

MINUTES OF THE MEETING  
INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEE  
50TH LEGISLATIVE SESSION  
HOUSE OF REPRESENTATIVES

March 5, 1987

The thirty-first meeting of the Institutions and Cultural Education Subcommittee was called to order in room 108 of the state capitol at 8:09 a.m. by Chairman Miller on March 5, 1987

ROLL CALL: All members were present as were Keith Wolcott, Senior Analyst for the Legislative Fiscal Analyst (LFA); Alice Omang, secretary; George Harris of the Office of Budget and Program Planning (OBPP); Carroll South, Director of the Department of Institutions; and various other representatives of the Department and other guests.

HEARING ON REDUCING PRISON POPULATION: 31-1-A:010

Representative Donaldson, Helena, District 43, said that they still have serious financial problems in the state of Montana and the issue they are talking about this morning is one he takes very seriously. He distributed exhibit 1 and 2 to the committee, which is the 1989 biennium deficit scenario and proposed general fund budget reductions, respectively. He stated that he was disappointed that he does not see new revenue being generated at this point in time and if they were being realistic, they should be talking about how they should expand the prison, because if the current population trends continue, probably in two or three years, they will be back in the same boat they were not too long ago.

(95) Roger Lauen, an expert on prisons and corrections from Colorado and brought to the committee and paid for by the National Institute of Corrections in Washington, D.C., gave a presentation to the committee, which included (1) the number of inmates that have been in the prison historically, (2) the estimate of the possible number of inmates in 1993 and the estimated cost of the increase in population and (3) some options that the state may look at.

He distributed exhibit 3 to the committee and recapped the charts and explained the Iowa experiment, the early release mechanisms and the early release program in Michigan.

Institutions Subcommittee  
March 5, 1987  
Page Two

He advised that the prison population in Montana has increased at a rate of about 15% each year and projecting this to 1993, there would be a population of about 3,500 inmates for a high; and at 50% of the current rate of growth, the population would be around 2,100 inmates in 1993 as a low. He felt the lower figure was probably more realistic.

Referring to the figures on page 4 of exhibit 3, he advised that the total budget for FY 86 was \$32.9 million \* and for FY 87, it is \$36.39 \* million; and he projected these figures into the estimated population increase both on a high level of increase and on a low level of increase with and without estimated construction costs.

He contended that, even with the lower estimate, the state's prison system budget could swell to \$312 \* million a year, which would include the construction costs of building additional prison facilities. This would be \$326 \*\*\* million with the high estimate cost, he indicated.

(262) He informed the committee that Montana could chose any of the following alternatives: (1) place a ceiling on the population of the prison and stick with it; (2) community corrections diversion centers could be created, to which judges could sentence the non-violent offender as an alternative to sentencing to prison; (3) applying indeterminate sentences; (4) develop profiles of inmates who are considered the best candidates for parole; (5) use an emergency release system, wherein inmates who are within six months of parole are freed when the prison system reaches capacity; and (6) place more emphasis on use of pre-release centers.

He explained the Iowa experiment as per exhibit 3 and commented on alternatives that were used in Michigan.

In response to a question, Mr. Lauen replied that in measuring crime by the National Crime Survey, wherein they asked people if they have been a victim of crime, they found that crime has not changed and the volume of crime is approximately the same, but the volumn of people in the prisons has changed quite dramatically.

- \* mistake in calculations - should be \$17.4 million
- \*\* mistake in calculations - should be \$18.6 million
- \*\*\* mistake in calculations - should be \$128 million
- \*\*\*\* mistake in calculations - should be \$269.4 million

Institutions Subcommittee  
March 5, 1987  
Page Three

Tape: 31-1-B:011 There were numerous questions concerning parole, early release of prisoners, and the over-classification of prisoners as high risk.

(335) Representative Bradley, District 79, Bozeman, stated that in her mind, what they are spending on the prison and prisoners is a colossal waste and she feels as a society, they need to reexamine where they are going right now and they need to change directions. She advised that, according to her calculations, they are spending from \$29,000\* to \$33,000\*\* per adult prisoner per year and she has calculated that they are spending for instructional purposes about \$3,300 per college student.

She advised that other states are pulling out prisoners that do not need to be there and less than 1/5 of the prison population in South Dakota are violent compared with 4/5 in Massachusetts, who has taken these prisoners out of the prison.

