

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

JOINT SUBCOMMITTEE ON INSTITUTIONS & CULTURAL EDUCATION

Call to Order: By CHAIRMAN MARJORIE FISHER, on February 3, 1995,
at 8:05 a.m.

ROLL CALL

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
Brandee Decrevel, Committee Secretary

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

Committee Business Summary:

Hearing: DEPARTMENT OF CORRECTIONS
Executive Action: DEPARTMENT OF CORRECTIONS

{Tape: 1; Side: A}

HEARING ON DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES SEX OFFENDERS TREATMENT PROGRAM

Sandy Heaton, Department of Corrections and Human Services (DCHS), Montana State Prison, gave an overview of the sex offenders treatment program at Montana State Prison (MSP). The first phase of the program is a 12 week educational phase required by law before sex offenders can ask for early release. The next phase, therapy, can last up to two years. It's a group format with therapists working with the offenders to understand what causes them to offend and how they can manage those deviant impulses so they don't reoffend. The next phase is after care if they are still in MSP, there is also a peer support group. The program focuses on helping offenders understand what causes them to act out, how to manage those impulses and how to change their beliefs. The treatment doesn't work with everyone but it is very

effective with offenders who receive complete treatment which includes follow-up after leaving prison. Life time supervision is important to provide offenders the continuing support they'll need the rest of their lives. There are currently 425 offenders in the program at MSP, which employs two counselors and an intern in the 12-week program and two counselors in the two-year program. **EXHIBIT 1**

CHAIRMAN MARGE FISHER asked for specifics of the programs functions. **Ms. Heaton** explained that the mental health community believes offenders offend because they've learned inappropriate ways of addressing their sexual and emotional needs. It is believed that offenders can learn to challenge those unhealthy beliefs and unhealthy ways of behaving. Treatment identifies offenders "red flags", the triggers to their inappropriate behaviors. Stress is a very common trigger for offenders as is anger. Identifying specific triggers takes a long time, which is why the second phase of the program lasts two years. Offenders have convinced themselves their actions are o.k., so a lot of treatment time is spent challenging that attitude. Problem solving skills are also an important emphasis in treatment. It's basically a complete overhaul of an offenders way of thinking and behaving. Complete treatment, including follow up after incarceration averages seven to nine years.

CHAIRMAN FISHER asked if the number of offenders have risen in current years. **Ms. Heaton** responded that it is not clear if the actual number of offenders have risen or if it is just that victims are coming forward more and county attorneys and police officers are giving issues such as spousal rape more credibility.

SEN. GARY AKLESTAD asked what percentage of sexual offenders in MSP volunteer for the treatment. **Ms. Heaton** answered that the twelve week program is required by law for offenders, but the two-year program is voluntary. There are approximately 100 on the waiting list for the two-year program. Some offenders come in to prison wanting treatment, others may only volunteer for it when they realize it is looked upon favorably by the parole board. The two year program doesn't guarantee parole, which the inmates are told up front, but it is looked upon favorably by the parole board.

SEN. AKLESTAD asked how many offenders who go through the program reoffend. **Ms. Heaton** said those statistics are difficult to come by, since some may be incarcerated in other states or may be offending without being caught. In 20 years at MSP, **Ms. Heaton** only knows of two offenders who have completed treatment who have reoffended. The number for reoffenders would be higher among those who did not complete treatment. Clearly the large majority of offenders who complete treatment do not reoffend.

{Tape: 1; Side: B; Approx. Counter: 270; Comments: Executive action began at this point on the tape after informal committee discussion.}

EXECUTIVE ACTION ON
DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES CORRECTIONS

Rick Day, Director, DCHS, commented that the Executive Budget for DCHS has been prioritized by DCHS and the Office of Budget and Program Planning (OBPP). As a result the proposals represent a series of intertwined budget requests designed around public safety, institutional security and increased capacity. In addition this budget supports specific legislative proposals designed to intertwine with public safety.

Lisa Smith, Legislative Fiscal Analyst (LFA), said this budget centers around the growing population in the corrections division. The corrections division average daily population (ADP) increased about 14% between FY90 and FY94 and it's projected to increase about 30% between FY94 and FY97. In response to the increase in population the Executive increased the corrections division budget 34% over the FY94 base for FY96 and 40% over the base for FY97. This increase includes present law adjustments of over \$3.6 million in FY96 and over \$4.1 million in FY97. New proposals are over \$7.5 million in FY96 and over \$9 million in FY97. The requests in this budget are similar to what the Executive has requested over the past 10 years. There is an additional component with the recommendation for hard cell space in the regional jail proposal. Legislation currently under consideration may further increase the corrections population with "two strikes you're out" and "truth in sentencing."

