

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

JOINT SUBCOMMITTEE ON INSTITUTIONS & CULTURAL EDUCATION

Call to Order: By REP. ED GRADY, Chairman, on February 16, 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)
Sen. J.D. Lynch (D)
Rep. Red Menahan (D)
Rep. Linda Nelson (D)

Members Excused: NONE

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: NONE
Executive Action: MONTANA STATE PRISON AND
SWAN RIVER FOREST CAMP

A video was shown to the committee on the boot camp in Wyoming.

Sandra Whitney, Legislative Fiscal Analyst, gave a copy of the language which needs to be included in the motion which SEN. GARY AKLESTAD made yesterday regarding the capping of the prison population. The language directs the department to work toward limiting the number of prisoners at Montana State Prison to 850 inmates. Item (corrections) includes an appropriation sufficient to maintain that number of inmates. EXHIBIT 1

EXECUTIVE ACTION ON MONTANA STATE PRISON

Tape No. 1:A

Motion/Vote: SEN. AKLESTAD made a new motion to accept the above language. The motion CARRIED unanimously.

EXECUTIVE ACTION ON SWAN RIVER FOREST CAMP

Tape No. 1:A

Mr. Day, Department of Corrections and Human Services Director, said if a boot camp were established SRFC would cease to exist. The downsizing of SRFC will be completed by the end of FY 93. This would be a reduction to a specialized program of 40 and the reduction of 8.33 FTE. This reduction would result in a net general fund reduction of \$617,561 over the biennium. It is recommended the "Boot Camp" be sun setted and to allow the legislature to review the program to determine the program's effectiveness. EXHIBIT 2 page 2 The present population at SRFC is 47 and the boot camp could handle 40 inmates. There are 26 staff at SRFC, the boot camp will have 18 staff members. The individuals will be at the boot camp for 90 days. The limiting of this program to 90 days allows the staff to feel a sense of accomplishment.

SEN. AKLESTAD asked if this is a volunteer program, what is the incentive for the person to go to the camp rather than to prison?

Mr. Day said there is a lot of incentive because of the sentence reduction by the judge. There will be an almost immediate release for parole. The inmates have the incentive to complete the program designed for the boot camp.

SEN. AKLESTAD asked if the judge can give a sentence reduction if he knows the inmate is going to the boot camp?

Mickey Gamble, Corrections Administrator for the Department of Corrections, said when the prisoner enters the corrections system the department asks that the probation and parole officers be made aware of the boot camp. The department and the judge concur upon successful completion of this program the inmate be returned to court and be given or considered for a sentence reduction.

SEN. AKLESTAD asked if the department is planning a 90 day program?

Mr. Gamble said the average stay at the present SRFC is 14 months.

SEN. AKLESTAD said the average stay at SRFC is 14 months and the boot camp will be 90 days. This will mean the prisoners will be serving one fourth of their sentence.

Mr. Gamble said SEN. AKLESTAD was correct. This would be one of the primary diversion programs. These people would be in this program because of parole and probation violations. The

department feels the follow-up is also an important component.

SEN. AKLESTAD asked if the department thinks they can get society and judges to go along with the idea that if a person receives a 10-year sentence he can go to the boot camp and only serve a few months?

Mr. Gamble said nationally this has not been a problem. The Wyoming boot camp has had 1000 prisoners go through the program and have diverted 240 inmates. The system has saved Wyoming over \$4 million dollars.

SEN. AKLESTAD asked if the prisoners will be required to have a physical examination before entering the program?

Mr. Gamble said the physical exam is a major component of this program.

SEN. AKLESTAD asked what changes will have to be made to the existing buildings?

Mr. Gamble feels SRFC was designed to be a boot camp. There is the open dorm, gymnasium and an obstacle course.

SEN. AKLESTAD asked why this could not be done at MSP in one of the more open facilities?

Mr. Gamble explained the critical part of this program is the inmates living together. SRFC is an ideal setting.

SEN. AKLESTAD feels money is wasted on weight equipment and asked why is there such a need for it at MSP?

Mr. Gamble agrees. He explained at the boot camp they work more on the physical body using push-ups etc. He feels weight equipment is not essential. The weight equipment for MSP was just recently donated. The equipment is also used as a diversion tactic.

SEN. AKLESTAD asked if the boot camp is such a wonderful idea why isn't there a modified program at MSP? He said years ago there was no discipline at MSP. He asked why there is so little discipline at MSP and the boot camp will have intense discipline?

Mr. Gamble feels order and control are major factors in managing a prison.

