

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

JOINT SUBCOMMITTEE ON INSTITUTIONS & CULTURAL EDUCATION

Call to Order: By **CHAIRMAN MARJORIE I. FISHER**, on January 31, 1995, at 8:00 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: None

{Tape: 1; Side: A}

HEARING ON DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES DIVISION OF CORRECTIONS

Rick Day, Director, Department of Corrections and Human Services (DCHS), presented the Montana Correctional Division budget. Both the 1991 and 1993 legislative sessions considered and gave preliminary approval for hard cell prison projects, but the construction has been postponed. In response to an emergency budget situation and in cooperation with DCHS the 1993 legislature reduced the corrections budget proposals about \$17 million. DCHS was directed to try to reduce the Montana State Prison population back to its funded capacity of 850 inmates. At this point MSP population is higher than 1993, at about 1306. The emergency capacity of MSP is 1344; when MSP reaches that capacity DCHS will be forced to stop further admissions. In this

biennium DCHS in conjunction with labor organizations has reviewed positions and staffing, specifically in regard to MSP, to come to an agreement about the number of staff needed to operate the prison. Part of these proposals request decisions on the number of posts needed at MSP along with the relief coverage. In agreement with the recommendations of the 1993 legislature DCHS has reviewed and revised the medical management program for the entire corrections division. In an emphasis towards community directives MSP worked very hard to insure there were only those that had to be in the system as required by a judge. DCHS works hard to offer alternatives, but in the end the judge and policy set by the legislature is the deciding factor in MSP placement. Despite the prison population situations DCHS has not requested a supplemental this biennium.

In **EXHIBIT 1** DCHS has portrayed activities of the legislature as it effects prison populations. "Decrease" means bills or laws that have a negative impact on the population, such as the special "good time" provisions. "Increase" is bills that increase population such as fourth offense DUI being a felony. The decisions to expand hard cell capacity can no longer be postponed. There is increasing population at the community level which requires expanded community supervision and pre-release programs. It takes three to five years to complete hard cell building at the state level, so for the next two years at least there will be no increased hard cell capacity. The regional jail proposals if approved will add hard cell capacity more quickly. The correctional system must set realistic staffing goals, it cannot be expected that the prisons will continue to operate in a safe environment with lower staffing levels. Staff increases come with a significant price tag - \$9 million in FY96 and \$10 million in FY97.

The executive budget challenges the legislature to try new approaches and changes. The regional prison proposal is an extremely cooperative effort between the counties and the state, a trusting effort, which is new in government. Other changes include lifetime registration and supervision of sex offenders, and an extensive reform in sentencing that will influence the correctional population over the years as well as the respect the public holds for the criminal justice system.

EXHIBIT 2 depicts how offenders are served in the correctional system. Of the 6,837 offenders, 5,183 are in probation/parole programs. This is why the Executive proposals show significant increases in the probation/parole staff. Increased staff means smaller caseloads with a better ability to monitor and supervise offenders. Probation/parole is the most productive and least costly of the correctional system programs.

EXHIBIT 3 answers the questions of how offenders will be divided across the corrections programs in the next biennium. If DCHS is unable to keep capacity in the community, money can be shifted back to the prison. This flexibility is extremely important for

responding to fluctuating population and sentencing. The women's facility is also overpopulated - overpopulation is a trend across the country. Essentially the community system will be relied on to absorb the impacts over the next two years until hard cell expansion is available in 1997.

{Tape: 1; Side: A; Approx. Counter: 640}

Doug Barnes, Pre-Release Unit Manager, Corrections Division, DCHS, showed a video which describes the various components of the correctional system.

{Tape: 1; Side: A; Approx. Counter: 659}

Major Leonard Mihelish, Director of Security, Montana State Prison, presented the Montana State Prison Honor Guard.

SEN. LARRY TVEIT asked what are the duties and functions of the honor guard and how does a correctional officer become an honor guard. **Major Mihelish** said duties are broad, ranging from transporting inmates to locking down inmates to feeding inmates. Essentially the job is security of the inmates. There are 190 correctional officers at MSP. The honor guard is a voluntary organization which stresses a professional atmosphere at MSP. It represents MSP to the public, takes part in memorial services, etc. The criteria is the willingness to volunteer the time and a military background is preferred. Currently all honor guard members have some military service.

{Tape: 1; Side: B}

Mr. Day said MSP has developed over the years at the professional level and the honor guard is one way to relay that professional image to the public.