DCHS and the Executive propose to handle the increased population by expanding community services, increasing treatment programs and increasing jail capacity.

CHAIRMAN FISHER asked if the regional prison is going to be timely and adequate for the increased population. **Mr. Day** answered that the regional prison in Cascade County is scheduled for completion in the spring of 1997. If a wholly state owned prison pod were to begin at this time it would be three to five years, which is standard time for construction projects with the state. This two year turn around is about as timely as can be gotten.

SEN. MIGNON WATERMAN asked if DCHS is planning for or considering the need for a geriatrics unit for prisoners. By 1997 there will be more than 100 prisoners over the age of 65. The medical costs of caring for those people in a prison are much higher than in state nursing homes. In some states there is a system of paroling geriatric prisoners to nursing homes so the prisoners are still part of the correctional system but become eligible for Medicaid. **Mr. Day** said that just being over 65 doesn't necessarily mean a prisoner needs nursing home care, so the size of the population that would need nursing home care is questionable. The population is aging, which must be taken into

consideration, but at this point there is no significant foreseeable need for a nursing home facility.

CHAIRMAN FISHER asked how many prisoners currently are getting to a point where they will need nursing home care. **Mike Mahoney, Bureau Warden, MSP**, said one perspective is this is not an issue that needs to be planned for since it is already being addressed on a daily basis. Some elderly prisoners have received medical paroles to nursing homes, while other elderly prisoners are too much a threat to public safety to be paroled. The geriatric issue is being discussed on a national level and it is a valid concern.

CHAIRMAN FISHER asked how well the chemical dependency programs work since approximately 85% of the prison population have chemical dependency issues.

{Tape: 2; Side: A}

Mr. Day answered that the chemical dependency program hasn't been as effective as it should be, in part because the entire system was not coordinated. DCHS has now worked out a program which is consistent from prison to community treatment programs.

SEN. AKLESTAD asked what the per day cost of incarceration at MSP is. **Mr. Day** answered the general fund cost is about \$38 a day, while the total daily cost is about \$60. **SEN. AKLESTAD** asked what would be the cost for a simple lock up center, with no treatment, industries, recreation, etc. **Mr. Mahoney** said that type of system would dramatically increase security needs at MSP. There would be more assaults from prisoners with nothing to keep them occupied. As a guess it would probably increase the per day costs by 1/3. **Mr. Day** concurred that treatment and vocational training reduces the costs of security.

CHAIRMAN FISHER asked if the additional block grant monies for chemical dependency that were awarded last week will be spent both in the prisons and in the community programs. **Mr. Day** answered that this grant is only for community programs. There is a need for more funding in the prison program because the waiting list for chemical dependency programs have slowed down paroles.

REP. STEVE VICK asked what changes are being made in the chemical dependency program in the prison. **Mr. Mahoney** explained that the Governor's Advisory Council on Chemical Dependency has worked through the last 18 months to address needed changes. The package put together intertwines the prison and community programs. In terms of sheer numbers there aren't enough staff to address the chemical dependency problems at the institution level. Another problem is once prisoners were released in the community there was not uniformity in the treatment programs. An eight phase program has been designed to carry the offender from the institution through the community programs. This will equate

directly to tax dollars because more people will go through the treatment. It is important to look at the community funding and the institution funding separately. People out on parole getting community services are not impacting the services given to the prison population. The parole board is confident that parole numbers will increase significantly if an institutionalized person was in a chemical dependency program and upon release would have community programs including urinalysis testing. Currently the parole board is being asked to grant parole to someone on a waiting list who hasn't had treatment.

