

INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEE

Date January 24, 1985

CS-30

VISITORS' REGISTER

INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEE

BILL NO. _____

DATE January 24, 1985

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Jim Hansen	Helena		
Bobbie Dixon	Helena		
Gail Briesa	Helena		
Scott Sim	Helena		
John Madsen	Helena		
Troy Becker	LOW OF MONTANA		
Dan Russell	Helena		
Renise Voorhies	Anaconda		
STEVEN MACASKR, II	DEER LODGE		
Dave Depew	MEX		
George Harrison			
James Conway	Helena		
Anna Hicks	Butte		
Bill Hicks	BUTTE		
GEORGE HARRIS	OBPP		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ROLL CALL VOTE

INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEE

DATE January 24, 1985 BILL NO. TIME

[illegible]

Secretary

Chairman

Motion: Sen. BENGTSOON moved to accept the LFA recommendation
for Personal Services at 112.26 FTE in both fiscal years for
the Montana Youth Treatment Center.

ROLL CALL VOTE

INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEE

DATE January 24, 1985 BILL NO. TIME

[illegible]

Secretary

Chairman

Motion: Sen. AKLESTAD made a substitute motion to authorize

90 FTE in FY 86 and 112.26 in FY 87 for the Montana Youth

Treatment Center.

MINUTES OF THE MEETING
INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEE
49TH LEGISLATIVE SESSION
January 24, 1985

Tape 15, Side B

The meeting of the Institutions and Cultural Education Subcommittee was called to order by Chairman Steve Waldron on January 24, 1985, at 8:05 a.m. in Room 129 of the Capitol.

ROLL CALL: Sen. Aklestad was late. All other members were present. Also present were Keith Wolcott of the Legislative Fiscal Analyst's Office (LFA), George Harris of the Office of Budget and Program Planning, Carroll South, Director of the Department of Institutions, Patrick Wolberd, Superintendent of the Youth Treatment Center, and Steve MacGaskill, Warden of the Women's Correction Center.

MONTANA YOUTH TREATMENT CENTER

John Mattson of the Department of Social and Rehabilitation Services who works with foster care outlined the status of the children who are currently in out-of-state institutions (Exhibit 1).

Mr. Mattson said there would probably be only five out of the 39 children who are currently out of state who could be placed in the Youth Treatment Center. He said the biggest reason the remainder could not be placed in the center is the current language in the Youth Treatment Center criteria bill. (Note: Sen. Towe will sponsor a bill to make amendments to this bill at the request of the Department of Institutions. See Exhibit 2 for these proposed amendments. The bill has not been drafted as of the date of this hearing.) The age minimum of 12 years will prevent seven children from entering the center. Also, the current language says the child has to be determined to be a "danger to self or others" which some of these children do not fit that criteria. Some of the children will be finished with counseling by the time the center is in full operation.

There are also some children who have a combination of problems which would exclude them from one facility or another. For instance, there is a 10 year old sex offender who is emotionally disturbed. Pine Hills now has a sex offender program but it is not equipped to handle a boy with emotional problems as severe as this one has. Another girl is developmentally disabled and handicapped which would apparently keep her from being placed in a group home

in Montana. There was some discussion on this point because it was believed that there are some group homes in Montana which could accommodate this child.

(185) Mr. South noted that Exhibit 1 states that 56% of the children are court ordered out of state. He said this is a major problem with placement because the judges have broad discretion under Title 41 as to where to place a child and, Mr. South said, they generally do what ever they want. Chairman Waldron said this is a problem because there is no consistency and the judges are not fully utilizing in-state institutions for youths. He said he will carry a bill this session which would require judges to consider in-state institutions before sending people out of state. Mr. South said he cannot contest the findings of the court judges.

(318) There was some discussion regarding the Home on the Range group home in Beach, North Dakota which is just across the border from Montana. Sen. Hims1 asked why they were sent there. Mr. Mattson responded that there aren't many group homes in Eastern Montana and, this way, the children are close to home. Also, this group home is cheaper than most of the Montana group homes.

There was a lot of discussion by the committee regarding the use of these out-of-state facilities an no one really likes the idea. It was noted that we are expanding our programs in Montana and upgrading our institutions but the courts are just not using them. It was hoped that the legislation proposed by Chairman Waldron would correct this problem.

Mr. Mattson said there is an increasing number of children under age 12 who are in need of care. Presently, these children are in the Yellowstone Boys and Girls Ranch or the Intermountain Deaconess Home. Mr. Mattson said he felt it would be a mistake to try to treat all of the children in Montana. He said some kids have problems that cannot be treated in our current institutional system.

EXECUTIVE ACTION: (450)

Mr. Wolcott handed out a comparison of the OBPP budget request and the LFA current level budget (Exhibit 3).

INSTITUTIONS AND CULTURAL EDUCATION PROGRAM

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Chairman Waldron said we are going to have trouble setting an average daily population (ADP) for this program because there is no way of knowing how many children will come into the facility the first year. There would be about 22 from the Childrens' Center at Warm Springs, eight children are currently on a waiting list to get into Warm Springs, at least five from the out-of-state institutions, and there is no way of estimating how many will be sent to the Center for evaluations.

Sen. BENGTSON moved to accept the LFA recommendation for Personal Services at 112.26 FTE.

Mr. South noted that any money not spent in FY 85 before the center's opening is used to maintain the Childrens' Center at Warm Springs. After the fiscal year ends, any remaining money will revert.

Sen. Aklestad does not feel the facility will be full or even close to being full. He suggested a 45 ADP rate. Chairman Waldron noted that there has to be a base number of staff in order to receive Medicaid reimbursement.

Sen. AKLESTAD made a substitute motion to authorize 90 FTE in FY 86 and 112.26 FTE in FY 87.

Sen. Bengtson said we don't want to cripple this program before it even gets off the ground. Sen. Aklestad said the figures by the OBPP and LFA were arbitrary anyway so he picked his own arbitrary number. Sen. Bengtson said we shouldn't vote on the basis of resentment.

Chairman Waldron told Sen. Aklestad that Mr. South has always run a fiscally tight ship and Mr. South would see that any money that was not needed for an emergency would not be spent.

