNCH replied not under the Board of Pardons. Currently they have a staff of 3 1/2 people. REPRESENTATIVE KEEDY asked if the number of parole officers that handle cases would make a difference. LYNCH replied not really. REPRESENTATIVE KEEDY asked if from time to time do parole officers ask for technical violations because they are overloaded. LYNCH stated not usually. Parole Officers try to do everything they can before a parolee is sent back to prison. The parole officer works with the parolee as much as possible including lectures, and placed in the county jail, if need be. Being returned to the state prison is the last resort after every other resource is exhausted.

REPRESENTATIVE RAMIREZ stated they are paroling all the people that are acceptable risks. The only thing that will change is if unacceptable risks are allowed to be put out on the street. LYNCH stated that the problem the Board of Pardons has is they don't have a good treatment program in the prison. Sex offenders are the worst, because they receive no real treatment and are not prepared to leave the prison. He hoped some inmates could be transferred to Warm Springs for treatment. The Board of Pardons feels prisoners might be ready for the streets but the streets are not ready for the prisoners. REPRESENTATIVE RAMIREZ stated he felt the legislature cannot make changes in parole procedures that will have an effect on the prison population. LYNCH stated the parole system is working in Montana. There is a 28% return out of 100 offenders.

REPRESENTATIVE CURTISS asked what percentage of the prisoners need counseling and what percentage would ask for treatment. LYNCH replied 80-90% of the prisoners have drug and alcohol problems and 15-20% are sex offenders. How many would apply for treatment on their own would be hard to guess. If a prisoner refuses counseling the Board of Pardons can cancel the prisoners right for parole. REPRESENTATIVE TEAGUE asked what qualifications hearing officers must have. LYNCH replied a bachelors degree in criminal process or a similiar major is required along with some experience.

POLLY HOLMES , Community Corrections Alternatives Coalition, stated

she wanted the parole system to be improved. The Board is in need of more secretaries, desks, copiers, supplies, and employees. She feels the success rate would go up if there were more parole officers, and if each one did not have a case load of 100 people.

REPRESENTATIVE KEYSER asked what the average caseload is to which LYNCH replied approximately 75 but it varies from 63-123.

Witness JACK MCCORMICK, Department of Institutions, stated most laws regarding probation are interpreted by the district judges. Prisoners can obtain parole no matter what crime has been committed. It is a tight process to bring a parolee back to court. REPRESENTATIVE KEEDY asked if sentencing judges use the device of deferred sentences because of the crowded population of the prison. MCCORMICK replied no, that judges consider the demands of the society. Most judges feel the overcrowding is the Department of Institutions problem. As far as the demand for more parole officers, MCCORMICK stated there is a time study being conducted. The study includes how much time the parole officer spends with each parolee, duties involved, etc. It is hard to determine at this time how many more parole officers would be needed. Currently there are 33 parole officers yet geographically there are some problems, especially in eastern Montana. The Sidney area has a problem. The parole officer in Glendive has 90-100 parolees. The Board tries to service an area as best they can with the limited resources available.

CHAIRMAN ANDERSON asked what would be the impact on a first time offender if he were to spend two weeks in the state prison to see what it was like in hopes to change his attitude about crime. MCCORMICK stated there would be a major impact on the prison system but on the offender himself it would not really change him around. The individual knows what jail life is like by being placed in the county jail. When they are in prison they have run out of options. Two weeks there would probably not do much good.

WITNESS ED YELSA, an Anaconda Attorney and Judicial Candidate, stated as a past county attorney he has had much experience with probation. He feels the system does work but the burden does not fall on the district judge. The factor arises with the police investigation. The County Attorney then looks into the evidence to see if there is probable cause for prosecuting the case. If there is enough evidence the county attorney tries to have the alleged offender convicted. A plea bargaining arrangement with the defendant's attorney is made. A recommendation is then made to the court of what the sentence should be, depending on the personality of the person, damages done and the nature of the crime. YELSA stated the committee should look into the case State v. Petcall, in which Petcall was charged with possession and sale of dangerous drugs. He was found guilty on possession and not to the sale of drugs charge. If he would have been found guilty

to the sale of drugs charge he would have gone to jail for 20 years.

YELSA felt the committee should take a close look at the statutes that apply in this area. The judges look to the statutes before making decisions.

SENATOR S. BROWN asked about the good time policy. PAT WARNECKE, Assistant Warden of the State Prison stated in October 1981 sex offending sentences were reduced for allowable good time. Some inmates that joined religious organizations in the prison were not sincere in their efforts. Good time policies should be addressed by the Department of Institutions. Everyone in the prison goes to AA meetings but when they are released it is hard to determine who will attend this type of meeting on the outside.

SENATOR MAZUREK asked what type of treatment programs are available to the prisoners. WARNECKE stated there are educational programs (3 instructors), vocational programs (5 shops), psychologist, director, caseworker, clinic service (psychiatrist and psychologist.). There are two students from University of Montana that come in to work. In the infirmary there is 1 RN and 9 LPNS. In the recreation department there are three staff members. Dental and optometrists are on contract. Religious services include 2 chaplains. The social service department has unit counselors, who actually evaluate the inmates. Some of the positions are open; because of the marketability of the wages of the private sector and the prison atmosphere it is hard to fill some of the positions. WARNECKE feels there is a real need for updated equipment in the shop areas. Educators are also needed, including a reading specialist. Most of the prisoners have only a 6-7-8 grade education. Only about 20% have a high school diploma. Many times the gym area has to be supervised by security people, which shows a need for more staff in the recreational department. REPRESENTATIVE CURTISS asked what percentage of inmates are asking for vocational training that are not getting it because it cannot be provided. WARNECKE replied he had no real figures. A prisoner might apply to be in the vocational program but would have to wait until there is an opening. REPRESENTATIVE TEAGUE stated there are 50 applicants in the program now and when an opening comes up there are 75 applicants.

WARNECKE stated if a prisoner's attendance at class is not satisfactory he is dropped from the class.

REPRESENTATIVE BROWN asked if when a prisoner's term is completed, do the officials notify local law officers that he is being released

and is there any followup. WARNECKE stated if they know where he is going and feel he is a threat they do notify the authorities in that area. Psychological reports are kept confidential however.

JIM POMEROY, Department of Institutions, referred to the Inmate Classification Interim Guide (EXHIBIT B.). He also referred to the 1982 Special Session Briefing Paper (EXHIBIT C). Table 1 of the briefing paper states the Inmate Needs Profile. The cumulative percentage of inmates in need of treatment for alcohol and drug abuse is 83%. There is a need for more people to effectively work on this problem to solve it. Tables 2 and 3 (pages 20-21) breakdown information of inmates eligibility within six months and one year.

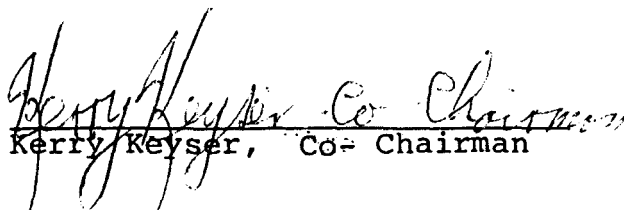
SENATOR HALLIGAN was concerned with the training the guards receive. In Massachusetts (as told to him by one of the Montana guards that has worked there) the guards receive seven weeks training and must pass two exams. WARNECKE stated the qualifications are being expanded for guards.

POMEROY and WARNECKE proceeded to explain some of the tables in Exhibit C and to go over the proposed classification guide. (Exhibit B).

REPRESENTATIVE DAILY asked about the prisoners that work at the ranch. WARNECKE stated they are supervised at all times while working. REPRESENTATIVE DAILY then asked how many people it takes to run the ranch, to which 85 was replied. Prisoners that are a risk would not be allowed to work in that perimeter.

CHAIRMAN ANDERSON requested the members to look over a copy of a bill that would be introduced to the committee (EXHIBIT E).

The meeting was adjourned at 5:15 p.m. to be reconvened at the call of the chair.

  
Kerry Keyser, Co-Chairman

  
Maureen Richardson, Committee Sec.

AGENDA

- 1) Governor's Address and his limitations on the session.
- 2) Our goal from this committee:
  - (a) Committee Bill
  - (b) Committee motion to address the questions.
- 3) Questions:
  - (a) Parole
  - (b) Probation laws
  - (c) Prison Policies
- 4) Classification
- 5) Other States
- 6) Bills assigned to Judiciary Committee

# INMATE CLASSIFICATION INTERIM GUIDE

## I. PURPOSE: The objectives of the Inmate Classification System at MSP are twofold:

- A. To safeguard both the well being of the inmate and the effective operation of the institution.
- B. To maximize the likelihood of rehabilitation for the offender by assuring that inmates are assigned to a proper program and level of custody.

The task of classification proceedings is to determine the appropriate custody and program assignments for an inmate during the course of his term of imprisonment.

In accordance with state law, each inmate will be afforded the opportunity to earn "good-time" toward his release date by providing him with an assignment at the Initial Classification Hearing.

## II. DECISION MAKING PROCESS

- A. Gathering Information: Input for classification decisions will be sought from every available resource. Information about the inmate, and from the inmate, will be assessed together with relevant information about the current prison environment and available program resources.
- B. Initial and Unit Classification Committees: Information assessment will take place within the Unit and Initial Classification Committees. The inmate is to be present and heard during the proceedings, except during the assessment and deliberation of the Committee members. Such Committee meetings will be held weekly.
  - 1. Unit Classification Committee members shall be the unit counselor (Chairman) and Sergeant. Other employee staff as required or available may be included in the meetings.
  - 2. The Initial Classification Committee will be chaired by the Clinical Services Director or designee, and will be composed of the following departmental directors or their designee:

CHAIRPERSON: Clinical Services Director

- a. Security Division
- b. Social Service Department
- c. Addictive Disease Counselor
- d. Education Department
- e. Medical Department

Relevant test results, background information, and interview data will be presented by the appropriate Committee members for discussion. The inmate will normally be present and take part in the discussion. Actual deliberations of the Committee in determining a recommendation for administrative decision may be conducted without the inmate present. However, he must be given written notice of the recommendation which explains the reasoning therein.

