

June 21, 1982

47th SPECIAL SESSION II
MINUTES OF MEETING
OF
JOINT SENATE-HOUSE JUDICIARY
COMMITTEE

The first meeting of the Joint Senate-House Judiciary Committee was called to order at 2:03 p.m., in Room 108 of the State Capitol Building by Chairman Mike Anderson, with Kerry Keyser as co-chairman. All members of the two committees were present.

Chairman Anderson introduced an Agenda he had prepared containing a number of points which the committee might consider as their goals during the Special Session. He went through the agenda, see Exhibit A, attached, and asked for comments from the committee as to what they felt the committee should and could accomplish during this special legislative session. He referred to the Governor's message during the opening of the session, asking the committee members for their opinions concerning Governor Schwinden's instructions.

Rep. Keedy responded first saying he would like the legislature to come up with a long range solution for the problem, and yet felt it would not be appropriate for the body to address the sentencing laws, parole or probation laws. Rep. Seifert also commented saying he felt the new prison should have been built bigger, referring to the overcrowded conditions and agreed the situation has created a problem. Rep. Brown commented also and said he felt the suggestion of Chairman Anderson that the committee might come up with a bill or resolution, should be put further down on the priority list on the Chairman's Agenda. Rep. Teague commented on the parole system in the state and felt the committee should address that problem as well.

John Lynch of the Board of Pardons next spoke to the group and stated the percentage of people being paroled was fairly consistent, setting the figure at about 75%. He referred to 'half-way houses' and pointed out that a number of prisoners were sent there before entering the communities minus supervision. A number of the committee members then questioned him, asking about procedures of the Board and actual duties of the members, also the number of FTE's. Mr. Lynch answered questions also regarding parole violations and said 28% is the approximate figure of parole violators who are returned to prison. He said that from 80 to 90% of the prisoners need counseling in drug and alcohol-related problems. Rep. Curtiss, Rep. Ramirez and Chairman Keyser also questioned Mr. Lynch.

Polly Holmes, representing the Community Corrections Coalition, gave brief testimony, saying parole officers in order to better serve in their capacities on the Board, could use better equipment, additional clerical help, stating she felt such added facilities would help lessen the percentage of recidivism in the state.

Jack McCormick of the Department of Institutions next spoke, saying that most of the sentencing of prisoners is done by district judges who also have probation-revoking authority. Committee members

June 21, 1982

questioned him also and Chairman Keyser commented there was very little the committee could do as far as parole violation problems. Mr. McCormick stated that a time study was being made and he would like to see the results of that study before commenting on Ms. Holmes' comments regarding needs of the Board. He said that at present there are 33 parole officers in the state and some serving in high impacted areas have considerable territory to cover.

Ed Yelsa, an attorney and Judicial candidate, then spoke to the group, agreeing that district judges do have considerable influence in the sentencing of a criminal, but drew attention to the fact that the County Attorney too influenced the sentencing and of course, the crime itself, severity, record of the offender and such considerations. He cited several cases, including State v. Petcol, where there was conflict as to sentencing for similar offenses.

Sen. Steve Brown asked about the term 'good time policy' insofar as prison inmates were concerned. Rep. Yardley also asked several questions relating to that policy.

Pat Warnecke, Associate Warden for Treatment from Montana State Prison, then gave testimony and answered a number of questions of the committee. He explained some of the programs within the prison that are available to the prisoners to help in their rehabilitation, including education programs, psychological services, counseling and other treatment programs. He was questioned extensively by members of the committee, including Sen. O'Hara, Sen Crippen, Rep. Teague.

Jim Pomeroy of the Department of Institutions then spoke to the group and referred to a Special Section Briefing Paper, Exhibit B, attached. He pointed out a number of statistics to the committee members regarding effectiveness of a number of programs being carried on in the State Prison.

The questioning of Mr. Warnecke and Mr. Pomeroy by committee members then dealt with numbers of prisoners who might be considered 'minimum risks' and therefore likely candidates for a minimum security prison. They also questioned the number of maximum security prisoners and whether the new prison then would have sufficient space to house such prisoners should the minimum security people be transferred elsewhere. Discussion included definition of 'minimum security' people, 'low risk' people by the committee, in an effort to determine numbers and future need of space both in the prison itself and in other minimum security surroundings. Mr. Warnecke was questioned about the number of people presently working at the State Prison Farm and if these people could all be transferred.

