

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION

JOINT SUBCOMMITTEE ON HUMAN SERVICES & AGING
AND
JOINT SUBCOMMITTEE ON INSTITUTIONS AND CULTURAL EDUCATION

Call to Order: By CHAIRMAN MARJORIE I. FISHER, on April 7, 1995,
at 4:00 p.m.

ROLL CALL

Joint Subcommittee on Human Services & Aging

Members Present:

Rep. John Cobb, Chairman (R)
Sen. Charles "Chuck" Swysgood, Vice Chairman (R)
Rep. Beverly Barnhart (D)
Sen. James H. "Jim" Burnett (R)
Rep. Betty Lou Kasten (R)
Sen. John "J.D." Lynch (D)

Joint Subcommittee on Institutions and Cultural Education

Members Present:

Rep. Marjorie I. Fisher, Chairman (R)
Sen. Larry J. Tveit, Vice Chairman (R)
Sen. Gary C. Aklestad (R)
Rep. William T. "Red" Menahan (D)
Rep. Steve Vick (R)
Sen. Mignon Waterman (D)

Members Excused: None

Members Absent: None

Staff Present: Lisa Smith, Legislative Fiscal Analyst
Mary LaFond, Office of Budget & Program Planning
Connie Huckins, Office of Budget & Program
Planning
Douglas Schmitz, Office of Budget & Program
Planning
Rosa Fields, Subcommittee Secretary

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

Committee Business Summary:

Hearing: Montana State Prison
Executive Action: None

{Tape: 1; Side: A; Approx. Counter: 00; Comments: Tape was not turned on at
the beginning of CHAIRMAN MARJORIE FISHER'S introduction.}

INFORMATIONAL HEARING ON
MONTANA STATE PRISON

Introduction

CHAIRMAN MARJORIE FISHER stated that committee members and members of the audience would ask Rick Day and his assistants many questions.

CHAIRMAN JOHN COBB stated that they would start out with the petition and then move on to the list of questions, ending with questions from the audience. EXHIBIT 1

Questions From Committee Members and Responses:

CHAIRMAN COBB stated that he was not impressed with the governor's response to the petition that was sent to the governor from staff at the Montana State Prison (MSP) because of the concern for safety and security. EXHIBIT 2 He asked if a warden would be appointed or how the concerns were going to be addressed.

Rick Day, Director, Department of Corrections and Human Services (DCHS), responded that the organizational structure of MSP is not a new issue and has been under review for some time. There have been two wardens in charge of the day-to-day operations of the MSP since July 1993. In November of that year the Unit Management System (UMS) was put into effect and was designed to provide each housing unit with one accountable person. He stated that the governor's letter did not get directly to the point in that the correctional officers employed by MSP are represented by the union, and negotiations concerning many issues have to go through that committee. Other concerns have to do with resources. Mr. Day formed a Quality Management Team (QMT) designed to enable MSP to determine its own destiny by way of reviewing the organizational structure under guidelines and limitations. EXHIBIT 3

CHAIRMAN COBB asked Mr. Day if he thought that the people who signed the petition were overreacting and were unduly concerned.

Mr. Day stated that there had always been a split decision about unit management and that it would not be appropriate to change to a different organizational structure without looking into all the facts regarding issues of concern.

CHAIRMAN COBB asked why the staff felt the need to go beyond the wardens and straight to the governor with a petition if things were working fine.

Mr. Day recognized that there were concerns but that the leadership and organizational structure at MSP was intact and functioning adequately. The process that would assess whether there needed to be long-term changes would continue.

{Tape: 1; Side: A; Approx. Counter: 325; Comments: N/A.}

CHAIRMAN COBB reiterated that the concerns of the staff should not be taken lightly.

Mr. Day responded that he was not aware of any facts that demonstrated that there was a crisis situation at MSP because of the organizational structure and that the UMS team would continue to work on issues and present their findings and recommendations on June 19, 1995. He stated that it was the DCHS' responsibility to work with the legislature to get the appropriate funding to guarantee the best possible course of action.

{Tape: 1; Side: A; Approx. Counter: 540; Comments: NA.}

CHAIRMAN FISHER asked about the allegation that the towers were not always manned.

Mr. Day explained that at MSP there is a combination of three security systems including towers, armed perimeter patrol and an electronic fence detection. With the larger inmate population there would be more security risks. There are towers at MSP that are not always manned depending on the situation at hand when other methods of security are used, but they are staffed as needed. The two primary towers are staffed on a 24-hour basis and the other towers that oversee the recreation yard are staffed when the inmates are out in the yard. The DCHS felt the towers are adequately staffed and the primary focus is covering security on the ground.

CHAIRMAN COBB asked for an explanation as to why an inmate was beaten to death in 1990 in sight of the tower.

Mr. Day stated that the officer on duty did not observe the incident.

CHAIRMAN COBB asked if there was a blind spot not visible from the tower that needed to be fixed so that kind of incident did not recur.

{Tape: 1; Side: A; Approx. Counter: 715; Comments: NA.}

Myron Beeson, Bureau Warden, MSP explained that there were two towers that were manned that day and the incident happened during the shift change as one guard was coming up the tower and one was getting ready to be relieved. **Mr. Day** added that the efforts that were being taken by the committee would reduce, but not limit, the likelihood of something happening again.

CHAIRMAN FISHER asked **Mr. Day** to address the training policy issues.

Mr. Day stated that all MSP staff are required to complete a three week training course with follow up in-service training and

specialty training. The MSP received an increase in training funds this year from the legislature. The money will allow the number of training hours to rise to 160 pre-service and 40 hours in-service.

CHAIRMAN COBB asked what was lacking in the training now.

Mike Mahoney, Bureau Warden, MSP, stated that training was not a new issue and that his department provides 20 in-service hours but that number will rise to 40 hours and meet the American Correctional Association standards (ACA).

{Tape: 1; Side: B; Approx. Counter: 00; Comments: N/A.}

He did not feel that the lack of training created an unsafe environment. Given the resources available the best possible training has been given to the staff.

CHAIRMAN FISHER asked about the SWAT team and their use of ammunition.

Mr. Mahoney replied that the Disturbance Control Team (DCT) trains regularly and has proven to respond commendably to major disturbances. The team is required to use weapons that qualify and are authorized with the state certified firearms. During training exercises if they want to use their own weapons they need to provide their own ammunition.

Mr. Day added that the extra funding would go towards providing more training and specifically more hours to practice firearms. There would also be an evaluation of equipment and weapons that would begin after the budget was confirmed.

CHAIRMAN FISHER mentioned the concern that there was little uniformity of guard behavior toward prisoners and that there was growing conflict between prisoners.

Mr. Day explained that the records showed that there was not an increase in the assault records between prisoners. In 1992, 23 assaults were recorded, in 1993 there were 33, and in 1994, 33 were recorded. The assaults that occurred against the staff numbered five in 1992, five in 1993 and seven in 1994. He stated that the data indicated that the correctional officers were maintaining a high degree of respect. Their practices are governed by post orders.

CHAIRMAN COBB asked if there was an increase in tensions or assaults with the extra prisoners.

Mr. Day said that they were hitting on two issues, one being overcrowding and the other staff behavior. With an overcrowded system the risk of staff assault increases. The present data shows that the prison is operating on a consistent basis. There

was not a dramatic crisis relative to assaults on staff or inmates.

CHAIRMAN COBB asked if there were complaints about how the staff were treating prisoners.

