#### MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

#### JOINT SUBCOMMITTEE ON INSTITUTIONS & CULTURAL EDUCATION

Call to Order: By REP. ED GRADY, Chair, on January 25, 1993, at 8:00 am

### ROLL CALL

#### Members Present:

Rep. Ed Grady, Chair (R)

Sen. Eve Franklin, Vice Chair (D)

Sen. Gary Aklestad (R)

Sen. Tom Beck (R)

Rep. Red Menahan (D)

Rep. Linda Nelson (D)

Members Excused: SEN. J.D. LYNCH

Members Absent: NONE

Staff Present: Sandra Whitney, Legislative Fiscal Analyst

Mary LaFond, Office of Budget & Program Planning

Judy Murphy, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: BOARD OF PARDONS AND CORRECTION

DIVISION

Executive Action: NONE

# HEARING ON BOARD OF PARDONS

Tape No. 1:A

#### Informational Testimony:

Craig Thomas, Executive Secretary for the Board of Pardons, explained that the request for general fund monies for travel in the amount of \$4,825.00 each year of the FY 1995 biennium is not a request for increased funding. This request will bring the Board of Pardons budget to FY 1991 level. EXHIBIT 1

Mr. Thomas said that during FY 1992, the Board experienced turnover in its members, including the resignation of its Board Chairman. In FY 1992 two other Board members submitted their resignations. As a result, the Board of Pardons was forced to

conduct hearings with two members rather than the usual three members for several months. During this time frame, a designated Board of Pardons staff member began conducting all out-of-institution hearings. A return to the FY 1991 level will provide the Board with the flexibility needed and allow a return to the prior hearing procedure which may be more appropriate. **EXHIBIT 1** 

During FY 1992, two Board members located in Havre were replaced by members located in Helena and Sheridan, which reduced travel expenditure. **EXHIBIT 1** 

As a result of these factors, the travel expenditures for FY 1992 were artificially low. **EXHIBIT 1** 

Additional considerations that Mr. C. Thomas referred to are as follows:

- 1. Due to the Board's increased caseload, it is anticipated that periodically the Board will be required to meet three times per month at MSP during FY 1994 and 1995.
- 2. In addition to the normal increase in hearings, the Board is faced with the very real possibility of conducting a minimum of 300 additional due process hearings on cases which were previously handled through administrative procedures.
- 3. The Board of Pardons has also been experiencing large increases in the pre-release center hearings caseload.
- 4. Construction of the WCC in Billings will directly impact the Board of Pardons travel expenditures since it will be required the hearings and pre-parole procedures be conducted at the facility on a monthly basis.
- 5. The numbers of Montana inmates currently housed out-of-state has increased.
- 6. The Board of Pardons has <u>one</u> state vehicle which is appropriate for highway travel. **EXHIBIT 1**

The Board of Pardons respectfully requests that the committee restore the Board's travel budget to the FY 1991 level.

#### Questions, Responses, and Discussion:

CHAIRMAN GRADY asked Mr. C. Thomas if the Board was going to lose their leased vehicle.

Mr. C. Thomas said if the state did not receive more lease vehicles it would have to pull in the vehicle already being leased by the Board of Pardons.

REP. RED MENAHAN said the committee had given the Board a vehicle but with the final cuts in the last session it was taken back.

Mary LaFond, Office of Budget Program and Planning, responded by telling the committee that at the last session the Board was given a car. [OBPP clarification - an emergency purchase declaration was given to the Board to purchase the vehicle budgeted outside of the time frame designated by DOA Purchasing

Division] The car was a used one. The Board was given \$8900 to purchase a vehicle.

Mr. C. Thomas stated that the Board chairman had been given a vehicle in the past.

REP. MENAHAN told the committee there is a large amount of travel done by the Board of Pardons, which will go on forever.

SEN. TOM BECK made the remark that the Women's facility will not be on line for awhile. He asked Mr. C. Thomas how much money was set aside for travel to Billings? The Board is requesting \$4,825 per fiscal year more than the amount in the LFA current level. They will be having more hearings and more travel this coming year.

Mr. C. Thomas said the Board is mandated by law to hold the hearings.