(645) Hank Burgess, Chairman of the Board of Pardons, stated that he has problems when people theorize about releasing people from the prisons because there is an expedient need, because they work hard to parole as many people as they can and they use what they feel is good objectivity. He advised that during 1986, they were only able to parole 54% of the people they interviewed and they feel that they have a system that will protect the people of Montana.

Tape: 31-2-A:005: He said that if there was a questionable case, they would rather find in favor of society rather than the individual.

(51) Representative Bradley summarized a list of admissions to the State Prison as of 1985 as follows: burglary - 39, forgery - 14, theft - 77, possession of drugs - 8, attempted burglary - 3, motor vehicle theft - 2, bad checks - 16, deceptive practices - 5, disorderly conduct - 1, negligent homicide - 8 and miscellaneous.

(182) Representative Marks, Speaker of the House, asked what would disqualify a prisoner from receiving a parole.

\* mistake in calculations - should be \$16,000

\*\* mistake in calculations - should be \$17,000

Institutions Subcommittee  
March 5, 1987  
Page Four

Mr. Burgess responded that usually the reasons for non-parole are far more serious than extensive records, the nature of the offense, and lack of treatment, but are for employability and for their prospects of a productive future, but there are a number of people who have no intention of going out to work - they live by stealing, writing bad checks, etc.

Chairman Miller asked how many people come into the prison each year and how many have gone out over the past five years.

Dan Russell, Administrator of the Corrections Division of the Department of Institutions, responded that in 1982, the admissions were 494, and the releases were 449; in 1983, there were 473 admissions and 432 releases; in 1984, there were 441 admissions and 403 releases; in 1985, 479 were admitted and 338 were released; and in 1986, there were 509 admissions and 436 releases, so there are more people coming in and less going out. He distributed exhibit 4 to the committee.

There was some discussion on the release of prisoners who were sentenced for homicides and sexual offenders and questions on paroling inmates who had committed more serious crimes.

(365) Carroll South, Director of the Department of Institutions, stated that they have looked at community corrections, pre-release centers and in-lieu-of prison facilities, but they gave up on the idea because there was no enforcement mechanism to insure that the district court judges would only commit people to those facilities that otherwise would go to prison. They have 2,700 people on probation right now that are being supervised, he continued, and the judges could fill up ten of those facilities with those people who are now on probation and there was no way to force the judicial system to use those facilities in that manner, so rather than request those facilities in 1982, they requested pre-release centers because judges do not commit to pre-release centers. He advised that they have even looked at the intensive supervision with the electronic collar technique, but they have no guarantee that the judges would use that intensive supervision in lieu of sending someone to prison.

Institutions Subcommittee  
March 5, 1987  
Page Five

(430) Representative Menahan said that they are in a crisis situation and he felt that they should stop people from getting into the system to begin with rather than after they are in it and work to get the population down to 700 or so.

There was further discussion along this line and on the costs of implementing such a program.

Tape: 31-2-B:010 Mr. Thatcher of the Billings Pre-Release Center, stated that they had promised that they would have no violent offenders in the pre-release center, but they have seven there today and they have been their more successful candidates. He indicated that an inmate in the pre-release center does not leave there without a job or an educational plan and 92% of their people in the last year have found a job opportunity, so they are cost effective and they are doing a good job.

ADJOURNMENT: There being no further discussion, the hearing was adjourned at 10:17 a.m.

  
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REPRESENTATIVE MILLER, Chiorman

