

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON INSTITUTIONS

Call to Order: By Rep. William Menahan, on February 2,
1989, at 8:15 a.m.

ROLL CALL

Members Present: All but Rep. Grady

Members Excused: Rep. Ed Grady

Members Absent: None

Staff Present: Taryn Purdy, Associate Fiscal Analyst

Announcements/Discussion: Hearing: Swan River Forest Camp
Board of Pardons

Curt Chisholm, Director, Dept. of Institutions, asked if the women's corrections program could be kept open even though executive action had been taken. A budget was approved that basically relates to a current level posture. In fiscal 1988, from which the budget was based, they experienced an average daily population of 35.23 at the Women's Correction center. Technically, it has a capacity of 30 but they have double bunked so they can actually place up to 45 women in that facility, which is the emergency capacity. The executive recommendation added 4.77 average daily population which brings them up to a 40 ADP. They are only budgeted 9.58 at the Billings Life Skills Center which has a capacity of 12 and they would like to maintain and maximize the use of those 12 beds throughout the course of the biennium.

By approving the budget it allows for 49.58 women in the system, 40 at Women's Correction Center and 9.58 at Billings. The actual experience is 47 women in the Women's Correctional Center, two over emergency capacity. By tomorrow there will be 49 inmates. They will have to use that contingency jail money to rent or lease space somewhere in Montana for whatever period of time it takes for that population to come down. There are presently 12 women in the facility in Billings so there are 59 women in the system today and will be 61 tomorrow.

What they are projecting for the upcoming biennium is an ADP of close to 66 women during FY 1990 and possibly 74 by FY 1991 due to recent trends. One of the considerations they are looking at now is a proposal made by the former director that if this trend continues they cannot place anymore than 45 women in WCC at any one time even though there are 47 there today. If the average daily population or actual physical count exceeds 45 for three consecutive months about 10 inmates would have to be moved to the old Forensics Unit on the campus at Warm Springs. That would take additional staff, they would have to physically upgrade the facility etc. If they knew this was a possibility they could give the committee a cost of that proposal on an actual basis. If they did have to expand into this unit they would have to spend approximately \$87,000 to bring that building up to code and then spend approximately \$290,000 a year for the staffing in order to keep 10 to 15 women in that facility.

Secondly, they have looked at the possibility of contracting for jail space at the county jails throughout the state. All the recently modernized jails are almost filled to capacity. Yellowstone County has suggested they could buy an entire block from them if space were available and charge them approximately \$38.00 a day. Roughly it would cost \$131,000 per year. That will be cheaper than operating an expansion of the Women's Correctional center on the Warm Springs campus in Unit 57 but it has its limitations. If women are put in county jails they would not have access to appropriate recreation, legal services, legal books, educational opportunities, and training opportunities that are now available to the women in the WCC and to men in the Montana State Prison. An unequal treatment of women vs. men could prove a problem and the ACLU might make an issue of it.

Tape 1A 129

Sen. Bengtson asked why these services could not be available. Mr. Chisholm stated the counties have their own overcrowding concerns to deal with at the present time.

Mr. Chisholm stated that with all this in mind the committee could be aware of the contingency planning they need to resolve within the next couple of weeks.

The third option is to acknowledge it as a problem and if contingency plans have to be made it would be handled

on a supplemental expenditure. This expenditure could run almost 50% of the budget appropriated to keep them on a current basis.

Sen. Aklestad asked about the 9 slots in intensive supervision they want to reserve for women offenders and if the wrist monitoring would be used. Mr. Chisholm stated they would.

Ms. Purdy asked how many FTE would be needed to staff the Forensics Unit and Dan Russell stated it would be based on 11.85. Sen. Bengtson moved that at some point in time they reconsider their action on the Women's Correctional Center budget after Mr. Chisholm has come up with more specific plans. Motion carried.

Tape 1A 216

Rep. Bardanoue commented he had visited the facility last fall and was worried by what he saw and asked the Dept. of Institutions to appear before the Finance Committee to make a report, which they have. He noticed how small and crowded the rooms were with no place for recreation. He feels they should receive the same facilities as the men.