#### HEARING ON CORRECTION DIVISION

Tape No. 1:A

# Informational Testimony:

Mickey Gamble, Corrections Administrator for the Department of Corrections, said the Montana State Prison must function at a level where there is safety for both staff and inmates. The changes must be made in order to have safety for staff and inmates even if the building does not occur at MSP. There are some construction projects at MSP that need to be made. There needs to be access for the handicapped inmates, on the high-side there needs to be industry, a vocational education building, and a low-side food service.

Mr. Gamble explained the unit management and relief concept at MSP will take 55 FTE. Forty-four of the 55 FTE are already in place. The cost of this concept will be \$1,137,054 for FY 1994 and \$918,829 for FY 1995. EXHIBIT 2

Mr. Gamble explained the Audits and Reports at MSP. There have been many studies made by major consultants in the area of corrections to see where improvements can be made. Most of these studies were funded by the National Institute of Correction Grants. MSP compiled a list of essential recommendations from these studies they felt needed to be addressed in order to provide safety. The medical areas would receive 11.84 FTE. These FTE would include nurses aides, RNs, and nurse assistants that would provide medical services. Mr. Gamble feels the more medical services which can be provided on sites saves more money in the medical budget. In addition, there were recommendations to increase 3.5 FTE in the chemical dependency area, and 2.5 FTE psychologists. Other areas which were impacted were; warehouse, low-side gym, data processing, mail, records, support services,

high-side vocational, bus barn, industries, training, Native American coordinator, a half-time chaplain for FY 1994 and a full-time chaplain for FY 1995. The amounts of the audits and reports were \$2,057,490 for FY 1994 and \$2,793,703 for FY 1995. **EXHIBIT 2** 

The national trend is leaning toward community programs. The community programs concept relieves the prison of some of the population and costs. The community programs can be such things as house arrest, daily monitoring, and electronic monitoring. A national grant was given to MSP to help develop the objective classification system regarding inmates. This system allows the prison to decide where the inmate can best be housed. Mr. Gamble told the committee there needs to be more pre-release centers in the state.

# Questions, Responses, and Discussion:

**REP. MENAHAN** asked what the workload is for each probation officer? He stated with the figures provided, that is only six clients per day or the officer sees each client only once a month.

Mr. Gamble said some inmates need to be seen more than others and that once a month is not sufficient. Some clients need to be seen once a day.

Mr. Gamble would like to build a "Boot Camp" concept at Swan River Forest Camp. This would be an intensive program and would run from 90 to 120 days. The cost would be \$19,993 for FY 1994 and \$524,241 for FY 1995. EXHIBIT 2 The camp would be an environment of controlled behavior. There is a bill being submitted to authorize the creation of a boot camp which requires the judge to change sentences once they have completed the program. Mr. Gamble feels this camp concept would be cost effective in handling the individual.

CHAIRMAN GRADY asked Mr. Gamble about the staff to client ratio. There are 50 individuals and 25 staff members. There is a feeling that the facility is over-staffed.

SEN. TOM BECK raised the same concern as CHAIRMAN GRADY concerning the staff/client ratio.

Mr. Gamble said SRFC has 27 FTE for a population of 60. The ratio is approximately 1 to 2. At MSP the current population is 1162 and a staffing of 456 FTE. The ratios at the two facilities are about the same. Mr. Gamble said there can be a reduction in staff but it can be handled with unit management.

Mr. Gamble suggested one item which needs to be addressed is the fact that the cost per day is higher at SRFC than at MSP.

CHAIRMAN GRADY asked Mr. Gamble how important he felt SRFC was?