Mr. Day replied that there were issues resulting from overcrowding that needed to be resolved. The opportunity for problems increases when the prison is overcrowded. What is "normal" for the rest of the population is not the same as what is "normal" for the prisoners.

CHAIRMAN COBB asked for clarification between the idea that everything is working under control, but a problem of overcrowding exists.

Mr. Day replied that the staff is working well under the overcrowded conditions but there is a potential for problems.

CHAIRMAN COBB mentioned that he was concerned about what might happen between now and the time when the committee's recommendations are implemented.

CHAIRMAN FISHER asked if there have been threats to employees by prisoners placed in the local weekly newsletter by prisoners.

Mr. Day stated that as he understood the articles involved were not direct threats to staff but an incitement that could be interpreted toward authority inside and outside the prison.

Mr. Mahoney added that two articles referred to the recent legislation regarding the "two strikes and you're in" policy. Those articles were strong inferences of insurrection.

CHAIRMAN COBB asked about the interpersonal communication between the staff and inmate population.

Mr. Mahoney stated that several committee members have visited the MSP and they should be asked how they viewed the interactions and if they felt at risk while they were there. He felt that there would always be times when staff and inmates were subject to "being human" even under the best of conditions and the problem of overcrowding would be exasperated. Inappropriate activity on the part of the staff is not tolerated and is dealt with in an immediate and proactive way. Much of the frustration on the part of the staff has been due to the major change in direction, and they need the chance to let the corrections system do their job.

{Tape: 1; Side: B; Approx. Counter: 650; Comments: N/A.}

CHAIRMAN FISHER asked for further explanation about the classification system.

Mr. Mahoney explained that the theme of any classification within an institution is accountability and responsibility. Inmates are unhappy because they are held accountable for their conduct and how they spend their time.

Mr. Day further explained the classification system at MSP.
EXHIBIT 4

CHAIRMAN FISHER was concerned that a staff nurse had received a call at home from an inmate and asked who had access to the personnel records.

Mr. Day replied that no one outside of the personnel office has access to the records and if their phone number was not listed in the phone book then that issue would need to be looked into.

CHAIRMAN COBB asked why the staff would feel that the conditions were so bad that they had to sign and send a petition to the governor asking for help.

Mr. Mahoney responded that there might be a lack of thorough knowledge of what an objective classification system is designed to do. There is a system of checks and balances in the process and the inmates are moved through the system according to policy that is subject to administrative review.

CHAIRMAN FISHER asked for an example of an override.

{Tape: 2; Side: A; Approx. Counter: 00; Comments: N/A.}

Candyce Neubauer, Classification Manager, MSP, gave an example that showed that there were factors regarding the inmate and his behavior that were not indicated on the classification level. These factors prompted the committee to override the decision and place the inmate at a more appropriate level.

CHAIRMAN COBB asked again when they're going to find out why the employees are upset about the classification system. One of the wardens said that the majority of the confusion is due to the fact that the override ability is there but it hasn't been clearly defined under what circumstances those overrides can be provided. Specific guidelines and circumstances as to when managers can override and the review process for that decision are being worked on and defined by the classification manager.

Mr. Mahoney added that management issues are addressed and responded to once a month at meetings and the staff should have gone through that process before bringing a petition before the state.

CHAIRMAN FISHER mentioned that these seemed to be union issues and asked if the union brought these issues before them and were some of them resolved.

Mr. Mahoney stated that the UMS had worked hand in hand with the bargaining unit to put together a contract.

CHAIRMAN FISHER asked if the union would be willing to write a letter and tell the committee that the issues had been addressed.

Mr. Mahoney replied that with 419 employees that there could not be a guarantee of 419 consecutive responses but it might be better to talk to members of the executive board and other members of the bargaining unit who sat in on the negotiations.

{Tape: 2; Side: A; Approx. Counter: 160; Comments: n/a.}

Terry Minnow, Montana Federation of State Employees, stated that they represent the Federation of Montana Prison Employees and have had difficult and successful negotiations over the issues of the employees. They felt real progress had been made under the current administration. She said that the leadership of the union and the majority of the prison employees felt that Mr. Day has demonstrated the leadership that has resulted in the continuing progress towards resolving the issues. She added that the classification system was not part of the bargaining unit.

CHAIRMAN FISHER voiced the concern that the prisoners in some units were allowed different property than the prisoners in other units and when they moved that would become arbitrary to them and they would lose property rights.

Mr. Day explained that there is a property policy that defines what inmates can possess. There are differences in the unit levels where generally an inmate in the lower side will receive more privileges, but there is not a dramatic difference in what property is allowed at MSP.

CHAIRMAN COBB asked if the unit managers changed the policy as they see fit.

Mr. Mahoney stated that the policies have to be signed off at the institution level by one of the wardens and at the department level by Mr. Day. The unit managers have the authority to promulgate unit rules at the unit level providing they are consistent with the policy.

Mr. Day said that all staff is required to comply with policy and feels that it is followed. Sometimes there is a range as to what is allowed in each unit but the unit managers may not exceed what is allowed by policy.

CHAIRMAN FISHER asked question #8 on Exhibit 1 regarding the Board of Pardons acts.

Mr. Day explained that the Board of Pardons is an independent quasi-body that is appointed by the governor. They do have guidelines and they work with the unit managers and the

department in making their decisions, which are ultimately discretionary.

Greg Thomas, Director of the Parole Board, said that by statute the parole is discretionary. It is a subjective decision based on facts. The objective criteria are the guidelines that were recommended by the National Institute of Corrections.

CHAIRMAN COBB asked how they could recently pre-release 100 prisoners if they had to use objective criteria and who made that decision.

Mr. Day stated that he had a written summary regarding that issue.

REP. BETTY LOU KASTEN asked if there was still a problem as there was several years ago of many inmates waiving their rights to their parole hearing.

Mr. Thomas answered that there are some inmates who choose to waive their parole rights if they feel they are not prepared and sometimes that decision comes from a recommendation by the staff. There is a time limit of six months that a prisoner can remain on waiver status. He stated that there are approximately 200-250 on waiver status.

{Tape: 2; Side: A; Approx. Counter: 622; Comments: N/A.}

CHAIRMAN FISHER asked for an explanation of the rumor of a drug arrest that allegedly occurred the previous week.

Mr. Day stated that there was, which was the result of an ongoing investigation at MSP involving drugs and contraband of both staff and inmates. In that process two employees who were not correctional officers were identified, but he said that he could not elaborate on the investigation at this time.

CHAIRMAN FISHER asked question #19 from Exhibit 1 regarding treatment programs.

Mr. Day responded that there were only about two of all the programs offered that had a substantial waiting period. The sexual and chemical dependency programs are more in demand. This issue is being dealt with by the QMT and the programs are being expanded with the help of a bigger budget granted by the Legislature. If an inmate does not participate productively in the programs that are required, then they can be moved to the high side at a different classification level.

CHAIRMAN FISHER asked about the rumor that the federal government or one of its agencies might come in and take over management of the prison.

Mr. Day said that to his knowledge there was not a legal authority for the federal government to intercede in state affairs at that level.

SEN. TOM BECK asked why they didn't have a warden in Deer Lodge.

Mr. Day replied that they have appointed the QMT who is responsible to look into the issue and answer back to Mr. Day with their recommendations on June 19.