  
\_\_\_\_\_  
Alice Omang, Secretary



EXHIBIT 1  
3/5/87  
Prisons

1989 Biennium Deficit Scenario - Representative Donaldson  
(Millions)  
March 3, 1987

<b>Funds Available</b>	
Beginning Fund Balance - HB 434	\$ -0-
1989 Biennium Revenue Subcommittee	665.28
Interest Income from Gas Tax - HB 136	<u>2.81</u>
<b>Total Funds Available</b>	<b>\$ 668.09</b>
<b>Disbursements</b>	
Foundation Program 0/0	\$ 94.20
1989 Session Feed Bil	4.33
TRANS Issue and Interest Costs	7.23
Long Term Debt Service	24.96
Additional Worker Compensation Costs	2.06
Subcommittee Appropriations	713.37
Replacement of Lost Education Trust Fund Interest	6.35
<b>Reversions</b>	
Debt Service	(2.94)
Other	<u>(10.00)</u>
<b>Total Disbursements</b>	<b>\$ 839.56</b>
<b>ENDING GENERAL FUND DEFICIT</b>	<b><u><u>\$(171.47)</u></u></b>
----- Resource Scenarios -----	
	Maximum
<b>Transfers:</b>	
Education Trust - SB 228	8.96
Coal Board - Schools - SB 228	6.36
Interest - Permanent Trust - SB 228	11.58
RRD	0.34
RIT - Subcommittee	4.04
Water Development - Subcommittee	0.48
Block Grant - Oil (SB200)	12.92
<b>Taxes:</b>	
Federal Tax - Gain	73.33
District Courts (HB 155, SB 200)	<u>5.46</u>
<b>Total</b>	<b>\$ 123.47</b>
<b>Resources Needed</b>	<b><u>(171.47)</u></b>
<b>Surplus (Deficit)</b>	<b>\$ (48.00)</b>
<b>Ending Fund Balance</b>	<b><u>(20.00)</u></b>
<b>Remaining Surplus (Deficit)</b>	<b>\$ (68.00)</b>
<b>Property Tax Relief 15%</b>	<b><u>(148.02)</u></b>
<b>Deficit with Property Tax Relief</b>	<b><u><u>\$(216.02)</u></u></b>

Donaldson (1)

EXHIBIT 2  
3/5/87  
Prisons  
Rep. Donaldson

INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEE  
GENERAL FUND BUDGET REDUCTIONS

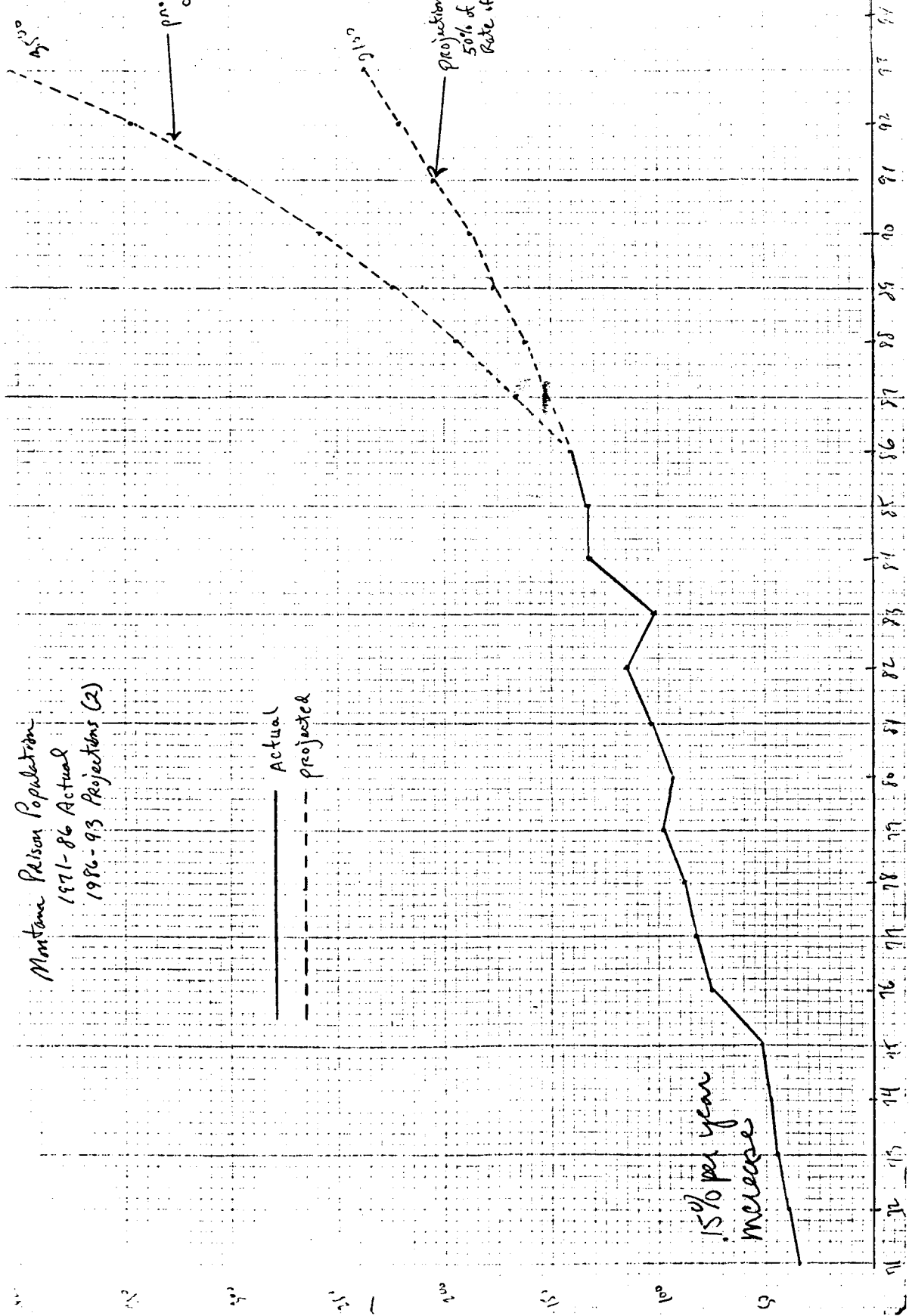
	<u>Fiscal 1988</u>	<u>Fiscal 1989</u>
<u>Department of Institutions</u>		
1. Reduction of inmates at prison for fiscal 1988 & 1989		
2. Explore and develop a long range plan that would provide an alternate to the rapidly growing prison population.		
<u>Montana Arts Council</u>		
1. Eliminate the Montana Arts Council and transfer the cultural and aesthetics grants administration to the Montana Historical Society.	114,548	94,496