Rep. Peterson asked if the other states are experiencing the same increase in population and Mr. Russell stated the increase is about 6% a year nation wide and Montana is increasing about 14.1% a year since 1981. The men's population has not been increasing as much.

CORRECTIONS MEDICAL PROGRAM : Mr. Chisholm asked if he could explain why there is a difference between the LFA and the Executive. The executive is recommending \$780,000 for fiscal 1990 and the LFA is recommending \$765,000. The administration made some adjustments and the executive reduced the corrections medical budget by \$45,000 a year because midway through the course of this biennium they transferred money out of the corrections medical budget in order to hire a full time dentist at Montana State Prison. Prior to this time they paid for contracted dental services out of the corrections medical budget. It was becoming impossible to continue that trend and nobody wanted to come in on a part time basis. They advertised for a full time dentist at Montana State Prison. They then reduced the medical budget accordingly and transferred that authority to the state prison budget so they could pay for that dentist.

This will be a modified budget request that the committee will have to approve or disapprove when they get into the prison's operational budget. He would like the committee to acknowledge the hiring of the dentist at this time and approve a \$45,000 reduction to the corrections medical budget. In addition to that the budget office recommended an additional \$60,000 in one year and \$84,000 the next as a recognition of the increased adult populations at Swan, the prison, pre-release and the Women's Correctional center. The corrections medical budget is like an insurance plan. The increased population of inmates means an increase in "insurance" as there are more inmates at risk medically that have to be taken care of.

Effectively, what the LFA budget does not recognize is the reduction that's necessary to pay for the dentist and the increase that is necessary to account for the adult populations that they are going to be at risk medically. This biennium they are probably \$48,000 overextended in that area anyway.

Sen. Bengtson asked if the guards or any employees are taken care of medically and Mr. Chisholm stated they are not. Rep. Peterson asked if the same dentist serves at the men's and women's correction facility. The dentist serves just the men's population.

Tape 1A 376

Mary LaFond, from OBPP, stated they had already removed the \$45,000 from the budget and approved the dentist in the state prison.

Ms. Purdy gave some background on the dentist position and stated that in fiscal 1988 toward the end of the year the department made a decision to hire a dentist at the prison and ended up with a .17 FTE in the prison budget. The budget as it was submitted did not request that funds be eliminated from the medical budget nor did they request a 1.0 FTE dentist. This was added by the executive after the budget request had come out. The costs of the contracts vs. the dentist position is essentially a wash, with the dentist costing \$45,000 and the contracts \$44,000 in fiscal 1988. The issue is whether the \$44,000 actual experience in fiscal 1988 is representative of total dentist expenses at the prison.

Mr. Russell explained the problem of the inmates trying to get dental work done as there is a backlog. Under the old contract they received four days of service per week. The FTE gives them five days per week. More service for the same amount of money makes sense to him.

Tape 1A 404

Sen. Aklestad appreciates the concern by the department but thinks the committee should be concerned about the budget. Sen. Bengtson feels a responsibility for responding to what their needs are and feels the department has done their best to come in within the budget. She would like it noted in the minutes that the committee knows they are in trouble with this budget and that the department may need to come in for a supplemental. Rep. Peterson stated that if the state has that responsibility to take care of the dental cares of the inmates the committee is forced into that situation. She also noted they are willing to take a look at something else and willing to make a reference to corrections medical.

Mr. Russell mentioned the medical review panel and how they can help curtail medical expenditures. Legally they have to meet those expenses. Mr. Chisholm stated he would like to negotiate with hospitals as opposed to the current method of sending the inmates out to hospitals close by. Security at the hospitals is a problem so a deputy has to be hired at a substantial cost. They intend to stabilize costs and are attempting to keep the expenses down. Sen. Bengtson wished that the discussion be noted in the minutes.