SEN. AKLESTAD asked if he was going to suggest order and control to the warden at MSP?

SEN. J.D. LYNCH asked if there are 40 prisoners at the boot camp how many FTE will be needed?

Mr. Gamble said there will be 40 prisoners and 18 FTE.

SEN. LYNCH asked how many prisoners are presently at SRFC and how many FTE?

Mr. Gamble said presently there are 51 inmates and the capacity is 60 with 26.33 FTE.

SEN. LYNCH asked if this is a 90 day program versus the present program of 14 months in prison?

Mr. Gamble told the committee the current length of stay in the prison is 35 months.

SEN. LYNCH asked what the prisoner is required to signs before entering the boot camp? If the prisoner does not behave at the boot camp does the camp have the authority to send this person back to prison?

Mr. Gamble said there are two levels of concern nationally with boot camps. The first concern is the lack of due process and the other concern is the fine line between indoctrination and confrontation and he feels this must be closely monitored.

SEN. LYNCH feels the public wants more discipline at MSP. The boot camp will be a complete contrast. He asked when the federal guidelines take over?

Mr. Gamble said entrance to the boot camp is based on volunteerism. The inmate feels if he can do this program then he will serve less time. The program builds self-esteem and the concept is much like the parenting concept of "tough love". The inmates get satisfaction out of completing the program and the program offers counseling.

SEN. LYNCH asked what the qualifications are to go from MSP to the boot camp setting?

Mr. Gamble said first of all the person must pass a physical and be under 35 years of age. The crimes are not limited and the classification must be considered before a placement is considered appropriate for an inmate.

SEN. LYNCH asked regardless of the amount of time a person has been sentenced to, do they still have the option to go to the boot camp for 90 days?

Mr. Gamble said the judge would be making that decision not the department.

SEN. LYNCH asked how this process works when a mandatory sentence has been handed down?

Mr. Gamble said the judge would have to agree. The judge would have to have the authority to alter the decision.

SEN. TOM BECK feels some of the same programs could be used at the dairy dorm at MSP. He believes instead of running an obstacle course they could change irrigation pipe. What are the plans after the inmates leave SRFC?

Mr. Gamble said there are already statutes on the books to use day reporting, house arrests, and extended programs which are in existence. The department wants to focus on diverting people from the prison. The department wants to give the courts and the Parole Board some alternatives in diverting the inmates.

SEN. BECK asked the department what the capacity is in the pre-release centers today?

Mr. Gamble said there are 177 people in pre-release centers. He told the committee the average time a person spends in a pre-release center is approximately six months.

SEN. BECK asked if the department is going to start new pre-release centers for the 100 people? He feels the department is not recognizing the downsizing and implementing of the boot camp at SRFC? He also asked if the department will hold community hearings so the people will understand how the department is operating.

Mr. Gamble said the department has started meeting with the communities of Bozeman and Helena.

REP. MENAHAN asked if judges in Wyoming are elected or appointed?

Mr. Gamble said they are appointed.

REP. RED MENAHAN feels elected judges are up for public scrutiny. He doesn't feel the judges will be willing to put their necks on the line for this program.

Mr. Day feels the old correction plan has not been successful and when a person is sentenced there should be some consequences. He feels the inmates need to have achievements in the various programs. The current system has no correctional options and he feels judges are looking for options when they sentence people. He told the committee he believes for the first time in Montana the correctional system is providing options.

REP. MENAHAN believes people do not go to prison unless they have committed three to four crimes or it was a violent crime.

Mr. Day said his concern is there are not enough probation and parole officers to monitor the inmates when they are released from prison. He feels it is important to know the level of control which is available in the communities. He also believes options are needed when the inmates are presented before the Probation and Parole Board.

REP. MENAHAN believes there may be too much probation and parole. The inmates are being sent back to prison on minor violations.

Mr. Day said this same group of inmates could be well served if the department had alternative options to use when the inmate is released from prison.

CHAIRMAN GRADY asked if it would be possible to close SRFC and move the facility to MSP. There are 40,000 acres at the prison ranch which could be used for the boot camp and a new dairy dorm plus MSP. He believes there would be large savings by implementing this plan.

Mr. Day said SRFC is an ideal facility for the boot camp. The department believes they are saving money by using a facility which is already in place.

SEN. LYNCH asked if a person who has four years left on a sentence and goes to the boot camp for 90 days will be placed on probation for three and one half years?

Mr. Day stated the decision would be up to the judge. He would probably be on a suspended sentence or probation.