REP. LIZ SMITH explained that she had contacted several staff members at MSP and they described the situation as chaotic and uncertain. All the issues that have been dealt with in the past were symptoms and that the real problem lies with prison capacity.

{Tape: 2; Side: B; Approx. Counter: 00; Comments: N/A.}

She quoted a statement by Mr. Day which identified the urgency capacity at 1,345, which has almost been reached a few times. Relief of some sort is needed to function under those capacities and conditions. EXHIBIT 5

CHAIRMAN FISHER asked REP. L. SMITH if she had explained to those people the bills in this legislative session regarding the MSP and the budget and to tell them that everyone is working on the issues. She responded that she had.

REP. JOAN HURDLE asked if the objective classification system was the one that is currently in practice now.

Mr. Day replied that it has been in place since March 1994.

REP. HURDLE asked if the forms suggested in the manual are currently in use at both prisons.

{Tape: 2; Side: B; Approx. Counter: 110-135; Comments: Questions asked by REP. HURDLE and answered by Ms. Neubauer were not audible on the tape.}

REP. PEGGY ARNOTT referred to the incident of the killing of an inmate during a guard change and stated that if this kind of incident could happen again something needs to change.

Mr. Day stated that they could not guarantee that an incident will not occur in a correctional institution, but they can ensure to the best of their ability the supervision of the inmates.

REP. ARNOTT observed that it would seem reasonable to rotate the shift changes on a random basis if needed.

Mr. Day replied that changing the times would not necessarily prohibit the action from taking place. Some of the hours and shift changes are governed through bargaining unit agreements.

REP. ARNOTT suggested that if they have a list of people who say they are unhappy the management should break protocol and go to those people and try and solve it without going through the union.

Mr. Day thought that maybe they were painting a picture that was over-simplistic in nature because the negotiations are increasingly positive. He agreed that it is important to try and talk one-on-one and he does do that. He stated that it looks better if they realize how the situation was ten years ago when the MSP was facing a potential walkout.

REP. STEVE VICK stated that the people he talked to were concerned that the inmates were getting too many privileges or luxuries.

Mr. Day explained that the personal privileges policy was being evaluated and that they wanted to work more directly on the concept that relates inmates privileges to participation in productive activities and restrict or reduce those privileges through the disciplinary process. He mentioned that those activities provide time which inmates have a lot of. They also provide an outlet for the violence and anger that grows in them. The activities are regulated under specific times and behavior modification is the goal.

SEN. LARRY TVEIT asked what role the director would have in the QMT.

Mr. Day replied that his role is to provide MSP with ownership in their organizational structure. Once a recommendation is made the director can review it and provide some structure and adopt it. He would still be responsible for the effective operation of the prison.

SEN. TVEIT asked what a warden does and where they live.

Mr. Day replied that there are two wardens that handle the daily activities at MSP and they both live in Deer Lodge or the immediate area.

REP. NORM MILLS asked who was going to train the management team.

Mr. Day referred to his memo that named Marc Scow, who has been trained in this area, to provide facilitation and training in quality management techniques and mentioned that he has already begun that process.

REP. MILLS asked when the electronic fence would be completed.

Mr. Day replied that it was already finished.

{Tape: 2; Side: B; Approx. Counter: 715; Comments: N/A.}

REP. MILLS asked how the staff determined when the tower guards were needed and asked for further clarification regarding the incident when the inmate was killed during a guard change.

Mr. Day said that they were needed when the inmates congregated on the ground for activities and that he believed that the incident occurred as a deliberate criminal act planned to take place.

Mr. Beeson explained that without a diagram it would be hard to describe but that if an officer would have been looking directly at them, the incident could have been observed.

REP. MILLS stated that the shift change was a poor excuse for the incident as shift changing and guards could overlap even by a few minutes and not leave a place unmanned.

REP. L. SMITH asked if information on quality management from objective out-of-state consultants had been requested.

Mr. Day stated that they had and the report on that would be available. They asked for an independent evaluation of the institution and are expecting that information shortly.

REP. L. SMITH inquired whether those who are doing a good job presently would require more training.

Mr. Day said that the unit managers are functioning well but there are some that could improve their performance. When situations are identified where they are not doing their best they will take corrective action.

{Tape: 3; Side: A; Approx. Counter: 00; Comments: NA.}

CHAIRMAN COBB stated that he thought the reply to the petition from the governor was irresponsible. There seemed to be an urgency to the petition and immediate action should be taken. The bureaucratic administration takes too long to get things done. He suggested getting a warden and fixing the classification system immediately. He stated that there are warning signs that are being ignored.

Mr. Day voiced his concern that the hearing was getting beyond the factual statements and into a political agenda.

CHAIRMAN COBB replied that he didn't think management understood the problem.

Mr. Mahoney made some points of clarification stating that on the day of the homicide at the MSP the towers and the yard were staffed. The administration's response to that was thorough and sensitive.

{Tape: 3; Side: A; Approx. Counter: 210; Comments: N/A.}

CHAIRMAN FISHER moved on to the questions regarding the Swan River Boot Camp (SRBC), regarding what mistakes were made and corrective action that had been taken.

Mr. Day stated that the prison has been under the bureau warden system since July 1993. Prior to the incident at the SRBC, inquiries and visits were made. Resulting from that an action plan was outlined for the administrator. Mr. Ferriter was brought in to assist in supervising the camp. When the incident occurred, the department moved immediately to secure the facility and the trustees were moved out of the camp. What is needed to remember is that the incident was a criminal assault and that individual is the one ultimately responsible for what took place. There is a plan underway to provide improvements and monitoring of the program. Through the evaluation the decision was made to discontinue the trustee program in its entirety at the camp. The department is waiting for the decision from the legislature on the staff necessary to allow appropriate security 24 hours a day, seven days a week and to move the capacity up to 60 inmates. Then the program could be transferred to a location off the MSP campus.

CHAIRMAN FISHER asked if there was any disciplinary action taken or was Mr. Maloughney suspended.

Mr. Day responded that in all cases involving employee personnel actions he could not comment on the direct action. He commented that Mr. Maloughney is on a detailed plan of improvement to address areas of deficiency.

CHAIRMAN FISHER inquired if a trustee was used as a night security guard on April 2.

Mr. Day stated that trustees were used in the capacity of security type roles.

CHAIRMAN FISHER asked why a certain trustee was placed in charge of the camp when during the previous investigation of the boot camp was labeled suspect.

{Tape: 3; Side: A; Approx. Counter: 420; Comments: Mr. Day talked about a trustee whose name was not audible on the tape.}

Mr. Day explained that the decision to place that trustee was related to his abilities to provide supervision and his availability in the area. The issue that is mentioned in the investigation preceded that instance and was not relevant to the decision.

CHAIRMAN FISHER asked why there are current boot camp managers saying that the figures don't reflect what has been read of the boot camp problem.

Mr. Day stated that he felt the issues related to a natural hostility about the potential loss of jobs and the program. That information to the extent that was provided is the result of the lack of information that related to the cost of security fences. The estimates that were used were based on their maintenance staff, and he believes their estimation is reliable. He stated that the department might choose to take additional appropriate action at the boot camp but can not muscle their staff. They will need to determine to what extent the individuals acted inappropriately.

CHAIRMAN FISHER asked who was admitted and on what basis.

Mr. Day explained that the inmates are admitted based the judge's recommendation and their eligibility. They do not look directly at the crime, but if the program is going to be effective for that individual.