SEN. MIGNON WATERMAN asked why there are 836 offenders out of state. **Mr. Day** explained there's a compact agreement with other states that allows those on probation/parole to go to other state to find employment or live with family members. Montana is actually sending more of its prisoners out of state than is receiving other states prisoners.

SEN. WATERMAN asked what proportion of the MSP population is Native American. **Mr. Day** responded about 20%.

{Tape: 1; Side: B; Approx. Counter: 110}

Myron Beeson and Mike Mahoney, Bureau Wardens, Montana State Prison, provided information about the budget request of MSP.
EXHIBIT 4

{Tape: 1; Side: B; Approx. Counter: 878 and continue on Tape 2, Side A}

Tom Burgess, Staff Director, Montana Federation of State Employees, gave a presentation in support of the DCHS budget.
EXHIBIT 5

REP. RED MENAHAN asked if DCHS is currently requesting the minimum staffing, what is the optimum staffing. **Mr. Burgess** answered the original request had been for 39 officers which has been cut to the minimum of 19 officers.

SEN. WATERMAN asked if personal services reductions are going to affect these proposed new FTE. **Mr. Burgess** answered that he didn't know personal services reductions details, but it is very important to be sure the relief staff are included in staffing adjustments. Relief staff right now is below what it should be, and it is necessary to have relief staff to cover vacations, military leave, sick days, etc. The relief factor is currently 1.504 employees and 1.65 employees.

Mr. Day explained that correctional officers by post order can't leave their post until relieved. If someone calls in sick and there's no relief staff, an officer may be on the job 16 hours or even 24 hours. Along with the factor that staff members working double shifts are less attentive, there's also the economic factor of paying overtime.

Lisa Smith, Legislative Fiscal Analyst (LFA) explained that the personal services reduction which eliminates 18.5 FTE results from privatizing the pre-release centers. This does not reduce staff at the prison. The vacancy savings is to the entire corrections program, which includes Swan River, Women's Correctional, etc.

SEN. WATERMAN asked if there is enough with the .65 vacancy savings rate for the whole agency to have salary increase.

Mr. Day answered the vacancy savings is calculated at 1.5% of non-direct care FTE in the corrections division which would not effect the direct services staff.

Mary LaFond, Office of Budget and Program Planning (OBPP), said an agreement was made with DCHS that certain general fund positions would be cut through the move into privatization.

SEN. AKLESTAD asked what portion of the MSP staff is still required to have military leave and are they on the payroll for this leave. **Mr. Day** answered by state statute employees in the military get 15 days off paid per year. After they have used the 15 days they can request leave without pay which by statute has to be given. Normally that position is replaced with someone on overtime. About 25 correctional officers are still active in the military.

SEN. AKLESTAD asked what the current ratio of overtime is compared to the past. **Dan Chelini, Business Manager, MSP**, answered currently overtime is at about \$500,000 compared to

\$300,000 to \$400,000 in past years. There isn't a real explanation as to why the recent spike in overtime.

SEN. AKLESTAD commented that eight to ten years back there had been some concern, although no direct proof, that some guards were purposely abusing the overtime system. **Mr. Chelini** responded that an effort is made to spread overtime out among all the employees. **Mr. Mahoney** said there are offsetting factors either way with the issue of overtime abuse. There is a perception that salaries are too low, so some officers might be tempted to abuse overtime. There is also the high stress level from the increasing work load, so many officers are very reluctant to work overtime.

Mr. Burgess said the union does not protect employees who are abusing the overtime system, or any other proven infraction against policy. Starting wage for a correctional officer is \$7.80 (grade 9), after one year they go to grade 10 at \$8.20 hour. Hopefully by this July the rate will rise to a grade 11 at \$10.08 per hour which is approximately \$22,000 a year. Some employees do sign up for voluntary overtime, but most of the correctional officers would just as well not work overtime.

{Tape: 2; Side: A; Approx. Counter: 631; Continue on Tape 2, Side B}

Sally Johnson, Deputy Director, DCHS, described the Women's Correctional Center (WCC). The WCC building at Deer Lodge was condemned and the 1991 legislative session approved the process of finding a new center. The Rivendell psychiatric hospital in Billings was approved by the 1993 legislature for \$4.3 million purchase price. The renovations needed to make the Rivendell completely adequate for the correctional center will cost \$900,000 and construction will begin in the next few weeks. The new center was occupied in September 1994. In April 1994 the life skills center was privatized with the contract going to Alternatives Inc.