{Tape: 2; Side: A; Approx. Counter: 800}

BASE BUDGET

Motion/Vote: SEN. AKLESTAD moved to accept the base budget for the Department of Corrections and Human Services Corrections division. **Motion carried unanimously.**

Ms. Smith distributed a list of questions to be considered about the DCHS budget. **EXHIBIT 2**

PRESENT LAW ADJUSTMENTS

BUDGET ITEM: Personal Services; Inflation/Deflation; Fixed Costs

Motion/Vote: REP. RED MENAHAN moved to accept \$1,302,088 in FY96 and \$1,426,195 in FY97 for personal services with the wording that the money be made available if the positions are upgraded and if not be returned to the general fund; \$317,112 for FY96 and \$560,000 for FY97 for inflation/deflation; and (\$1,901) each year of the biennium for fixed costs. **Motion carried unanimously.**

{Tape: 2; Side: B}

BUDGET ITEM: Medical Contract

SEN. AKLESTAD asked how DCHS was operating its medical services before the contract with Blue Cross/Blue Shield of Montana. Mr. Mahoney answered that the operation of medical services hasn't changed, with an inside infirmary and an outside medical budget which includes the Blue Cross/Blue Shield contract. This present law adjustment reflects the increase in outside costs due to the increased ADP of MSP. Basic services are provided in the infirmary, but more complicated issues, such as appendectomies, heart attacks, etc. are handled outside the infirmary. This increase is based on the increase in prison population and inflation rates for medical costs. Because of the intent in the last session to reduce the MSP population to 850, the medical budget was severely cut for that biennium. The population reduction hasn't happened and outside medical costs have increased. This budget request is an increase of approximately \$200,000 each year from the 1994 base budget.

CHAIRMAN FISHER asked if inmates medical costs are paid once they leave MSP for community programs. **Mr. Mahoney** said they are covered.

{This action was taken on Tape 3; Side A; Approx. Counter: 300}

Motion: REP. RED MENAHAN moved to accept \$412,679 for FY96 and \$625,412 for FY97 for medical contract with any unused portion reverting to general fund.

Substitute Motion/Vote: SEN. AKLESTAD moved to accept \$250,000 in FY96 and \$400,000 in FY97 for medical contract. **Motion carried 4-2 with REP. MENAHAN and SEN. WATERMAN voting no.**

BUDGET ITEM: Pre-Release Contract; WCC Additional Costs; Weed Control; MSP Canteen Sales; Equipment; Other

SEN. AKLESTAD commented that it appears it will cost more to privatize pre-release centers than to continue with state operation. **Bill Furois, Administrator, Management Services Division, DCHS**, said the pre-release privatization cost is the funding needed to bring the current level number of beds to full capacity and provide 1.5% rate increases each fiscal year. Men's full capacity is 207, women's is 44. 190 male beds were occupied in 1994. There are four separate non-profit organizations providing these services.

Ms. Smith reported that laundry services are no longer included in the women's correctional center (WCC) additional costs. **SEN. AKLESTAD** asked how the laundry services are currently being provided. **Mr. Furois** said there are laundry facilities on site at WCC but there needs to be budget for soap and other supplies.

SEN. AKLESTAD said he is concerned with proposals such as the WCC move which don't present accurate costs before the move. **Mr. Day** responded that regardless of whether WCC had moved or not there were issues raised by the American Civil Liberties Union (ACLU) would have had to be addressed and would have cost. The move that has taken place is to a much smaller facility than was originally planned and authorized by the 1991 legislature. The decision was made by law to move WCC and there are services that must be contracted to supply the women inmates in a very similar manner to men inmates.

SEN. WATERMAN asked if a grant for chemical dependency counselors in WCC has ended. **Mr. Day** said the grant has ended and currently a counselor is contracted on a temporary basis.

{Tape: 3; Side: A}

REP. VICK asked what where the major equipment purchases and leases proposed. **Mr. Furois** answered items include food service equipment in the prisons; a freezer; computers and software;

dictaphone equipment; replacement of vehicles that are old. Swan River has food service items; chain saws; older vehicle replacements; and, vans for prisoner transports. WCC is asking for vans and sedans. The ranch needs dairy processing equipment and a tractor. These adjustments have been broken down by operation and fund types. For instance the ranch items are from the proprietary funds of the ranch profits.

REP. VICK asked how the distinction between equipment replacement in present law adjustment and new equipment in new proposals are made. **Ms. Smith** answered that the Office of Budget and Program Planning (OBPP) and the LFA worked together to determine which items fall under present law. The other items are either in new proposals or were turned down as a proposal by OBPP.

SEN. AKLESTAD asked what the normal equipment budget is and why there is a decrease in FY97. **Ms. Smith** answered that for the 1995 biennium the budget was \$1.2 million. Present law adjustments are the difference between what is in the Executive proposal and what is in the FY94 base.