Committee members also questioned Mr. Warnecke about 'pre-release centers' and asked how many prisoners might qualify for such a proposal.

Chairman Anderson introduced two papers to the committee, Exhibits C and D attached. In Exhibit D, the Interim Guide, a system of inmate classification is explained. After referring to it and questioning by the committee members, Mr. Warnecke stated this system is not at present in use in the State Prison. Mr. Pomeroy added that they have been experimenting with the validity of the classification system, as it appears in Exhibit D.

The meeting was then adjourned at 5:15 p.m., to reconvene at the call of the chair.


Chairman

ExH. A

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

EXHIBIT C

Exhibit B.
June 21st.

1982 SPECIAL SESSION

Briefing Paper

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.

INDEX

1982 SPECIAL SESSION

	<u>Page</u>
1. Special Session Briefing Paper	1
2. Attachment A	8
3. Attachment B	9
4. Attachment C	11
5. Attachment D	14
6. Attachment E - 1	17
E - 2	22
7. Attachment F - 1	25
F - 2	26
F - 3	27
8. Attachment G	28
9. Attachment H	32
10. Attachment I	38
11. Attachment J	41
12. Attachment K	44

Treatment and Community Facilities

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

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

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

Inmate Work

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

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

Long-Term Problem

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

Population Projections

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

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

Need for Close Security

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

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

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

Federal Standards

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

Criteria for Selecting a Long-Term Solution

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

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

Proposed Long-Term Solution

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

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

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

STATE OF MONTANA

Office of the Governor

PROCLAMATION

CALL TO THE 47th LEGISLATURE
FOR A SPECIAL SESSION

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

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

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

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

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

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

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

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

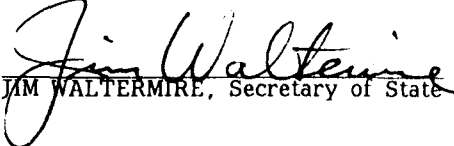
NOW THEREFORE, I, TED SCHWINDEN, Governor of the State of Montana, pursuant to the authority vested in me by the Constitution of the State of Montana, do hereby convene the 47th Legislature in special session in the Capitol, in Helena, at the hour of 10:00 a.m., the 21st day of June, 1982, and hereby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

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the GREAT SEAL OF THE STATE OF MONTANA to be affixed. DONE at the City of Helena, the Capital, this 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

ATTACHMENT B

Modified Staff

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

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

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

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

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

Treatment

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

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

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

STAFFING BREAKOUT BY POST ASSIGNMENT

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

ATTACHMENT C

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

COMMUNITY CORRECTIONS
FY '83

Missoula Life Skills Summary

	Current Level	Additional Request	Total
FTE	6.00	5.50	11.50
Personal Services	120,188	93,014	213,202
Contracted Services	27,942	(14,882)	13,060
Supplies and Materials	22,777	11,514	34,291
Communications	3,659	936	4,595
Travel	1,610	-0-	1,610
Rent	30,000	-0-	30,000
Utilities	6,866	676	7,542
Repairs	2,044	-0-	2,044
Other	500	6,180	6,680
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		FY ' 83	
		Additional		Additional	
		5 Inmates @ \$32.15		Needed	
		per day		TOTAL	
<u>Contracted Services</u>		FY '83			
		Budget			
Consultant & Professional	\$ 1,177	- 20 x 25 = 1471	294	1,471	
Medical	4,680	Increasing projection costs @ 1020 mo. in FY '82 1020x9%=1112x12=13,341 13,341-20x25 = 16,676	11,996	16,676	
Room & Board	217,029	5x32.15x365= 58,674	58,674	275,703	
Dentistry	1,143	-20x25 = 1,429	286	1,429	
TOTAL CONTRACTED SERVICES	224,029		71,250	295,279	
<u>Supplies & Materials</u>					
Clothing & Personal	10,858	Reduced projection for FY '83. Anticipated '82 costs @70 per inmate average stay 4 months 70x9% inflation = \$76x75= 5,700	(5,158)	5,700	
Total Current	234,887	Total Additional	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/ Vocational Skills	Employment Record	Financial Management	Marital/ Family Relations	Emotional Stability	Alcohol Use/Abuse	Drug Use/Abuse	Mental Ability	Health	Sexual Behavior	Raters' Impressions of Needs	Approximate Number of Inmates
1. Severe Problems High Need Level	125	241	158	308	183	458	241	67	5	100	375	
2. Problems require attention before satisfactory functioning can be obtained	15% 241	29% 400	19% 417	37% 308	22% 341	55% 233	29% 225	8% 216	.6% 83	12% 41	45% 283	Percentage of Inmate Population Approximate Number of Inmates
3. Total of 1 and 2 above.	29% 366	48% 641	50% 575	37% 616	41% 524	28% 691	27% 466	26% 283	10% 88	5% 141	34% 658	Percentage of Inmate Population Cumulative Number of Inmates.
	44%	77%	69%	74%	63%	83%	56%	34%	10.6%	17%	79%	Cumulative Percentage of Inmates