In conjunction with the new facility the staff at Deer Lodge had to decide on relocating to Billings. Some of the staff were reassigned at Warm Springs and 13 to 14 staff moved to Billings. This means there is a lot of new staff who have been through the 40 hour training but still lack some experience which is one of the current challenges of the new center.

The issue of training continues to be important because the security in the new facility operates differently. A main focus right now is policies and procedures that are tailored to the new facility. The Warm Springs facility was in a rural setting, about eight miles from the nearest community. The Billings facility is in the city, which requires some different security considerations.

The women's system operates on unit management system with a special needs unit for difficult to manage offenders and an

intensive treatment unit which runs on a therapeutic community model. This program was implemented in Billings and deals with such issues as life skills, female empowerment, sex offender/sexual victim, chemical dependency (which is a major problem), co-dependency, and other educational programming. A special education teacher has been hired who is able to work with the offenders individually and is a delegated proctor for some vocational center courses which can allow the offenders college credit at the 100 course level.

The Warm Springs facility provided food service, medical service, psychiatric services, laundry, etc. The move to Billings made it necessary to create or contract for these services. Food service was the most critical concern. It is important for the offenders to be involved in the food service since that is the area of most complaint. The RFP required women offenders be involved in food service. Only one company responded and that was on the level of preparing the meals off site then delivering. Food service is now in-house with 10 inmates involved. The contract changed to pay on a \$1.10 per meal basis. Food service is working well, the inmates are pleased with the quality of the food and the time of meal service. The new facility is non-smoking, which has been stressful but is much healthier.

The county public health facility has been contracted for nursing, administrative and physicians services which provides about five hours service per day. Mental health services are contracted with the local mental health center. These are temporary arrangements, it is anticipated an RFP will be issued this spring. Since the move the center has requested and had an audit done to get a baseline of quality improvement and security; the audit is still being analyzed.

The women inmates need an option for sentence reduction, such as the boot camp for men allows. This concept is being developed around a strong physical exercise program with a more intensive treatment program to educate inmates towards healthy lifestyles. It is envisioned as a community based program which would come from the pre-release budget, not the prison budget.

Budget issues include increasing correctional officer salaries to grade 11. WCC challenges with staffing and overtime are the same as MSP coupled with the increased costs of living in Billings. The contracted services budget has increased because of the loss of services that were available through Warm Springs such as chaplain, food, mental health, chemical dependency, sexual offender/victim, parenting, and security when an inmate has to be hospitalized. Three leased vehicles are requested for FY96 and three for FY97 to transport inmates and staff to various types of programming and to the hospital. Two additional staff are needed to work with the community as facilitators for some of the contracted services such as the chemical dependency program. Another budget request would place some inmates in a least restrictive environment where they can work according to their

abilities yet in a safe environment and allows payment for two inmates at \$4.25 per hour for work assignments through the pre-release program. Funds are also needed for the canteen.

REP. MENAHAN commented that it is ironic and offensive that the 1993 legislature was assured the services in Billings could be provided very competitively and cheaply, yet only one company responded to the food service RFP. He asked how much larger the budget in Billings is over Warm Springs. **Mr. Day** said it is approximately \$360,000 more per year.

SEN. AKLESTAD asked what structural changes had to be made, since a tour of the facility several years earlier showed cement beds and other structures that seemed adequately secure. **Ms. Johnson** answered that at the time Rivendell took over the facility it was considered "too prison like" for a psychiatric hospital, so those cement beds and other structures were removed. The facility is putting in four hard cells for close maximum security for women who have behaviors that can't be handled in any other part of the facility. There's also some doors and hardware, alteration of a stairway, and making the medical space adequate to meet the standards for the nursing board.

SEN. AKLESTAD asked why the audit was requested and how it was funded. **Ms. Johnson** answered the security audit was requested and performed by MSP which has a great deal of expertise in security developed after the riots. There are a number of security and management issues in the new facility, since an inmate has escaped from the Billings facility. There were no additional funds needed since this was done by the MSP staff.

SEN. AKLESTAD asked how the canteen functions. **Ms. Johnson** explained that currently the canteen is run by volunteers, but it is very bare bones because there are no funds for inventory. The inmates pay for their canteen items.

REP. MENAHAN asked if the Yellowstone County Jail could be contracted to incarcerate the inmates in need of hard cell lock-up since it is usually only for a few days for acting out. **Ms. Johnson** answered that has been considered but the Yellowstone County Jail was not designed for women and they have limited capacity. In fact when the move to Billings was announced the county jail asked if WCC could house some of their female prisoners. In some instances the county jail has been contracted with but it is not working well. When the escaped inmate who was captured in New Hampshire is returned there will need to be hard cell capacity for managing her.