Motion/Vote: **REP. VICK** moved to accept \$810,837 in FY96 and \$887,172 in FY97 for pre-release contract; \$306,700 each year of the biennium for WCC additional costs; \$57,095 for each year of the biennium for weed control; \$103,558 each year of the biennium for MSP canteen sales; \$190,926 in FY96 and (\$763) for FY97 in equipment; and \$145,915 in FY96 and \$205,459 for FY97 in other. **Motion carried 5-1 with REP. MENAHAN voting no.**

{End Tape 3; Side A and continue on Tape 3; Side B}

NEW PROPOSALS

BUDGET ITEM: Prison Laundry Equipment; MSP-Laundry; Industries High Side Laundry

SEN. AKLESTAD asked what is the net FTE change for the laundry. **Ms. Smith** answered there is a net reduction of 5 FTE in FY96 and 10 FTE in FY97.

SEN. AKLESTAD asked why the \$257,000 contract expenditure each year from MSP to pay for laundry is also shown as an expenditure for the laundry. **Dan Chelini, Business Manager, MSP**, explained that this apparent double expenditure is an accounting requirement under generally accepted accounting principles (GAAP). Since the MSP industries component, which includes the laundry, is self-supporting, it is accounted separately from the general MSP operation. Under GAAP standards MSP must show the \$257,000 expenditure for laundry services and the industries side must show both \$257,000 revenue from MSP as well as \$257,000 expenses to perform the laundry service. This proposal will reduce laundry FTE for a total cost reduction in DCHS budget.

Motion/Vote: SEN. AKLESTAD moved to accept \$80,745 in FY96 for prison laundry equipment; \$257,150 each year of the biennium for MSP/laundry; 8 FTE and \$446,028 in FY96 and 8 FTE and \$521,028 in FY97 for industries high side laundry. Motion carried 5-1 with REP. MENAHAN voting no.

BUDGET ITEM: Women's Correctional System

Motion/Vote: SEN. WATERMAN moved to accept 4 FTE and \$191,898 in FY96 and 4 FTE and \$192,333 in FY97 for women's correctional system. Motion failed 2-4 with CHAIRMAN FISHER and SEN. WATERMAN voting yes.

BUDGET ITEM: MSP/Relief Factor for CO's

SEN. AKLESTAD asked why there are no more posts for FY96/97 than were budgeted in FY94/95. Mr. Day answered there are actually less posts than FY94/95 because a commitment was made to the legislature in the last biennium to evaluate the staffing patterns and determine the minimum number of posts that could function. Then the staffing numbers for each of those posts was calculated to keep it staffed 24 hours a day. This request for 19 FTE is the mathematical factoring that follows from this review. This proposal keeps each post manned 24 hours a day. There are those within the organization that think these are too few posts.

Motion/Vote: REP. MENAHAN moved to accept 19 FTE and \$503,142 in FY96 and 19 FTE and \$504,875 in FY97 for MSP/relief factor for co's. Motion carried unanimously.

BUDGET ITEM: Community Program Enhancements

Motion/Vote: REP. MENAHAN moved to accept 11 FTE and \$1,122,726 in FY96 and 11 FTE and \$937,252 in FY97 for community program enhancements. Motion failed 3-3.

BUDGET ITEM: Community Programs

Motion: REP. VICK moved to accept 17 FTE and \$2,680,488 in FY96 and 17 FTE and \$2,816,351 in FY97 for community programs.

Discussion: REP. VICK asked how soon the 163 pre-release beds would be added to the system. Mr. Chelini said it is anticipated that 25 beds will be added in September 1995 and the Missoula and Great Falls facilities will add beds after that.

Ms. Smith said when DCHS calculated the 163 beds they did take into consideration the phase-in time.

Vote: Motion carried unanimously.

BUDGET ITEM: MSP Infirmary

Motion: REP. MENAHAN moved to accept 7 FTE and \$196,816 in FY96 and 7 FTE and \$197,500 in FY97 for MSP infirmary.

Discussion: REP. MENAHAN commented that the ACLU has brought a law suit against MSP because of inadequate infirmary services.

SEN. AKLESTAD said it is unfortunate that taxpayers who may not be able to afford dental visits are paying for inmates to have these expanded services.

Vote: Motion carried 5-1 with SEN. AKLESTAD voting no.