Table 2

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

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

*Percentage of the 142 inmates in this category

Table 3

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

	Academic/ Vocational Skills	Employment Record	Financial Management	Marital/ Family Relations	Emotional Stability	Alcohol Use/Abuse	Drug Use/Abuse	Mental Ability	Health	Sexual Behavior	Raters' Impressions of Needs	Approximate Number of Inmates
1. Severe Problems High Need Level	36	56	49	52	19	116	54	9	2	6	60	
	17%	26%	23%	24%	9%	54%	25%	4%	1%	3%	28%	
2. Problems require attention before satisfactory functioning can be obtained	77	118	123	103	77	58	56	43	15	0	84	
	36%	55%	57%	48%	36%	27%	26%	20%	7%	0%	39%	
3. Total of 1 and 2 above.	113	174	172	155	96	174	110	52	17	6	144	
	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 ¹		Medium-Low Risk	
	Percent of Eligible Inmates	Number	Percent of Eligible Inmates	Number	Percent of ¹ Eligible Inmates	Number
AGAINST PERSONS	14.7%	52	5.2%	19	19.8%	71
AGAINST PROPERTY	10.3%	36	13.8%	49	36.2%	130
TOTAL	25%	88	19%	68	56%	201

¹ Based on Population Less PAP

Table 2

Risk of Violence
by
Time to Parole Eligibility

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

¹ 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			
	Population	F.T.E.	Authorized	Requested	Total	Population	F.T.E.	Authorized Requested
Prison (inside compound)	718	296.34	8,196,082	966,422	9,162,504			
Dairy Dorm (outside compound)	32	8.10	-	136,533	136,533			
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
Missoula Life Skills	(24)	-	-	(46,790)	(46,790)	24	11.50	215,586
Pre-Release Center (9-1-82) ²	(20)	-	-	(29,258)	(29,258)	1 20	-	293,491
Pre-Release Center (1-1-83) ²	(20)	-	-	(19,506)	(19,506)	1 20	-	207,328
Sub Totals	673	304.44	8,196,082	1,022,453	9,218,535	77	11.50	450,473
Total Additional Operational Budgets				1,022,453				669,376
One Time Requests								1,691,829
Security Improvements				397,100				
Addition to Kitchen				205,000				
Upgrade Prison Water System				400,000				
Total Additional One Time Requests				1,002,100				
1 Budgets are based on 25 inmates								
2 641 inside compound								
32 outside compound								
673								
Total Additional Request								1,002,100
								2,693,929