- C. Administrative Review: Recommendations from Initial and Unit Classification Committees will be decided by an Administrative Review Board composed of two of the three following officials or their designees:
1. Deputy Warden
  2. Associate Warden - Treatment
  3. Correctional Security Manager
- D. Warden's Review: The Warden of MSP is the final review authority for any classification decision; the cases normally presented to the Warden for review are those of extraordinary or special significance, or specific cases which the Warden himself has chosen to review for final classification decision.
- E. Classification Decision Policy: A policy of allowing responsibility for classification decisions to rest with the lowest appropriate level of prison authority will be maintained. The levels of authority for making classification decisions, starting with the Initial Classification Committee, are listed below in terms of the decisions to be made.

| <u>Level of Authority</u>   | <u>Decisions Authorized</u>  |
|---|--|
| Initial Classification Committee  | All decisions are recommendations subject to review by the Administrative Review Board.  |
| Unit Classification Committee   | Decisions as to job assignments not requiring custody level changes (changes in job, school, and living cells) are the prerogative of the Unit Classification Committee, subject to review by higher authority.  |
| Administrative Review Board<br>(Deputy Warden or designee)<br>(Associate Warden-Treatment)<br>(Correctional Security Manager) | Decisions involving custody modifications (changes in living unit) and changes of job assignments which involve the fence perimeter, should be determined by unanimous decision of the Administrative Review Board. Matters not involving custody reductions or perimeter considerations may be reviewed and approved by a single Review Board official. |
| Warden's Review - Warden  | May review and amend any classification recommendations or decisions.  |



III. CUSTODY DESIGNATIONS: There are seven inmate custody levels at MSP, which range from extremely tight supervision to trustee status. They are:

| <u>Custody Level</u>     | <u>Housing Area</u>                  |
|--------------------------|--------------------------------------|
| Maximum Security Custody | Maximum Security Building            |
| Maximum II Custody       | Close Unit I Building (lower level)  |
| Close I Custody          | Close Unit I Building (upper level)  |
| Medium I Custody         | Close Unit II Building (lower level) |
| Medium II Custody        | Unit A Building                      |
| Minimum I Custody        | Unit B Building                      |
| Minimum II Custody       | Unit C Building                      |

There are two special custody status designations for those inmates who are segregated from the regular inmate population. They are:

| <u>Custody Level</u>               | <u>Housing Area</u>  |
|------------------------------------|--|
| Administrative Segregation Custody | Close Unit II Building (upper level)   |
| Reception (New Inmates)            | Close Unit II Building, or Close Unit I Building (specifically selected housing wings) |

A. Maximum Custody: Those inmates classified to Maximum custody (or housed in the Maximum Security Building) typically include:

1. Death Row inmates.
2. Assaultive, rebellious, disruptive, or predatory types of inmates, or those with high escape potential, all of whom require the utmost control measures.
3. Inmates requiring segregation because of special dangers they may pose to themselves or others.
4. "Temporary Lock-up" inmates facing Court or Disciplinary Committee Hearings for crimes or serious rule infractions.
5. Inmates serving detention time for Disciplinary Hearing sentences.

Maximum Custody security procedures and policies typically include:

Work Assignments: Limited to unit jobs only

Mobility from Unit: None! (except for unavoidable legal or medical purposes).

Escort: Security personnel only (and with restraint equipment worn by the inmate when leaving the unit).

B. Maximum II Custody: Inmates classified to Max II Custody typically include:

1. Assaultive, rebellious, disruptive, or predatory types of inmates, or those with high escape potential, all of whom require the utmost control measures; but who can be managed by staff in small groups.
2. Inmates requiring segregation because of special dangers they may pose to themselves or others, but who can safely function in small, well supervised groups.

B. Maximum II Custody (Continued):

3. "Temporary Lock-up" inmates facing Court or Disciplinary Committee Hearings for crimes or serious rule infractions, where Maximum Security is overcrowded and the inmate can be safely controlled and managed in a small group.

Max II security procedures and policies typically include:

Work Assignments: Unit jobs only

Mobility from Unit: None, (except for visiting, legal and medical purposes).

Escort: Security Personnel only (with restraints used if deemed necessary).

C. Close I Custody: Inmates classified to Close I Custody typically include:

1. Releases from Maximum Security or Max II Custody who have serious records of institutional misconduct in the past.
2. New inmates with prior histories of aggressive, disruptive, or escape attempt behavior.
3. Reclassified inmates from less restrictive custody who have been found unworthy of the greater trust afforded in the lesser custody classifications.

Close I Custody security procedures typically include:

Work Assignments: Inside main perimeter (double fenced) only.

Mobility from Unit: Gym, Library, Kitchen, Religious Activities Center, Visiting Room.

Escort: Either security or non-security staff may escort in groups.

D. Medium I Custody: Inmates classified to Medium I custody typically include:

1. New inmates with long sentences about whom little is known.
2. Inmates released from Max, Max II or Close I Custody, usually being granted an increased degree of trust on a step-by-step basis.
3. Reclassified inmates (from less restrictive custody of Medium II, Minimum I, and Minimum II) who have been found unsuitable for less restrictive custody by abusing such trust.

Medium I security procedures typically include:

Work Assignments: All job sites within the main (double fenced) perimeter, with some rare exceptions allowed for Medium I inmates to work in the single fenced perimeter.

Mobility from Unit: Gym, Library, Kitchen, Religious Activities Center, Visiting Room, plus limited access to single fenced perimeter.

Escort: Either security or non-security staff may escort in groups.

E. Medium II Custody: Inmates classified to Medium II typically include:

1. Those who have beyond three years remaining to parole or discharge, or with incidents of escape or disruptive behavior on record.
2. Reclassified inmates from Minimum custody, who through misconduct or change of judicial status are no longer considered appropriate for Trustee assignments and privileges.

Medium II security procedures typically include:

Work Assignment: All job sites within the main (double fenced) perimeter, with assignments in the single fenced perimeter being commonplace rather than rare.

Mobility from Unit and Escort: The same as Medium I, although escorts inside the main fence perimeter are not required.

F. Minimum I Custody: Inmates classified to Minimum I Custody typically include:

1. Inmates with three years or less to discharge or parole, with no incidents of disruptive or escape behavior (or confinement without such behavior for over ten years).
2. Reclassified inmates from Minimum II custody, who through misconduct or change of judicial status are no longer considered appropriate for Trustee assignments and privileges.

Minimum I security procedures typically include:

Work Assignment: 1) Unsupervised positions inside perimeter fences, or 2) Directly supervised positions when outside the perimeter fences.

Mobility from Unit: All areas inside the main perimeter fences.

Escort: Required for outside perimeter fence.

G. Minimum II Custody: Inmates classified to Minimum II Custody typically include:

1. Inmates with less than two years to parole or discharge.
2. Inmates with exemplary records of dependability and trustworthiness.

Minimum II security procedures typically include:

Work Assignment: All positions, including those with least staff supervision outside the perimeter fences.

Mobility from Unit: All areas, subject to schedule and work assignments.

Escort: Required under special circumstances only.

H. Administrative Segregation Custody: Those inmates classified to Administrative Segregation Custody typically include:

1. Inmates who request to be protected from other inmates to the point of being isolated from regular program activities.
2. Inmates who have been identified by the classification committees as likely victims of assault through broad and pervasive inmate conspiracy.

Administrative Segregation Custody (Continued):

Administrative Segregation security procedures typically include:

Work Assignment: In unit only.

Mobility from Unit: Visiting Area, Kitchen (until Food Service in cells is operationalized) and Infirmary.

Escort: Staff escort for all movement beyond unit.

- I. Reception: Those inmates on Reception awaiting classification undergo a two-week orientation. Until classified, these new inmates are afforded the same privileges as Medium I inmates, except for their being escorted as a separate group during all movements to and from the units.

#### IV. CLASSIFICATION CRITERIA

##### A. SECURITY:

###### 1. Past Behavioral History:

- a. Current offense (assaultive, impulsive, situational or property crime).
- b. Criminal history (convictions, institutional adjustments, and probation and parole adjustments).
- c. Public opinion (sensationalism of crime, degree of community outrage).

###### 2. Institutional Adjustment:

- a. Escapes (breakouts, sneakouts, and walkaways).
- b. Anti-authority attitudes (Class II rule infractions, poor work performance, rebelliousness, gang orientation).
- c. Substance abuse (alcohol or drug incidents).

###### 3. Legal Constraints:

- a. Time remaining to parole or discharge.
- b. Additional charges and/or detainers.
- c. Court instructions and/or designation.

##### B. PROGRAM:

###### 1. Mental/Physical Well Being:

- a. Structure/control needs.
- b. Medical/Psychological treatment needs.
- c. Educational/vocational training needs.
- d. Protective/isolation/special care needs.

###### 2. Receptiveness to Programming:

- a. Attitudes (sincerity, legitimacy).
- b. Amenableity (capacity or willingness to profit).
- c. Appropriateness (length of sentence, escape risk).
- d. Availability of resources.

CLASSIFICATION CRITERIA (Continued): In matters of programming, considerations applicable to program assignments are to be made secondary to security considerations. For those changes in program assignments where custody level and housing area are not limiting considerations, the assignment can be implemented by the Unit Classification Committee, with retroactive approval by the Administrative Review Board. Those work assignments which would normally involve any security considerations are to be forwarded on to the Administrative Review Board for approval or denial, prior to implementation. All persons who do not read at a 6.0 grade level on a standardized achievement test will be first afforded an assignment in school; completion of a high school diploma or equivalency is to be considered a worthy goal for such inmates.

- V. CLASSIFICATION CRITERIA PRIORITY: In assigning significance to the areas of consideration for inmate classification, matters of security will normally outweigh program consideration. With regard to differences between areas of security considerations, weighing and assigning significance to the considerations can vary with the status of the inmate. As a general rule and guide, the following priorities can be established in terms of matching security considerations to the status of an inmate:

| <u>Status of Inmate</u>                               | <u>Area of Consideration of First Importance (for classification)</u> |
|---|---|
| New arrivals (first MSP imprisonment)                 | Past behavioral history   |
| Repeat offenders or parole violators with new offense | Institutional adjustment  |
| Inmates already classified                            | Institutional adjustment  |
| Returned parole violators                             | Legal constraints   |

- VI. CLASSIFICATION CRITERIA GUIDELINES: The individuality of every inmate creates impediments to any effective formula being established for making classification decisions. Assessment of an inmate's behavioral history, test and interview data, and impressions of both past and present evaluators must remain the basis for such decisions. Recognizing that such assessment is bounded only by limits of the human cognitive process, the following guidelines (outlined on the next three pages) are classification criteria to be utilized.

INMATE CLASSIFICATION, INTERIM GUIDE  
GUIDELINES FOR CUSTODY DESIGNATIONS

CRITERIA

SECURITY RESTRICTIONS

SUGGESTED TIME DURATION

I. PAST BEHAVIORAL HISTORY

A. Offense Data:

1. Assaultive/Aggressive
2. Impulsive/Property

Inside perimeter assignments only.  
Up to Minimum I Custody.

Remain until institutional adjustment becomes more significant than past history.

3. Situational

Defer to present institutional adjustment considerations.

B. Criminal History:

1. Convictions for predatory crime (assaults, rape, robbery, extortion, etc).
2. Prior institutional adjustment (escapes, runaways, disruptive behavior, etc).
3. Probation/parole failures or recidivism
4. Prior sentences completed.

Up to Medium II Custody (Unit A); inside perimeter jobs only.

Defer to present institutional adjustment considerations.

Up to Medium II Custody (Unit A); inside perimeter jobs only.

Defer to present institutional adjustment considerations.

Defer to legal constraints, and other considerations.

Defer to present institutional adjustment considerations.

C. Public Opinion:

1. Danger or possible consequences to public in the event of escape.

Defer to nature of offense, and criminal history considerations.