BUDGET ITEM: Expand Swan River Boot Camp; Swan River Boot Transition

Ms. Smith said there will not be the creation of a female program as indicated in the budget narrative.

The subcommittee deferred action until the Governor's investigation into the boot camp is completed.

{Tape: 4; Side: A}

BUDGET ITEM: Regional Prisons/County Jails

SEN. WATERMAN asked if this budget includes all the medical costs and other costs beyond the per day cost. Mr. Day answered this budget figures in all incidentals necessary for inmates at the regional prisons.

Based on new calculations presented by DCHS, CHAIRMAN FISHER announced that the budget request is for \$553,000 in FY97. The original request of \$810,000 in FY97 is too high because there will not be as many beds available in 1997 as originally projected.

Mr. Day said this budget would provide 76 beds for three months at the Cascade County prison.

SEN. WATERMAN expressed concern that with the projections for increased prison population even getting the regional prison beds in 1997 may be too late, particularly since the process has slowed down from the initial proposal. Mr. Day responded that the plans for the Cascade County facility have not been slowed at all. The proposal has been reduced because bond approval from the other communities have not come on line yet.

Motion/Vote: SEN. AKLESTAD moved to accept \$553,280 in FY97 for regional prisons/county jails contingent on passage of HB 304. Motion carried 5-1 with REP. MENAHAN voting no.

BUDGET ITEM: Additional Industry Authority

Motion: SEN. WATERMAN moved to accept 6 FTE and \$1,225,073 in FY96 and 6 FTE and \$1,940,202 in FY97 for additional industry authority.

Discussion: REP. VICK asked how many additional inmates will be employed in industries in this program. Mr. Chelini answered it's difficult to say since some of it is associated with the Toyota program and others will have to be determined relative to the need for security with the high security inmates.

REP. VICK said he was not ready to vote until solid numbers of inmates working had been provided.

Motion Withdrawn: SEN. WATERMAN withdrew the motion until the requested information is provided.

BUDGET ITEM: Corrections/New Equipment

Motion/Vote: REP. MENAHAN moved to accept \$449,476 for FY96 and \$142,600 for FY97 for corrections/new equipment. Motion carried 4-2 with SEN. AKLESTAD and SEN. TVEIT voting no.

BUDGET ITEM: Replace Crane/Truck/Tractors

Motion/Vote: REP. MENAHAN moved to accept \$110,000 in FY96 and \$205,000 in FY97 to replace crane/truck/tractors. Motion carried unanimously.

BUDGET ITEM: Additional Sexual Offender Treatment

Motion/Vote: SEN. WATERMAN moved to accept \$41,600 each year of the biennium for additional sexual offender treatment. Motion carried 4-2 with SEN. AKLESTAD and REP. VICK voting no.

BUDGET ITEM: Program 20 Vehicle Lease

The subcommittee deferred action to consider all vehicle lease proposals together.

BUDGET ITEM: CD Services - Corrections

Motion/Vote: SEN. WATERMAN moved to accept 6 FTE and \$253,318 for FY96 and 6 FTE and \$196,102 in FY97 for CD services - corrections. Motion failed 2-4 with REP. MENAHAN and SEN. WATERMAN voting yes.

BUDGET ITEM: Corrections Div. Institution Group

Motion/Vote: REP. MENAHAN moved to accept 2 FTE and \$362,976 in FY96 and 2 FTE and \$370,611 in FY97 for corrections div. institution group. Motion carried 5-1 with SEN. TVEIT voting no.

BUDGET ITEM: Personal Services Reduction

Motion/Vote: REP. VICK moved to accept (18.5) FTE and (\$625,425) in FY96 and (18.5) FTE and (\$627,568) in FY97 for personal services reductions. Motion carried unanimously.

BUDGET ITEM: Toyota Tech Education

Motion: REP. MENAHAN moved to accept 1 FTE and \$68,636 in both years of the biennium for Toyota tech education.

Discussion: SEN. AKLESTAD asked where the funds for this program come from. Ms. Smith answered they are proprietary funds and will come directly from Toyota. It's proprietary instead of state special fund because Toyota is paying MSP for what they provide.

Vote: Motion carried unanimously.

Mary LaFond, OBPP explained that DCHS has requested an additional 15.5 FTE for security officers, a psychiatrist and an accounting technician. OBPP recommends 13 FTE be added to the area of security at MSP. OBPP does not support the additional FTE for the psychiatrist and accounting technician.