Exhibit 3  
3/5/87  
R. Lowen  
Prisons

Montana Prison Population  
1971-86 Actual  
1986-93 Projections (2)

Actual  
Projected



projection based on current rate of increase

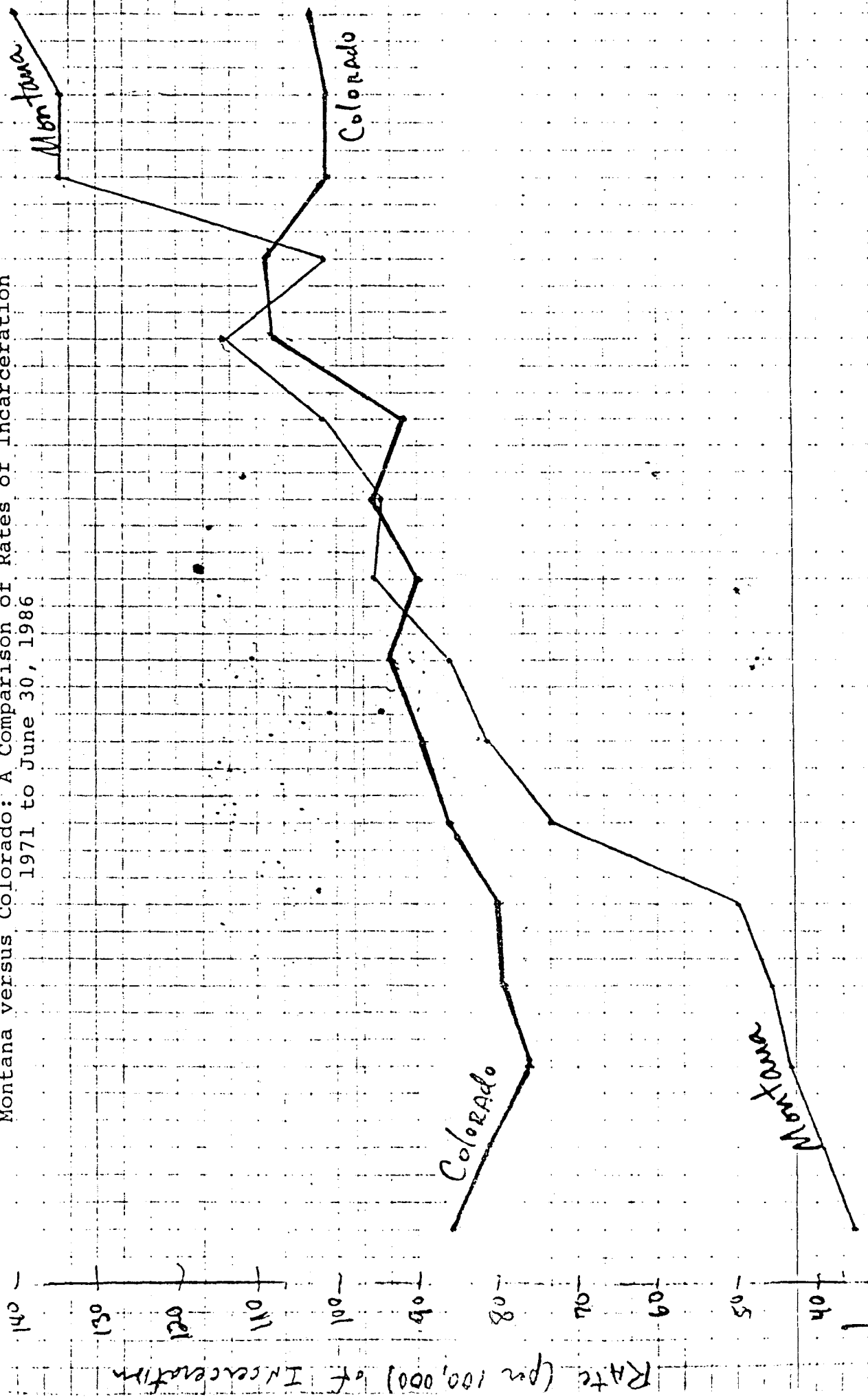
projection based on 50% of current Rate of increase