SEN. AKLESTAD asked if the prisoners being sent to the boot camp will be inmates who have committed more violent crimes?

Mr. Day told the committee the boot camp will be taking first time offenders and also people who have been released from prison but have been sent back. The inmate will have to meet the qualifications of the boot camp.

SEN. AKLESTAD asked if the department would be taking any inmates who have already been incarcerated at MSP to the boot camp?

Mr. Day said yes, that is very possible.

SEN. AKLESTAD asked if it would be possible for the parole board to look at a case and make the decision to send the person to the boot camp for 90 days?

Mr. Day said there is legislation which would require the support of the boot camp concept. This would give the statutory authority to the department and the judge to work with the sentences. There will still be the volunteer aspect to the boot camp.

SEN. AKLESTAD said the video explained the ideal situation would be to place the inmate in the boot camp for 90 days and then place the inmate in a community-based program. This idea adds to the community-based programs. There will be 40 inmates every 90 days placed in community-based programs. These people are not currently counted in the community-based programs.

Mr. Day explained the Phased-In Prison Population Reduction By End of FY 94 (14 months) handout. The goal is to reduce the population while constantly being aware of the public safety factors as they relate both to the community and the inmate preparedness. The key factor if necessary, is to maintain the one-in-one-out theory to comply with the cap. The population is already being controlled in a more limited fashion as demonstrated by a reduction from 1,216 in July to the present 1,170. The Parole Board approved paroles for 631 inmates in FY 92. With the ability to award the extra good time this number should be sufficient to balance the intake. The quicker the prison population is reduced, the more funding is available for community alternatives. **EXHIBIT 3**

REP. MENAHAN said the department does not violate inmates and the only ones who go back are the inmates who commit new crimes.

Mr. Day said this is not true. The department is saying a violation may not result in prison, it may result in another form of sanction.

REP. MENAHAN said basically the program is saying an inmate does not go back to prison for violating his parole.

Mr. Day disagrees.

REP. MENAHAN said 30 to 40 percent have failed on probation and parole.

Mr. Day said the department is reducing the recommitment, they are not eliminating the recommitment.

Mr. Gamble said it is a numbers game and that is the reason why the program has to be so closely monitored. He said only 18% of the inmates are involved in new crimes. It is important to divert the inmates from the prison.

Mr. Day said 743 inmates will go back to the prison.

SEN. BECK asked what the figures would be of new inmates entering the prison? He also asked if there is an increase in the total prison population?

Mr. Day said 743 would be new inmates entering the prison.

Mr. Gamble said ideally no. The department wants to reduce the number of people entering the prison.

SEN. BECK wants to know if the department will be back in two years asking for a supplemental?

Mr. Day said the department will make every effort to work within the budget allocated by this legislature.

SEN. AKLESTAD said he is getting tired of funding mistakes. He believes the numbers game is very important and he is not sure the numbers can be shuffled fast enough. There are numbers in the community-based programs which are not accounted for.

Mr. Day said the numbers in community pre-release centers will allow the department to increase their capacity in community programs. He is not sure the solution is perfect but he feels the department can say where the inmates will go and how they will go. The department is asking for new direction to be funded within the existing funding level. The department is not asking to spend more money, they are asking to reduce the funding under this proposal. This proposal reduces the general fund expenditures in the corrections area by \$200,000 over the biennium.

SEN. BECK said the people of the state are afraid of the community-based program concept.

Mr. Day feels there is no greater risk with this proposal.

SEN. LYNCH asked if the reduction of the 8.33 FTE will be through attrition? He asked if these people will be considered for other positions within the prison?

Mr. Day said some attrition will affect these positions but the plan is to consider these people for other positions.

SEN. LYNCH asked who the most important person will be in the boot camp?

Mr. Gamble said that person is the drill instructor. There will be one to train the others. He feels the current staff can be trained.

SEN. AKLESTAD asked if there will be forty new booters every 90 days?

Mr. Day said there will be new incoming inmates who will mix with the inmates already in the program.

Mr. Gamble explained if a group of 10 graduate then 10 new inmates will start the program.

SEN. AKLESTAD asked if there are four levels of training going on at the same time?

Mr. Gamble said yes.

REP. LINDA NELSON feels the 35 year old person is too old to be teamed up with an 18 year old. She asked if the system in Wyoming used these ages?

Mr. Gamble said California admits people to their boot camps who

are 40 years of age, but the department feels more comfortable with 30 to 35 years of age as a limit.