Motion: REP. MENAHAN moved to accept 13 FTE for the security staff at MSP.

Discussion: SEN. AKLESTAD commented that this would be an additional 13 on top of the 19 FTE just added. REP. MENAHAN responded that it is still a reduction of 10 FTE from two years ago.

SEN. WATERMAN asked if there is a psychiatrist on staff now and what will MSP do if this isn't funded. Mr. Day said currently MSP is accessing psychiatric services through the Mental Health Division. If proposed legislation to split the Corrections department out as a stand-alone state agency is successful, this

sharing will no longer be possible. At that point the corrections system would very possibly run into a legal challenge through the ACLU.

Vote: The motion failed 2-4 with REP. MENAHAN and SEN. WATERMAN voting yes.

ADJOURNMENT

Adjournment: 11:30 a.m.

Notes Recd 6/95

Mar 97

MARJORIE I. FISHER, Chairman

Paula Clawson

PAULA CLAWSON, Recording Secretary

Note: These minutes were proofed by Lisa Smith, LFA.

MIF/pc

INSTITUTIONS

Joint Appropriations Subcommittee

ROLL CALL

DATE FEB 3. 95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Marj Fisher, Chairman	✓		
Rep. Red Menahan	✓		
Rep. Steve Vick	✓		
Sen. Larry Tveit, Vice Chairman	✓		
Sen. Gary Aklestad	✓		
Sen. Mignon Waterman	✓		

EXHIBIT 1
DATE 2-3-95
HB 2

2.3.95
Hannover

MONTANA SEX OFFENDER TREATMENT ASSOCIATION

512 Logan St.
Helena, MT 59601

STANDARDS OF CARE FOR THE TREATMENT OF ADULT AND ADOLESCENT SEX OFFENDERS

I. INTRODUCTION

The Montana Sex Offender Treatment Association (MSOTA) is a group comprised of both associate members who do not directly treat or evaluate sex offenders, and clinical members who agree to adhere to criteria consistent with nationally developed minimal standards for the evaluation and treatment of sex offenders. The standards for these specialized services attempt to insure quality care for the people who have committed a sexual offense, while also safeguarding our communities against further offenses by these individuals. The following document contains (1) the minimal qualifications necessary to obtain clinical membership, (2) statements of treatment guidelines and treatment goals, and (3) a statement of the underlying principles of sex offender treatment.

II. CLINICAL QUALIFICATIONS

Clinical members capable of performing evaluations and therapy for sex offenders must meet the following criteria for training, experience, and ethical responsibility:

1. received formal, documentable education in the area of human sexuality and development;
2. received 50 hours of specialized, documentable training in each of the specific areas they wish to pursue (i.e., evaluation and/or treatment) from three or more recognized programs or providers specializing in working with sex offenders;
3. received at least 10 (ten) hours of documentable annual continuing education in sex offender therapy and evaluation, with at least 2 (two) of these hours related to normal human sexuality and development;
4. have one of the following combinations of experience and university degree:
 - a. relevant Bachelors's Degree and 4000 hours of specific sex offender treatment experience;

- b. relevant Master's, Doctoral, or Medical Degree, with appropriate licensing, and 2000 hours of specific sex offender treatment experience;
5. obtained the above mentioned hours of specific sex offender treatment experience while receiving at least monthly case supervision/consultation from a therapist who has specialized in the treatment and evaluation of sex offenders in accordance with MSOTA standards or similar national standards;
6. have full or clinical membership in at least one relevant state or national organization for which they are qualified, and which has ethics of practice to which they adhere;
7. accept and adhere to established MSOTA evaluation, treatment, and ethical standards, and are amenable to peer review and presenting their program to MSOTA's clinical membership.

III. TREATMENT GUIDELINES

Adherence to the following minimal standards provides a comprehensive course of treatment, which assists sex offenders in developing an adequate degree of self-control, while also assuring an adequate degree of protection for our communities:

1. Treatment draws on a combination of skills and techniques from cognitive, behavioral, physiological, and psychodynamic therapies.
2. The ongoing use of group therapy is accepted as an essential component of effective treatment. Group therapy is the primary vehicle for the provision of treatment services.
3. Treatment should include but is not limited to cognitive restructuring, counterconditioning procedures, victim empathy enhancement, relapse prevention, and skills training (e.g., parenting, assertiveness and communication, problem solving, stress management, anger management and conflict resolution).
4. The primary and specific focus of counseling is on compulsive, deviant, and illegal sexual attitudes, behaviors, and cycles - compulsions which erode values and inhibitions.
5. Treatment may require offenders to give up some activities, and submit to external controls and limits

which are not restricted to sexual behavior, with compliance being periodically monitored throughout treatment.