INMATE CLASSIFICATION, INTERIM GUIDE  
GUIDELINES FOR CUSTODY DESIGNATIONS - Continued

| CRITERIA   | SECURITY RESTRICTIONS   | SUGGESTED TIME DURATION   |
|--|---|---|
| <p>II. <u>INSTITUTIONAL ADJUSTMENT</u></p> <p>A. <u>Escapes:</u></p>                         |   |   |
| <p>1. "Breakouts" (involving weapons, hostages, personal injury or property damage).</p>     | Up to Medium II Custody (Unit A).   | 10 years from date of escape or attempt.  |
| <p>2. "Sneakouts" (involving tunneling, disguises, fence climbing or cutting, etc).</p>      | Up to Medium II Custody (Unit A).   | 10 years from date of escape or attempt.  |
| <p>3. "Walkaways" (from outside perimeter assignments).</p>                                  | Up to Medium II Custody (Unit A).   | 5 years from date of escape or attempt.   |
| <p>4. Abscondee (from community programs).</p>   | Up to Minimum II Custody (Unit C).  | Consider past and present institutional adjustment.   |
| <p>B. <u>Anti-Authority Attitudes:</u></p>   |   |   |
| <p>1. Disruptive behavior (rebelliousness, riot, riotous deportment, predatory conduct).</p> | Up to Close Unit I.   | Generally several years of positive behavior, with no indications of recurrence of such behavior.   |
| <p>2. Class II rule violations.</p>  | Defer to sanctions carried by individual's offense and disciplinary decision. | Generally six months of clear conduct is expected before a reduction in custody is granted, unless infraction involved physical assault or chemical abuse, whereby one year of clear conduct is expected. |
| <p>3. Unsatisfactory work performance.</p>   | Consider increasing custody.  |   |

INMATE CLASSIFICATION, INTERIM GUIDE  
GUIDELINES FOR CUSTODY DESIGNATIONS - Continued

| <u>CRITERIA</u>  | <u>SECURITY RESTRICTIONS</u>  | <u>SUGGESTED TIME DURATION</u> |
|--|---|--------------------------------|
| II. <u>INSTITUTIONAL ADJUSTMENT, Cont'd</u>                                      |   |                                |
| C. <u>Substance Abuse:</u>   |   |                                |
| 1. Drug and paraphernalia:<br>Introduction, manufacture,<br>and/or distribution. | Up to Medium I Custody (CUII).  | Two years.                     |
| 2. Alcohol use and/or possession.  | Up to Minimum I Custody (CUI).  | At least six months.           |
| III. <u>Legal Constraints:</u>   |   |                                |
| A. <u>Time Remaining to Parole or Discharge:</u>                                 |   |                                |
| 1. Less than two years to parole or discharge.                                   | Eligible for Minimum II Custody (Unit C).   |                                |
| 2. Less than five years to parole or discharge                                   | Eligible for Minimum I Custody (Unit C). <sup>13</sup>  |                                |
| 3. Prisoners received with long sentences (over ten years to discharge date).    | Generally must have one year in CUI before considering a reduction to Medium Custody.                       |                                |
| B. <u>Additional Charges or Detainers:</u>                                       | Eligible for Minimum I Custody if the sentence to be served is no greater than that presently being served. |                                |
| C. <u>Court Instructions or Designations:</u>                                    | Apply to security and program considerations when appropriate.  |                                |



VII. CASEWORK INFORMATION

- A. Initial Classification Hearings: The Reception Inmate appears before the Initial Classification Committee at the end of an initial two week orientation program at MSP. Within that time he is interviewed by a Social Services Counselor, tested as to his psychological dimensions and educational level, and medically examined. At the hearing, all available casework information is presented for discussion, which typically includes:
1. Crime and sentence.
  2. Prior criminal history.
  3. Developmental/social history.
  4. Psychological/psychiatric reports and test data.
  5. Educational/vocational background and test results.
  6. Recreational/religious interests.
  7. Medical examination results.
  8. Initial prison adjustment reports.
- B. Unit Classification Hearings: The same information is reviewed in Unit Classification as was reviewed in Initial Classification, but with updated information as to the inmate's situation, attitude and institutional adjustment.
- C. Documentation: After Initial or Unit Reclassification hearings, the information available for consideration is consolidated into a written report which also includes:
1. Input derived from the inmate during the hearing.
  2. Deliberations and analyses of the Committee members.
  3. A recommendation for custody level and assignment for the inmate.

VIII. FREQUENCY OF HEARINGS: Except for special circumstances, Classification hearings are to be held once per week. Requests for custody reductions from inmates are limited to once every 90 days, unless waived by the Committee members for special circumstances. All cases will be reviewed on an annual basis if there has not been a review in the last 12 months.

IX. INCREASE IN CUSTODY HEARINGS

- A. Unit Classification Committees may consider increasing an inmate custody level. Such hearings may be conducted as part of the weekly unit classification hearings, or may be held as a special session at a different time. Grounds for recommending an increase in an inmate's custody level may include:
1. Significant rule infractions involving disciplinary and/or Court action.

INCREASE IN CUSTODY HEARINGS (Continued)

2. Additional charges received from other jurisdictions (detainer).
3. The inmate's own request.
4. The inmate's inability to function in the less restrictive living environment, as demonstrated by his emotional instability or loss of behavior control, all to a degree proving dangerous to the inmate himself and/or others around him.

\*Appeal of the decision to increase custody may be directed to the MSP Special Hearings Officer.

- X. ASSIGNMENT REMOVAL HEARINGS: Unit Classification Committees may serve as review panels for inmates terminated from assignments for unsatisfactory performance. When such terminations decrease good-time accrual, the inmate is entitled to a Due Process Hearing in order to have the validity of the grounds for his termination judged by higher authority. The inmate may waive the right to this hearing if he is so inclined. In its review of the circumstances of the inmate's termination, the Unit Classification Committee shall hear from the inmate and the assignment supervisor, then render a decision as to the termination being appropriate or unfounded. If unfounded, the inmate is to be restored to his assignment with full accreditation for lost wages and good time. If the decision is upheld, the inmate has recourse to submit an appeal to the Montana State Prison Special Hearings Officer.

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### 1982 SPECIAL SESSION

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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's 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.

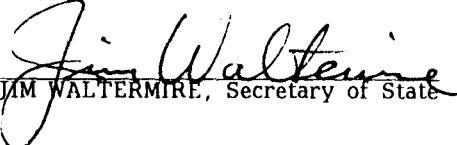
NOW THEREFORE, I, TED SCHWINDEN, Governor of the State of Montana, pursuant to the authority vested in me by the Constitution of the State of Montana, do hereby convene the 47th Legislature in special session in the Capitol, in Helena, at the hour of 10:00 a.m., the 21st day of June, 1982, and hereby 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 24th 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

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. 1s 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<br/>STAFFING</u> | <u>NEW<br/>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<br>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             |

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

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       |

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.



ATTACHMENT D

COMMUNITY CORRECTIONS  
PRE-RELEASE CENTER

Annualized

|                                      |                                     |
|--------------------------------------|-------------------------------------|
| <u>Contracted Services</u>           | \$35 per day<br><u>25 Inmates</u>   |
| Consultant Professional              | 1,472                               |
| Medical                              | 16,680                              |
| Board & Room                         | 319,375                             |
| Dentistry                            | 1,428                               |
| <u>Supplies &amp; Materials</u>      |                                     |
| Clothing & Personal                  | 5,700                               |
|                                      | -----                               |
| Total Operating                      | FY83 Annualized per home<br>344,655 |
| <u>Capital Outlay</u>                |                                     |
| Renovation                           | 35,000                              |
|                                      | -----                               |
|                                      | 379,655                             |
|                                      | -----                               |
| Operational at 9/1/82 = 75% of Year. | \$293,491                           |
| Operational at 1/1/83 = 50% of Year. | <u>\$207,328</u>                    |
|                                      | <u>\$500,819</u>                    |
|                                      | FY83 Estimated Costs                |

COMMUNITY CORRECTIONS  
FY '83

Missoula Life Skills Summary

|                        | Current<br>Level | Additional<br>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

Increasing Population from 20 to 25

|                                 | FY ' 83<br>Additional<br>5 Inmates @ \$32.15<br>per day  | FY ' 83<br>Additional<br>Needed | TOTAL   |
|---------------------------------|--|---------------------------------|---------|
| <u>Contracted Services</u>      |  |                                 |         |
|                                 | FY '83<br>Budget   |                                 |         |
| Consultant & Professional       | \$ 1,177   | 294                             | 1,471   |
| Medical                         | 4,680  |                                 |         |
|                                 | Increasing projection costs<br>@ 1020 mo. in FY '82<br>1020x9%=1112x12=13,341<br>13,341-20x25 = 16,676                                 | 11,996                          | 16,676  |
| Room & Board                    | 217,029  |                                 |         |
|                                 | 5x32.15x365= 58,674  | 58,674                          | 275,703 |
| Dentistry                       | 1,143  | 286                             | 1,429   |
| TOTAL CONTRACTED SERVICES       | 224,029  | 71,250                          | 295,279 |
| <u>Supplies &amp; Materials</u> |  |                                 |         |
| Clothing & Personal             | 10,858   |                                 |         |
|                                 | Reduced projection for<br>FY '83. Anticipated '82 costs<br>@70 per inmate average stay<br>4 months<br>70x9% inflation = \$76x75= 5,700 | (5,158)                         | 5,700   |
| Total Current                   | 234,887  | 66,092                          | 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/<br>Vocational<br>Skills | Employment<br>Record | Financial<br>Management | Marital/<br>Family<br>Relations | Emotional<br>Stability | Alcohol<br>Use/Abuse | Drug<br>Use/Abuse | Mental<br>Ability | Health    | Sexual<br>Behavior | Raters'<br>Impressions<br>of Needs | Approximate Number of Inmates                                    |
|---|-----------------------------------|----------------------|-------------------------|---------------------------------|------------------------|----------------------|-------------------|-------------------|-----------|--------------------|------------------------------------|--|
| 1. Severe Problems<br>High Need Level   | 125                               | 241                  | 158                     | 308                             | 183                    | 458                  | 241               | 67                | 5         | 100                | 375                                |  |
| 2. Problems require<br>attention before<br>satisfactory<br>functioning can be<br>obtained | 15%<br>241                        | 29%<br>400           | 19%<br>417              | 37%<br>308                      | 22%<br>341             | 55%<br>233           | 29%<br>225        | 8%<br>216         | .6%<br>83 | 12%<br>41          | 45%<br>283                         | Percentage of Inmate Population<br>Approximate Number of Inmates |
| 3. Total of 1 and 2<br>above.   | 29%<br>366                        | 48%<br>641           | 50%<br>575              | 37%<br>616                      | 41%<br>524             | 28%<br>691           | 27%<br>466        | 26%<br>283        | 10%<br>88 | 5%<br>141          | 34%<br>658                         | Percentage of Inmate Population<br>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/<br>Vocational<br>Skills | Employment<br>Record | Financial<br>Management | Marital/<br>Family<br>Relations | Emotional<br>Stability | Alcohol<br>Use/Abuse | Drug<br>Use/Abuse | Mental<br>Ability | Health    | Sexual<br>Behavior | Raters'<br>impressions<br>of Needs | Approximate Number of Inmates                                     |
|---|-----------------------------------|----------------------|-------------------------|---------------------------------|------------------------|----------------------|-------------------|-------------------|-----------|--------------------|------------------------------------|---|
| 1. Severe Problems<br>High Need Level   | 28                                | 40                   | 18                      | 71                              | 24                     | 80                   | 40                | 18                | 3         | 31                 | 77                                 |   |
| 2. Problems require<br>attention before<br>satisfactory<br>functioning can be<br>obtained | 20%<br>34                         | 28%<br>68            | 13%<br>74               | 50%<br>37                       | 17%<br>74              | 56%<br>42            | 28%<br>31         | 13%<br>43         | 2%<br>21  | 22%<br>13          | 54%<br>40                          | *Percentage of Inmate Population<br>Approximate Number of Inmates |
| 3. Total of 1 and 2<br>above.   | 24%<br>62                         | 48%<br>108           | 52%<br>92               | 26%<br>108                      | 52%<br>98              | 30%<br>122           | 22%<br>71         | 30%<br>61         | 15%<br>24 | 9%<br>44           | 28%<br>117                         | *Percentage of Inmate Population<br>Cumulative Number of Inmates. |
|   | 44%                               | 76%                  | 65%                     | 76%                             | 69%                    | 86%                  | 50%               | 43%               | 17%       | 31%                | 82%                                | *Cumulative<br>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/<br>Vocational<br>Skills | Employment<br>Record | Financial<br>Management | Marital/<br>Family<br>Relations | Emotional<br>Stability | Alcohol<br>Use/Abuse | Drug<br>Use/Abuse | Mental<br>Ability | Health   | Sexual<br>Behavior | Raters'<br>Impressions<br>of Needs | Approximate Number of Inmates                                     |
|---|-----------------------------------|----------------------|-------------------------|---------------------------------|------------------------|----------------------|-------------------|-------------------|----------|--------------------|------------------------------------|---|
| 1. Severe Problems<br>High Need Level   | 36                                | 56                   | 49                      | 52                              | 19                     | 116                  | 54                | 9                 | 2        | 6                  | 60                                 |   |
| 2. Problems require<br>attention before<br>satisfactory<br>functioning can be<br>obtained | 17%<br>77                         | 26%<br>118           | 23%<br>123              | 24%<br>103                      | 9%<br>77               | 54%<br>58            | 25%<br>56         | 4%<br>43          | 1%<br>15 | 3%<br>0            | 28%<br>84                          | *Percentage of Inmate Population<br>Approximate Number of Inmates |
| 3. Total of 1 and 2<br>above.   | 36%<br>113                        | 55%<br>174           | 57%<br>172              | 48%<br>155                      | 36%<br>96              | 27%<br>174           | 26%<br>110        | 20%<br>52         | 7%<br>17 | 0%<br>6            | 39%<br>144                         | *Percentage of Inmate Population<br>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 <sup>1</sup>         |        | Medium-Low Risk                             |        |
|---------------------|--------------------------------|--------|--------------------------------|--------|---|--------|
|                     | Percent of<br>Eligible Inmates | Number | Percent of<br>Eligible Inmates | Number | Percent of <sup>1</sup><br>Eligible Inmates | Number |
| AGAINST<br>PERSONS  | 14.7%                          | 52     | 5.2%                           | 19     | 19.8%                                       | 71     |
| AGAINST<br>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