Chairman Waldron requested a roll call vote be taken on Sen. Aklestad's substitute motion to authorize 90 FTE in FY 86 and 112.26 FTE in FY 87. Sen. AKLESTAD and Rep. WALDRON approved the motion. All other members opposed the motion. The motion FAILED.

Chairman Waldron requested a roll call vote be taken on Sen. Bengtson's original motion to accept the LFA recommendation of 112.26 FTE in each fiscal year for Personal Services. Sen. AKLESTAD and Rep. WALDRON opposed the

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motion. All other members approved the motion. The motion PASSED.

Operating Expenses: (085)

Sen. BENGTON moved to accept the LFA current level for Operating Expenses.

There was some discussion regarding the audit costs. Sen. Himsel researched audit costs for the institutions and distributed a copy of his findings (Exhibit 4). Sen. Himsel agreed with Sen. Bengtson that we should fund this program as best we can to try to serve as many Montanans as possible. He said we want to give this program a chance. If it doesn't work, we can cut the funding next session.

Sen. AKLESTAD opposed the motion. All other members approved the motion. The motion PASSED.

Funding: (155)

Sen. BENGTON moved to include language in the appropriations bill to allow the Center to come in for a budget amendment should ECIA funds become available.

The motion PASSED unanimously.

Sen. BENGTON moved to accept the LFA current level for School Lunch funds.

The motion PASSED unanimously.

(232) Mr. South said, rather than nickle and diming the agency budgets, he would rather the subcommittee make a straight 2% cut across the board (per the suggestion of the Governor) and allow him to make the decision of where the money should come from. He noted that he cannot control the population at the various institutions and he would rather have this flexibility to take cuts where they would do the least harm.

Mr. Harris said the OBPP agrees with Mr. South's request but he wants the subcommittee to take the 2% cuts now. Chairman Waldron reiterated his earlier statement regarding the Governor's proposed 2% cut that, "The Governor proposes and the Legislature disposes." The committee will deal with this issue if it becomes necessary and not before.

WOMEN'S CORRECTIONS

(265) Mr. South noted that the Women's Corrections budget includes the Women's Corrections Center on the Warm Springs campus as well as the Billings Life Skill Center. He gave a brief history of women's corrections in the state and introduced Warden Steve MacGaskill.

Chairman Waldron wanted to note that he, along with many others, opposed the placement of the women's prison on the Warm Springs campus. However, he noted that they have an excellent program there, there are jobs available on the Warm Springs campus and in Anaconda, there is more freedom of movement, the atmosphere is positive, they have access to Western Montana College in Dillon and Montana Tech in Butte, and there are college level classes taught at the institution. All in all, Chairman Waldron wanted the committee to know that he was wrong in prejudging the location of the Women's Correctional Center and he now feels it was a very good choice.

(389) Mr. Wolcott went over the LFA's current level (Exhibit 5). He noted that the LFA set a 20 ADP rate for the women's prison and 2 ADP for out-of-state placements. There is an 8 ADP rate for the Billings Pre-release Center.

(479) Mr. Harris outlined the OBPP's budget request (Exhibit 6). He noted that the population has increased since the budget was put together and, currently, there are 27 women in the prison. The OBPP set an ADP of 25 and asked that the committee consider this rate rather than the LFA's 20 ADP. The OBPP budget also includes 4% vacancy savings as does the LFA and it includes the 2% cut proposed by the Governor.

(531) Mr. South responded to the budget outlined of the LFA and the OBPP. He also asked the committee to consider setting a 25 ADP. He agreed with the OBPP that 1 ADP for out-of-state placement should be sufficient.

It was noted that this is a very small program and an increase of 5 ADP would be a considerable strain to the budget if it were not included. Mr. Wolcott said the base incremental increase per 1 ADP would be \$8,268. That figure includes food, gate pay, and allowance.

Sen. Aklestad was concerned about any unused funds and asked if they will revert. The OBPP monitors the agency's expenditures and any unused money will revert.

Side B

Rep. Menahan commented on the fact that there are only two corrections officers per shift. Mr. South said the last legislative session authorized him to hire another corrections officer but, because of the constantly fluctuating population, he did not fill that position. He noted that, at one time, the population of the Women's Correctional Center was only 14 inmates. There was some discussion on this subject.

(064) Mr. MacGaskill responded to Rep. Menahan's concerns by saying that there are six seven day posts with two officers per shift. From 6:00 p.m. to 8:00 a.m., there are only the two correctional officers in the facility. During the day, the administrative staff is present to assist the officers.

Chairman Waldron opened the hearing to public testimony.

(090) Denise Voorhies, corrections officer for the Women's Corrections Center, voiced her support for this budget with written testimony (Exhibit 7). One of her major concerns was the need for an additional corrections officer per shift. Briefly, the additional officer would alleviate problems currently experienced with inability to take vacation when needed, sick leave when needed, and coverage when two officers have to escort a prisoner into the lock-up. She said it is often the case that an administrative staff has to act as security because one or both of the corrections officers are busy doing something else. Also, there are three floors in the center and, during the day, inmates can be on any one of the three floors.

Ms. Voorhies wanted to note that about 50% of the inmates are incarcerated for violent crimes and drug and alcohol abuse. Ms. Voorhies outlined the various duties of the corrections officers (detailed in Exhibit 7) and the problem with doing all of these duties plus keeping the inmates from fighting among themselves.

(260) True Hicks, corrections officer for the Women's Correctional Center, voiced her concerns regarding the present staffing. She agreed with all of the comments brought up by Ms. Voorhies and added that the corrections officers are trained for security but often they have to do other duties like picking up mail, running errands, shopping, etc. She said the administrative staff can do these things but usually the corrections officers have to do them.

(310) Bill Hicks, corrections officer for the Women's Correctional Center, agreed with all points covered by the previous officers and also complained that, currently, the institution is only budgeted for Corrections Officer I positions and, legally, they should be able to apply for an upgrade after two years. Because such positions are not budgeted for, upgrades are impossible. He said there is no chance for advancement within this institution and that is bad for morale.

There were no opponents to this budget.

The hearing was closed to further testimony.

(358) Chairman Waldron asked Mr. MacGaskill to respond to the issues brought up by the corrections officers. Mr. MacGaskill said there has only been one officer injured by an inmate in the past year and there had been no escapes. He said there was no way of telling how many inmates had been injured by other inmates because they (the inmates) would never divulge this information.