CS/C

(15)

61

Montana versus Colorado: A Comparison of Rates of Incarceration  
1971 to June 30, 1986



BUDGET FOR  
ADULT CORRECTIONS IN MONTANA

	FY '86	FY '87
CORRECTIONS DIVISION	\$3,864	\$3,917
WOMEN'S CORRECTIONAL PROGRAM	667	669
CORRECTIONS MEDICAL BUDGET	848	626
ADULT PRISON	13,234	15,049
CARE AND CUSTODY	10,431	11,790
RANCH AND DAIRY	1,231	1,796
TAG PLANT	330	367
PRISON INDUSTRIES	536	406
PRISON CANTEEN	404	361
PRISON IND. TRAINING PROGRAM	300	327
SWAN RIVER	947	931
PARDON AND PAROLE BOARD	<u>160</u>	<u>159</u>
TOTALS	\$32,952	\$36,398

Budget in Millions of Dollars

## The Iowa Experiment

The state legislature in Iowa, in an attempt to control the size of the state prison population, directed the state Board of Parole to increase the rate of parole using parole guidelines. The guidelines incorporated an assessment of offender risk using the usual criminal justice variables (see chapter ten for a description of those variables). The legislature was convinced that prison population could be reduced by extending the time served for the worst cases and reducing it for low risk cases.

Iowa has an indeterminate sentencing system whereby judges sentence convicted offenders to prison and the Iowa Board of Parole then determines how much time inmates will serve within broad limits set by the legislature.

Five years of research, 3,000 man hours, and \$300,000 went into the development of the risk assessment instrument. This is noteworthy item. Rarely does any field, including corrections, put this much effort into understanding how the system is working before program implementation occurs. Iowa made a significant investment of staff time and money, and it appears this investment paid off.

The focus of the research was the identification of factors, both offender and program related, that relate to or predict the success or failure of corrections clients, and the frequency and seriousness of new criminal charges against them. The system was implemented in 1980 after completion of an analysis of 6,337 adult probationers and parolees released between 1974 and 1976. A second analysis was completed in order to validate the first one. The second analysis was of 9,387 offenders released between 1977 and 1979.

The risk assessment instrument or system has four components. They are:

1. It rates offenders according to the simple probability of re-arrest, revocation, or flight.
2. It rates offenders according to the likely number of new criminal charges upon release.
3. The risk system predicts the seriousness of new criminal charges by assigning higher risk ratings to offender types prone to more serious charges than to counterparts not so prone.
4. The system provides a separate assessment of the risk of violence or of new crimes against a person.

Under the old system of parole, the parole authorities considered the seriousness of the charges or the offense of conviction, the number of previous prison sentences and other adult convictions, and behavior associated with or occurring just prior to the present offense. One of the important findings of the five years of research was that these factors were not found to be good predictors of recidivism.

The best predictors of recidivism were current age, age at first arrest, number of prior arrests, number of prior (juvenile

and adult) incarcerations, and the type of convicting offense (persons convicted of burglary, auto theft, robbery, forgery, and bad checks are the most likely to repeat). An analysis of the state prison population discovered that the majority (64%) of the inmates were rated below average risk.

Between April, 1981 and November, 1982 the new risk assessment was implemented. The results were quite impressive. The impact of the new system is twofold: the rate of parole and the risk to society. During the 1981-82 demonstration period, the court commitments to prison increased 17%. The number of paroles however, increased by 52%. Despite a large increase in paroles, the parole violation rate remained unchanged. Also, the frequency of new violent crime by parolees dropped from 36% to 23% during this period. Even though the rate of parole increased 52%, the types of inmates released changed. Paroles of non-violent offenders rose by 112%, paroles of violent offenders rose only by 14% during this period.