CHAIRMAN FISHER inquired what was the input on Sally Johnson's refusal to investigate the boot camp September 13, 1994.

Sally Johnson, Deputy Director, DCHS, explained that she was responsible for the personnel section as well as the investigators. An additional investigation into two issues was requested and as she was unfamiliar with the issues she got the two reports that existed at that time. Both of the issues had been previously and adequately investigated and she felt further investigation and use of resources was not warranted.

Mr. Day told the committee that issues that are related to the boot camp continue to be brought up in different places by different people so that it seems there are more issues than there really are. He stated that he had a letter sent by the governor that addressed a number of the issues.

CHAIRMAN FISHER wondered about the employees who felt that they were intimidated and harassed.

Mr. Day stated that he was advised by his council not to discuss personnel action and matters that were in litigation.

{Tape: 3; Side: A; Approx. Counter: 700; Comments: Someone from the audience asked a few questions and his name was not audible on the tape.}

A past employee from the boot camp asked if it is allowable to let the prisoners to escape without being charged, and described an incident where that happened.

Mr. Day stated that they had responded to the County Attorney's office regarding the incident where the inmate escaped. He explained that the department has a disciplinary process with the discretion and the authority to defer prosecution. In their judgment, the inmates were not "escaping" but were out of bounds

and referred to the disciplinary process. The department is supporting the prosecutor's investigation.

The past employee alleged that one of the inmates was not leaving but was stealing tools from the camp shop and giving them to his visitor. He asked what has been done to protect the taxpayers from stolen property and what is going to happen to prevent this from happening in the future.

Mr. Day said that they are providing all the information to the county attorney and he felt appropriate action was taken at the time.

Dick Severson, former Correctional Treatment Specialist at the SRBC, read his letter in response to the letter that the governor sent to them.

Mr. Day responded that all the issues in the letter have and continue to be addressed, and that they happened before he was on watch.

SEN. FRED VAN VALKENBURG asked when the prison began placing inmates as trustees with violent histories and convictions at SRBC.

Mr. Day said that it began when the camp opened in July 1993.

SEN. VAN VALKENBURG asked if he was involved personally in the decision-making process to place those inmates with a violent background in the trustee positions.

Mr. Day said that he was not involved directly in the screening and selection process. He said he was aware that there were long-term inmates with severe offenses up there.

SEN. VAN VALKENBURG asked if the administrator of the corrections division was familiar with the classification criminal history status of the individuals chosen as trustees, and was the advisability discussed of placing those individuals in a trustee status.

Mr. Day replied that Mr. Gamble was familiar with the status and they discussed the situation.

SEN. VAN VALKENBURG asked if he relied on Mr. Gamble's opinion as to the advisability of the plan.

Mr. Day answered that it was his management style to rely on key managers and key employees in the system.

SEN. VAN VALKENBURG inquired as to what his intentions were in regard to filling the position of administrator in the corrections division, and if he thought that position was necessary.

Mr. Day explained that the decision will be tied to the current reorganization pending before the legislature. He said he would need to wait until the legislative process is over to see how the department takes shape and then assess the need for a corrections division administrator.

SEN. VAN VALKENBURG stated that it would be helpful to legislators who have to make that decision to know in what direction they are going.

Mr. Day said that he currently has professional corrections administrators managing corrections programs.

SEN. VAN VALKENBURG mentioned that it sounded like he had already made the decision that he didn't want an administrator at the corrections division.

Mr. Day responded that there has not been a decision made but questioned whether he needed another person. They needed to decide that as a department depending on how the organization turned out.

Corrections Compendium, The National Journal for Corrections Professionals, was submitted as an exhibit, and contains information on good time credits awarded to inmates. EXHIBIT 6

{Tape: 3; Side: B; Approx. Counter: 340; Comments: Hearing concluded at 6:54 p.m.}

ADJOURNMENT

Adjournment: 6:54 p.m.

Wb's heard 6/95

Mi 97h

MARJORIE I. FISHER, Chairman

J. Cobb

JOHN COBB, Chairman

P. Benneman

for _____
ANDREA SMALL, Recording Secretary

Note: These minutes were proofed by Lisa Smith, LFA, and Mary LaFond, OBPP.

MIF/JC/as

EXHIBIT # 1
DATE 4/7/95
HB MPS
S.S. HUMAN SERVICES
S.S. INSTITUTIONS

Prison hearing for Friday at 4p.m. April 7, 1995

Enclosed are possible questions and concerns that have been voiced by people including legislators concerning the management and operation of the prison and related facilities. It does not mean that the legislature or legislators believe each comment or concern is correct but these concerns should be addressed by the administration in a public hearing.

We would like these questions to be ready to be answered at the hearing. The committees will likely request follow up of questions as well as make some recommendations for changes. The committees will likely request time lines and dates for completion of recommendations as well as requesting what the dept. is going to do and when about their own recommendations for improvements.

This is not suppose to be an easy hearing nor just one for information to the committee. Below are just a few of the questions that may be asked and each will probalby have follow up questions. That the dept. should come prepared to prove that they are correct if they disagree with any of the below concerns.

If members of the legislature or committee think of more questions we will try and get them to you as fast as possible.

1. there is talk that the towers are not always manned or that some are not manned.
2. there is talk that the guards have very little follow up training. What is the training policy.
3. that the "swat" team is not adequately trained or were not trained very well in the past or were equipped properly. That in the past they had to buy their own ammunition.
4. that their is little uniformity on guard behavior toward prisoners and that their is growing conflict between prisoners and guards.
5. that their have been threats to employees by prisoners placed in the local weekly newsletter by the prisoners.
6. that the classification or reclassification system is arbitrary and that the low side of the prison has many upset prisoners over the classification system.
7. that the prisoners in different units are allowed different property than other units and that when they move this becomes arbitrary to them and they lose property rights.
8. that the board of pardons acts in arbitrary fashion and that the prisoners see this as very subjective. A recommendation was made to put into place objective criteria given to inmates on

reception as to requirements to meet parolee. Was this done and how is it working.

9. Explain the downsizing of the prison at this time. What did the newspapers mean that you are expecting trouble this summer.

10. Give us ahead of the hearing a copy of the petition by the employees at the prison that was given to the governor or your staff and the response to this petition.

11. explain what has been done at swan river since the person was injured. Can this occur again.

12. explain where the trustees were taken and whether their due process was violated. Also what happened to the women who were in pre release and were put back in prison.

13. explain that when the former employees last year complained about the swan river management, that what did you do about investigating the complaint. What did you do with the interviews concerning the employees over management. Did any of the interviews say that the person who was later injured should not be there. After the interviews, were the names of those interviewed and their concerns given to management at Swan River.

14. Why should we not have only ne warden at the prison.

15. The legislature was told that there was suppose to be a new management tool- total quality management. When was it implemented.

16. An update of all lawsuits at the prison at this time.

17. There is a rumor that the Federal government or one of its agencies may come in and take over management of the prison.

18. An explanation of the drug bust of guards last week.

19. I have heard a lot of inmates are very dissatisfied with the treatment programs at the prison. That there is a very long waiting list. That programs do not help- just hoops for inmates that must jump through to satisfy requirements. If inmates do not do the programs they are punished by being reclassified to higher custody. What is the status of these programs.

20. That the new objective classification system is not so objective. Is it true that many inmates are subjectively classified by an override provision. How many.