Table 2

Risk of Violence  
by  
Time to Parole Eligibility

| Risk of Violence | Parole Eligible<br>1 - 6 months |        | Parole Eligible<br>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.T.E. | Authorized | Requested      | Total                 | Population | F.T.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    | 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   |            |        |            | <u>400,000</u> |                       |            |        |            |           |                          |           |
| Total Additional One Time Requests  |            |        |            | 1,002,100      |                       |            |        |            |           |                          |           |
|   |            |        |            |                |                       |            |        |            |           | Total Additional Request | 1,002,100 |
|   |            |        |            |                |                       |            |        |            |           |                          | 2,693,929 |
| <div><div>1 Budgets are based on 25 inmates</div><div>2 641 inside compound</div><div>32 outside compound</div><div>673</div></div> |            |        |            |                |                       |            |        |            |           |                          |           |

<sup>1</sup> Budgets are based on 25 inmates  
<sup>2</sup> 641 inside compound  
32 outside compound  
673

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

|                           | Current Level<br>1983 FY | Request For<br>Special Session | Budget at<br>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                |
| SUB TOTAL PROGRAM         | 8,196,082                | 1,102,955                      | 9,299,037             |
| Disturbance Control Teams |                          |                                | <u>43,066</u>         |
| TOTAL REQUEST             |                          |                                | 9,342,103             |
| Funding                   |                          |                                |                       |
| General Fund (HB #2)      | 7,035,842                |                                |                       |
| Other Funds (HB #2)       | 73,980                   |                                |                       |
| Pay Plan (HB #840)        | <u>1,086,260</u>         |                                |                       |
| Total Funding             | 8,196,082                |                                |                       |

- (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%<sup>4</sup>.
- 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) | 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>  
<sup>2</sup>

Prison admission for that year.

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  | -    | -    |

<sup>1</sup> YR End<sup>2</sup> FY<sup>3</sup> End CY<sup>4</sup> Mid range<sup>5</sup> May 1982

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

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.

Source: Criminal Justice Report, National Association of Attorneys General

## 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).

18. 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.).
19. 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).
24. 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-Rodriques v. Jimenez, 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. Jimenez (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.

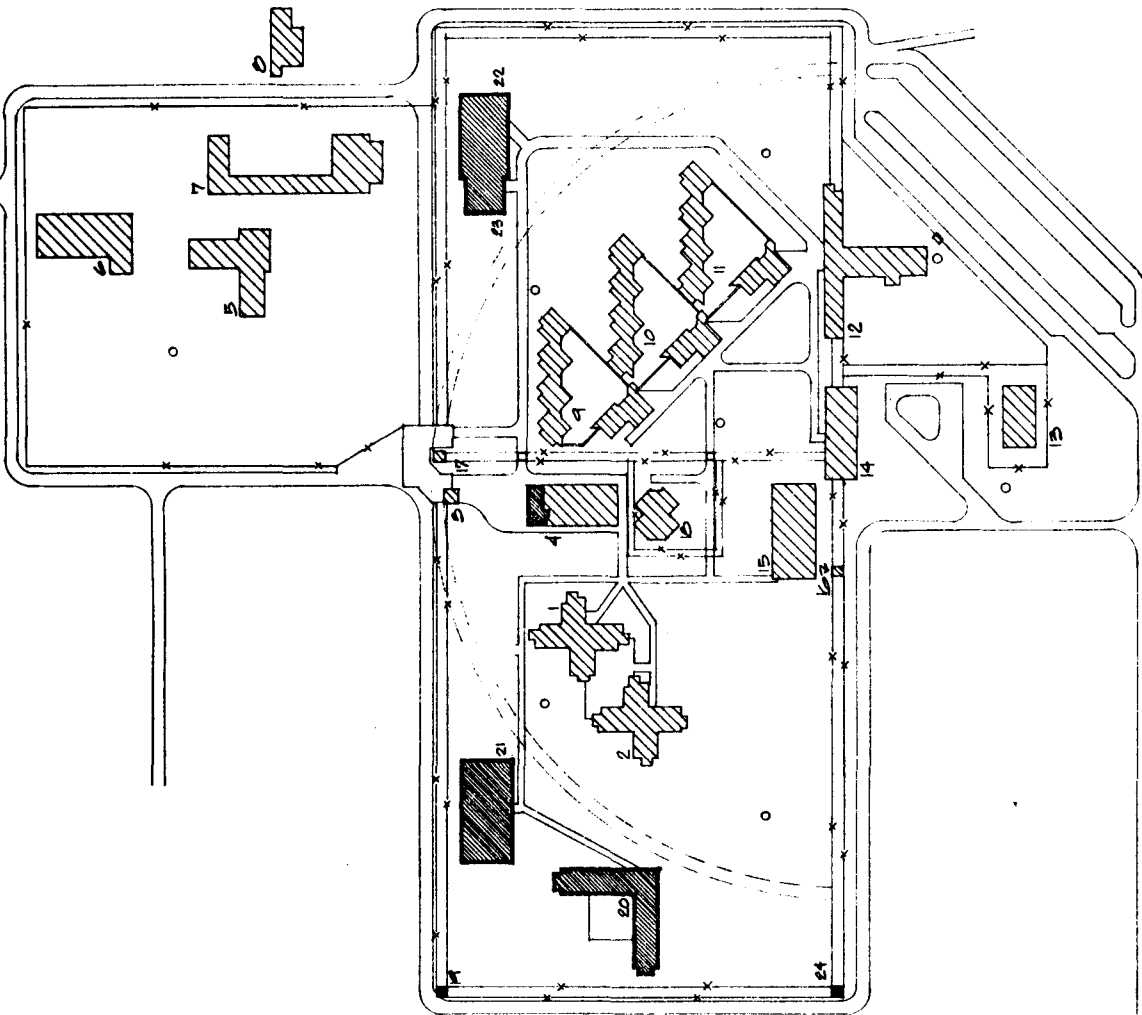
#### Treatment Programs for an Expanded Montana State Prison

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. PERIMETER GUARD STATION
4. FOOD SERVICE
5. INDUSTRIAL KITCHEN
6. INDUSTRIES BUILDING
7. INDUSTRIAL AUTOMATICS
8. INDUSTRIAL MAINTENANCE
9. VOCATIONAL EDUCATION
10. AUTOMATICS
11. REPAIR FACILITY
12. FROM MACHINERY
13. REPAIR FACILITY
14. MINIMUM SECURITY
15. MINIMUM SECURITY
16. MEDIUM SECURITY
17. MEDIUM SECURITY
18. ADMINISTRATION
19. VISITING
20. INFIRMARY / UNIVERSITY
21. MONTANA COLLEGE
22. RESEARCH FACILITY
23. MAXIMUM SECURITY
24. GYMNASIUM
25. GUARD TOWER
26. GUARD TOWER
27. CHURCH
28. FUTURE CLOSE SECURITY
29. FUTURE CLOSE SECURITY
30. FUTURE VISITING
31. FUTURE VISITING
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## 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

#### 1. One 120-Man Close Security Housing Unit:

29,568 s.f. @ \$97.51 \$ 2,883,175

Contractor's Overhead & Profit @ 25% 720,795

\$ 3,603,970

Architect's Fee @ 8.0% 288,315

\$ 3,892,285

Contingency @ 10% 389,225

Total Cost \$ 4,281,510

#### 2. New Dining Hall (Excluding Kitchen):

5,000 s.f. @ \$43.90 \$ 219,500

Contractor's Overhead & Profit @ 25% 54,875

\$ 274,375

Architect's Fee @ 8.0% 21,950

\$ 296,325

Contingency @ 10% 29,635

Total Cost \$ 325,960

#### 3. New Gymnasium & Music Building:

15,500 s.f. @ \$35.15 \$ 544,850

Contractor's Overhead & Profit @ 25% 136,215

\$ 681,065

Architect's Fee @ 8.0% 54,485

\$ 735,550

Contingency @ 10% 73,550

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<br>VISITORS BUILDING | 2,699,000           |
| 5. | SITework & 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 | Glasgow Budget | Total      | Total               |
|------------------------|---------------|----------------|------------|---------------------|
|                        | Pop. 610      | Pop. 140       | Pop. 750   | 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              |
| TOTALS                 | 8,714,290     | 2,726,954      | 11,441,224 | 10,238,696          |

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<br>550 | Old Prison<br>at 200 | Total<br>750 | Total<br>Governor's<br>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                          |
| TOTALS                 | 8,353,386        | 3,547,895            | 11,901,281   | 10,238,696                      |

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        |



## Briefing Paper - Corrections 4-15-82

Medium Security Prison

Negotiations are currently underway between the Department and the Valley Industrial Park relative to the acquisition of facilities deemed appropriate for State use as a medium correctional facility. Our plans call for the acquisition of two barracks, each capable of housing approximately 140 inmates. Initially only one barracks would be renovated to accommodate 140 inmates from Montana State Prison. The second barracks would be available for future expansion if necessary.

A multi-purpose building of approximately 22,000 square feet would be renovated to accommodate the following functions: kitchen/dining, education, medical, recreation, and visiting.

A fourth building would be acquired to provide facilities for maintenance, storage, vehicle repair and welding. This building would also double as a correctional training building in program areas of auto repair and possibly welding.