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

	Current Level 1983 FY	Request For Special Session	Budget at 750 Pop.
FTE	256.79	47.65	304.44
Personal Services	5,660,206	858,303	6,518,509
Contracted Services	713,583	174,902	(1) 888,485
Supplies & Materials	1,225,123	-	1,225,123
Communications	40,269	-	40,269
Travel	20,228	-	20,228
Rent	9,790		9,790
Utilities	267,766	11,880	279,646
Repairs & Maintenance	86,309		86,309
Other Expenditures	125,517	41,870	167,387
Equipment	47,291	16,000	63,291
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"¹. "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"². 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".³ From 1972 to 1977 there was a 39% increase and the general trend has been increasing since 1930. (See appendix #3).⁴ The average annual change in prison population since 1930 is + 7.4%.
- 2) A five volume report prepared for a congressional survey by ABT Associates for the National Institute of Justice states that the states were largely unprepared for the unprecedented explosion in prison population that occurred. Looking at regional changes they noted a 31% increase in the west (compared to 84% in the south).
- 3) The U.S. Department of Justice reports the 1981 increase in prison population to be the largest since records were started in 1925 (12.1%). Federal prisons increased 16%.
- 4) ABT made forecasts by three means for various regions of the country through 1983. In the west, two models project increases, one a stabilized population.⁵
- 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".⁶

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

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	

¹
²

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 ¹	590	585	575	250	380	485	550	680	710	715	775	833 ⁵	-	-	-	-	-	-	-	-	-	-
1958 Council	-	613	656	704	754	-	-	-	-	807	-	-	-	-	865	-	-	-	-	926	-	-
Clearinghouse	-	-	-	-	-	-	-	-	-	597	646	685	726	765	803	-	-	-	-	684	-	429
Master Plan ²	-	-	-	-	-	458	590	643	757	838	930	1014	1065	1064	1010	936	845	741	704	636	-	-
S.A.R.M. ³	-	-	-	-	-	-	-	-	-	796	826	850	867	880	884	-	-	-	-	-	-	-
Western Analysis ²	-	-	-	-	-	-	-	-	-	693	707	721	733	746	760	773	789	795	804	813	-	-
Cohort ⁴	-	-	-	-	-	-	-	-	-	-	-	900	-	-	-	-	-	-	-	-	-	-
1982 Age Ratio ⁴	-	-	-	-	-	-	-	-	-	-	-	-	929	926	931	925	913	898	882	865	-	-

1 YR End

2 FY

3 End CY

4 Mid range

5 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. Jiminez, 409 F.Supp. 582 (D:P.R.1976). The entire commonwealth prison system is under court order dealing with overcrowding and conditions, Morales Feliciano v. Jiminez (D.P.R.).
41. Virgin Islands: Territorial prison is under court order dealing with conditions and overcrowding. Barnes v. Gov't of the Virgin Islands, 415 F.Supp.1218 (D.V.I.1976).