21. I have heard over 100 employees at the prison signed some petition complaining about the organization of the prison. That they asked why do we have two wardens- who is in charge, that their is a lack of leadership of competent unit managers in some cases. That the command post and security are not given the

4-7-95

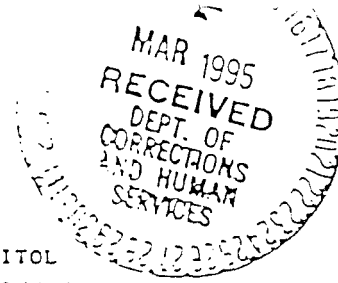
emphasis and priorities it should receive. What is being done to address the issues on the petition. If a committee was formed who is on that committee. If there are members on the committee that are the classification managers, should they be on that committee. What is the time table of the committee and when should we see results.

OFFICE OF THE GOVERNOR
STATE OF MONTANA



MARC RACICOT
GOVERNOR

STATE CAPITOL
HELENA, MONTANA 59620-0601



March 10, 1995

EXHIBIT 2
DATE 4/7/95
HB MPS
J.S. HUMAN SERV
J.S. INSTITUTION

Will O'Neill
1211 Dewey
Butte MT 59701

Dear Mr. O'Neill:

Thank you for your note of February 28, 1995.

Mr. Day and I would be interested in discussing these issues with you, Mr. McGarvey and Mr. Cullin. However, it will be impossible for us to schedule such a meeting until after the Legislative Session.

Please feel free to contact me in this regard.

Sincerely,

A handwritten signature in cursive script that reads "Marc Racicot".

MARC RACICOT
Governor

cc: Rick Day, Director, Dept. of Corrections & Human Services

February 28, 1995

Governor Marc Racicot
State Capitol
P.O. Box 200801
Helena, Montana 59620-0801

Dear Governor Racicot

I received your response to the petition that I sent you. I am sorry that I gave you the impression that I am trying to negotiate. I have no official status in Local 400 and the leadership did not sign the petition. In fact President D. Cullin told members not to sign the petition as it could jeopardize the upgrade of correctional officers. It was only an attempt to have you look at problems that we feel exist at Montana State Prison

Sincerely yours
Will Orell

Rick Ozy
Jim McGarvey

OFFICE OF THE GOVERNOR

4-7-95

STATE OF MONTANA

MARC RACICOT
GOVERNOR



STATE CAPITOL
HELENA, MONTANA 59620-0801

February 22, 1995



Will O'Neill
1211 Dewey
Butte MT 59701

Dear Mr. O'Neill:

With the demands of the Legislature and presently existing schedules, I will not be able to arrange a tour of Montana State Prison in response to your petition. However, I appreciate the message and direct approach contained in your letter. Unfortunately, in spite of our efforts to work closely with local and state labor officials, effective communication is always a challenge in a system the size of the Prison.

The Department of Corrections and Human Services is working hard to obtain additional resources for Montana State Prison. These include:

- 1.) 19 full time positions towards improved relief factor;
- 2.) a 7 officer special response team, and increased infirmary, records and treatment staff;
- 3.) resources to replace inmate workers in reception and hearings support;
- 4.) funding which will allow for an upgrade of correctional officers by including classification and paraprofessional counseling duties as part of correctional officer duties; and,
- 5.) pursuing a building program designed to improve the prison infrastructure.

To ensure our system allows for open discussion and provides a response to concerns, Director Rick Day has requested clarification from Montana Federation of State Employees personnel regarding the work and concerns of the Prison safety committee on which you served. I understand these initial contacts have been completed

February 6, 1995

Dear Governor Racicot

Enclosed is a petition that was circulated and signed by concerned correctional staff at Montana State Prison. I feel that the Prison is a bomb waiting to explode and nothing is being done to prevent it.

We would appreciate it if you would take the time to tour Montana State Prison with a correctional officer, talk to staff and inmates and draw your own conclusions.

I would be willing to tour the Prison with you. My days off are Friday and Saturday.

Sincerely yours
Will O'Neill

1211 Dewey

Butte MT 59701

494-7840

PETITION FOR CHANGES AT MONTANA STATE PRISON

DEAR GOVERNOR MARC RACICOT:

We the undersigned staff at Montana State Prison request that you appoint a Warden at Montana State Prison who is concerned with safety and security. We also propose that the Unit Manager system and its classification override be eliminated as it is inefficient, costly, and has created many problems for staff and inmates. We propose that all security staff be assigned, controlled, and work under the direction of the Command Post.

James Grant
[Signature]
[Signature]
Russell Roberts
Leo Luder
Bob Chesney
Arthur J. Bremer
[Signature]
[Signature]
[Signature]

Arvada Mont
Arvada, MT.
Butte, MT.
Deer Lodge MT.
Arvada MT
Deer Lodge
Butte MT
Butte MT
Deer Lodge
Butte Montana
Deer Lodge

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PETITION FOR CHANGES AT MONTANA STATE PRISON

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L.C. John R. Taylor 3rd class

Thomas L. Kelly

Don R. Kuehl

Julio M. Hodge

Dennis D. Smith

Conrad Casagrande

Eric Young

James K. Young

Thomas Richard V

Charles Stuebeling

Thomas Turinelli

Sean Curran

Devin Gray

William J. Kuehl

Bob Whitton

Wally Lee

Gusman Mason

Frank Paul

Sammy Wiggins

David Austin

Steve Antonich

Charles D. Miller

Dennis J. Reiss

Jim Burkash

Chyle W. Philp

Alvin Lee

Paul Keenan

William E. Smith

John E. Thompson

David W. Neal

Chris Keenan

Paul B. Clark

William H. M. [unclear]

John [unclear]

Edwin [unclear]

James P. Kinnel

David [unclear]

Thomas [unclear]

J. [unclear]

John M. [unclear]

DEPARTMENT OF CORRECTIONS
AND HUMAN SERVICES

EXHIBIT 3

DATE 4/7/95

HB MPS.

J.S. HUMAN SERVICES +
J.S. INSTITUTIONS
1539 11TH AVENUE



MARC RACICOT, GOVERNOR

STATE OF MONTANA

(406) 444-3930
FAX: (406) 444-4920

PO BOX 201301
HELENA, MONTANA 59620-1301

MEMORANDUM

TO: [SENT TO PEOPLE ON ATTACHED LIST]
FROM: RICK DAY, Director
SUBJECT: MONTANA STATE PRISON ORGANIZATION
DATE: March 27, 1995

Over the past two years the organizational structure of Montana State Prison (MSP) has been a topic of discussion and controversy. Part of this controversy comes from my decision to proceed with unit management and a bureau warden structure.

I have a great deal of confidence in the Management staff of Montana State Prison. However, it has become clear that the shape of the organizational structure of MSP is becoming an issue which distracts attention from the real accomplishments of all the employees of Montana State Prison.

Consequently, I have decided to form a Quality Management Team from MSP to review and recommend an organizational structure. The Quality Team will receive training in quality management and problem solving and will produce a recommended organizational structure for MSP as part of the training process.

Please meet with your staff and identify a representative to serve on the Quality Team. With concurrence of your staff, each of you is free to serve on the Quality Team. However, it is important the entire organization feel involved in this process. Notify Linda Moodry via a memorandum regarding your representative by April 3, 1995.

Linda Moodry will provide administrative assistant support and Ted Clack will provide research support. Marc Scow from the Department of Administration will provide professional facilitation support and quality management training. In addition, Tom Burgess and Will O'Neill of the Montana Federation of State Employees have been invited to serve on the Team.