Sen. Aklestad noted that many of the problems are caused because there are three floors to be monitored and he wanted to know why the restrictions were so loose. Mr. MacGaskill said it was worse to try and keep the inmates together because some of them really don't like others and there are more problems caused by trying to keep them together.

Mr. MacGaskill noted that staff turnover has been very low. Only two employees left last calendar year. On the issue of contraband, Mr. MacGaskill said they usually know when the women have something but not always.

There was some discussion regarding the physical plant. There is not a fence surrounding the center because, Mr. South said, it would not look good for the Warm Springs campus and, he said, there are 350 patients and 500 employees on the campus so there was little chance of a person walking away. Also, the women usually have fairly short sentences and they don't want to risk getting hurt trying to escape.

(534) Mr. South said the staffing was a policy decision of the Department of Institutions that employees can file a grievance if they want. Officially, the department has to go with the recommendations of the Governor's OBPP.

Chairman Waldron asked Mr. MacGaskill if he felt the additional corrections officer position was necessary. Mr. MacGaskill responded that he did. Chairman Waldron asked what were the needs of the center. Mr. MacGaskill said he would like to have one additional person per shift or three additional posts. Chairman Waldron asked what Mr. MacGaskill does if one of the officers is ill. Mr. MacGaskill said he uses off-duty personnel to work overtime. He admitted that there are times when there is only one officer in the building and that poses a potential problem.

BILLINGS LIFE SKILL CENTER

(665) Jim Pomeroy, bureau chief of the Community Corrections Bureau, gave an overview of the Billings Life Skill Center. The facility is in the Lockwood Addition in Billings and has a capacity of 12. It is across from the Lockwood School and the school has given them permission to use some of the facilities such as the track and the gym. The community is supportive of the center. The women learn vocational and educational skills while in the center. They spend an average of six months in the center before being released. They usually have jobs are are required to open a savings account so they will have money when they leave.

Tape 17, Side A

The Billings Life Skill Center is based on a level system. The higher the level, the more priviledges.

There was some discussion regarding escapes. Last year there were two women who escaped together but the number of walk-aways is decreasing. The primary reason for this is a change in the law. It used to be a misdemeanor to escape but it is now a felony so they would have more to lose if they escape now. It was noted that sometimes people walk away with only one day to go. Chairman Waldron explained that some of these people have been institutionalized for so long that they can't handle having to deal with "the real world."

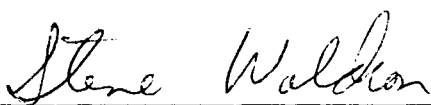
(048) There was more discussion regarding the need for additional corrections officers at the Women's Correctional Center. It was noted that sometimes the Recreational Assistant has to transport minimum

INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEE
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security inmates. Also, some of the inmates are on psychotropic medication which have to be locked up as are the general kinds of medications such as asprin and Tylenol, etc. These medications must be administered by the corrections officers.

Being no further business to come before this committee, the hearing was adjourned at 10:50 a.m.

Respectfully Submitted:



Steve Waldron, Chairman

SW/lr

DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES

EXHIBIT 1
January 24, 1985



TED SCHWINDEN, GOVERNOR

P.O. BOX 4210

STATE OF MONTANA

HELENA, MONTANA 59604

January 23, 1985

TO: Keith Wolcott, Legislative Fiscal Analyst

FROM: Norma Harris, Administrator
Community Services Division

RE: Out-of-State Placements

Attached is the information you requested during our phone conversation January 22, 1985. The attachments include the following information:

- Attachment A - Summary
- Attachment B - List of Out-of-State Facilities
including cost and number of
Montana children by age, sex, placement
date, and court order

OUT-OF-STATE FOSTER CARE PLACEMENTS

Number As Of January 22, 1985 : 39 100%

Number Appropriate for Billings Unit : 5 13%

Number Not Appropriate for Billings Unit: 34 87%

77% Male 23% Female

Number of Children Under 12 : 7

Number of Children 12 and Over : 32

56% Court Ordered 44% Not Court Ordered

Out-of-State Costs for Room and Board per Month:

Low: \$550 High: \$2800

OUT-OF-STATE FACILITIES

	<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
<u>Colorado Christian Home</u> (Colorado)	\$ 64/1947	\$ 9/267	\$ 73/2213	\$ 78/2372

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
C.P.	8	M	No	9/84
B.K.	8	M	No	9/84
J.B.	14	M	No	3/83
J.D.	12	F	No	6/82
B.D.	7	M	No	11/82
S.S.	11	M	Yes	8/84
J.T.	10	M	Yes	11/84

	<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
<u>Double D Manor</u> (Colorado)	\$ 98/2800	\$ 11/322	\$109/3122	\$ 92/2800

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
D.S.	12	F	No	11/82

	<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
<u>Denver Children's Home</u> (Colorado)	\$ 73/2220	\$ 19/577	\$ 92/2777	\$ 73/2220

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
K.U.	13	M	No	8/84
J.R.	16	M	Yes	9/84

	<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
<u>Third Way Center</u> (Colorado)	\$ 51/1550	\$ 10/288	\$ 60/1838	\$ 51/1550

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
P.L.	18	F	No	9/82

Excelsior - Englewood
(Colorado)

<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
\$ 80/2454	\$ 18/542	\$ 80/2454	\$ 76/2298

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
P.R.	16	F	Yes	8/84
L.R.	15	F	No	1/84

Excelsior - Spokane
(Washington)

<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
\$ 59/1800	\$ 5/154	\$ 59/1800	\$ 59/1800

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
V.H.	17	F	Yes	11/83
L.C.	17	F	Yes	6/84
P.S.	13	F	Yes	1/85

Home On The Range
(~~South~~ Dakota)
North

<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
\$ 28/850	\$ 6/194	\$ 34/1044	\$ 28/850

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
W.B.	17	M	No	1/84
P.D.	16	M	Yes	1/84
D.G.	15	M	No	2/84
S.M.	15	M	No	2/84

Griffith Center

<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
\$ 89/2700	\$ 22/678	\$ 89/2700	\$ 66/2007

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
E.T.	16	M	Yes	11/84
G.S.	15	M	No	1/85

	<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
<u>Sherwood Myrtle</u> (Texas)	\$ 18/550	\$ 7/227	\$ 25/770	\$ 11/340