- Mr. Gamble pointed out that the SRFC is a young mens, first offender program. This program is designed to keep the young man from going to MSP.
- REP. MENAHAN feels that MSP could start a mechanical contracting work program. He believes a better training program would bring the facility cost down. He feels they could also repair all the state vehicles to keep maintenance costs down.
- CHAIRMAN GRADY believes MSP has a great industry program so is concerned why an industry program is needed at SRFC. He feels we may be starting another mini-prison at SRFC.
- **SEN. GARY AKLESTAD** asked **Mr. Gamble** what happened to the additional increases from the last legislative session which was given for FTEs and money for the shop? **Mr. Gamble** said this was done so that more work could be done on vehicles.
- REP. LINDA NELSON asked what the criteria was for getting into the "Boot Camp". Mr. Gamble responded by listing and explaining the criteria. One selection for the "boot camp" is the age factor, second is the non-violent crime and third is the recommendations that it is a young man's program.
- CHAIRMAN GRADY is concerned about the factor that if a boot camp at SRFC is established, will it always be affected by money needs?
- REP. MENAHAN wanted to know if the kitchen at SRFC would be adequate? He also stated if the SRFC was moved to MSP the security is already in place so the expenses would seem to be less.
- Mr. Gamble responded that a "boot camp" is low security, so security would not be an issue.
- SEN. BECK asked if there will need to be 30.63 additional FTE at the new WCC in Billings?
- Mr. Gamble said the figure of 30.63 FTE was based on a population of 120 women. That population figure has been reduced to 80 and the department is still looking at lowering that figure. They would be making the proper adjustments as the department works on its budgets.
- Mr. Gamble introduced the targeted case managers positions. These two positions are called sunsetted and are at MSP. These positions will be in place until July 1, 1993. The sunset positions were to target inmates who would be placed on parole. Mr. Gamble would like these positions placed in the probation and parole budget, not in the budget of MSP.
- Mike Ferriter, Community Corrections Bureau Chief, explained the targeted case managers concept. TCM first came into existence in

1991 as a measure to help mitigate the prison population. are assigned to focus on those inmates eligible for parole whose capabilities for developing an acceptable parole plan are handicapped by lack of programming, marginal intelligence, physical infirmities, lack of an outside support system, misunderstanding of the correctional process, or lack of TCM's work with inmates, the Board of Pardons, parole officers, pre-release centers, outside agencies and employers as well as institutional staff as advocates of inmates who do not constitute a major risk to society but are incapable or unwilling to represent themselves successfully. TCM work intensely with inmates in the development of parole plans to be presented to the Board of Pardons, initiate 10-day furloughs for many inmates in order to allow them to pursue employment for parole consideration, develop supervised release plans with inmates and sponsors, and identify appropriate inmates to be referred to the intensive supervision programs.

TCM attend every meeting of the Board of Pardons. Following the hearings, the TCM develop action plans for every inmate denied parole in order to better assure his approval by the Board at his/her next hearing. TCM attend pre-parole school each month to help prepare inmates for their parole hearings, assist in parole planning and keep track of those inmates who waive parole hearings.

TCM spend many hours per month developing community resources by maintaining communications with parole agents, mental health services, Social Security, physicians, therapists, nursing homes, pre-release centers, family members, and chemical dependency facilities.

These positions are essential to the operation of MSP and to the inmate population. **EXHIBIT 3** 

John Thomas, Chairman of the Board of Pardons stated that there were approximately 600 inmates paroled last year. This was due largely to the two positions at the prison to assist the board in finding vocations, developing paper work, and tasks necessary to prepare a prisoner to be paroled. These inmates were paroled from MSP, SRFC and pre-release centers. In 1992 there were approximately 400 paroled from MSP.

Mr. C. Thomas stated that 25% of the inmates coming out of institutions.

CHAIRMAN GRADY asked to have the exact figures made available to the committee.

Mr. J. Thomas explained that the targeted case managers work in and out of the prison. They will spend time with the inmates getting them oriented in the community, and they may work with inmates on a day-to-day basis.