6. Unless clinically contraindicated, polygraph examinations are required and plethysmograph examinations are recommended to assess and periodically monitor treatment progress and behavioral risk.
7. Sex offender treatment involves a team approach with limited confidentiality and an emphasis on community safety.
8. Each program has specific written suspension and termination rules that are appropriate consequences for behaviors which violate community safety or the therapy contract. Services will not be withdrawn in a precipitous manner, and the program will take care to minimize possible adverse effects on the offender and the community. Programs shall notify offenders promptly when termination or suspension of services is forthcoming, and provide for transfer, referral, or continuation of services consistent with an offender's needs and preferences, when appropriate.
9. Treatment will not be terminated solely on the basis of the offender's failure to pay for services, without remedial action first being undertaken. If offenders demonstrate consistent unwillingness to attempt to correct the situation through such means as following through with verifiable job searches and accepting appropriate employment, then they may be terminated from treatment. As in all cases of termination, the reason for termination will be clearly stated by the treatment program to the supervising legal authorities.
10. For the offenders' spouses/significant others, each program provides or insures participation in a relevant and competent treatment component, which may be couples group, non-offending spouses group, etc. The focus of treatment for spouses/significant others relates to enhancing their ability to support the offender in recovery, recognizing that support, education, skills training, and possible confrontation relative to issues such as codependency will be required.
11. When appropriate, each program provides or insures participation in family therapy.
12. Regular summary reports and prompt incident reports are submitted to the judicial monitoring system when required.

IV. TREATMENT GOALS

The goals of treatment are for the offender to:

1. Stop all sexually abusive behavior.
2. Accept full responsibility for all offenses.
3. Use specific behavioral management techniques for self-control.
4. Use cognitive restructuring techniques to correct dysfunctional thought processes.
5. Develop empathy skills and address his/her own victimization.
6. Develop and maintain appropriate social skills.
7. Recognize and intervene in relapse patterns.
8. Receive follow-up treatment for relapse prevention.
9. Experience improved quality of life.

V. PRINCIPLES

The following principles are deemed to be both relevant and necessary for effective treatment and the provision of community safety:

1. Sex offender treatment is an elective process.
2. Sex offender treatment is not offered to individuals who do not have an established paraphilia or have not committed a sexual offense.
3. Sex offender treatment is not justified simply because an individual requests it. An extensive professional evaluation documenting a psychosexual disorder is necessary in all cases (see MSOTA Evaluation Standards).
4. Evaluation and treatment requires specialized skills beyond those associated with normal clinical or medical training.
5. An offender with documented hormonal or biochemical abnormality should first be treated for such medical condition before or as therapy begins.

6. Offenders having diagnoses of chemical dependency, mental retardation, organic impairment, and/or psychosis must first be managed with appropriate procedures before being accepted into sex offender therapy.
7. Offenders who present with clinically severe mood disorders should be referred for medication, the ideal treatment plan being one in which therapy and medication are concurrent. Therapists referring offenders for consideration of these therapies, and physicians prescribing mood altering medications or hormonal therapies, should do so within the provisions of the International Standards for the Treatment of Sex Offenders.
8. Sex offenders require follow-up as an inherent part of their full treatment program.
9. It is unethical to take advantage of an offender's predicament and require excessive fees far above the normal fees charged for similar services.
10. Each program is required to conduct treatment outcome evaluations, and present this information in a scientific format to MSOTA for statistical compilations.