Considerations & Constraints:

- 1) The Team is free to consider the entire prison organizational structure including whether to return to a single warden, continue with unit management, a combination of both, or an entirely new approach. However, the recommendation must be supported by documentation which clearly demonstrates the management and efficiency justifications for the proposed organizational structure.
- 2) Team recommendations must be research-based which means there must be documented facts to support each proposal. This may include comparison to other states.
- 3) Outside professional support and recommendations will be available to the Quality Team.
- 4) The cost or savings of each recommendation must be documented, as must the source of revenue for any increased expense.
- 5) Any proposal with the potential to displace current staff also must outline a transition plan for moving affected parties to another position or function.
- 6) The team should make a search for new approaches for the prison organizational structure its first priority rather than presuming that the past or status quo is preferable.
- 7) The Classification, Ranch, Vocational Education, Industries, and the Hearings Officer staff are presently supervised by the Helena office. The Team should consult with this staff, and the final report must include a recommendation to continue the present structure or include these programs within MSP.
- 8) Final recommendations must include a management structure with few layers between key decision makers and line staff and a coordinated approach to treatment and security.

Procedures:

- 1) The Team should meet at least weekly and involve as many employees as possible in the process. The preliminary schedule is as follows:

Orientation Meeting at Ranch 1 Training Center
April 18 1:15 p.m. to 3:15 p.m.

Quality Management Meetings at Conley Lake Lodge
April 26 9:30 a.m. to 4:00 p.m.
May 2 9:30 a.m. to 4:00 p.m.
May 10 9:30 a.m. to 4:00 p.m.
May 25 9:30 a.m. to 4:00 p.m.

4-7-95

Memorandum to 1 ~
March 27, 1995
Page three

- 2) Final recommendations must be formulated and approved through a consensus process.
- 3) Meetings will be open and differing opinions will be respected.
- 4) Discussions must be based on facts and systems--not personalities.
- 5) Team meetings and other activities will be considered paid work time. Participant schedules should be coordinated to avoid the need for overtime.

I will expect the Quality Team's recommendations by June 19, 1995, in the form of a report inclusive of minutes and supporting documentation.

RD:lp

- cc: Governor Marc Racicot
- Senator Tom Beck
- Representative Liz Smith
- Representative William "Red" Menahan
- Ted Clack, Central Office, DCHS
- Linda Moodry, MSP
- Marc Scow, Department of Administration

4-7-95

PROPOSED
MONTANA STATE PRISON
QUALITY MANAGEMENT TEAM

MANAGER OR STAFF REPRESENTATIVE

Candyce Neubauer
Cathy Redfern
Leonard Mihelich
Janet Cox
Ross Swanson

DESIGNATED MEMBERS

Dan Evans
State Labor Representative
Local Labor Representative
George Strutzel, Unit Manager

SUPPORT

Ted Clack
Linda Moodry
Marc Scow, Dept. of Administration

DEPARTMENT OF CORRECTIONS
AND HUMAN SERVICES

EXHIBIT 4
DATE 4/7/95
HB MPS
J.S. HUMAN SERV. T
S.S. INSTITUTIONS
1539 11TH AVENUE



MARC RACICOT, GOVERNOR

STATE OF MONTANA

(406) 444-3930
FAX: (406) 444-4920

PO BOX 201301
HELENA, MONTANA 59620-1301

April 7, 1995

RE: Classification at Montana State Prison

Rep. John Cobb
Capitol Station
Helena, MT 59620

Dear Representative Cobb:

An Objective Classification System was implemented at Montana State Prison (MSP) in March, 1994. Before I explain the new classification system, I would like to give you some information about why the Department of Corrections and Human Services (DCHS) changed the classification system.

The classification system mentioned in the 1982 Legislative Audit Report was in place for 12 years and was 'time driven'. This classification system was criticized after the 1991 disturbance. The Administrative Inquiry Team reported that the inmate population at MSP was generally overclassified and that the classification system was inefficient and unfair.

In response to the concerns, the Department requested the National Council on Crime and Delinquency (NCCD) develop an objective classification system through a two year project under Grant Number 92-P016HR4 by Patricia Hardyman, Ph.D. of NCCD. A new objective classification system was developed. This system was tailored to the specific needs of the MSP inmate population and to the safety and security issues of the Montana corrections facilities.

This Objective Classification system is a comprehensive technical system that assists the professional classification staff in the application of the custody system. The scoring system is designed to assist classification staff by providing them a solid base upon which to make a custody/classification decision by taking into account such items as severity of offense(s), serious prior criminal history and institutional violence. The system also takes into account positive and negative adjustment by the inmate. In addition, the classification program creates a "safety net" for the public by identifying certain classes of inmates whose custody may not be lowered below a specified level without a more extensive review of that decision.

4-7-95

Representative John Cobb
April 7, 1995
Page Two

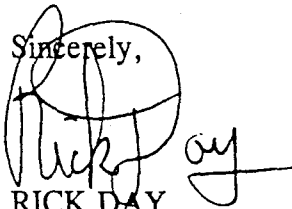
Override factors are an accepted correctional classification practice and are designed to address management issues that warrant attention and possible intervention by staff in the form of special housing and/or supervision. Overrides are only to be used in situations where the Unit Management Team believes the original custody level obtained from the point score is inappropriate. More detailed guidelines are being developed to provide clearer direction and more consistent use of an override.

The Classification Manager at MSP informs me that the percentages of overrides have been high, but this is a normal process for the first year of any new classification system. Documentation also indicates the reason for a large percentage of the overrides is because of inmates classified prior to the objective system initially scored a higher custody level than their present (old) custody level. In each case, the inmates were granted overrides to stay where they were if they weren't a management problem. This override information indicates MSP was not overclassifying inmates in 1991. But we still recognize the need to have a system that is easy to understand by staff and inmates and a system that is viewed as objective, not subjective.

This system holds inmates accountable for their actions and behavior. In addition, inmates are expected to participate in recommended treatment. If the inmates on the low side refuse to participate in treatment, they are moved to a more appropriate housing area on the high side compound of the prison. If they want to sit and do nothing, they can sit on the high side and do nothing.

You indicate that you have received complaints from several sources but only mention inmates. The Classification Manager at MSP has started a bi-weekly classification meeting so the staff working with classification are communicating and consistent with one another. If there is frustration among staff, this meeting is the proper place to bring up their concerns.

If you have additional questions or need further assistance, please let me know or contact Candyce Neubauer, Classification Manager, Montana State Prison, 400 Conley Lake Road, Deer Lodge, MT 59722.