- Mr. Ferriter uses the ten-day furlough in dealing with the inmates. The ten-day furlough allows inmates an opportunity to find houses, jobs, and to make family connections, if there is a family. This allows the inmate time to have a plan before they appear before the Parole Board.
- **SEN AKLESTAD** asked what is the average length of stay for the inmate being paroled?
- Mr. Gamble responded by saying 36 months is the average length of stay and this includes discharges and paroles.
- Mr. J. Thomas said the time of initial appearance before the board in 1992 was 19.4 months and the time to parole was 33.1 months.
- CHAIRMAN GRADY told the committee there are legislative bills which will increase length of stay in prison.
- SEN. BECK stated that some areas of TCM have not been successful. One area was supervised release and the other area was medical.
- Mr. Gamble explained that language in the statute kept people from being dismissed. A change in the statute is being provided to change the language.
- REP. NELSON asked for the statistics on women and men being paroled.
- Mr. J. Thomas said some women are as hard to parole as some men.
- REP. MENAHAN believes more women are sent back for drinking and drugs. There also seems to be more women who are mentally ill and have lesser crimes than men. The women seem to be more emotionally disturbed.
- Mr. Gamble stated that nationally the women's population is growing faster than the male population in prisons. He indicated one other issue that is not in the MSP budget, but is in addition to the two FTE in TCM, is adequate funding for the graduated sanctions in jail placement.
- REP. MENAHAN feels children at a young age can be identified as having behavioral problems. If the problem children were dealt with at an early age it would keep them out of correctional institutions. He feels the resource for prisons is kids.
- SEN. BECK feels the environment is not stable at home and this causes some of the children to end up in our correctional institutions.
- Mr. Gamble said we need community projects to stop crimes and there needs to be a focus on the family unit.

**REP. MENAHAN** feels the computers which have been purchased for MSP are not being used for charting of sentences and statistics of each prisoner.

## Tape 1:B

**SEN. AKLESTAD** stated there is a \$27 million increase being asked for by the Department of Corrections and Human Services over the 1992 budget. The reduction of \$7 million is to be made from current level 1992.

Rick Day, Director of the Department of Corrections and Human Services, said the department is preparing its plan for consideration by the committee and the legislature which will reduce the budget to the level of the resolution suggestion. The department will provide a list of the options to the joint meeting of Institutions & Cultural Education and Long Range Planning on January 28, 1993 at 5:00 pm.

CHAIRMAN GRADY thinks it is important to hear how the money is going to be spent and also to hear from people in the ranks.

**REP. MENAHAN** feels the views a person gets are different than what you get from those running the show. He also feels it is important to hear from the individuals who run the program.

Mr. Day acknowledged that not everyone working for the department is going to agree with him, and he invites them to speak up regarding their program. The department is looking for some management direction over the next few years. He stated that he wants to run the most efficient department possible.

SEN. BECK thinks it is good to hear from the people in the trenches. However, he is not attacking the administration.

A motion was made to adjourn.

# **ADJOURNMENT**

Adjournment: 10:00 am

REP. ED/GRADY, Chair

JUDY MURPHY, Secretary

EG/jm

# HOUSE OF REPRESENTATIVES

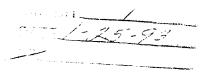
# INSTITUTIONS/CULTURAL EDU. SUB-COMMITTEE

ROLL CALL

DATE 1-25-93

NAME	PRESENT	ABSENT	EXCUSED
SEN. GARY AKLESTAD	1		
SEN. TOM BECK	V		
SEN. EVE FRANKLIN, VICE CHAIRMAN	1		
SEN. J.D. LYNCH			
REP. RED MENAHAN			
REP. LINDA NELSON	,		
REP. ED GRADY, CHAIRMAN	v		

# BOARD OF PARDONS





MARC RACICOT, GOVERNOR

CRAIG THOMAS, EXECUTIVE SECRETARY

# ·STATE OF MONTANA •

(406) 846-1404 FAX (406) 846-3512 300 MARYLAND DEER LODGE, MONTANA 59722

January 22, 1993

Representative Ed Grady, Chairman Institutions and Cultural Education Subcommittee State Capitol Helena, MT 59620

Dear Chairman Grady:

Per your request, the Board of Pardons will clarify the justification for Object 2499 - General Trayel.

#### MAJOR ISSUE

The request for general travel funds in the amount of \$4,825.00 in fiscal year 1994, and \$4,825.00 in fiscal year 1995 is not a request for increased funding. This request will bring the Board of Pardons budget to fiscal year 1991 level. Please note that State and Federal laws require that the Board of Pardons conduct minimum due process hearings in parole related cases.