REP. MENAHAN feels SRFC has been a decent program for the state. The program has given the inmates who are discharged a chance to make money. He feels if the new concept does not work the people who will get blamed will be the legislators. He is in favor of the boot camp at MSP and leave SRFC as it is.

CHAIRMAN GRADY said the Department of State Lands has eliminated the supervising positions at SRFC at a savings of \$350,000 per year. This included six FTE, one was vacant.

SEN. EVE FRANKLIN asked if the committee could retain the aspects of SRFC and have a pilot boot camp at MSP?

Mr. Day feels the department could come up with a combination of the suggestion **SEN. FRANKLIN** made but he believes the plan would add to the budget.


CHAIRMAN GRADY feels this session is one of new direction and new concepts. The old system was not working so it is time to try a new plan. He feels the department needs to keep people from re-entering prison. He feels the boot camp fits in well with the department's proposal but there may be a time when the camp could be moved to MSP and completely close SRFC. He is not in favor of sun setting the boot camp.

Motion/Vote: **SEN. BECK** made a motion to move for the department's proposal of making SRFC into a boot camp and the reduction of 8.33 FTE. The motion **CARRIED** 5 to 2 with **SEN. LYNCH** and **REP. MENAHAN** voting nay. Roll call vote **EXHIBIT 4**

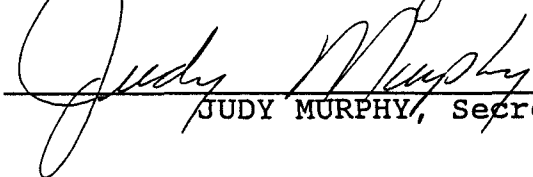
A motion was made to adjourn.

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

2-16-93

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

EXHIBIT

DATE 2-16-93

SB

The legislature directs the department to work toward limiting the number of prisoners at Montana State Prison to 850 inmates. Item [Corrections] includes an appropriation sufficient to maintain that number of inmates.

EXECUTIVE ACTION
2/15/93

WOMEN'S CORRECTIONAL CENTER

01:32 PM 12-Feb-93	FY94 LFA	FY94 HR 2	FY94 HR 2	FY95 LFA	FY95 HR 2	FY95 HR 2	Biennium HR 2
Program	Current Level	Decreases	Increases	Current Level	Decreases	Increases	Total Changes
20 Corrections							
FTE:	608.29	0.00	0.00	608.29	0.00	0.00	0.00
Personal Services	20,251,094	0	0	20,582,265	0	0	0
Operating	11,423,316	(28,606)	0	11,806,911	(29,434)	0	(58,040)
Equipment	521,776	0	0	571,407	0	0	0
Capital Outlay	90,000	0	0	70,000	0	0	0
Grants	23,679	0	0	23,679	0	0	0
Transfers	0	0	0	0	0	0	0
Debt Service	4,568	0	0	4,568	0	0	0
Total:	\$32,314,433	(\$28,606)	\$0	\$33,058,830	(\$29,434)	\$0	(\$58,040)
Funding:							
General Fund	27,663,577	(28,606)	0	28,102,182	(29,434)	0	(58,040)
Other State Spec.	886,328	0	0	956,565	0	0	0
Federal Fund	70,073	0	0	70,073	0	0	0
Proprietary Fund	3,694,455	0	0	3,930,010	0	0	0
Total:	\$32,314,433	(\$28,606)	\$0	\$33,058,830	(\$29,434)	\$0	(\$58,040)

Note: LFA CL Figures above include global issues acted on to date.

	FY94	FY95
1. Cap WCC at 50 ADP. Variable Cost Savings		
General Fund	(28,606)	(29,434)
FY94 \$5.22/day * 12.6 ADP		
FY95 \$6.40/day * 12.6 ADP		

A population cap of 50 is proposed for the Women's Correctional Center (WCC) and further community programs created to address the projected population. The population at the institution is being reduced to fit the current staffing level.