Sincerely,

RICK DAY
Director

RD:CN:lpjeb

cc: Judy Browning, Chief of Staff
Candyce Neubauer, Classification Manager, MSP

EXHIBIT 5DATE 4/7/95HB MPS

CORRECTIONS POPULATIONS

S.S. HUMAN SERV.
S.S. INSTITUTIONS

AVERAGE DAILY POPULATIONS OF MONTANA ADULT CORRECTIONS PROGRAMS FISCAL YEARS 1990-1994*

	1994	1993	1992	1991	1990
MSP	1189	1181	1192	1140	1097
SRCTC	29	44	55	57	52
WCC	42	54	63	58	53
SUBTOTAL	1260	1279	1310	1255	1202
WLSC	10	11	9	12	12
MLSC	23	26	25	25	25
Alternatives	57	47	32	33	30
Butte PRC**	78	58	36	36	34
GFPRC	52	46	38	39	32
SUBTOTAL	220	188	140	145	133
Probation***	4069	3918	3556	3240	2991
Parole***	701	675	613	557	490
ISP***	77	54	45	43	29
SUBTOTAL	4847	4647	4214	3840	3510
<u>TOTAL</u>	<u>6327</u>	<u>6114</u>	<u>5664</u>	<u>5240</u>	<u>4845</u>

- * Source: Montana Department of Corrections and Human Services
- ** Now has both male and female program
- *** Supervised In-State average monthly population

July 15, 1994

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Corrections

COMPENDIUM

EXHIBIT 4DATE 4/7/95HB MPSU.S. HUMAN SERV. T.
I.S. INSTITUTIONS

Volume XV No. 4

The National Journal For Corrections Professionals

May, 1990

GOOD TIME

By

Su Perk Davis

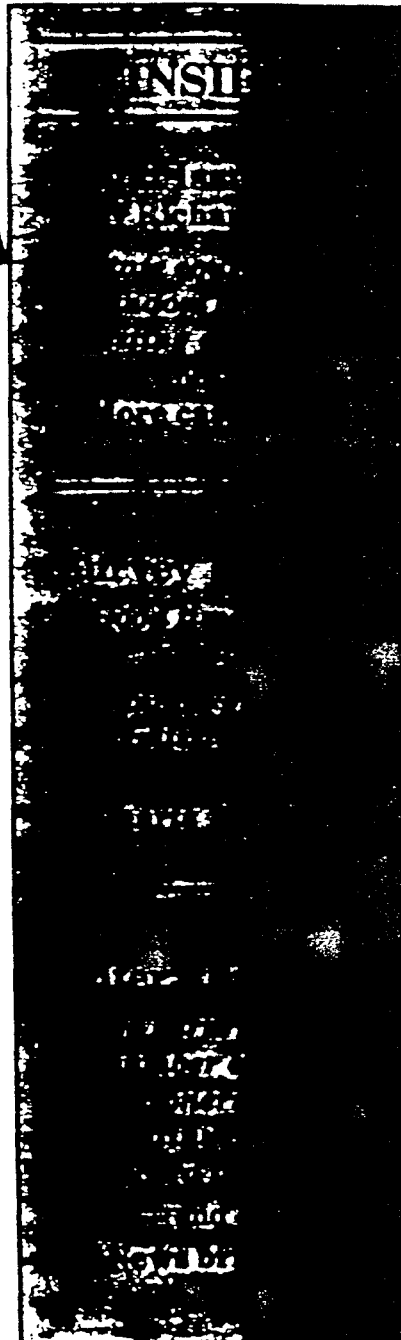
Call it good time, gain time, earned time, statutory time, meritorious time or commutation time. Identify it as provisional credits, good conduct credits, disciplinary credits. Whatever the term, it's corrections' carrot for good behavior, and a management tool of long standing in United States prisons.

In most states, good time is a critical factor affecting that most important of all dates to an inmate — the time when he or she is released from prison.

For administrators faced with crowding, it is also critical: good time is a badly needed incentive to good behavior when quarters are cramped. And the earlier one inmate can be released, the sooner another can be housed — or moved from the floor to a bed, or from double bunking to single.

It is also, in it's frequent complexity, a headache for some records staff to figure and the public to understand.

continued on page 4



Good Time Laws in the U.S.

Minimum amount of good time given, including both statutory (good behavior) and meritorious or earned good time.
(All states' provisions translated to an approximate equivalent per month.)

More than 30 days a month

Alabama
Colorado
Illinois
Mississippi
North Carolina
Oklahoma
South Carolina
Texas

30 days a month

Arkansas
California
Florida
Indiana
Louisiana
Montana
New Mexico
Virginia
West Virginia

20 days a month

Iowa
Massachusetts
Nevada
New Jersey
Ohio

15 days a month

Arizona
Connecticut
Delaware
District of Columbia
Kentucky
Maine
Minnesota
Nebraska
Rhode Island
South Dakota
Vermont
Washington
Wyoming

Less than 15 days a month

Alaska
Federal Bureau of Prisons
Michigan (disciplinary credits)
Missouri
New Hampshire
New York
North Dakota
Oregon

No good time given

Georgia
Hawaii
Idaho
Pennsylvania
Utah
Wisconsin (under new law)

States not responding to survey: Kansas, Maryland and Tennessee.

tencing" laws were enacted to decrease the amount of time off allowed so that the actual time served would be closer to that given in the original sentence. Delaware, for example, eliminated statutory good time and capped meritorious good time at a maximum of 60 days. Before July 1, 1989, the state had given 15 days a month plus overtime credits—more than three times as much.

New Hampshire made a more unusual switch. Before 1982, that state had allowed up to 150 days good time to be deducted each year from both the minimum and maximum sentences. But in 1982 the legislature passed a new "truth in

sentencing" law which did away with the old good time allowances and provided instead for adding 150 disciplinary days to the minimum term which could be reduced at the rate of 12 1/2 days a month for exemplary conduct. Any offender failing to earn the good time must serve the extra disciplinary time in addition to his or her sentence.

Most law changes, though, were directed at reducing crowding crunches.

Alaska increased maximum good time from one-fourth to one-third of a sentence, South Dakota added to the amount that can be earned off a sentence and the District of Columbia is re-implementing a code providing for industrial and meritorious good time. In Ohio, the legislature expanded the amount of good time

allowable by creating an "earned credit" category. Officials estimated that 1,700 beds would be saved.

From February 1987 to June 1988, Florida had awarded administrative gain time to select inmates as a means of early release to relieve overcrowding. A new early release law is now in effect, using provisional credits rather than gain time.

In California, under a law passed in 1983, worktime credits can lop 30 days a month off a prisoner's sentence. Before that time, one day was given for each two days served.

In the District of Columbia, the mayor can declare a state of emergency and reduce minimum or mandatory release dates whenever the population of the prison sys-