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
M.G.	17	F	No	6/81

	<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
<u>Provo Canyon</u> (Utah)	\$ 54/1639	\$ 23/694	\$ 77/2333	\$ 68/2083

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
H.V.	18	M	Yes	11/83
D.L.	16	M	Yes	5/84
D.Z.	16	M	Yes	4/84
T.J.	16	M	Yes	11/84

	<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
<u>Vision Quest</u> (Arizona)	\$ 89/2707	\$ 14/426	\$103/3133	\$ 89/2707

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
R.M.	16	M	Yes	2/84
A.D.	15	M	Yes	2/84

	<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
<u>Secret Harbor</u> (Washington)	\$ 85/2600	\$ 20/621	\$ 85/2600	\$ 65/1979

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
J.R.	17	M	Yes	4/84

Shamrock Acres
(Washington)

<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
\$ 36/1100	\$ 6/174	\$ 42/1274	\$ 36/1100

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
D.P.	17	M	Yes	7/84

Sacred Heart

<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
\$ 68/2059	\$ 7/208	\$ 74/2268	\$ 60/1812

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
K.C.	15	M	No	8/84

Forest Heights Lodge
(Colorado)

<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
\$ 77/2355	\$ 20/598	\$ 97/2953	\$ 77/2355

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
J.M.	14	M	No	1/85

North Idaho Children's Home
(Idaho)

<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
\$ 81/2476	\$ 27/831	\$109/3307	\$ 81/2475

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
R.E.	11	M	Yes	7/84
R.O.	16	M	Yes	8/84
K.I.	13	M	Yes	8/84
P.M.	16	M	Yes	8/84

	<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
<u>Ryther Children's Center</u> (Washington)	\$ 92/2791	\$ 11/338	\$109/3307	\$ 92/2791

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
J.M.	9	M	No	1/85

	<u>Rm/Board</u>	<u>Eudcation</u>	<u>Total</u>	<u>SRS Paying</u>
<u>Clorence Synder Hall</u> (Wisconsin)	\$ 64/1947	\$ 9/267	\$ 73/2213	\$ 30/1500

<u>Initials</u>	<u>Age</u>	<u>Sex</u>	<u>Court- Order</u>	<u>Date Placed</u>
R.H.	17	M	Yes	9/84

BCPB5/d

John McMaster

BILL NO. _____

INTRODUCED BY _____
BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO THE ADMISSION OF AND EVALUATION OF YOUTHS AT THE MONTANA YOUTH TREATMENT CENTER AND MONTANA STATE HOSPITAL; AMENDING SECTIONS 41-5-523, 53-21-501, 53-21-505, 53-21-506 AND REPEALING 53-21-507 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 41-5-523, MCA, is amended to read:

41-5-523. *(Applicable as provided in Compiler's Comments)* **Disposition of delinquent youth and youth in need of supervision.** (1) If a youth is found to be delinquent or in need of supervision, the court may enter its judgment making the following disposition:

- (a) place the youth on probation;
- (b) place the youth for substitute care into a youth care facility as defined in 41-3-1102 or a home approved by the court;
- (c) place the youth in a private agency responsible for the care and rehabilitation of such a youth;
- (d) transfer legal custody to the department of institutions; provided, however, that in the case of a youth in need of supervision, such transfer of

custody does not authorize the department of institutions to place the youth in a state youth correctional facility and such custody may not continue for a period of more than 6 months without a subsequent court order after notice and hearing;

- (e) such further care and treatment or evaluation that the court considers beneficial to the youth; or.

- (f) order restitution by the youth.

(2) At any time after the youth has been taken into custody, the court may, with the consent of the youth in the manner provided in 41-5-303 for consent by a youth to waiver of his constitutional rights or after the youth has been adjudicated delinquent or in need of supervision, order the youth to be evaluated by the department of institutions for a period not to exceed 45 days of evaluation at a reception and evaluation center for youths, ~~except that if the evaluation is to be done at the Montana youth treatment center, the commitment provisions of 53-21-505 must be followed and no evaluation of a youth may be done at Montana state hospital.~~

(3) At any time after a youth has been taken into custody, the court may request that the youth be evaluated at the Montana youth treatment center under the following conditions:

(a) Such evaluation shall be for the sole purpose of advising the court as to whether or not the youth is seriously mentally ill as defined in 53-21-102(14), and shall not exceed 60 days.

(b) There must be ^{a finding} ~~reasonable grounds~~ that the youth is suffering from a mental disorder as defined in 53-21-102(5).

(4) No evaluation of a youth may be performed at Montana state hospital unless such youth is transferred to district court, pursuant to 41-5-206.

5 ~~(3)~~ No youth may be committed or transferred to a penal institution or other facility used for the execution of sentence of adult persons convicted of crimes.

6 ~~(4)~~ Any order of the court may be modified at any time. In the case of a youth committed to the department of institutions, an order pertaining to the youth may be modified only upon notice to the department and subsequent hearing.

7 ~~(5)~~ Whenever the court vests legal custody in an agency, institution, or department, it must transmit with the dispositional judgment copies of a medical report and such other clinical, predisposition, or other reports and information pertinent to the care and treatment of the youth.

~~(6) Except as provided in 53-21-507, if the custody of a youth is transferred to the department of institutions under subsection (1), the youth may not be committed to the Montana youth treatment center unless the commitment provisions of 53-21-505 are followed.~~

(8) If the court determines that a delinquent youth or youth in need of supervision is in need of treatment at the Montana youth treatment center, the court must first determine, based on testimony of a professional person as defined in 53-21-102(10), that the youth is seriously mentally ill as defined in 53-21-102(14), and such youth is entitled to all rights provided by 53-21-114 through 53-21-119, MCA.

(9) Upon a finding of serious mental illness, the court may commit a delinquent youth to the department of institutions and recommend that the youth be placed at the Montana youth treatment center. Upon release or discharge from the center, if the court order has not expired, or if the youth is less than 21 years of age, he must be placed under supervision of the department of institutions until the expiration of the court order, or until he attains the age of 21.

Section 4. Section 53-21-506, MCA, is amended to read:

53-21-506. *(Applicable as provided in Part Compiler's Comments)* **No commitment to Montana state hospital. ~~No one under 18 years of age may be voluntarily admitted or committed by a court to Montana state hospital.~~**

Individuals less than 18 years of age may not be voluntarily admitted or committed by a court to Montana state hospital unless such individual is transferred to district court pursuant to 41-5-206.