All four buildings would be surrounded by a double chain link fence with two to four rolls of razor barb tape, an electronically controlled vehicle gate and a separate pedestrian gate. The approximate configuration of the fenced area would be rectangular with measurements of 1,400 feet by 400 feet. I must emphasize that the fence is being recommended not because we believe an escapee would pose a physical threat to the citizens of the area, but rather it is being recommended in an effort to make an escape very difficult to accomplish. Any such escape, or attempted escape, would provide a sure ticket back to Deer Lodge for the inmate involved. The fence will also serve as a barrier to prevent unauthorized persons and contraband from entering the premises.

A small building directly across the street from the multi-purpose building would be acquired for use as an administration building. This building would be isolated from the prison compound, i.e., outside the fence, and would house the armory and provide an area for training of officers.

We are proposing a separate and distinct administration for the Glasgow complex, similar in nature to the administrative structure at Swan River Youth Forest Camp, a facility which houses 56 minimum security inmates from Montana State Prison.

The Warden of the Glasgow facility would be directly responsible to the Director of the Department through the Correctional Division's Administrator. This relationship would be identical to that of Swan River Youth Forest Camp where the Superintendent is directly responsible to the Director, rather than the Warden.

Coordination of the Glasgow facility with Montana State Prison at Deer Lodge would be assured by the Correction's Division. Inmates would be screened at Montana State Prison prior to placement at Glasgow. The screening process would assure that only those inmates who could be handled satisfactorily at Glasgow, both in terms of medical/psychological needs and security requirements, would be sent to the facility. There is an excellent substance abuse program located on the Glasgow base which could perhaps be utilized to provide substance abuse treatment to a carefully screened group of inmates that could benefit from such a program. An effort would also be made by the Department, where appropriate, to place inmates from Eastern Montana in the facility directly, thereby eliminating the need to transport inmates to Deer Lodge from the eastern part of the State.

The Governor, in his recent letter to each legislator, enumerated three basic issues that we are attempting to address, one being the medium security prison described above. I will explain briefly our approach to the other two.

#### Community Correction Facilities

Alpha House, in Billings, is considered a success by those who have been associated with it. It is called a "pre-release" center because that is essentially its role in the correctional system. Inmates who are within four to six months of parole and a good risk for placement in a community facility are screened carefully by Prison and Board of Pardons staff as well as staff from the receiving facility.

After placement, the individual is assisted in finding employment by the community facility staff. Once employment is obtained, the inmate is required to contribute toward his room and board. This "pre-release" philosophy results in much less shock to the inmate vis-a-vis the same inmate being paroled with \$85 dollars in his pocket, and the limited supervision that our parole and probation officers can provide. Pre-release allows the inmate an opportunity to acclimate himself to society while under very close supervision. As is the case with the medium security facility described above, an escape, attempted escape, or non-compliance with house rules results in a one way ticket back to the State Prison.

Alpha House is currently providing placements for twenty-five inmates. Relocation of the Missoula Life Skills Center will provide an additional 20 placement slots. Together these facilities will allow the placement of 45 inmates into "pre-release" facilities.

We believe that two additional pre-release centers should be established as soon as possible to provide an additional 40 to 50 placements in the community. At this time, a group of citizens in the Helena area is actively working towards the establishment of a pre-release center in Helena. There is also interest in the Great Falls area for the establishment of a facility there.

The two new facilities should be operated by non-profit corporations which would contract with the State to house inmates at a negotiated daily rate based on the cost of the facility, staffing levels, and other revenue sources.

### Maximum Security - MSP

The Maximum Security Unit at Montana State Prison has 46 cells, 35 of which are counted in the total capacity of 611 that we have established as a manageable population level. With 35 of the 46 cells utilized as permanent housing, 7 cells are available to segregate and isolate disruptive, assaultive inmates or inmates who have escaped or attempted to escape. Four cells are isolation cells to be used for short term isolation.

We would propose to establish another maximum security unit in the lower half of Close Unit I, the unit in which the recent disturbance occurred. Close Unit I has a total of 96 cells and at the time of the disturbance housed 147 inmates. It has housed as many as 171 inmates, but Mr. Risley is attempting to reduce the tension, and the population, in the unit by double bunking in the medium/minimum units A, B and C.

Utilization of the lower half of Close I for maximum security placements would provide a total of 94 maximum security cells (48 in Close I and 46 in Maximum Security). If it is necessary to expand our maximum security capability in the future, the top half of Close I could be upgraded to Maximum Security specifications.

The improvements necessary to upgrade Close I cells to Maximum Security capabilities would be included as part of our correctional package.

The population of 611 referred to above still requires the double-bunking of Close Unit II. The optimum population level for Montana State Prison would be 515; five units with 96 rooms (or cells) plus 35 cells in maximum security. Based on our current population of 725, the reduction of 210 inmates at Montana State Prison would allow us to operate at that optimum population level.

As a part of our assessment of Montana's correctional problems, we are reviewing other options and alternatives that may be available.

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE MONTANA  
5 STATE PRISON FROM CONTROL OF THE DEPARTMENT OF INSTITUTIONS  
6 AND ATTACH IT TO THE DEPARTMENT OF ADMINISTRATION FOR  
7 ADMINISTRATIVE PURPOSES ONLY; PROVIDING THAT THE WARDEN OF  
8 THE PRISON IS TO BE APPOINTED BY THE GOVERNOR AND TO REPORT  
9 DIRECTLY TO THE GOVERNOR; ESTABLISHING THE POWERS AND DUTIES  
10 OF THE WARDEN; PROVIDING FOR THE REALLOCATION OF VARIOUS  
11 INTERNAL PRISON FUNCTIONS TO THE PRISON FROM THE DEPARTMENT  
12 OF INSTITUTIONS; AMENDING SECTIONS 2-18-303, 7-4-2913,  
13 7-6-2427, 18-2-301, 18-4-104, 41-5-206, 44-5-202, 44-5-213,  
14 46-19-303, 46-19-305, 50-3-102, 50-21-103, 53-1-202,  
15 53-1-204, 53-1-206, 53-1-301 THROUGH 53-1-304, 53-30-102,  
16 53-30-105 THROUGH 53-30-107, 53-30-109 THROUGH 53-30-111,  
17 53-30-212, 87-1-226, AND 87-1-512, MCA; AND PROVIDING AN  
18 EFFECTIVE DATE."

19  
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
21 NEW SECTION. Section 1. Montana state prison --  
22 warden -- allocation. (1) There is a Montana state prison.  
23 (2) The head of the Montana state prison is the  
24 warden. The warden is considered a director for the purposes  
25 of 2-15-111, and the provisions of 2-15-111 apply to him.

1           (3) The Montana state prison is allocated to the  
2 department of administration for administrative purposes  
3 only as prescribed in 2-15-121, except:

4           (a) the warden may hire prison personnel, and  
5 2-15-121(2)(d) does not apply;

6           (b) the warden shall communicate directly with the  
7 governor, and 2-15-121(3)(a) does not apply; and

8           (c) the warden may allocate necessary prison space,  
9 subject to disapproval by the governor, and 2-15-121(3)(b)  
10 does not apply to allocation of office space at the Montana  
11 state prison.

12           Section 2. Section 53-30-102, MCA, is amended to read:

13           ~~"53-30-102. Qualifications---of---warden   Warden---~~  
14 ~~qualifications ---duties. (1) The warden of the state prison~~  
15 ~~shall be a person trained through education and experience~~  
16 ~~in directing a training, rehabilitation, or custodial~~  
17 ~~program in a penal institution.~~

18           ~~(2) The warden of the Montana state prison is~~  
19 ~~responsible for the management and control of the Montana~~  
20 ~~state prison.~~

21           ~~(3) The warden shall:~~

22           ~~(a) adopt rules for the admission, custody, and~~  
23 ~~release of inmates of the Montana state prison except as~~  
24 ~~otherwise provided by law;~~

25           ~~(b) use the staff and services of other state agencies~~

1 and units of the Montana university system, within their  
2 respective statutory functions, to assist him in carrying  
3 out his functions relating to the administration of the  
4 Montana state prison and rehabilitation and reformation of  
5 inmates; and

6 (c) propose programs to the legislature to meet  
7 projected long-range needs of the Montana state prison."

8 Section 3. Section 2-18-303, MCA, is amended to read:

9 "2-18-303. Procedures for utilizing pay schedules. (1)

10 The pay schedules provided in [the adjusted schedules under]  
11 2-18-311 and 2-18-312 shall be implemented as follows:

12 (a) The pay schedule provided in [the adjusted  
13 schedule under] 2-18-311 indicates the annual compensation  
14 for the fiscal year ending June 30, 1982, for each grade and  
15 step for positions classified under the provisions of part 2  
16 of this chapter.

17 (b) The pay schedule provided in [the adjusted  
18 schedule under] 2-18-312 indicates the annual compensation  
19 for the fiscal year ending June 30, 1983, for each grade and  
20 step for positions classified under the provisions of part 2  
21 of this chapter.

22 (c) Each new employee shall advance from step 1 to  
23 step 2 of a grade after successfully completing 6 months of  
24 probationary service. The anniversary date of an employee  
25 shall be established at the end of the probationary period

1 in accordance with rules promulgated by the department.

2 (d) (i) The compensation of each employee on the first  
3 day of the first pay period in fiscal year 1982 shall be  
4 that amount which corresponds to the grade and step occupied  
5 on the last day of the preceding fiscal year of 1981.

6 (ii) The compensation of each employee on the first day  
7 of the first pay period in fiscal year 1983 shall be that  
8 amount which corresponds to the grade and step occupied on  
9 the last day of the fiscal year 1982.

10 (iii) In compliance with rules adopted to implement  
11 this part, each employee is eligible on his anniversary date  
12 to advance one step in the pay matrix each fiscal year.  
13 However, if the employee's anniversary date falls between  
14 (inclusive) July 1 and the first day of the first pay period  
15 of fiscal year 1982 or 1983, as the case may be, he will  
16 advance one step on the first day of that pay period.

17 (2) The pay schedules provided in [the adjusted  
18 schedules under] 2-18-311 and 2-18-312 and the provisions of  
19 subsection (1) of this section do not apply to those  
20 institutional teachers, liquor store occupations, or  
21 blue-collar occupations compensated under the pay schedules  
22 provided in [the adjusted schedules under] 2-18-313,  
23 2-18-314, or 2-18-315.

24 (3) The pay schedules provided in [the adjusted  
25 schedules under] 2-18-313, 2-18-314, or 2-18-315 shall be

1 implemented as follows:

2 (a) (i) The pay schedules provided in [the adjusted  
3 schedules under] 2-18-313 indicate the annual compensation  
4 for the contracted school term for teachers employed by  
5 institutions under the authority of the department of  
6 institutions for fiscal years 1982 and 1983.

7 (ii) The compensation of each teacher on the first day  
8 of the first pay period in July, 1981, shall be that amount  
9 which corresponds to his level of academic achievement and  
10 the next highest step from that occupied on June 30, 1981.

11 (iii) The compensation of each teacher on the first day  
12 of the first pay period in July, 1982, shall be that amount  
13 which corresponds to his level of achievement and the next  
14 highest step from that occupied on June 30, 1982.

15 (b) (i) The pay schedules provided in [the adjusted  
16 schedules under] 2-18-314 indicate the maximum hourly  
17 compensation for fiscal years ending June 30, 1982, and June  
18 30, 1983, for those employees in liquor store occupations  
19 who have collectively bargained separate classification and  
20 pay plans.

21 (ii) The compensation of each employee on the first day  
22 of the first pay period in fiscal year 1982 or 1983, as the  
23 case may be, shall be that amount which corresponds to that  
24 grade occupied on the last day of the preceding fiscal year.