SYSTEM	INMATES RECEIVE GOOD TIME	MAX. AMOUNT THAT CAN BE RECEIVED	HAVE PROVISIONS FOR		GOOD TIME APPLIES TO		DEDUCTED FROM SENTENCE		GOOD TIME CAN BE TAKEN AWAY AFTER GIVEN; BY WHOM	GOOD TIME CAN BE RESTORED; BY WHOM
			STATUTORY DAYS PER MO.; HOW MANY	EARNED DAYS PER MO.; HOW MANY	PAROLE ELIGIBILITY DATE	DISCHARGE DATE	ON ENTERING PRISON	AS EARNED		
ALABAMA	Yes	75 days for each 30 months	Yes. Half of sentence if offense prior to 5/1/80	Yes. 75 days maximum	X	X	X		Yes; disciplinary board or by escape or parole violation	Yes; recommended by warden, final approval by commissioner
ALASKA	Yes	One third of sentence	Yes. One third of sentence	No.			X		Yes; disciplinary board	Yes; warden or superintendent
ARIZONA	Yes	15 days per month	Yes. 15	Yes. 15		X	X		Yes; director	Yes; director
ARKANSAS	Yes	30 days per month	Yes. 8-30 if sentenced prior to 4-1-71	Yes. 0-30	X	X		X	Yes; disciplinary board	Yes; director
CALIFORNIA	Yes	For every day worked, an extra day off is earned	Yes. 15 (Prior to 1-1-83)	Yes. 30 (After 1/1/83)	X		For offenses (non-ifers) prior to 1/1/83	For offenses (non-ifers) after 1/1/83	Yes; classification committee	Yes; classification committee
COLORADO	Yes	35 days a mo. until new law effective 7-1-80; after that, 40 days	Yes. Day for day to 7-1-80; after that law sets presumptive parole date at 50% of sentence for non-violent offenders, 75% of sentence for violent offenders	Yes. 5 days maximum; will be 10 days after 7-1-80	X	X	X		Yes; disciplinary board	Yes; director
CONNECTICUT	Yes	12 days per mo. and 1 day per week work credit	Yes. 10 days first five yrs. 12 days following yrs.	Yes. 1 day per 7 day week		X		X	Yes; disciplinary board or other committee	Yes; director
DELAWARE	Yes	After 7-1-80, max. of 80 days; before, 15 days a mo. plus overtime credits	No, after 7-1-80; yes before. 10	Yes. 60 days max. after 7-1-80; 5 days plus overtime before	X	X	X	X	Yes; bureau chief	Yes; bureau chief
DISTRICT OF COLUMBIA	Yes	10 days per mo.	Yes. 10	Yes. 5 days maximum (Ed. credit)	X	X	X (Institutional)	X (Educational)	Yes except educational credits; director	Yes; director, or, if appealed, Institutional Appeals Board
FLORIDA	Yes	30 days per mo.	Yes. 10	Yes. 1-20		X	X (Statutory)	X (Incentive work)	Yes; disciplinary board	Yes; director
GEORGIA	No									
HAWAII	No									
IDAHO	No									
ILLINOIS	Yes	Inmates earn day-for-day good conduct	Yes. 30	Yes. Up to 90 days per incarceration	Release date			X	Yes; director	Yes; director

Survey

GOOD TIME CREDITS FOR INMATES

SYSTEM	IMMATES RECEIVE GOOD TIME	MAX. AMOUNT THAT CAN BE RECEIVED	HAVE PROVISIONS FOR		GOOD TIME APPLIES TO		DEDUCTED FROM SENTENCE		GOOD TIME CREDITS TAKEN AWAY AFTER: BY WHOM	RESTITUTION REQUIRED BY WHOM
			STATUTORY DAYS PER MO.; HOW MANY	EARNED DAYS PER MO.; HOW MANY	PAROLE ELIGIBILITY DATE	DISCHARGE DATE	ON ENTERING PRISON	AS EARNED		
NEVADA	Yes	30 days per mo. plus 1 day per yr.	Yes. 10 days under 1985 law	Yes. 10 days per mo. plus 90 days per yr. maximum for exceptional meritorious service	X	X			Yes; director, parole board	Yes; director or parole board
NEW HAMPSHIRE	Yes	1 1/2% days per mo.	Law changed in 1982 to add 150 disciplinary days a yr. to minimum term which can be reduced 1/2% days a mo. for exemplary conduct		X	X			Yes; disciplinary board, approved by warden or superintendent	Yes; director, warden or superintendent
NEW JERSEY	Yes	\$-21 days per mo.	Yes. 6 up to 16 days after 30 yrs.	Yes. 3.5 in minimum custody	X	X	X		Yes; disciplinary board, warden or superintendent	Yes; warden or superintendent
NEW MEXICO	Yes	30 days per mo.	No.	Yes. 30	X	X		X	Yes; disciplinary board, warden, superintendent, or director	Yes; director, warden or superintendent
NEW YORK	Yes	One third of maximum sentence	Yes. 10, to one third of sentence	No.	X	X	X		Yes; disciplinary board	Yes; director, warden, superintendent, or Time Absence Committee
NORTH CAROLINA	Yes	36 days per mo. plus meritorious time	Yes. 30	Yes. 6 "gain" time plus up to 30 days for meritorious acts	X	X	X		Yes; disciplinary board	Yes; warden or superintendent
NORTH DAKOTA	Yes	10 days per mo.	Yes. 5-10	No.				X	Yes; disciplinary board	Yes; director
OHIO	Yes	20 days per mo. up to one-third of the minimum or full sentence	Yes. 15	Yes. Up to 7 days	Indeterminate sentence	Determinate sentence		X	No. awarded and vested on a month-by-month basis	No. but extra earned credit can offset loss
OKLAHOMA	Yes	44 days per mo. if crime committed after 11-1-80 137 days if before	Before 11-1-80 5 mo. per year	Yes. 44 (137 before 11-1-80)	X	X	Prior to 9/8/76	After 9/8/76	Yes; disciplinary board	Yes; director, warden, or superintendent or classification committee
OREGON	Yes	6 days per mo. since 11-1-80; 15 days before	No under sentencing guidelines 11-1-80; 10 days before	Yes. 20% of sentence under guidelines after 11-1-80; 2.5 days before	X	X	Statutory	Meritorious	Yes; disciplinary board, warden, superintendent or director	Yes; director or parole board
PENNSYLVANIA	No									Yes; director, warden or superintendent
RHODE ISLAND	Yes	12 days per mo. plus meritorious	Yes. 12	Yes (memorandum)	X	X	X		Yes; disciplinary board	Yes; director, warden or superintendent
SOUTH CAROLINA	Yes	36 days per mo.	Yes. 20	Yes. Varies up to 180 days a yr.	Earned time	Statutory and earned time		X	Yes; disciplinary board or director	No

GOOD TIME CREDITS FOR INMATES

SYSTEM	INMATES RECEIVE GOOD TIME	MAX. AMOUNT THAT CAN BE RECEIVED	HAVE PROVISIONS FOR		GOOD TIME APPLIES TO		DEDUCTED FROM SENTENCE		GOOD TIME CAN BE TAKEN AWAY AFTER GIVEN BY WHOM	GOOD TIME TAKEN AWAY CAN BE RESTORED BY WHOM
			STATUTORY DAYS PER MO.; HOW MANY	EARNED DAYS PER MO.; HOW MANY	PAROLE ELIGIBILITY DATE	DISCHARGE DATE	ON ENTERING PRISON	AS EARNED		
NEWFOUNDLAND	Yes	One-third of sentence	No	Yes. 10 of 30	X	X	X		Yes. disciplinary board, warden, superintendent or director	No, however, good time can be taken away, but partially suspended contingent on subsequent behavior by director, warden or superintendent
NORTHWEST TERRITORY	No response									
NOVA SCOTIA	No response									
ONTARIO	No response									
PRINCE EDWARD ISLAND	No response									
QUEBEC	Yes	One-third of sentence	Yes. One-third of sentence	No			X		Yes. disciplinary board, warden or superintendent or director	No
SASKATCHEWAN	Yes	15 days per mo.	No	Yes. 15	X	X	X		Yes. disciplinary board	Yes, on appeal only; director
YUKON TERRITORY	Yes	One-third of aggregate time	No	Yes. Up to one-third of aggregate time	X	X	X		Yes. disciplinary board or other committee	Yes. warden or superintendent
CORRECTIONAL SERVICE OF CANADA	Yes	15 days per mo.	No	Yes. 15	X	X	X		Yes. disciplinary board or National Parole Board	No

Coming in Compendium

- ★ Women Wardens in Men's Institutions
- ★ Survey of Probation Officers

— Salaries
— Responsibilities