Section 5. Section 53-21-507 is hereby repealed.

Section 6. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. Effective date. This act is effective on passage and approval.

-END-

10 43) The order of commitment to the department of institutions shall read as follows:

ORDER OF COMMITMENT

State of Montana }
County of } ss.

In the district court for the Judicial District.

On the day of ..., 19.., .., a minor of this county, years of age, was brought before me charged with Upon due proof I find that is a suitable person to be committed to the department of institutions.

It is ordered that be committed to the department of institutions until

The names, addresses, and occupations of the parents are:

Name	Address	Occupation
.....
.....

The names and addresses of their nearest relatives are:

.....
.....

Witness my hand this day of ..., A.D. 19...

.....
Judge

Section 2. Section 53-21-501, MCA, is amended to read:

53-21-501. (Applicable as provided in Part Compiler's Comments)
Location and function of center. There is a Montana youth treatment center located at Billings, Montana. The function of the center is the care, ~~and treatment of persons between the ages of 12 and 18 years who have been found to be seriously mentally ill and who have been appropriately evaluated and committed to the center.~~

and evaluation of individuals 18 years of age and under who are committed pursuant to 53-21-505 or 41-5-523.

Section 3. Section 53-21-505, MCA, is amended to read:

53-21-505. (Applicable as provided in Part Compiler's Comments) No voluntary admissions — commitment provisions. (1) There may be no voluntary admissions or commitments to the Montana youth treatment center. All admissions to the center 2

other than those provided for in 41-5-523.

..... must be by appropriate district court commitment, pursuant to the provisions of 53-21-114 through 53-21-127.

(2) The duration of the initial commitment to the treatment center is 3 months, and the commitment may be renewed or extended pursuant to the provisions of 53-21-128 for 6 months and then yearly thereafter.

(3) In addition to the

commitment procedures required in subsection (1) of this section

~~determination by a district court that the individual is seriously mentally ill, as defined by 53-21-102, an individual may not be under 12 years of age or more than 18 years of age upon the date of his admission to the center.~~ ^{must be less than} Individuals under the age of 12 may only be admitted pursuant to

the rules promulgated by the department under the provisions of 53-21-502.

Proposed changes in the Montana Youth Center's enabling Legislation

There are several problems with the Center's existing enabling Legislation. This narrative addresses each problem and suggests a solution.

- Problem #1 41-5-523(2) MCA permits evaluations of youth at the Center, under the youth court. However, no evaluations may be performed unless the youth is committed involuntarily under the Mental Health Act; 53-21-505 MCA. Because a court must first find the youth seriously mentally ill before he can be evaluated, the evaluation would serve no purpose. The youth should simply be committed for treatment upon a finding that he is seriously mentally ill.
- Solution #1 Permit evaluations at the Center for the sole purpose of advising the court as to whether the youth is seriously mentally ill, providing that the court first finds reasonable grounds to believe that the youth is suffering from a mental disorder. The evaluations are performed under the Youth Court Act, and may not exceed 60 days.
- Problem #2 53-521-505(1) MCA provides that all admissions to the Center must be by involuntary commitment via the Mental Health Act, while 53-12-507 permits commitment under the Youth Court act -- a direct conflict.
- Solution #2 Amend 53-21-505(1) MCA, to provide for treatment under the Youth Court
Court Act. Remove 53-21-507 MCA from the Mental Health Act and codify it in the Youth Court Act, and: (1) ensure that there is a finding of serious mental illness by the Youth Court, prior to a youth's commitment to the Center under the Youth Court Act. (2) ensure that the youth is entitled to all rights provided by the Mental Health Act during the proceedings of the Youth Court.
- Problem #3 53-21-505(3) MCA permits the admission of adults to the Center (18 years and over).
- Solution #3 53-21-505(3) MCA is amended to read that only youth under the age of 18 are admitted to the Center. If the primary role of the Center is to provide psychiatric treatment to youth, commitments of persons 18 years of age and over ought to be made to the Montana State Hospital. However, to assure adequate treatment time for persons 18 years of age who are committed prior to their 18th birthday, 53-21-501 MCA permits the treatment of persons who have attained the age of 18. The treatment is available only to those 18 year olds who were committed prior to their 18th Birthday.
- Problem #4 53-21-501 and 53-21-505(3) MCA prohibit treatment of youth under the age of 12. This language does not permit the admission of a youth who may be within a few days of his 12th birthday. While the Center's program is geared toward youth 12 and above, the statute's inflexibility does not allow for exception.

Solution #4

Omit the 12 year language found in 53-21-501 MCA and amend 53-21-505(3) MCA to permit the admission of youth under 12 years of age on an individual basis, pursuant to rules promulgated by the Department of Institutions.

Problem #5

41-5-523(2) MCA and 53-21-506 MCA prohibit the admission of a person under the age of 18 to Montana State Hospital. This language does not permit a youth who is being tried as an adult in district court to be evaluated or committed to the State Hospital.

Solution #5

41-5-523(2) MCA and 53-21-506 MCA are amended to allow the admission of a youth to the State Hospital who is being tried as an adult. A youth who has committed the type of felony which warrants his being tried as an adult ought to be evaluated and treated in an adult facility, rather than a youth facility.

MONTANA YOUTH TREATMENT CENTER

<u>PERSONAL SERVICES</u>	<u>1986</u>	<u>1987</u>
Executive FTE	112.26	112.26
LFA Current Level FTE	<u>112.26</u>	<u>112.26</u>
Difference	<u><u>0.00</u></u>	<u><u>0.00</u></u>
Executive	\$2,151,603	\$2,155,455
LFA Current Level	<u>2,111,384</u>	<u>2,112,381</u>
Difference	<u><u>\$ 40,219</u></u>	<u><u>\$ 43,074</u></u>

- - - - - Personal Services Issues - - - - -

1. Overtime and Holidays Worked	\$ 39,742	\$ 42,684
---------------------------------	-----------	-----------

The Executive includes overtime and holiday overtime based on Eastmont's fiscal 1984 experience while the Legislative Fiscal Analyst current level does not include these items.