25 (c) (i) The pay schedules provided in [the adjusted



1 schedules under] 2-18-315 indicate the maximum hourly  
2 compensation for fiscal years ending June 30, 1982, and June  
3 30, 1983, for employees in apprentice trades and crafts and  
4 other blue-collar occupations recognized in the state  
5 blue-collar classification plan who are members of units  
6 that have collectively bargained separate classification and  
7 pay plans.

8 (ii) The compensation of each employee on the first day  
9 of the first pay period in fiscal year 1982 or 1983, as the  
10 case may be, shall be that amount which corresponds to that  
11 grade occupied on the last day of the preceding fiscal year.

12 (4) (a) (i) No member of a bargaining unit may receive  
13 the amounts indicated in the respective pay schedules  
14 provided in [the adjusted schedules under] 2-18-311 through  
15 2-18-315 until the bargaining unit of which he is a member  
16 ratifies a completely integrated collective bargaining  
17 agreement covering the biennium ending June 30, 1983.

18 (ii) In the event that negotiation and ratification of  
19 a completely integrated collective bargaining agreement as  
20 required by subsection (4)(a)(i) of this section are not  
21 completed by July 1, 1981, retroactivity to that date may be  
22 negotiated.

23 (iii) In the event that negotiation and ratification of  
24 a completely integrated collective bargaining agreement as  
25 required by subsection (4)(a)(i) of this section are not

1 completed by July 1, 1981, members of the bargaining unit  
2 involved will continue to receive the compensation they were  
3 receiving as of June 30, 1981.

4 (b) Methods of administration not inconsistent with  
5 the purpose of this part and necessary to properly implement  
6 the pay schedules provided in [the adjusted schedules under]  
7 2-18-313 through 2-18-315 may be provided for in collective  
8 bargaining agreements.

9 (5) The current wage or salary of an employee shall  
10 not be reduced by the implementation of the pay schedules  
11 provided for in [the adjusted schedules under] 2-18-311  
12 through 2-18-315.

13 (6) The department may authorize a separate pay  
14 schedule for medical doctors if the rates provided in [the  
15 adjusted schedules under] 2-18-311 and 2-18-312 are not  
16 sufficient to attract and retain fully licensed and  
17 qualified physicians at the state institutions and the  
18 Montana state prison.

19 (7) The department may develop programs which will  
20 enable the department to mitigate problems associated with  
21 difficult recruitment, retention, transfer, or other  
22 exceptional circumstances. Insofar as the program may apply  
23 to employees within a collective bargaining unit, it shall  
24 be a negotiable subject under 39-31-305."

25 Section 4. Section 7-4-2913, MCA, is amended to read:

1           "7-4-2913. Payment of costs of inquest. Whenever an  
2 inquest is held because of the death of an individual  
3 confined in the state prison, the county clerk of the county  
4 where the inquest is held shall make out a statement of all  
5 the costs incurred by the county in the inquest, properly  
6 certified by the coroner of the county. This statement shall  
7 be sent to the department--of-institutions warden of the  
8 Montana state prison for approval, and after approval, the  
9 department warden shall pay the costs out of the money  
10 appropriated for the support of the state prison to the  
11 county treasurer of the county where the inquest was held."

12           Section 5. Section 7-6-2427, MCA, is amended to read:

13           "7-6-2427. Special provisions for certain charges  
14 related to criminal prosecutions. (1) Notwithstanding  
15 7-6-2426, all costs of a criminal prosecution, including  
16 attorneys' fees, of an offense committed in the state prison  
17 are not charges against the county in which the state prison  
18 is located. Such costs shall be paid by the department--of  
19 institutions Montana state prison.

20           (2) When a criminal action is removed before trial,  
21 the costs accruing upon such removal and trial must be a  
22 charge against the county in which the indictment was found  
23 or information filed."

24           Section 6. Section 18-2-301, MCA, is amended to read:

25           "18-2-301. Bids required -- advertising. (1) It is

1 unlawful for the board of examiners or any offices,  
2 departments, institutions, or any agent of the state of  
3 Montana acting for or in behalf of the state to do, to cause  
4 to be done, or to let any contract for the construction of  
5 buildings or the alteration and improvement of buildings and  
6 adjacent grounds on behalf of and for the benefit of the  
7 state when the amount involved is \$25,000 or more without  
8 first advertising in at least one issue each week for 3  
9 consecutive weeks in two newspapers published in the state,  
10 one of which must be published at the seat of government and  
11 the other in the county where the work is to be performed,  
12 calling for sealed bids to perform such work and stating the  
13 time and place bids will be considered.

14 (2) All such work may be done, caused to be done, or  
15 contracted for only after competitive bidding.

16 (3) If no bid for such work is accepted, the work may  
17 not be done or accomplished. The work may be readvertised  
18 from time to time until awarded to a qualified competitive  
19 bidder.

20 (4) This section does not apply to work done by  
21 inmates at ~~the Montana state prison or at~~ an institution in  
22 the department of institutions."

23 Section 7. Section 18-4-104, MCA, is amended to read:

24 "18-4-104. Purchases exempt from general requirements.

25 (1) Fresh fruits and vegetables (other than potatoes) shall

1 not be included in the supplies to be purchased as provided  
2 in this chapter. The department may allow a state agency or  
3 institution to purchase fresh fruits and vegetables. An  
4 itemized account shall be kept of these purchases and the  
5 account shall be furnished to the department.

6 (2) Likewise, when immediate delivery of articles or  
7 performance of service is required by the public exigencies,  
8 the articles or service so required may be procured by open  
9 purchase or contract at the place and in the manner in which  
10 the articles are usually bought and sold or the services  
11 engaged between individuals but under the direction of the  
12 department.

13 (3) The department of administration may exempt the  
14 department of institutions and the Montana state prison from  
15 the provisions of part 2 of this chapter for the purchase of  
16 suitable clothing by the department of institutions for  
17 residents of its institutions and community-based programs  
18 and by the Montana state prison for its inmates.

19 (4) As used in this section, "suitable clothing" means  
20 styled, seasonable clothing, which will allow the resident  
21 to make a normal appearance in the community."

22 Section 8. Section 41-5-206, MCA, is amended to read:

23 "41-5-206. Transfer to criminal court. (1) After a  
24 petition has been filed alleging delinquency, the court may,  
25 upon motion of the county attorney, before hearing the

petition on its merits, transfer the matter of prosecution to the district court if:

(a) the youth charged was 16 years of age or more at the time of the conduct alleged to be unlawful and the unlawful act is one or more of the following:

(i) criminal homicide as defined in 45-5-101;

(ii) arson as defined in 45-6-103;

(iii) aggravated assault as defined in 45-5-202;

(iv) robbery as defined in 45-5-401;

(v) burglary or aggravated burglary as defined in 45-6-204;

(vi) sexual intercourse without consent as defined in 45-5-503;

(vii) aggravated kidnapping as defined in 45-5-303;

(viii) possession of explosives as defined in 45-8-335;

(ix) criminal sale of dangerous drugs for profit as included in 45-9-101;

(x) attempt as defined in 45-4-103 of any of the acts enumerated in subsections (1)(a)(i) through (1)(a)(ix);

(b) a hearing on whether the transfer should be made is held in conformity with the rules on a hearing on a petition alleging delinquency, except that the hearing will be to the youth court without a jury;

(c) notice in writing of the time, place, and purpose of the hearing is given to the youth, his counsel, and his

1 parents, guardian, or custodian at least 10 days before the  
2 hearing; and

3 (d) the court finds upon the hearing of all relevant  
4 evidence that there are reasonable grounds to believe that:

5 (i) the youth committed the delinquent act alleged;

6 (ii) the seriousness of the offense and the protection  
7 of the community require treatment of the youth beyond that  
8 afforded by juvenile facilities; and

9 (iii) the alleged offense was committed in an  
10 aggressive, violent, or premeditated manner.

11 (2) In transferring the matter of prosecution to the  
12 district court, the court may also consider the following  
13 factors:

14 (a) the sophistication and maturity of the youth,  
15 determined by consideration of his home, environmental  
16 situation, and emotional attitude and pattern of living;

17 (b) the record and previous history of the youth,  
18 including previous contacts with the youth court, law  
19 enforcement agencies, youth courts in other jurisdictions,  
20 prior periods of probation, and prior commitments to  
21 juvenile institutions. However, lack of a prior juvenile  
22 history with youth courts will not of itself be grounds for  
23 denying the transfer.

24 (c) the severity of the offense;

25 (d) the prospects for adequate protection of the

1 public and the likelihood of reasonable rehabilitation of  
2 the youth by the use of procedures, services, and facilities  
3 currently available to the youth court.

4 (3) Upon transfer to district court, the judge shall  
5 make written findings of the reasons why the jurisdiction of  
6 the court was waived and the case transferred to district  
7 court.

8 (4) The transfer terminates the jurisdiction of the  
9 court over the youth with respect to the acts alleged in the  
10 petition. No youth may be prosecuted in the district court  
11 for a criminal offense originally subject to the  
12 jurisdiction of the youth court unless the case has been  
13 transferred as provided in this section.

14 (5) Upon order of the court transferring the case to  
15 the district court, the county attorney shall file the  
16 information against the youth without unreasonable delay.

17 (6) Any offense not enumerated in subsection (1)(a)  
18 that arises during the commission of a crime enumerated in  
19 subsection (1)(a) may be:

20 (a) tried in youth court;

21 (b) transferred to district court with an offense  
22 enumerated in subsection (1)(a), upon motion of the county  
23 attorney and acceptance by the district court judge.

24 (7) If a youth is found guilty in district court of  
25 any of the offenses enumerated in subsection (1)(a) of this



1 section and is sentenced to the state prison, his commitment  
2 shall be to the department of institutions which shall  
3 ~~either~~ confine the youth in whatever institution it  
4 considers proper ~~or send the youth to the Montana state~~  
5 ~~prison."~~

6 Section 9. Section 44-5-202, MCA, is amended to read:

7 "44-5-202. Photographs and fingerprints. (1) The  
8 following agencies may, if authorized by subsections (2)  
9 through ~~(5)~~ ~~(6)~~, collect, process, and preserve photographs  
10 and fingerprints:

11 (a) any criminal justice agency performing, under law,  
12 the functions of a police department or a sheriff's office,  
13 or both;

14 ~~(b) the Montana state prison;~~

15 ~~(b)(c)~~ the department of institutions; and

16 ~~(c)(d)~~ the department of justice.

17 ~~(2) The warden of the Montana state prison may~~  
18 ~~photograph and fingerprint anyone who is an inmate of the~~  
19 ~~Montana state prison.~~

20 ~~(2)(3)~~ The department of institutions may photograph  
21 and fingerprint anyone under the jurisdiction of the  
22 division of corrections or its successor.

23 ~~(3)(4)~~ A criminal justice agency described in  
24 subsection (1)(a) shall photograph and fingerprint a person  
25 who has been arrested or noticed or summoned to appear to

1 answer an information or indictment if:

2 (a) the charge is the commission of a felony;

3 (b) the identification of an accused is in issue; or

4 (c) it is required to do so by court order.

5 ~~(4)~~(5) Whenever a person charged with the commission  
6 of a felony is not arrested, he shall submit himself to the  
7 sheriff, chief of police, or other concerned law enforcement  
8 officer for fingerprinting at the time of his initial  
9 appearance in court to answer the information or indictment  
10 against him.

11 ~~(5)~~(6) A criminal justice agency described in  
12 subsection (1)(a) may photograph and fingerprint an accused  
13 if he has been arrested for the commission of a misdemeanor,  
14 except that an individual arrested for a traffic,  
15 regulatory, or fish and game offense may not be photographed  
16 or fingerprinted unless he is incarcerated.