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

ATTACHMENT I

LONG TERM PROPOSAL

Expansion at Montana State Prison

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

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

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

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

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

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

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

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

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

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

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

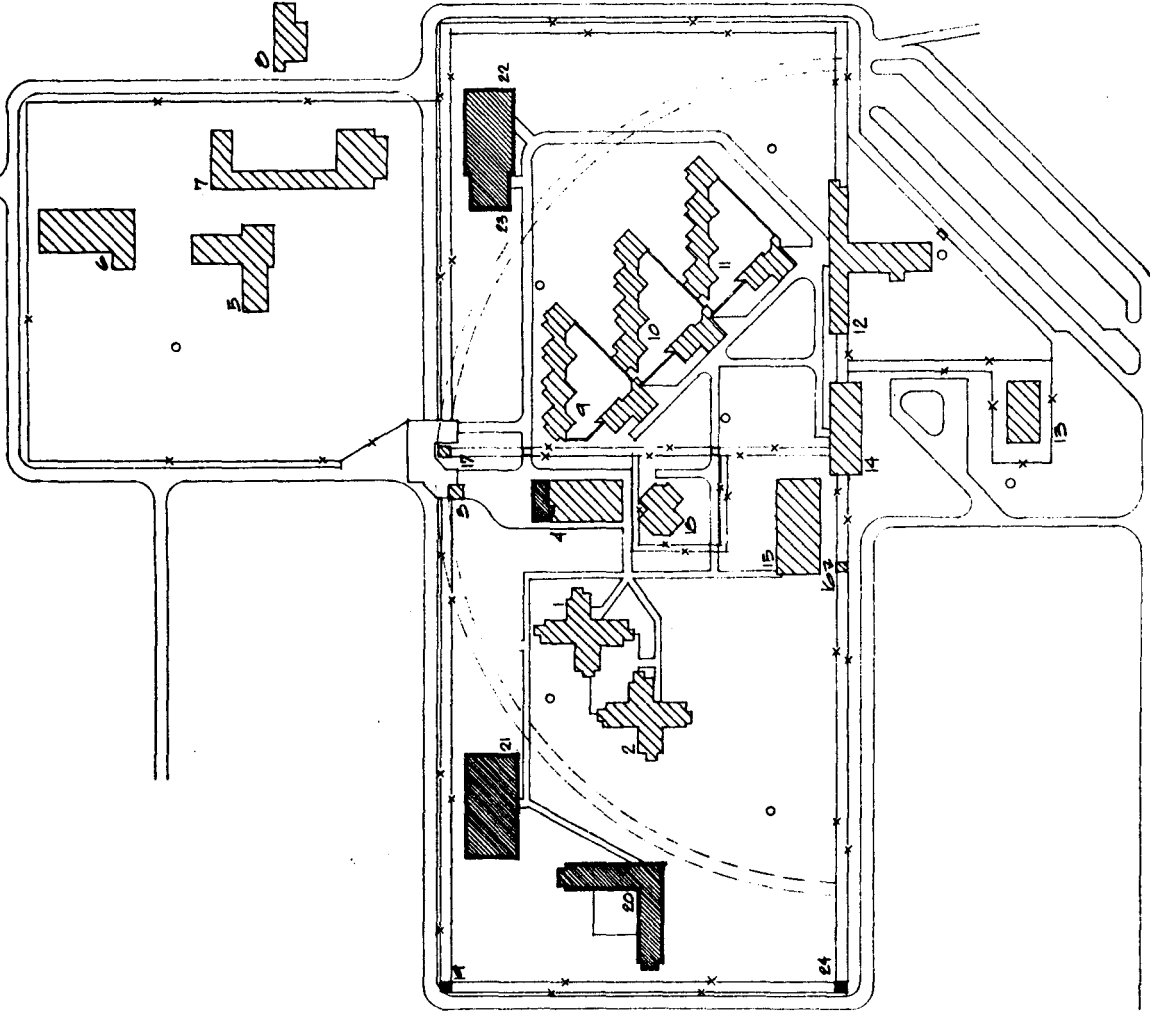
Treatment Programs for an Expanded Montana State Prison

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

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

LEGEND

1. CLOSE SECURITY HOUSING
2. CLOSE SECURITY HOUSING
3. PERIMETER GUARD STATION
4. FOOD SERVICE
5. INDUSTRIAL KITCHEN
6. INDUSTRIAL BUILDING
7. INDUSTRIAL AUTO & TRUCK MAINTENANCE
8. VOCATIONAL EDUCATION AND AUTOMOTIVE REPAIR FACILITY
9. FARM MACHINERY REPAIR FACILITY
10. MINIMUM SECURITY HOUSING
11. MEDIUM SECURITY HOUSING
12. ADMINISTRATION / VISITING
13. INFIRMARY / UNIVERSITY OF MONTANA DRUG RESEARCH FACILITY
14. MAXIMUM SECURITY HOUSING
15. GYMNASIUM
16. GUARD TOWER
17. GUARD TOWER
18. CHAPEL
19. FUTURE GUARD TOWER
20. FUTURE CLOSE SECURITY HOUSING
21. FUTURE MEDIUM VISITING EDUCATION & ADMINISTRATION
22. FUTURE GYMNASIUM & MUSIC
23. FUTURE SLEEPING
24. FUTURE GUARD TOWER
25. NEW LIGHT POLES