SWAN RIVER FOREST CAMP

Tape 1A 670

Dan Russell stated he was a sit-in for the Superintendent who cannot be here because of the weather. Swan River was established in 1978 with a 50 bed capacity. They have added 4 additional beds because of the population increase. All residents are transferred from Montana State Prison. Whenever they have serious problems they are subject to return to Montana State Prison. Swan provides a number of different programs in addition to care and custody. They have a vocational educational program that attempts to prepare people to come out of there and go into

vocational technical kinds of programs for further training. They have one qualified vocational instructor and he is certified. The kinds of training programs they have are auto mechanics, fundamentals of welding, machine shop operation and small engine maintenance and repairs. The primary objective of the education program is remedial instruction in reading, spelling and math, and the GED courses. There are also courses in job seeking skills, basic computer skills and driver's training.

The work program is conducted in conjunction with the Dept. of State Lands Forestry Div. They provide the work and Swan provides the workers. There is a lot of planting, seeding, thinning, camp ground work, roadside stops with restrooms and picnic tables that are built by the inmates. They provide trained fire fighters for fires during the summer.

Treatment programs are fairly limited and the problems they have are in the psychology area. Generally residents work with their counselors to develop an individual treatment program. The camp also has a fully licensed out-patient chemical dependency treatment program. It is comprised of evaluation and education treatment and follow-up services for those people with chemical dependency problems. Eighty per cent of the camp's inmates are people with chemical dependency problems either involved in the crime they committed or in their background. They have 25.83 staff at the institution fully filled. The superintendent's job will be filled soon after he retires. Average daily population last year was 49. In response to a question from Sen. Aklestad about whether the shop there could charge the going rate for work and make the shop a revolving account, Mr. Russell stated that the State Lands was willing to pay the going rate. However, Mr. Russell stated that they were unable to contact the Forest Service. They get complaints now from local shop owners that they are competing with them. One shop is \$22.00 an hour and the top rate is \$26.00 an hour.

Tape 1B 69

Sen. Aklestad asked if they are doing employees' work and Mr. Russell stated they would only do that work in an emergency if they cannot get the work done locally.

In response to a question by Sen. Aklestad, Mr. Russell stated there were two fire crews with about 14 inmates in each one. Sen. Aklestad asked about the cost per

inmate at Swan and Mr. Russell stated that in fiscal 1988 it was 48.62 per day. It is higher than the prison because you need so many FTE to handle certain numbers of inmates.

Ms. Purdy went over the budget. FTE has remained stable and prior to adding back in vacancy savings personal services costs actually went down slightly due to a decrease in percentage of benefits to salaries. Under Operating Expenses there is an increase of over 10% because of two factors: canteen sales are anticipated to increase \$6200, and there is an increase in Dept. of Administration insurance costs of \$23,721 resulting from the state's loss of a lawsuit involving an escapee from the camp.

Tape 1B 280

Ms. Purdy then went over exhibit 1, a comparison of the executive and LFA current level.

Sen. Aklestad asked about the insurance rate increase and Mr. Russell stated that the state was found liable for the consequences of an escape from the camp. The plaintiffs were awarded \$200,000, which increased the insurance rate. Sen. Aklestad wondered whether the department had documentation that they had questioned the rate. Mr. Russell stated he had phoned the Tort Claims Division to question the rate.

Mr. Chisholm mentioned the boarder reimbursement and the fact that it is getting tougher to get federal inmates. The problem is how to generate that money. They are not obligated to take federal inmates but they are counting on that revenue from federal boarders.

Mr. Chisholm stated he would like the committee to consider adding \$6,000 a year to the Swan River budget. Currently they are paying a contracted psychologist to come down two days a month and they get the benefit of two full days from him. It has been recommended by the Swan River administration that the contract be expanded from two days a month to four days a month. It will now cost them \$12,000 a year if this is appropriated to the executive funding recommended level. The reason for that increase is because of the demands placed on the superintendent to provide continuing clinical services to that population before they will be considered for parole. Ms. LaFond explained the \$6,000 was not in the previous administration budget but they would approve that amount.

The Board of Pardons will be discussed tomorrow when the chairman can attend.

ADJOURNMENT

Adjournment At: 9:45 a.m.


REP. WILLIAM MENAHAN, Chairman

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