OPERATING EXPENSE

Executive	\$ 400,819	\$ 390,128
LFA Current Level	<u>389,738</u>	<u>396,476</u>
Difference	<u><u>\$ 11,081</u></u>	<u><u>\$ (6,348)</u></u>

- - - - - Operating Expenses Issues - - - - -

1. LFA Current Level Base under the Executive base	\$ 31,407	\$ 32,155
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The LFA current level is under the executive in three areas:

- A. Utilities in the current level are \$15,396 less than the executive and,
- B. The executive includes legal fees in contracted services not included in the LFA current level and,
- C. The LFA current level has reduced food costs based on an ADP of 55 commensurate with the adjustment to school lunch funding.

<u>FUNDING</u>	<u>1986</u>	<u>1987</u>
School Lunch		
Executive	\$ 38,011	\$ 38,011
LFA Current Level	<u>41,354</u>	<u>41,555</u>
Difference	<u>\$ (3,343)</u>	<u>\$ (3,544)</u>

- - - - - Funding Issues - - - - -

The LFA used an ADP of 55 for the school lunch calculation.

EXHIBIT 4
January 24, 1985

STATE OF MONTANA

Office of the Legislative Auditor

STATE CAPITOL
HELENA, MONTANA 59620
406/444-3122



DEPUTY LEGISLATIVE AUDITORS:

JAMES H. GILLET
FINANCIAL/COMPLIANCE AUDITS

SCOTT A. SEACAT
PERFORMANCE AUDITS

STAFF LEGAL COUNSEL

JOHN W. NORTHEY

ROBERT R. RINGWOOD
LEGISLATIVE AUDITOR

January 22, 1985

Senator Matt Himsl
Senate Chambers
State Capitol
Helena, MT 59620

Dear Senator Himsl:

We are providing information for your use in the institutions appropriations subcommittee analysis of audit appropriation requests.

As you know, since the inception of the current state agency billing system for audit costs, agency audit appropriations have been made available on a biennium basis because the breakdown between years can be significantly affected by unpredictable factors such as agency special audit requests, federal government desires, and the needs of the legislature, the Legislative Audit Committee, and other legislative committees. Because the appropriations are for the biennium, comparisons with actual costs should be done on a biennium basis.

The attached schedule compares actual audit cost billings for each institution with the audit appropriations for the 1985 biennium.

If we can provide additional information please contact us. We are available if you would like us to discuss the schedule with the subcommittee.

Sincerely,

A handwritten signature in cursive script that reads "Robert R. Ringwood".
Robert R. Ringwood
Legislative Auditor

RRR/jw393x

Attachment

<u>Audit Entity</u>	1985 Biennium Audit Approp.	FY 84 Audit Cost Billings	FY 85 Audit Cost Billings	Total Audit Cost Billings ²	1987 Biennium Requested Audit Approp.
Department of Institutions					
- Central Office	\$35,000	\$24,601	\$10,399	\$35,000	\$35,000
Boulder River School and Hospital	17,250	15,577	1,623 ⁴	17,250	20,000 ³
Center for the Aged	8,050	-0-	8,050 ⁴	8,050	10,000 ³
Eastmont Human Services Center	7,500	4,323	3,177	7,500	10,000 ³
Mountain View School	9,200	-0-	9,200	9,200	10,000
Board of Pardons	2,300	2,300	-0-	2,300	2,520
Pine Hills School	12,650	4,323	8,327	12,650	13,000 ¹
Prison (including industries)	17,250	14,940	2,310 ⁴	17,250	24,750 ³
Swan River Youth Forest Camp	6,900	-0-	6,900 ⁴	6,900	8,000 ³
Montana Veterans' Home	6,900	-0-	6,900 ⁴	6,900	8,000 ³
Montana State Hospital	28,000	5,777	19,864 ⁴	25,641	29,400

¹ Significant increase is due primarily to expansion of the prison industries program and expansion of prison facilities.

² Audit cost billings are limited to the amount of the audit appropriation.

³ Increase is to make the estimate more closely approximate the cost of the routine financial-compliance audit. The audit costs for the 1985 biennium were underestimated.

⁴ Audit is in process at the current time.

WOMEN'S CORRECTIONAL PROGRAM

Budget Item	Actual	Appropriated	---Current Level---		% Change
	Fiscal 1984	Fiscal 1985	Fiscal 1986	Fiscal 1987	1985-87 Biennium
F.T.E	23.45	23.45	20.90	20.90	(10.8)
Personal Service	\$408,791	\$453,572	\$428,897	\$430,699	(0.3)
Operating Expense	138,829	297,060	200,856	200,899	(7.8)
Equipment	3,714	1,575	-0-	718	(86.4)
Inflation	-0-	-0-	16,095	26,777	--
Total Expenditures	<u>\$551,334</u>	<u>\$752,207</u>	<u>\$645,848</u>	<u>\$659,093</u>	<u>0.1</u>
<u>Fund Sources</u>					
General Fund	<u>\$551,334</u>	<u>\$752,207</u>	<u>\$645,848</u>	<u>\$659,093</u>	<u>0.1</u>

ISSUE: Cost (Savings)	-----Fiscal 1986-----		-----Fiscal 1987-----	
	General Fund	Other Funds	General Fund	Other Funds
1. Population Base	\$85,991	-0-	\$73,134	-0-

The Women's Correctional Program consists of three components. The Women's Correctional Facility at the Warm Springs Campus of Montana State Hospital is a minimum to medium security facility for Montana's women offenders requiring incarceration. The Billings Life Skills Pre-release Center located in Billings is a state operated pre-release center with a capacity for 12 women inmates. The third component of the women's program is the housing of women in out-of-state prisons because of their security classification or in in-state housing pending placement.

Fiscal 1984: Comparison of Actual Expenses to the Appropriation

The following table compares fiscal 1984 actual expenditures and funding to allocations as anticipated by the 1983 legislature.

DEPARTMENT OF INSTITUTIONS

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<u>Budget Item</u>	<u>Legislature</u>	<u>Actual</u>	<u>Difference</u>
F.T.E.	23.45	23.45	0.00
Personal Services	\$453,171	\$408,791	\$ 44,380
Operating Expenses	281,209	138,829	142,380
Equipment	4,395	3,714	681
Total Costs & General Fund	<u>\$738,775</u>	<u>\$551,334</u>	<u>\$187,441</u>

The Women's Correctional Program was appropriated for an average daily population of 44 as depicted in Table 11. The actual average daily population was 24. Table 11 depicts the actual and projected average daily population of inmates (ADP) and the cost per day (CID) at each of the units.