MONTANA STATE PRISON CLOSE SECURITY EXPANSION

DEER LODGE MONTANA



ATTACHMENT J

M.S.P. CLOSE SECURITY EXPANSION

STATE PRISON RANCH EXPANSION

DEER LODGE, MONTANA

MONT A/E 82-43-01

June 1, 1982

1.	One 120-Man Close Security Housing Unit:		
	29,568 s.f. @ \$97.51	\$ 2,883,175	
	Contractor's Overhead & Profit @ 25%	<u>720,795</u>	
		\$ 3,603,970	
	Architect's Fee @ 8.0%	<u>288,315</u>	
		\$ 3,892,285	
	Contingency @ 10%	<u>389,225</u>	
	Total Cost		\$ 4,281,510
2.	New Dining Hall (Excluding Kitchen):		
	5,000 s.f. @ \$43.90	\$ 219,500	
	Contractor's Overhead & Profit @ 25%	<u>54,875</u>	
		\$ 274,375	
	Architect's Fee @ 8.0%	<u>21,950</u>	
		\$ 296,325	
	Contingency @ 10%	<u>29,635</u>	
	Total Cost		\$ 325,960
3.	New Gymnasium & Music Building:		
	15,500 s.f. @ \$35.15	\$ 544,850	
	Contractor's Overhead & Profit @ 25%	<u>136,215</u>	
		\$ 681,065	
	Architect's Fee @ 8.0%	<u>54,485</u>	
		\$ 735,550	
	Contingency @ 10%	<u>73,550</u>	
	Total Cost		\$ 809,100

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

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

5. Sitework & Utilities:

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

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

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

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

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

ATTACHMENT K

Comparison
Glasgow - Governor's Proposal
750 Inmates

1983 Fiscal Year

	Prison Budget	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 9,638,775

Renovation Glasgow 2,598,000

Difference 7,040,775

Comparison
Old Prison - Governor's Proposal
750 Inmates

1983 Fiscal Year

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

III. Security Prison

Negotiations are currently underway between the Department and the Valley Industrial Park relative to the acquisition of facilities deemed appropriate for 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, physical, 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 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 a 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 located outside the prison compound, i.e., outside the fence, and would house the records 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.

operation of the Glasgow facility with Montana State Prison at Deer Lodge assured by the Correction's Division. Inmates would be screened at State Prison prior to placement at Glasgow. The screening process would include only those inmates who could be handled satisfactorily at Glasgow, 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 treatment. An effort would also be made by the Department, where appropriate, to accept 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.

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

Correction Facilities

The House, in Billings, is considered a success by those who have been involved with it. It is called a "pre-release" center because that is 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 accepted by Prison and Board of Pardons staff as well as staff from the facility.

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

The House is currently providing placements for twenty-five inmates. The Missoula Life Skills Center will provide an additional 20 slots. Together these facilities will allow the placement of 45 inmates in "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. Currently, 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 Falls area for the establishment of a facility there.

The new facilities should be operated by non-profit corporations which 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.

ity - MSP

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

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

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

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

Reduction of 611 referred to above still requires the double-bunking of cells. The optimum population level for Montana State Prison would be 725 with 96 rooms (or cells) plus 35 cells in maximum security. At the 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 result of our assessment of Montana's correctional problems, we are presenting options and alternatives that may be available.

Anderson

INMATE CLASSIFICATION
INTERIM GUIDE

EXH. D

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 (Deputy Warden or designee) (Associate Warden-Treatment) (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. Amenability (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

<u>CRITERIA</u>	<u>SECURITY RESTRICTIONS</u>	<u>SUGGESTED TIME DURATION</u>
<u>II. INSTITUTIONAL ADJUSTMENT</u>		
<u>A. Escapes:</u>		
1. "Breakouts" (involving weapons, hostages, personal injury or property damage).	Up to Medium II Custody (Unit A).	10 years from date of escape or attempt.
2. "Sneakouts" (involving tunneling, disguises, fence climbing or cutting, etc).	Up to Medium II Custody (Unit A).	10 years from date of escape or attempt.
3. "Walkaways" (from outside perimeter assignments).	Up to Medium II Custody (Unit A).	5 years from date of escape or attempt.
4. Abscondee (from community programs).	Up to Minimum II Custody (Unit C).	Consider past and present institutional adjustment.
<u>B. Anti-Authority Attitudes:</u>		
1. Disruptive behavior (rebelliousness, riot, riotous deportment, predatory conduct).	Up to Close Unit I.	Generally several years of positive behavior, with no indications of recurrence of such behavior.
2. Class II rule violations.	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.
3. Unsatisfactory work performance.	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: Introduction, manufacture, 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. Time Remaining to Parole or Discharge:		
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). ¹³	
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.