REP. MENAHAN commented that while the foster care budget this biennium is \$400,000 down the prison system is spending \$600,000 more on 54 people. Some priorities have to be developed to address the needs of homeless, parentless children and not throw money away on some things like these prison programs. If the children don't get attention they'll end up in the prison system.

Ms. Johnson responded that WCC is working with the family unity model and developing a close relationship with the Department of Family Services in Billings to provide some services. Two of the rooms being built into the pre-release program are nurseries for women who come to the correctional center pregnant or with very young children. The National Institute for Corrections has been approached for funding for family unity programs.

{Tape: 2; Side: B; Approx. Counter: 812; Continue on Tape 3, Side A}

Dave Armstrong, Administrator, Alternatives Inc., spoke about the life skills contract with WCC. The Billings facility is a 12 bed, medium length of stay pre-release center. Alternatives Inc. has been running a female offender program through a federal contract in Billings for four to five years. There are also after care programs provided. With the privatization Alternatives Inc. has taken over the women's life skills training center which has a 15-17 year history of success. We went in with several statistics to compete with that are pretty daunting with no escapes in 10 years. The women in life skills have a lot of needs counseling wise, but their conduct is fine as far as seeking employment and working at the facility. These women are by and large going to be employable.

With the expansion it is expected some of the women will be in the facility for three to five years where pre-release has traditionally been about six months. Chemical dependency, anger management, criminal thinking errors, mental health services, life skills training, GED program, and sexual offender/victim services are offered through the center. Privatization is an economy of scale. Essentially same amount of staff is at Alternatives Inc. as were at WCC but the vast difference is the availability of the specialized, treatment personnel assigned to the men's facility who are also available to the women's facility. Special needs of women, such as parenting skills, mentoring and employment training are addressed in the program. The needs of pregnant offenders and mothers of very young children are addressed in the new facility so that women can have their children with them for a period of at least 18 months.

Among the needs the legislature needs to address are urinalysis testing for the women's program, parole/probation and men's pre-release. There are more and more offenders with mental health problems which is a neglected issue funding wise. In chemical dependency counseling grants that were formally available through the Board of Crime Control are not available to the pre-release programs. It's a herculean effort on the part of the records department to provide information about parole and discharge dates to the prisoners, but it's also very important to explain to inmates who are antisocial and have a hard time with math, exactly why they have to do the time they do. Health care is a major issue with women. If health care problems such as carpal tunnel syndrome and back injuries are not addressed these women may not be employable after release.

EXHIBIT 6 shows the mix of offenders in the Billings facilities and the plans for the new Billings facility. The facility should be ready for occupancy in May 1995.

CHAIRMAN FISHER asked what the after care programs provide. **Mr. Armstrong** said there are two components, one is for people to get support for what it's like to be in the "real world" during their probation/parole time. The other part is for people who have completed the chemical dependency program.

CHAIRMAN FISHER asked how chemical dependency programs were being funded now that the Board of Crime Control grant is finished. **Mr. Armstrong** said Alternatives Inc. has chosen to continue funding the position the year after the grant. The male pre-release program is slightly in the red at this point and may be difficult to continue. Two centers have no chemical dependency personnel on site.

REP. MENAHAN asked if there is a contract with DCHS to have physician oversight of medical care. **Mr. Armstrong** answered there is a medical review panel and many of the clients have their own financial resources to seek medical care.

{Tape: 3; Side: A; Approx. Counter: 300}

Bill Perry, Unit Manager - Close Unit 2, Montana State Prison, spoke about unit management system. It is an approach designed to downsize management and authority in a large organization. The advantages are a smaller group to manage with greater ability to identify with the inmate who hopefully will respond positively. It also develops a multi-disciplinary attitude where an officer is not just a prison guard. The correctional officer deals with crisis intervention, para-professional counseling and basic security functions. There are no more "prison guards", they are correctional officers and they are professionals. Decisions are made at the unit level. In the past many decisions went to the deputy warden which took time and sometimes the deputy warden wasn't aware of the actual occurrences in the unit so his decisions were not always based on a complete understanding of the situation. The structure of unit management at MSP is one unit manager, a correctional services coordinator (a counselor), three correctional supervisors and nine correctional officers - three per shift. In an eight hour shift there are two correctional officers on a cell block with between 155 to 192 inmates.