Iowa parole authorities have successfully implemented a system that has a 70-80% accuracy in determining which offenders will succeed or fail upon release from prison. The most important policy and fiscal outcome has been the elimination of the need for additional prison construction (Chi 1983).

#### **Policy Implications of Iowa Experiment**

Leslie Wilkins had a good idea in the early 1970's: figure out what particular factors are associated with success or failure and establish parole decisions based on these factors. With this approach, subjective notions about guilt, remorse, what the future holds for the parolee are set aside in favor of factors that are more reliable. The researchers in Iowa have implemented Wilkins' ideas very effectively.

If we now have the capability of predicting which type of offender is a high risk case upon release through the use of objective criteria, what need is there for a small group of people (the parole board) to talk to inmates about their parole plans and if they have remorse for their crime, etc.? My recommendation is the elimination of parole boards. Current technology does a better job in making the release decision than four or five people that have been appointed by the governor making idiosyncratic, subjective decisions. Public expenditures will be reduced and predictive accuracy will be increased.

#### **Early Release Mechanisms**

Early release is simple. When the prison capacity exceeds a certain amount (the amount is different in each state), someone in the state (sometimes the governor, sometimes the director of corrections) is authorized to release enough prisoners so that the prison population is reduced and thereby operates within its rated capacity.

The political pitfalls of early release are obvious. No one wants to be associated with letting inmates out of prison, at least not in the United States of America in 1987. Further, what

if one of the early releasees commits a terrible crime? The person or persons associated with the early releasing will be castigated by the press and probably everybody else. In spite of these risks, California tried an early release law that dealt with local jails in 1978, Michigan was the first state to try early release in 1980. Several other states (Connecticut, Oklahoma, Florida, New Jersey, Iowa, Washington, Oregon, and Texas) have also tried early release programs. In that the primary focus of this book is state prisons, Michigan's efforts with early release is the case example chosen.

### Michigan Early Release

In a memo addressed to legislators dated November 24, 1980, two legislative staffers in Michigan made a case for passage of an early release bill (Boyd & Empey 1980). The prison population in 1980 was 13,250, and exceeded the existing prison capacity. Overcrowding was associated with prison riots and invited federal court intervention; Michigan wanted to avoid both.

The memo included a description of how the early release program would work. The program would be initiated if the prison exceeded its rated capacity for thirty consecutive days. The director of corrections would then certify to the governor that all other remedies had been attempted and no other option existed but to declare a state of emergency and reduce the prison population through the release of select inmates. The governor was then required by law to declare a state of emergency. The emergency decree would direct that the sentences of all inmates that had minimum sentence provisions, (thereby excluding the inmates that had been convicted of the most serious offenses) would be reduced by 90 days. If after the release of these parole eligible offenders, the prison populations was not reduced to 95% of its rated capacity, a second 90 day reduction order would be issued. This process would continue until the prison population was reduced to the 95% capacity level.

The staff memo analyzed the fiscal implications of the early release law. Quoting directly from the memo,

"According to the Department of Corrections, the only costs they would incur would be clerical and administrative costs incurred by the Parole Board as a result of processing the cases of the large pool of prisoners made eligible for parole by the bill. No other costs would be incurred as the result of the bill." (Boyd & Empey 1980)

In summary, the legislative staffers listed the pros and cons of the proposed bill.

#### Pros

1. The present prison situation is dangerous due to overcrowding and already under state circuit court order and vulnerable to a federal court order. The potential for a riot is also high.

#### Con

The early release of prisoners is not a reasonable state policy. The only reasonable state policy is to provide bed-space for those sent to prison. (Reasonable was not defined.)

2. Prison expansion is unreasonable from two perspectives; the state had already asked the voters for approval to build 4 new prisons and was turned down. It would take years to get approval and construct new prisons. The federal courts would intervene by that time.
3. No leadership within the state within last 5 years; early release bill was seen as a leadership initiative.
4. Early release is a very responsible short term solution; only the least serious inmates would be released that would be eligible for parole anyway.

If the arguments in favor of this bill appear to be more persuasive than the arguments against it, you are correct. The legislature agreed and passed the bill in 1980. After the bill became law it was known as the Prison Overcrowding Emergency Powers Act.

The emergency decree provision of the law was invoked nine times between 1981 and 1984. By the end of 1984, the political pressures were intense on the governor and the five member corrections committee that worked with the governor on this issue. The governor stated that we would refuse to sign the next early release decree because, ". . . prison crowding is maybe not a bad idea" (Detroit Free Press 1984). The great experiment ended in 1985. It ended in spite of the fact that the state corrections department researchers found that "any group of prisoners paroled at or before their minimums do much better on parole than those released after their minimums sentences have been served . . ." (Boyd & Empey 1980). The legislature repealed the early release law in 1985.