17 ~~(6)~~(7) Within 10 days the originating agency shall  
18 send the state repository a copy of each fingerprint taken  
19 on a completed form provided by the state repository.

20 ~~(7)~~(8) The state repository shall compare the  
21 fingerprints received with those already on file in the  
22 state repository. If it is determined that the individual is  
23 wanted or is a fugitive from justice, the state repository  
24 shall at once inform the originating agency. If it is  
25 determined that the individual has a criminal record, the

1 state repository shall send the originating agency a copy of  
2 the individual's complete criminal history record.

3 ~~(8)(9)~~ Photographs and fingerprints taken shall be  
4 returned by the state repository to the originating agency,  
5 which shall return all copies to the individual from whom  
6 they were taken:

7 (a) if a court so orders; or

8 (b) upon the request of the individual:

9 (i) if no charges were filed;

10 (ii) if a misdemeanor charge did not result in a  
11 conviction; or

12 (iii) if the individual was found innocent of the  
13 offense charged."

14 Section 10. Section 44-5-213, MCA, is amended to read:

15 "44-5-213. Procedures to ensure accuracy of criminal  
16 history records. In order to ensure complete and accurate  
17 criminal history record information:

18 (1) the department of justice shall maintain a  
19 centralized state repository of criminal history record  
20 information to serve all criminal justice agencies in the  
21 state;

22 (2) dispositions resulting from formal proceedings in  
23 a court having jurisdiction in a criminal action against an  
24 individual who has been photographed and fingerprinted under  
25 44-5-202 shall be reported to the originating agency and the

1 state repository within 15 days. If the dispositions can  
2 readily be collected and reported through the court system,  
3 the dispositions may be submitted to the state repository by  
4 the administrative office of the courts.

5 (3) an originating agency shall advise the state  
6 repository within 30 days of all dispositions concerning the  
7 termination of criminal proceedings against an individual  
8 who has been photographed and fingerprinted under 44-5-202;

9 (4) the Montana state prison and the department of  
10 institutions shall advise the state repository within 30  
11 days of all dispositions subsequent to conviction of an  
12 individual who has been photographed and fingerprinted under  
13 44-5-202;

14 (5) each criminal justice agency shall query the state  
15 repository prior to dissemination of any criminal history  
16 record information to ensure the timeliness of the  
17 information. When no final disposition is shown by the state  
18 repository records, the state repository shall query the  
19 source of the document or other appropriate source for  
20 current status. Inquiries shall be made prior to any  
21 dissemination except in those cases in which time is of the  
22 essence and the repository is technically incapable of  
23 responding within the necessary time period. If time is of  
24 the essence, the inquiry shall still be made and the  
25 response shall be forwarded as soon as it is received.

1           (6) each criminal justice agency shall ensure that all  
2       its criminal justice information is complete, accurate, and  
3       current; and

4           (7) the department of justice shall adopt rules for  
5       criminal justice agencies other than those that are part of  
6       the judicial branch of government to implement this section.  
7       The department of justice may adopt rules for the same  
8       purpose for the judicial branch of government if the supreme  
9       court consents to the rules."

10          Section 11. Section 46-19-303, MCA, is amended to  
11       read:

12           "46-19-303. Power of governor to enter into contracts.  
13       The governor is hereby empowered to designate the warden of  
14       the Montana state prison or the department of institutions  
15       to enter into such contracts recommended by the warden or by  
16       the department on behalf of this state as may be appropriate  
17       to implement the participation of this state in the Western  
18       Interstate Corrections Compact pursuant to 46-19-301."

19          Section 12. Section 46-19-305, MCA, is amended to  
20       read:

21           "46-19-305. Hearings requested by other states. The  
22       board of pardons, the warden of the Montana state prison,  
23       and the department of institutions shall hold such hearings  
24       as may be requested by any other party state pursuant to  
25       Article IV(6) of the Western Interstate Corrections

1 Compact."

2 Section 13. Section 50-3-102, MCA, is amended to read:

3 "50-3-102. Powers and duties of state fire marshal.

4 (1) For the purpose of reducing the state's fire loss, the  
5 state fire marshal shall:

6 (a) make at least one inspection a year of each state  
7 institution in the department of institutions and submit a  
8 copy of the report to the department of institutions with  
9 recommendations in regard to fire prevention, fire  
10 protection, and public safety;

11 (b) make at least one inspection a year of the Montana  
12 state prison and submit a copy of the report to the warden  
13 of the Montana state prison with recommendations in regard  
14 to fire prevention, fire protection, and public safety;

15 ~~(b)~~(c) make at least one inspection a year of each  
16 unit of the Montana university system and submit a copy of  
17 the report to the commissioner of higher education with  
18 recommendations in regard to fire prevention, fire  
19 protection, and public safety;

20 ~~(c)~~(d) inspect public, business, or industrial  
21 buildings and require conformance to law and rules  
22 promulgated under the provisions of this chapter;

23 ~~(d)~~(e) assist local fire and law enforcement  
24 authorities in arson investigations and supervise such  
25 investigations when, in his judgment, supervision is

1     necessary;

2            ~~(e)~~(f) review all training programs on investigation  
3 of accidental and incendiary fires;

4            ~~(f)~~(g) provide fire prevention and fire protection  
5 information to public officials and the general public;

6            ~~(g)~~(h) encourage and assist local fire authorities in  
7 fire prevention programs and adopt standards and implement a  
8 program to encourage fire departments to meet such  
9 standards;

10           ~~(h)~~(i) be the state entity primarily responsible for  
11 promoting fire safety at the state level and to represent  
12 the state in structural fire matters;

13           ~~(i)~~(j) encourage coordination of all services and  
14 agencies in structural fire matters to reduce duplication  
15 and fill voids in services;

16           ~~(j)~~(k) establish rules concerning responsibilities and  
17 procedures to be followed when there is a threat of  
18 explosive material in a building housing state offices;

19           ~~(k)~~(l) keep in his office a record of all fires  
20 occurring in the state, the origin of the fires, and all  
21 facts, statistics, and circumstances relating thereto which  
22 have been determined by investigations under the provisions  
23 of chapter 63 of this title; and, except for statements of  
24 witnesses given during an investigation and information that  
25 may be held in confidence under 50-63-403, the record shall

1 be open at all times to public inspection; and

2 ~~{+}(M)~~ make an annual report to the attorney general  
3 containing a detailed statement of his official action and  
4 the transactions of his department, and the attorney general  
5 shall, in turn, submit the report to the governor with such  
6 recommendations and comments thereon as he considers  
7 necessary.

8 (2) The state fire marshal may:

9 (a) adopt rules necessary for safeguarding life and  
10 property from the hazards of fire and explosion and carrying  
11 into effect the fire prevention laws of this state; and

12 (b) if necessary to safeguard life and property under  
13 rules promulgated pursuant to this section, maintain an  
14 action to enjoin the use of all or a portion of a building  
15 or restrain a specific activity until there is compliance  
16 with the rules."

17 Section 14. Section 50-21-103, MCA, is amended to  
18 read:

19 "50-21-103. Limitations on right to perform autopsy or  
20 dissection. The right to perform an autopsy, dissect a human  
21 body, or make any post-mortem examination involving  
22 dissection of any part of a body is limited to cases where:

23 (1) specifically authorized by law;

24 (2) a coroner is authorized to hold an inquest and  
25 then only to the extent that the coroner may authorize



1     dissection or autopsy;

2           (3) authorized by a written statement of the deceased,  
3     whether the statement is of a testamentary character or  
4     otherwise;

5           (4) authorized by the husband, wife, or next of kin  
6     responsible by law for burial to determine the cause of  
7     death and then only to the extent so authorized;

8           (5) the decedent died in a hospital operated by the  
9     United States veterans administration, Montana school for  
10    the deaf and blind, the Montana state prison, or an  
11    institution in the department of institutions leaving no  
12    surviving husband, wife, or next of kin responsible by law  
13    for burial and the manager or superintendent of the hospital  
14    or institution where death occurred obtains authority on  
15    order of the district court to determine the cause of death  
16    and then only to the extent authorized by court order;

17          (6) the decedent died in the state, was a resident,  
18    but left no surviving husband, wife, or next of kin charged  
19    by law with the duty of burial and the attending physician  
20    obtains authority on order of the district court for the  
21    purpose of ascertaining the cause of death and then only to  
22    the extent authorized by court order after it has been shown  
23    that the physician made diligent search for the next of kin  
24    responsible by law for burial."

25          Section 15. Section 53-1-202, MCA, is amended to read:

1           "53-1-202. Institutions in department. (1) The  
2 following institutions are in the department:

3           (a) Galen state hospital;

4           (b) Montana veterans' home;

5           ~~(c) State prison;~~

6           ~~(d)~~(c) Mountain View school;

7           ~~(e)~~(d) Pine Hills school;

8           ~~(f)~~(e) Boulder River school and hospital;

9           ~~(g)~~(f) Warm Springs state hospital;

10          ~~(h)~~(g) Montana center for the aged;

11          ~~(i)~~(h) Swan River youth forest camp;

12          ~~(j)~~(i) Eastmont training center;

13          ~~(k)~~(j) Any other institution which provides care and  
14 services for juvenile delinquents, including but not limited  
15 to youth forest camps and juvenile reception and evaluation  
16 centers.

17          (2) A state institution may not be moved,  
18 discontinued, or abandoned without prior consent of the  
19 legislature."

20          Section 16. Section 53-1-204, MCA, is amended to read:

21          "53-1-204. Responsibility of warden-----and  
22 superintendents of institutions. The warden---or  
23 superintendents of institutions in the department are  
24 responsible for the immediate management and control of  
25 their respective institutions, subject to the general

1 policies and programs established by the department."

2 Section 17. Section 53-1-206, MCA, is amended to read:

3 "53-1-206. Participation by institutions and prison in  
4 research programs. The department may ~~direct~~ require that a  
5 penal and corrective institution ~~of--the--state--to~~ in the  
6 department, and the warden may elect to have the Montana  
7 state prison, participate in and cooperate with programs of  
8 research and development being conducted and carried on by  
9 any units of the Montana university system, by any of the  
10 other educational institutions of the state of Montana, or  
11 by any foundation or agency thereof in the fields of  
12 science, health, education, and natural resources. These  
13 programs may include the voluntary participation of the  
14 inmates of the institution or prison in testing and  
15 experimental work conducted as a part thereof. Any funds  
16 received from the authorized programs may be shared with the  
17 participating inmates or otherwise held and used for the  
18 welfare and rehabilitation thereof and may not become a part  
19 of the regular budgeted operation of the institution or  
20 prison."

21 Section 18. Section 53-1-301, MCA, is amended to read:

22 "53-1-301. Permitted institutional and prison  
23 industries, powers of department, and incentive pay to  
24 inmates. The Both the department and the warden of the  
25 Montana state prison may:

1       (1) establish industries in facilities under their  
2 jurisdiction, including institutions under the department of  
3 institutions and the Montana state prison, which will result  
4 in the production or manufacture of such products and the  
5 rendering of such services as may be needed by any  
6 department or agency of the state or any political  
7 subdivision thereof, by any agency of the federal  
8 government, by any other states or their political  
9 subdivisions, or by nonprofit organizations and that will  
10 assist in the rehabilitation of residents in institutions  
11 such facilities;

12       (2) contract with private industry for the sale of  
13 goods or components manufactured or produced in shops under  
14 its jurisdiction;

15       (3) print catalogs describing goods manufactured or  
16 produced by institutions a facility and distribute the  
17 catalogs;

18       (4) fix the sale price for goods produced or  
19 manufactured at institutions a facility. Prices shall not  
20 exceed prices existing in the open market for goods of  
21 comparable quality.