During fiscal year 1992, the Board experienced turnover in its members, including the resignation of its Board Chairman, who had served for the past 20 years. During fiscal year 1992, two other Board members submitted their resignations. As a result, the Board of Pardons was forced to conduct hearings with two members, rather than the usual three members, for several months. Additionally, during this time frame, and as a result of the turnover in Board members, a designated Board of Pardons staff member began conducting all out-of-institution hearings. A return to the fiscal year 1991 level will provide the Board with the flexibility needed and allow a return to the prior hearing procedure which may be more appropriate. Prior to the turnover in members, it was Board policy that at least one Board member, and frequently two members, and one staff member attend and conduct all out-of-institution hearings. These hearings involve offenders housed out-of-state; offenders housed at the Swan River Forest Camp; offenders housed in prerelease centers located in Billings, Great Falls, Butte, Missoula: and offenders housed in other facilities such as county jails.

During fiscal year 1992, two Board members located in Havre, Montana, were replaced by members located in Helena and Sheridan, which reduced the mileage expenditures. There are currently two

Board member appointments pending which will likely result in members being appointed from eastern Montana and northwest Montana. This again will increase mileage expenditures.

As a result of these factors, the travel expenditures for fiscal year 1992 were artificially low. To ensure compliance with State and Federal law, the Board must have adequate travel funding. The Board of Pardons is confident that it can appropriately conduct hearings if the travel budget is restored to fiscal year 1991 level.

#### ADDITIONAL CONSIDERATIONS

- Due to the Board's increased caseload, which has doubled in the last ten years and continues to increase, it is anticipated that, periodically, the Board will be required to meet three times per month at Montana State Prison during fiscal years 1994 and 1995. This compares to twice per month during previous fiscal years.
- 2. In addition to the normal increase in hearings, the Board is faced with the very real possibility of conducting an additional 300 minimum due process hearings on cases that were previously handled through administrative procedures. This is a result of a recent court ruling (LaVallie vs. McCormick) in which Judge Mizner ruled that a personal interview is required on a yearly basis if parole is denied.
- 3. The Board of Pardons has also been experiencing large increases in the pre-release center hearing caseload. The Board currently conducts hearings in Butte and Swan River on a monthly basis and every other month at the Great Falls Transition Center, the Alpha House Pre-Release Center in Billings, the Women's Life Skills Center in Billings, and the Missoula Life Skills Center. The Board anticipates that, in fiscal year 1994/1995, monthly hearings will become necessary at all centers.
- 4. Construction of the Women's Correctional Center in Billings, Montana, will directly impact the Board of Pardons travel expenditures as it will be required that hearings and pre-parole procedures be conducted at that facility on a monthly basis. At the present time, female offenders are provided hearings in Deer Lodge, where the Board of Pardons office is located.
- 5. Montana inmates currently housed out-of-state have increased. These offenders are entitled to minimum due process hearings. In fiscal year 1991, the Board of Pardons and the State of Montana were fortunate in that only one hearing was required. In all other cases, courtesy hearings were conducted by out-of-state releasing authorities. This number was artificially low. Historically, the Board has conducted approximately five (5) out-of-state hearings per biennium and has been funded for

EXHIBIT / SS PRINTED P

this travel in the past. In fiscal year 1992, the Board of Pardons limited the out-of-state travel to include only one Board staff member, which is not always preferable or consistent with past practices.

6. The Board of Pardons has <u>one</u> State vehicle that is appropriate for highway travel. This vehicle currently has a mileage of 108,000 miles (1988 Chevy Corsica). The Board of Pardons currently leases a vehicle from the State motor pool at a cost of \$.20 per mile, however, the Board of Pardons has been informed that this lease program is in serious jeopardy of being terminated. Due to the age of the current Board vehicle, coupled with the expected termination of the lease program, it is anticipated that Board staff would be required to use personal vehicles for highway travel at a cost of \$.28 per mile again increasing travel expenditures.

The Board of Pardons wishes to thank you for your time and consideration, and greatly appreciates the opportunity to explain the circumstances surrounding <u>Object 2499 - General Travel</u>. The Board of Pardons respectfully requests that the committee restore the Board's travel budget to the fiscal year 1991 level. The Board must have the means to carry out its legally mandated functions.