Unit management has been in place for one year with some ups and downs in its success. The key elements to make it work are leadership in the unit, the unit acting as a team, resources, competent staff - which means training, quality performance - which falls back on competent staff and leadership, and interdivisional cooperation. Due to the overpopulation and staff shortage right now all of the goals of unit management haven't been met. In general unit management is working but it needs to

continue to be evaluated, analyzed and refined to make it work better.

Michael Zuber, correctional officer, MSP, shared observations of unit management. There is some degree of leadership which mandates the standards that training fulfills. As the correctional officer's job becomes more complex there are increased training needs. The complexity of the job cannot be described with words. Correctional officers have a shared history with a group of individuals, some of whom are very unstable, this goes on in an eight hour day. Correctional officers are the point of contact between some things inmates despise and some things they respect as well as being the representative of the abstract image of justice.

{Tape: 3; Side: A; Approx. Counter: 590}

Mr. Day spoke about two new proposals. **EXHIBIT 7** This proposal is essentially for MSP and addresses areas of where inmates are working. They have the ability to perform a number of functions very effectively and should in order to contribute to the system that's supporting them, but there are some areas where they should not be involved. This proposal includes an effort to remove inmates from processes like disciplinary hearings and intake procedures as well as addressing concerns about prison contraband. The proposal recommends seven-member security team which allows flexibility inside the prison for contraband searches and assistance to whichever unit might need it. In addition the proposal asks for support for the technical security which has largely been ignored. MSP has a very sophisticated telephone system which allows monitoring of all calls into and out of the prison. This gives tremendous ability to detect disturbances, escape attempts, drug trafficking, etc., but there is no staff available to man the system. The proposal also asks for funding of a full time psychiatrist and for additional chaplain time.

The second proposal is just an information piece responding to questions about using prisoners on public works. **EXHIBIT 8** This is not part of the budget request.

SEN. WATERMAN asked how the contraband issue is being addressed through this staffing. **Mr. Mahoney** said it is not possible in any prison system to completely eliminate contraband. The proposed security team will be able to respond to suspected problems in a timely manner with cell searches and inmate searches, as well as adding extra men to the back gate at the times prisoners are leaving and returning from their duties at the prison farm.

{Tape: 3; Side: B}

CHAIRMAN FISHER asked if prisoners caught with contraband can be disciplined along the lines of not being allowed visitors for a

certain length of time. **Mr. Mahoney** confirmed there are disciplinary measures along these lines. Also any visitor caught passing contraband are turned over to law enforcement for prosecution.

SEN. WATERMAN asked if the religious practices of Native Americans are being addressed. **Mr. Mahoney** said there has been meetings with the seven major tribes but not much commitment has come from the tribes to provide spiritual leaders. Some inmates have requested weekly sweat ceremonies and the chaplains try to respond to Native American inmates needs.

CHAIRMAN FISHER asked if the two new proposals just presented are a request through the Governor's budget. **Mr. Day** explained the work program proposal is just an informational piece and the staff proposal has been through OBPP.

CHAIRMAN FISHER asked **Mr. Day** to provide the subcommittee a priority listing of the 20 new proposal requests.

{Tape: 3; Side: B; Approx. Counter: 195; Continue on Tape 4, Side A}

Ms. Johnson spoke about the corrections medical reform proposal.
EXHIBIT 9

ADJOURNMENT

Adjournment: 12:10 p.m.

Notes Read 6/95

Mar I Fisher

MARJORIE I. FISHER, Chairman

Paula Clawson

PAULA CLAWSON, Recording Secretary

Note: Lisa Smith, LFA, proofread these minutes.

MIF/pc

INSTITUTIONS

Joint Appropriations Subcommittee

ROLL CALL

DATE January 31, 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	✓		

MONTANA SESSION LAWS AFFECTING MONTANA CORRECTIONS POPULATIONS.