22       (5) require institutions a facility under its  
23 jurisdiction to purchase needed goods from other  
24 institutions facilities;

25       (6) provide for the repair and maintenance of property

1 and equipment of ~~institutions~~ a facility by residents of  
2 ~~institutions facilities~~;

3 (7) provide for construction projects up to the  
4 aggregate sum of \$25,000 per project, by residents of  
5 ~~institutions facilities~~; provided, however, said  
6 construction work is not covered by a collective bargaining  
7 agreement;

8 (8) provide for the repair and maintenance at ~~an~~  
9 ~~institution~~ a facility of furniture and equipment of any  
10 state agency;

11 (9) provide for the manufacture at ~~an--institution~~ a  
12 facility of motor vehicle license plates and other related  
13 articles;

14 (10) with the approval of the ~~warden--or~~ department,  
15 sell manufactured or agricultural products and livestock on  
16 the open market;

17 (11) provide for the manufacture at ~~an--institution~~ a  
18 facility of highway, road, and street marking signs for the  
19 use of the state or any of its political subdivisions,  
20 except when the manufacture of the signs is in violation of  
21 a collective bargaining contract;

22 (12) (a) pay an inmate or resident of ~~an--institution~~ a  
23 facility from receipts from the sale of products produced or  
24 manufactured or services rendered in a program in which he  
25 is working.

(b) Payment for the performance of work may be based on the following criteria:

- (i) knowledge and skill;
- (ii) attitude toward authority;
- (iii) physical effort;
- (iv) responsibility for equipment and materials;
- (v) regard for safety of others.

(c) The maximum rate of pay shall be determined by the appropriation established for each program."

Section 19. Section 53-1-302, MCA, is amended to read:

"53-1-302. Disposition of receipts from sale of goods. Receipts from the sale of goods produced or manufactured by the Montana state prison or by an institution in the department of institutions shall be deposited in the revolving fund account for the use of the industries program of the prison or institution. At the end of each biennium, all unobligated revolving funds over a \$50,000 ending-fund balance, except for those funds reserved for equipment replacement as determined by an equipment replacement schedule, shall revert to the state general fund account."

Section 20. Section 53-1-303, MCA, is amended to read:

"53-1-303. Prohibited acts. Unless permitted by the department or the warden of the Montana state prison, arranging for the labor of a resident of an institution in the department of institutions or inmate of the prison is

1 prohibited."

2 Section 21. Section 53-1-304, MCA, is amended to read:

3 "53-1-304. Supervision of industries program. The  
4 ~~Except for the industries program operated by the Montana~~  
5 ~~state prison, the~~ industries program shall be supervised by  
6 the director of the department of institutions or his  
7 designated representative, provided the administration of  
8 the industries program is separate from the administration  
9 of any institution where the program may be located."

10 Section 22. Section 53-30-105, MCA, is amended to  
11 read:

12 "53-30-105. Good time allowance. (1) The department-of  
13 ~~institutions warden of the Montana state prison~~ shall adopt  
14 rules providing for the granting of good time allowance for  
15 inmates employed in any prison work or activity. The good  
16 time allowance shall operate as a credit on his sentence as  
17 imposed by the court, conditioned upon the inmate's good  
18 behavior and compliance with the rules made by the  
19 department--or the warden. The rules adopted by the  
20 department ~~warden~~ may not grant good time allowance to  
21 exceed:

22 (a) 10 days per month for inmates assigned to maximum,  
23 close, and medium I security classifications;

24 (b) 13 days per month for those classified as medium  
25 II and minimum security classifications;

1           (c) 15 days per month for inmates after having been  
2 assigned as medium II or minimum security for an  
3 uninterrupted period of 1 year;

4           (d) 13 days per month for those inmates enrolled in  
5 school who successfully complete the course of study or who  
6 while so enrolled are released from prison by discharge or  
7 parole;

8           (e) 3 days per month for those inmates participating  
9 in self-improvement activities designated by the department.

10          (2) In the event of an attempted escape by an inmate  
11 or a violation of the rules prescribed by the department--or  
12 warden, the inmate may be punished by the forfeiture of part  
13 or all good time allowances. ~~The warden of the state prison~~  
14 ~~shall advise the department of any attempted escape or~~  
15 ~~violation of rules on the part of the inmate. Any punishment~~  
16 ~~by forfeiture of good time allowance must be approved by the~~  
17 ~~department.~~

18          (3) A person may not earn good time under this section  
19 while he is on probation or parole."

20          Section 23. Section 53-30-106, MCA, is amended to  
21 read:

22          "53-30-106. Contracts for confinement of inmates in  
23 other institutions. (1) When the state prison is inadequate  
24 to contain an inmate sentenced to confinement there, the  
25 ~~department of institutions~~ warden of the Montana state



1    prison may enter into contracts with the federal government,  
2    other states, or the commissioners of counties that have  
3    suitable jails for confining inmates sentenced to the state  
4    prison.

5        (2) Within budgetary limits, the department warden may  
6    also enter into contracts with public or private  
7    corporations for the confinement of selected inmates where  
8    suitable programs have been established."

9        Section 24. Section 53-30-107, MCA, is amended to  
10   read:

11        "53-30-107. Establishment of intensive rehabilitation  
12   center authorized. Within the budgetary limits provided by  
13   law, the ~~department--of--institutions~~ warden of the Montana  
14   state prison may establish on property owned by the state on  
15   which prison facilities are or may be located a prison  
16   facility designed to segregate certain types of prisoners."

17        Section 25. Section 53-30-109, MCA, is amended to  
18   read:

19        "53-30-109. Management and control of intensive  
20   rehabilitation center. The warden of the Montana state  
21   prison~~y--subject--to--the--supervision--and--control--of--the~~  
22   ~~department-of-institutions~~y shall operate and manage such  
23   intensive rehabilitation center and shall make such rules  
24   for the operation, management, and admission to such center  
25   as may from time to time be necessary and desirable."

1       Section 26. Section 53-30-110, MCA, is amended to  
2 read:

3       "53-30-110. Expense of trial for offenses committed in  
4 prison. Whenever a trial of any person takes place under any  
5 of the provisions of 45-7-306 and whenever a prisoner in the  
6 state prison is tried for any crime committed therein, the  
7 county clerk of the county where such trial is held shall  
8 make out a statement of all the costs incurred by the county  
9 for the trial of such case and of guarding and keeping such  
10 prisoner, properly certified by a district judge of said  
11 county, which statement shall be sent to the department--of  
12 institutions warden of the Montana state prison for its his  
13 approval. After such approval, the department warden must  
14 cause the amount of such costs to be paid out of the money  
15 appropriated for the support of the state prison to the  
16 county treasurer of the county where such trial was held."

17       Section 27. Section 53-30-111, MCA, is amended to  
18 read:

19       "53-30-111. Clothing and money furnished on discharge  
20 or parole. The state prison shall furnish suitable clothing  
21 to a discharged or paroled inmate. An inmate discharged and  
22 delivered to the custody of the federal government or  
23 another state shall receive \$5; all other discharged or  
24 paroled inmates may receive "gate money" in an amount up to  
25 \$100. The ~~department-of-institutions~~ warden of the Montana

1 state prison may establish rules which allow it him to  
2 deduct up to one-fourth of an inmate's wages earned under  
3 53-1-301 and hold that money in a special account to be  
4 disbursed to the inmate when he is discharged or paroled.  
5 This amount shall be in addition to the "gate money".

6 Section 28. Section 53-30-212, MCA, is amended to  
7 read:

8 "53-30-212. Commutation of sentence to state prison  
9 and transfer of prisoner to juvenile correctional facility.

10 (1) Upon the application of a person under 21 years of age  
11 who has been sentenced to the state prison or upon the  
12 application of his parents or guardian, the governor may,  
13 after consulting with the warden of the Montana state prison  
14 and the department of institutions and with the approval of  
15 the board of pardons, commute the sentence by committing  
16 such person to the department until he is 21 years of age or  
17 until sooner placed or discharged.

18 (2) If such person's behavior after being committed to  
19 the department indicates that he is not a proper person to  
20 reside at one of the department's juvenile facilities, the  
21 governor, after consulting with the warden and the  
22 department and with the approval of the board of pardons,  
23 may revoke the commutation and return him to the state  
24 prison to serve out his unexpired term, and the time spent  
25 by him at one of the department's juvenile facilities or

1 while a refugee from one of the department's juvenile  
2 facilities shall not be considered as a part of his original  
3 sentence.

4 (3) Upon recommendation of the warden and with the  
5 approval of the department, a person under 21 years of age  
6 who has been sentenced to the state prison may be  
7 transferred to any juvenile facility under the jurisdiction  
8 and control of the department.

9 (4) Upon recommendation of the warden and approval of  
10 a person sentenced to the state prison or application of a  
11 person sentenced to the state prison and approval of the  
12 warden and with the approval of the department, such person  
13 sentenced to the state prison who is 25 years of age or  
14 younger may be transferred to the Swan River youth forest  
15 camp. Upon such transfer such person shall be under the  
16 supervision and control of the facility to which he is  
17 transferred.

18 (5) If such person's behavior after transfer to such  
19 juvenile facility indicates he might be released on parole  
20 or his sentence be commuted and he be discharged from  
21 custody, the superintendent of such facility, with the  
22 approval of the department, may make an appropriate  
23 recommendation to the state board of pardons and the  
24 governor, who may, in their discretion, parole such person  
25 or commute his sentence.

1           (6) If such person's behavior after transfer to a  
2 juvenile facility indicates he is not a proper person to  
3 reside in such facility, upon recommendation of the  
4 superintendent and with the approval of the department and  
5 the warden, such person shall be returned to the state  
6 prison to serve out his unexpired term."

7           Section 29. Section 87-1-226, MCA, is amended to read:

8           "87-1-226. Disposition of meat of animals damaging  
9 property. The meat of all animals killed or destroyed  
10 pursuant to 87-1-225 by the department or the authorized  
11 landholder shall be conserved and given to the Montana state  
12 prison, state institutions, school lunch programs, or the  
13 department of social and rehabilitation services. The  
14 department shall provide transportation and distribution of  
15 the meat."

16          Section 30. Section 87-1-512, MCA, is amended to read:

17          "87-1-512. Certificate of sale. Upon the sale of  
18 property as provided in 87-1-511, the officer shall issue a  
19 certificate to the purchasing party, certifying that the  
20 purchaser has the legal right to be in possession of the  
21 property and that anyone so acquiring this property from the  
22 state is prohibited from reselling or using the same for any  
23 commercial purpose. During an auction only one carcass of  
24 either deer, moose, or elk may be purchased per person. At  
25 its discretion, the department may donate unsold carcasses

1 to welfare departments, public institutions, the Montana  
2 state prison, or charitable institutions."

3 NEW SECTION. Section 31. Codification. Section 1 is  
4 intended to be codified as an integral part of Title 2,  
5 chapter 15, part 10, and the provisions of Title 2, chapter  
6 15, apply to section 1.

7 NEW SECTION. Section 32. Effective date. This act is  
8 effective [\_\_\_\_\_].

-End-

HOUSE Judiciary COMMITTEE

Date 6/21/82

**SPONSOR** \_\_\_\_\_

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.