There is much to learn from the Michigan experience. There is the "myth of imprisonment" that more prisons will reduce crime. Then there is the reality of prisons that they are very expensive, do not rehabilitate, do not deter, incapacitate for only very short periods of time, and have little or no impact on crime. The Michigan early release law, for a few years at least, forced the myth and the reality to stare each other in the eye. It is very important to understand that the myth was the winner, once again. In spite of the fact that the crime rate was not effected by the early release of a select group of state inmates, in spite of the fact that it was virtually a no cost option to more and more prison construction, the law was repealed. The lesson of Michigan is that the myth not only does not die hard, it just didn't die.

Exhibit 4  
3/5/87  
Dan Ruse 11

Prisons

OBJECT: Discharge sufficient numbers of inmates on July 1, 1987 to:

1. Permit the closure of four male pre-release centers.
2. Permit the closure of one female pre-release center.
3. Permit the closure of Swan River Forest Camp
4. Reduce Montana State Prison's (MSP) population to 744
5. Reduce the Women's Correctional Center's (WCC) population to 30.
6. Maintain future populations at MSP and WCC at levels of items 4 and 5 above.

METHOD: 1. Discharge on July 1, 1987 all inmates who would, at their current rate of good time accrual, discharge prison before July 1, 1989.

2. Assume:

- (a) That judicial sentencing patterns do not change.
- (b) That Board of Pardon's policies do not change.
- (c) That parole eligibility dates are not affected.
- (d) That the current rate of paroles remains the same.
- (e) That admissions will be 468 and 32 per year at MSP and WCC respectively.
- (f) That after the initial early discharge, when MSP's average daily population (ADP) exceeds 781 for a period of 30 days, additional male inmates are discharged early.
- (g) That after the initial early discharge, when WCC's ADP exceeds 35 for a period of 30 days, additional female inmates will be discharged early.
- (h) That when the conditions of items (f) and (g) are met, sufficient inmates are discharged early to reduce the populations at MSP and WCC to 707 and 30 respectively.

IMPACT: 1. On July 1, 1987, approximately 1,100 male inmates would be housed at Swan, four pre-release centers and MSP; and 47 female inmates would be housed at the pre-release center and WCC.

2. On July 1, 1987, approximately 356 male and 18 female inmates would be discharged from 1 to 24 months early.

3. Approximately 200 additional inmates would be discharged early at intervals during FY1988.

4. Approximately 200 inmates would be discharged early at intervals during FY1989 and each year thereafter, until such time as prison admissions decline and/or judicial sentencing practices reduce the average sentence length.

5. We expect inmate population to increase steadily over the next several years. A natural increase in inmate population would necessitate the early discharge of additional inmates to maintain a population of 744.

CS:lt

D. Russell (4)



EARLY RELEASES  
ADULT, MALE ONLY

1. Need to discharge 356 inmates to reach desired population threshold.
2. Assigning these 356 accelerated discharges to six month periods...

$$6 \text{ months } 1(356 \div 4) = 89$$

$$12 \text{ months } 2(356 \div 4) = 178$$

$$18 \text{ months } 3(356 \div 4) = 267$$

$$24 \text{ months } 4(356 \div 4) = 356$$

FISCAL YEAR END TOTAL JURISDICTION  
FEMALE and MALE

CORRECTIONAL POPULATION DATA

	<u>Fiscal Year End</u>				
	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
Population	829	870	908	1049	1122
Admissions	494	473	441	479	509
Releases	449	432	403	338	436

VISITOR'S REGISTER

INSTITUTIONS

SUBCOMMITTEE

AGENCY(S) Dept. of Institutions

DATE March 5, 1987

DEPARTMENT State Prison - Early Release

of Prisoners & Closure of Pre-Release Centers

NAME	REPRESENTING	SUP-PORT	OP-POSE
Hank Hisley	MSSB		
Dave Depew	NPEA		
<del>Dave Armstrong</del>	<del>Dellinger PRC</del>		
<del>Mr. White</del>	<del>Butler P.R.C.</del>		
Mignon Waterman	Mt. Assoc. of Churches		
Hank Burgess	Board of Pardons		
Don Russell	DoJ		
Carroll South	DoJ		
Marylates	NWCC		
TED YATES	NWCC		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT.  
 IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.