EXECUTIVE ACTION
2/15/93

SWAN RIVER FOREST CAMP

03:35 PM 12-Feb-93	FY94 LFA	FY94 HR 2	FY94 HR 2	FY95 LFA	FY95 HR 2	FY95 HR 2	Biennium HR 2
Program	Current Level	Decreases	Increases	Current Level	Decreases	Increases	Total Changes
20 Corrections							
FTE:	608.29	(26.33)	18.00	608.29	(26.33)	18.00	(8.33)
Personal Services	20,251,094	(870,079)	586,092	20,582,265	(881,797)	591,972	(573,812)
Operating	11,423,316	(310,603)	224,830	11,806,911	(315,751)	228,557	(172,967)
Equipment	521,776	0	0	571,407	0	0	0
Capital Outlay	90,000	0	0	70,000	0	0	0
Grants	23,679	0	0	23,679	0	0	0
Transfers	0	0	0	0	0	0	0
Debt Service	4,568	0	0	4,568	0	0	0
Total:	\$32,314,433	(\$1,180,682)	\$810,922	\$33,058,830	(\$1,197,548)	\$820,529	(\$746,779)
Funding:							
General Fund	27,663,577	(1,035,119)	729,916	28,102,182	(1,051,321)	738,963	(617,561)
Other State Spec.	886,328	(130,964)	81,006	956,565	(131,628)	81,566	(100,020)
Federal Fund	70,073	(14,599)	0	70,073	(14,599)	0	(29,198)
Proprietary Fund	3,694,455	0	0	3,930,010	0	0	0
Total:	\$32,314,433	(\$1,180,682)	\$810,922	\$33,058,830	(\$1,197,548)	\$820,529	(\$746,779)

Note: LFA CL Figures above include global issues acted on to date.

	FY94	FY95
1. Eliminate SRFC and change into Shock Incarceration Facility with 40 ADP.		
FTE:	(8.33)	(8.33)
General Fund	(305,203)	(312,358)
Other Funds	(64,557)	(64,661)

Downsizing of Swan River Forest Camp (SRFC) will be completed by the end of FY 93. This is a reduction to a specialized program size of 40 and the reduction of 8.33 FTE. This will result in a net general fund reduction of \$617,561 over the biennium. It is recommended the "Boot Camp" be sun setted to allow for legislative review of the program to determine the effectiveness of the program to the system.

PHASED IN PRISON POPULATION REDUCTION
BY END OF FY 94. (14 months)

GOAL: The goal is to reduce the population while constantly being aware of the public safety factors as they relate, both to the community and the inmate preparedness.

CURRENT: Currently the affected male population is as follows:

MSP	1,170
SRFC	<u>50</u>
TOTAL	1,220

In addition the system is projected to receive the following:

FY 93	104 (from end of session May, 1993)
FY 94	<u>639</u>
TOTAL	743

REDUCTION PLAN:	Population	Total
Current Population	1,220	(Incl. Swan River)
Admit (5/93 - 6/94)	743	1,963
Divert to Community	(196)	1,767
Reduce Parole and Probations Revs	(196)	1,571
Normal Parole and Release to Prob.	(588)	983
Direct Discharge	(133)	850

KEY

FACTORS: If necessary, maintain the one in - one out theory to comply with the cap. The population is already being controlled in a more limited fashion as demonstrated by a reduction from 1,216 in July to 1,170 now.

The Parole Board approved paroles for 631 inmates in FY 92. With the ability to award the extra good time this number should be sufficient to balance the intake.

PROGRAM OR DIVERT OUT OF THE SYSTEM PER MONTH

Per Month Placement

DIVERT TO COMMUNITY:	14
REDUCE PAROLE AND PROBATION REVOCATIONS:	14
NORMAL PAROLE & RELEASE TO PROBATION:	<u>42</u>
DIRECT DISCHARGE:	<u>10</u>
TOTALS	80

Staff Reductions

Inmates Affected

CLOSE EXP. UNIT	15 BY 7/93	15
CLOSE ROTHE DORM	10 BY 9/93	30
CLOSE 3 TOWERS	<u>15</u> BY 1/94	<u>0</u>

NOTE: The quicker the prison population is reduced, the more funding becomes available for community alternatives.

The Corrections Division projects 205 Intensive Supervision Programs and 240 Pre-Release Center beds available for FY 94. This would mean that of the 80 placed every month, there would be intense programs for more than 40, the remaining will be normal parole.

DATE 2-16-97
SB

HOUSE OF REPRESENTATIVES

INSTITUTIONS/CULTURAL EDU. SUB-COMMITTEE

ROLL CALL VOTE

DATE 2-16 BILL NO. NUMBER

MOTION: move to accept the department's
recommendation to make SRFC into a
boot camp + to reduce 8.33 FTE.
carried

NAME	AYE	NO
SEN. GARY AKLESTAD	✓	
SEN. TOM BECK	✓	
SEN. EVE FRANKLIN, VICE CHAIRMAN	✓	
SEN. J.D. LYNCH		✓
REP. RED MENAHAN		✓
REP. LINDA NELSON	✓	
REP. ED GRADY, CHAIRMAN	✓	