Table 11
Average Cost Per Inmate Day for Women's Correctional Programs

<u>Fiscal Year</u>	<u>Out-of-State Jails</u>		<u>Billings Life Skills Center</u>		<u>Women's Facility at Warm Springs</u>		<u>Total ADP</u>
	<u>ADP</u>	<u>CID</u>	<u>ADP</u>	<u>CID</u>	<u>ADP</u>	<u>CID</u>	
ACTUAL 1982	9.00	\$36.61	10.19	\$46.37	11.17	\$120.50	30.96
FISCAL 1983							
Appropriated	2.00	\$58.54	10.00	\$45.72	30.00	\$54.80	42.00
Actual	1.25	\$46.25	8.02	\$65.24	20.02	\$55.11	29.29
FISCAL 1984							
Appropriated	2.00	\$47.00	12.00	\$49.76	30.00	\$42.05	44.00
Actual	0.25	\$38.37	6.72	\$69.32	16.97	\$60.37	23.94
82-84 PERCENT CHANGE	(97)	5	(34)	49	52	10*	(23)

*Percent change in fiscal 1983-1984 to reflect normal costs, not start-up costs.

The population over the three fiscal years has declined from 31 to 24 inmates. The cost per inmate day is increasing. The high cost per day at the women's facility in fiscal 1982 is due to less than a full year of operation and costs associated with starting a new program.

The personal services savings of \$44,380 was realized by leaving a correctional officer I position vacant the entire year and a another part-time position vacant more than half the year at the Women's Correctional Center. The

Billings Life Skills Center left one life skills attendant position open the entire year as well. These positions were not utilized due to the low populations.

The operating savings were also due to the decreases in population. There was just one inmate placed out-of-state during the first quarter of fiscal 1984 resulting in a savings of \$58,199 in board and room costs. A savings of \$43,221 in supplies of the two in-state facilities is proportional to the actual populations relative to budgeted population. A \$22,236 savings in allowances and separation allowances was due to fewer inmates. The remaining expenditure categories of communications, travel, rent, and utilities combine for savings of approximately \$20,000.

Current Level Adjustments

The current level is based on an average daily population of 20 at the Women's Correctional Facility and 8 at the Billings Life Skills Center. Since fiscal 1983, actual ADP's were 20 and 8, respectively. Fiscal 1983 expenditures have been adjusted for inflation and used as the base for the 1987 biennium.

Personal services were decreased by 1.55 FTE at the Women's Correctional Facility and 1 FTE at the Billings Life Skills Center. The 1983 legislature authorized 2.35 additional correctional officers at the Women's Correctional facility based on seven posts and a relief factor of 1.55. This analysis is based on returning to six posts with a relief factor of 1.55 or a total of 9.3 correctional officers.

Contract services at the Women's Correctional Facility were increased \$10,380 over current level to provide alcohol and drug counselors, psychological services, parenting classes, office skills classes, and the facilities share of the Montana Defender Project. Supplies were increased \$9,518 to adjust for the increase from actual average daily population of 24 in fiscal 1984 to 28 as included in the current level budget.

Communications were increased \$1,148 based on quotes from the Department of Administration for local service costs on new phone systems installed at both facilities. Allowances for inmates were increased by \$1,723 to accommodate an increased population of four. The balance of the adjustments amount to less than 1 percent.

Operating costs were increased for up to two out-of-state placements with an additional \$31,891 for board and room and \$3,684 in travel.

Issue 1: Population Base

The department request was based on an average daily population (ADP) of

30 at the Women's Correctional Facility and 12 at the Billings Life Skills Center. The respective capacities are 30 and 12. As shown in Table 11, the women's correctional population has actually declined. Neither facility has reached capacity with the highest monthly ADP of the last 24 months reaching 10.50 at Billings and 23.53 at Warm Springs, both during September 1983.

The LFA current level is based on ADP's of 20 for the Women's Correctional Facility and 8 for the Billings Life Skills Center, which are the actual population served during fiscal 1983.

Option a: Fund women's corrections at the Legislative Fiscal Analyst current level based on an average daily population of 20 and 8 for the Women's Correctional Facility and Billings Life Skills Center, respectively, and line-item funding for up to 2 out-of-state placements costing \$46,381 in fiscal 1986 and \$49,359 in fiscal 1987.

Option b: Fund women's corrections at the department's requested level for 30 ADP at the women's correctional facility and 12 ADP at the Billings Life Skills Center. The additional cost based on the department request is \$85,991 in fiscal 1986 and \$73,134 in fiscal 1987. The out-of-state placements are the same for both options.

Option c: Provide funding for the department requested ADP levels with reversion language should the average daily populations not materialize.

DEPARTMENT OF INSTITUTIONS

WOMEN'S CORRECTIONAL PROGRAM BUDGET DETAIL SUMMARY	Actual FY 1984	Budgeted FY 1985	Recommendation FY 1986 FY 1987	
Full Time Equivalent Employees	23.45	23.45	20.60	20.60
Personal Services	408,792.01	453,572	426,809	429,585
Operating Expenses	138,828.13	297,060	203,860	204,521
Equipment	3,713.77	1,575	0	718
Total Program Costs	\$551,333.91	\$752,207	\$630,669	\$634,824
General Fund	551,333.91	752,207	630,669	634,824
Total Funding Costs	\$551,333.91	\$752,207	\$630,669	\$634,824
Current Level Services	551,333.91	752,207	630,669	634,824
Total Service Costs	\$551,333.91	\$752,207	\$630,669	\$634,824

Program Description

The Women's Correctional Program contains various elements for housing and treating female offenders in the State of Montana. The major component of the program is the corrections facility located at the Montana State Hospital. This facility began operations in FY82, and can house thirty female offenders. Its staff provide work, education, and recreational services to the inmates. Also included in this program are services at the Billings' Life Skills Center, and out-of-state and in-state placements.

Budget Issues

Average Daily Population (ADP). The Women's Correctional Facility was opened on May 3, 1982. When the 1983 Legislature met, funding was based upon a limited historical experience for a population of 30 inmates (the Center's capacity). The ADP reached a total of 23 inmates during August of FY83. There were 26 inmates at the end of July 1984.