Respectfully submitted,

BOARD OF PARDONS

John G. Thomas, Chairman

Craig S. Thomas, Exec. Secy.

JGT:CST:cjw

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			Subtotal			Total Men's	Total Womans	Total
	MSP	MSP	MSP			Corrections	Corrections	Corrections
	Unit Mgmt	Audits &		Community	Swan	Modification	Modification	Modification
	& Relief	Reports	Modifications	Programs		02 92418	02 92417	
FISCAL 1994							-	477
<u>ה</u>	38.20	40.00		34.30	3	20.00	06.1	00.4
Ps	1,137,054	1,194,657	2,331,711	951,005	0	3,282,716	45,908	3,328,624
OE OE	0	511,248	511,248	1,728,122	19,993	2,259,363	31,956	2,291,319
EQ	0	351,585	351,585	105,420	0	457,005	0	457,005
TOTAL	1,137,054	2,057,490	3,194,544	2,784,547	10,993	5,999,084	77,864	6,076,948
GENERAL FUND	1,137,054	1,899,877	3,036,931	2,760,314	19,993	5,817,238	77,864	5,895,102
STATE SPECIAL		•		24,233	0	24,233		24,233
PROP FUNDS	0	157,613	157,613	0	0	157,613	0	157,813
TOTAL	1,137,054	2,057,490	3,194,544	2,784,547	19,993	5,999,084	77,864	6,076,948
FISCAL 1995								
FTE	28.60	56.94	85.54	49.50	8.00	143.04	30.63	173.67
Ps	918,829	1,693,163	2,611,992	1,399,443	205,599	4,217,034	838,998	5,056,032
삥	0	835,560	835,560	2,728,059	318,642	3,882,261	323,893	4,206,154
EG	0	264,980	264,980	130,000	0	394,980	149,100	544,080
TOTAL	918,829	2,793,703	3,712,532	4,257,502	524,241	8,494,275	1,311,991	9,806,266
GENERAL FUND	918,829	2,637,035	3,555,864	4,233,039	225,592	8,014,495	1,311,991	9,326,486
STATE SPECIAL	0	0	0	24,463	0	24,463	0	24,463
PROP FUNDS	0	156,668	156,668	0	298,649	455,317	0	455,317
TOTAL	018 820	FUZ 504 6	3 712 532	4 257 502	524 241	8.494.275	1.311.001	250 ACK Q

Executive	Executive Exec Budge	Exec Budget	Exec Budget
Budget 02 92418	Budget 02 92417	Over (Under) Agency	Over (Under) Agency
113.30	1.50	(6.00)	90'0
3,240,607	45,908	(62,109)	_
2,259,363	31,956	•	-
457,005	•	•	-
5,956,975	77,864	(42,109)	0
5,775,129	77,864	(42,109)	-
24,233	•	•	6
157,613	0	•	
5,956,975	77,864	(42,100	-
143.04	30.63	(0.00)	80.5
4,177,367	801,026	(38,667)	2
3,882,261	323,893	•	
394,980	149,100	0	-
8,454,608	1,274,019	(39,667)	(37,072)
7,974,827	1,274,019	(38,668)	(37,072)
24,464	0	-	
455,317	0	•	
A 454 ROR	1 274 019	(39 667	(47 075)

EXHIBIT 3 EXE 1- 25-93

three terminally ill inmates.

Page 2

Interviews for Special Needs Cases:

Coordinated many interviews for inmates with "special needs". Typically, these inmates require placement in Mental Health Group Homes, Nursing Homes, Pre-release, Social Rehab Service, etc. Five such individuals were paroled in 1992.

These positions are essential to the operation of MSP and to the inmate population. The cost savings alone, which are generated by the releases represented above, far exceed the personal services costs for these two positions.

# HOUSE OF REPRESENTATIVES VISITOR REGISTER

	SUBCOMMITTEE DATE_	1-25-93
DEPARTMENT(S)	DIVISION	
PLEASE PRINT	PLEASE	PRINT
NAME	REPRESENTING	
John & Thomas	BOP	
RAIG THOMAS	BOP	,
		·
		·
·		

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.