Institutions and Public Safety Subcommittee
Department of Corrections and Human Services
Corrections Program

EXHIBIT 2
DATE 2-3-95
HB 2

Questions

1. Page D-125, Present Law #6 - WCC Additional Costs includes \$5,000 per year for laundry services. During testimony the department indicated the inmates would do their own laundry.
 - a) Why are they requesting \$5,000 if the inmates will do their own laundry?
2. Page D-125, Present Law #1 - Personal Services Adjustment - The executive provides \$486,581 each year for potential upgrades of correction officer positions.
 - a) Does the subcommittee wish to fund this request?
 - b) Does the subcommittee wish to include language making this funding contingent upon Department of Administration's approval of the upgrades?
3. Page D-125, Present Law #5 - Pre-Release Contracts
 - a) Does the same non-profit corporation own all of the pre-release centers the department contracts with?
 - b) In the request for 163 additional pre-release beds, 33 will be in Missoula, 10 in Great Falls, where will the 120 be located? Will the existing non-profit corporations expand current facilities or obtain new facilities?
4. Page D-130, Swan River Expansion #8 & #10 - Why is there a separate request for pre-release beds in a transition program? Can't the Swan River graduates go through the regular transition program and be included in the 163 bed request?
5. Page D-131, Regional Jails #9 - Does the subcommittee wish to approve this proposal contingent on approval of the bonding by the Long Range Building subcommittee? Does the subcommittee wish to restrict the use of these funds for the intended purpose only (contracting with regional jails for room and board)?

Medical and legal costs in regional jail proposal - Department indicated the general fund cost per day at MSP is the maximum amount they will pay for the regional jail inmate. Who pays for the legal and medical costs? Are they included in the \$40/day figure?
6. Page D-132, Additional Sex Offender Treatment #14 - Describe the current treatment program at MSP. How many FTE are there? How does this request integrate with HB 93 and the sex offender treatment request in the mental health program (#3 on D-140)?
7. Page D-132, Program 20 Vehicle Lease #15 - Does the subcommittee want to approve all vehicle lease proposals in the department contingent on: 1) approval of the initiative by the General Government and Transportation Subcommittee; and 2) continued existence of the state motor pool?

If the subcommittee approves all vehicle lease proposals in the department, please direct the LFA and the OBPP staff to make the necessary adjustments in present law and new proposals to eliminate funding for the purchase of these vehicles.

8. *Page D-132, CD Services #16 - How many FTE currently provide CD services at MSP? Briefly describe the program.*
9. *Page D-132, Correctional Division Institution Group #17 - Includes \$300,000 per year for training. Does the subcommittee wish to restrict the use of these funds? If so, should they be restricted to "Correctional Officer" training or "Correctional Division Staff" training?*

STATE EMPLOYEE CLASSIFICATION,
COMPENSATION, AND BENEFITS

2-18-312

2-18-306. Determination of weekly or hourly pay rate. When the monthly or annual salary rate payable to an officer or employee of the state has been set by law or otherwise, notwithstanding any other provision of law, the weekly or hourly rate of pay shall be determined by dividing the annual salary by 52 weeks or 2,080 hours.

History: En. Sec. 9, Ch. 95, L. 1969; R.C.M. 1947, 25-507.9.

2-18-307. Repealed. Sec. 17, Ch. 678, L. 1979.

History: En. 59-921 by Sec. 7, Ch. 563, L. 1977; R.C.M. 1947, 59-921.

2-18-308 through 2-18-310 reserved.

2-18-311. Repealed. Sec. 11, Ch. 661, L. 1987.

History: En. 59-917 by Sec. 3, Ch. 563, L. 1977; R.C.M. 1947, 59-917; amd. Sec. 7, Ch. 678, L. 1979; amd. Sec. 5, Ch. 421, L. 1981; amd. Sec. 1, Ch. 710, L. 1983; amd. Sec. 3, Ch. 740, L. 1985.

2-18-312. Statewide pay schedules for fiscal years ~~1994~~ and 1995.

(1) The statewide classification pay schedule for fiscal year 1994 is as follows:

Annual Hours — 2080
Pay Matrix — State

Note: Does Not Include Insurance
Matrix Type — Annual

Pay Range: Entry Salary to Market Salary

GRADE	ENTRY SALARY	MARKET SALARY
1	8,679	10,210
2	9,349	11,025
3	10,070	11,903
4	10,852	12,858
5	11,727	13,927
6	12,672	15,086
7	13,688	16,334
8	14,836	17,747
9	16,064 7.72	19,262 9.26
10	17,424 8.38	20,942 10.07
11	18,904 9.09	22,775 10.95
12	20,545 9.88	24,812 11.93
13	22,325	27,027
14	24,295	29,485
15	26,465	32,196
16	28,885	35,226
17	31,585	38,613
18	34,562	42,355
19	37,897	46,557
20	41,618	51,254
21	45,754	56,487
22	50,373	62,343
23	55,584	68,963
24	61,434	76,410
25	67,907	84,673

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