It is anticipated that the population will stabilize at 25 for the 1987 biennium. The main factor influencing the stabilization is the fact that the facility is now housing more long-term inmates. When the Center opened, approximately 25% of the inmates were medium security and 75% were minimum security. This mix was reversed during FY 84 and currently there are approximately 25% minimum security inmates and 75% medium security inmates with a long-term commitment.

The ADP for the Billings Pre-release Center for Women was 6.72 in FY84. This budget recommends funding for an ADP of 8 inmates for the 1987 biennium. The increase in population is anticipated as the Women's Correctional Facility refers as many minimum security inmates as possible to avoid increasing that population to a level greater than 25 ADP.

Position Reductions. During FY84, there were 1.35 FTE Correctional Officers vacant at the Women's Correctional Center. These positions are not recommended for authorization in the 1987 biennium.

DEPARTMENT OF INSTITUTIONS

WOMEN'S CORRECTIONAL PROGRAM BUDGET DETAIL SUMMARY	Actual FY 1984	Budgeted FY 1985	Recommendation	
			FY 1986	FY 1987
Full Time Equivalent Employees	23.45	23.45	20.60	20.60

Also, a 1.00 FTE Life Skills Attendant position at the Billings Life Skills Center was vacant throughout FY 84. Similarly, this position is not recommended for the 1987 biennium.

We, the correctional officers of the Women's Correctional Center, appreciate this opportunity to make our needs known to this legislature. The Women's Correctional Center has been operational for nearly three years now. During these three years, we have operated with minimal staffing. This has led to conditions that must be remedied if we are to run a secure facility.

First, I will give you a brief description of the Center, so that you will have some idea of the areas that need to be patrolled. There are three stories. The top floor has 22 rooms and two bathrooms to which more than one inmate has access at a time. The main floor has four close security rooms, four offices, a control room, a craft room, conference room, classroom, two rooms for the parenting program, dining room, and the day room. The basement has a recreation room, laundry room, fitness room, and library. The basement area is open to inmates from 0800 to 2100. Inmates are given access to all of these areas during daytime hours as well as to the fenced yard in back of the building. There are no bars on the windows. There are security screens. There is no fence around this facility. There are not enough correctional officers to cover all of these areas. This means there is often little or no supervision of inmate activities. Inmates know what our duties are and therefore can predict where each staff member will be at any given time. Contraband is easily brought into the building by many means. One very simple method, for example, is to have an accomplice outside the building pass contraband through the security screens into the basement areas at a time when inmates know that staff are busy elsewhere.

Most shifts there are 2 officers on duty. Some day shifts do have 3 officers on duty. However, this third officer is also a relief officer who will be pulled to work other shifts in the event someone is off work.

The floor officer transports inmates to clinic, to Anaconda for dental and eye exams, to medical facilities in nearby communities for special treatment or hospitalization. Other duties that take the floor officer out of the building include making the mail pick-up, doing shopping for inmates, taking inmates on personal shopping trips, and taking care of many other errands, such as banking for the center. This generally means that the Control officer is left to take care of any duties in the Center. The Control Officer's duties include covering communications (telephone and radio), answering the door, logging and distributing mail, frisking inmates entering and leaving the building, dispensing and logging medications, doing bookwork and distribution of canteen and shopping items, making appointments with doctors, dentists, etc. Other duties are making routine shakedowns of inmate's rooms, for which we need two officers, doing skin searches as needed, requiring two officers, doing frequent room inspections, making checks in the detention area when inmates are housed there. At present time, we have inmates in the detention area for disciplinary reasons and for reasons of mental disturbance. We need two officers to make these checks if we need to enter the room for any reason. This presents a great security risk when there are only two people working as this leaves the control center unmanned, or it means one officer must take the risk of entering that room alone. One of these inmates is now being housed in the Powell County Jail for assaulting one of our officers and for continual violent behavior.

There are many other duties during the day that officers must perform, such as shaking down the food cart when it comes in, supervising meals, preparing laundry to be sent out, doing counts, taking inmates to church, accompanying maintenance personnel when they are in the building,

accommodating visiting services such as psychologist, psychiatrist, counselors, Bible study group, and teachers. There is one officer to take care of visiting on Friday evenings, Saturday and Sunday afternoons. This often means that the other officer must cover the control room and try to do any other duties as they arise. Other staff members who may be in the building, such as recreation personnel, social worker, secretary, teacher, and the facility manager, are often left in the control room to fill in for officers who are elsewhere. These people are not always familiar with procedures and cannot do the same job the correctional officer does. This also takes them away from their own duties. There are times, such as on Sunday morning, when only one staff member is in the building because others are transporting inmates to church services. At times in the evenings, only one officer may be in the building because the other one is transporting inmates to or from classes.

Another factor to consider is that our population at present is 27. Approximately 50% of these inmates are in for violent crimes. Most have a history of drug or alcohol abuse. There are frequent reports of violent behavior among the inmates that we are unable to do anything about because inmates rarely tell on each other. If we had enough shift coverage, much of this violence could be averted. Room shakedowns are not being done on a regular basis because officers are too busy doing routine errands to have time for them. This means the inmates feel safe in keeping contraband in their rooms and elsewhere in the building.

From 2000 hours until 0800 hours there are only 2 correctional officers in the building. There are no other staff members on duty at that time of the day.

Due to shortage of staff, we are not given vacations as needed. We

have many two to three week absences due to surgery, illness and hospitalization. We have had a two-month maternity leave. Frequently officers come to work ill because there are already others off due to illness or vacation. At a minimum, each officer is entitled to a total of 25 working days per year of vacation and holiday earned time off. With 9 officers, this comes to 225 days a year that we are less than full staff. If even one half of accrued sick leave is used, that adds 54 more days at less than full staff.

I feel that we have a very hard working and dedicated staff at the Women's Correctional Center. Most of us like our jobs very much and want to do the best job we can. However, working under the conditions we often work under we are becoming worn out. There is a great deal of stress in this kind of work and it is essential to the health of correctional officers to be able to have vacations when they need them. It is also essential to the security of the institution to have enough coverage to insure the welfare and safety of the inmates as well as the staff. At the present time, we cannot provide this security for the Women's Correctional Center.