CONSIDERATIONS REGARDING PRE-RELEASE CENTERS  
AND PROPOSED DIVERSION PILOT PROGRAM

COSTS: Proposed costs per inmate day for pre-release and diversion are similar.

SERVICES: Pre-release centers in Montana and diversion centers in Colorado offer similar services. Both generally provide room and board, supervision, job placement, counseling, referral to community counseling agencies, life skills training, etc. The basic difference is who is served, not how.

CLIENTS: Pre-release serves inmates coming out of prison back to the community. Consequently, WHEN A PERSON IS PLACED IN PRE-RELEASE YOU CAN BE CERTAIN IT IS SOMEONE WHO WOULD OTHERWISE BE IN PRISON. Diversion centers are for persons sentenced directly to the center; that is, they never go to prison. While this offers a positive alternative to incarceration, nevertheless THE POSSIBILITY EXISTS THAT THE PERSON SENTENCED TO A DIVERSION CENTER WOULD OTHERWISE BE PLACED ON PROBATION rather than sent to prison.

DIVERSION - A NEW CONCEPT? The Missoula Life Skills Center, established by the state in 1977, originally operated as a diversion center. In 1982, the Center was converted to exclusively serve as a pre-release center. It was felt by the Department of Institutions and the Legislature at that time that a pre-release center more directly impacted prison population.

The Correctional Plan of 1980, developed by a panel of corrections, law enforcement, and judicial personnel, recommended the creation of diversion centers. After consideration, the legislature declined to fund these centers, choosing instead to develop the first pre-release contract with the private non-profit organization that operates the Billings Alpha House.

In the 1981 Special Session concerning corrections, diversion centers were considered but following deliberations the legislature instead created two additional pre-release centers, located in Great Falls and Butte.

COMPATIBILITY: In many states it is unusual to find centers that are for Diversion only. Most centers contain a mixture of pre-release and diversion offenders.

If the Legislature wishes to experiment with diversion, wouldn't there be considerable advantage to amending the role of the existing pre-release centers? Perhaps the most advantageous course would be to designate 10 EXISTING beds in each center (Butte, Great Falls, Missoula, Billings and the Women's Center in Lockwood), leaving 20 beds in each center for pre-release. In this manner the diversion experiment could be tried without need for new centers or increased expenditures.

PRISON POPULATION: WILL DIVERSION REDUCE THE POPULATION? It is unreasonable to expect that any corrections program can effectively and safely change the prison population overnight. The "new" Diversion centers would be unlikely to operate before January of 1988, and would be hand-pressed to significantly impact the numbers of persons sentenced in the 18 months remaining in the biennium.

WHY DO PRE-RELEASE CENTERS EXIST SIDE BY SIDE WITH DIVERSION CENTERS IN MOST STATES? If this Legislature could effectively reduce the current prison population from approximately 920 to 728, the prison would presumably not be overcrowded. However, the inmates would STILL BE RELEASED; that is, offenders would continue to parole and discharge. These offenders would require help in reintegrating into society. THE BASIS OF PRE-RELEASE IS NOT SIMPLY A NUMBERS ISSUE. IT IS ONE OF HOW BEST TO RETURN OFFENDERS TO OUR COMMUNITIES WHILE REDUCING RECIDIVISM RATES BY OFFERING THE OFFENDER A REASON TO SUCCEED RATHER THAN AN EXCUSE TO FAIL.

DIVERSION: IT'S IMPACT IN COLORADO: In 1985 Colorado was one of only seven states to show a decline in persons incarcerated per 100,000 population.

Nevertheless, Colorado prisons housed approximately 3,369 offenders. The prisons in Colorado were overcrowded then and remain so today. While Colorado appears to have an effective system of community corrections, incorporating both pre-release and Diversion, it would be difficult to justify Colorado's success in holding the line on incarcerations rates in terms of community corrections alone. It may be argued that publicity regarding overcrowding and the costs associated with it have been equally influential in changing sentencing standards.

# ***Alternatives Inc.***

## ***Alpha House Pre-release Center***

104 N. 31st St. Billings, Mont., 59101, Tel. 248-5851.

## **Beta Alternatives**

Deferred Prosecution  
Victim Offender Restitution Service  
Community Service Placement  
DUI Detention Program  
Pre-release Center

Hedden Empire Building, suite 208, 208 N. 29th, Billings, Mont. 59101, Tel. 259-9695

Formerly Half Way  
Group Home, Inc.