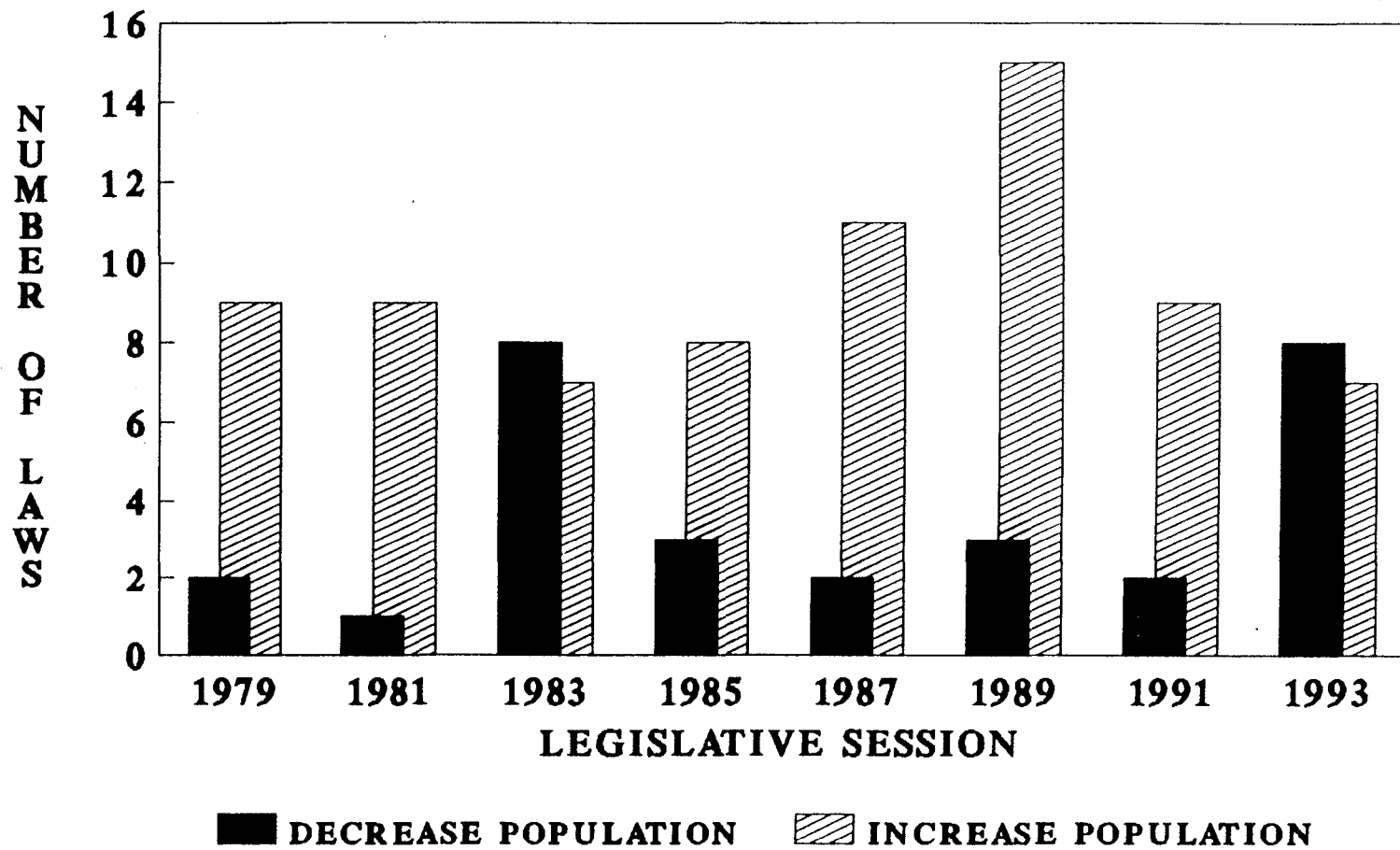


EXHIBIT 2
6,837* OFFENDERS DATE 1-31-95
Hanson on 12

Revised 1/17/95

INMATE/OFFENDER PROGRAMS AND ACTIVITIES

MALE CORRECTIONAL SYSTEM

MONTANA STATE PRISON

Population	1318	Staff	429
Inmate Participation:			
Work Assignments			1072
Day Labor			54
Labor Pool			192
Treatment Programming			313
Educational Programming			232
Ranch/Vocational/Industries:			230
Gross Income Generated:			\$3,500,000

SWAN RIVER CORR. TRAINING CENTER

Population:	Trainees	27
	Trusties	10
Inmate Participation:		
% In Treatment Programming		100%
% In Educational Programming		73%
% Employed		100%

MALE PRE-RELEASE

Population:	207	Live-Out:	4
% In Treatment Programming			100%
% In Educational Programming			30%
% Employed full or Part-time			80%
Room/Board Paid 1994			\$538,387

WOMEN'S CORRECTIONAL SYSTEM

WOMEN'S CORRECTIONAL CENTER

Population	54	Staff	36
Inmate Participation:			
Treatment Programming			37
Educational Programming			37
Employment			37
Industries Employment			4

WOMEN'S PRE-RELEASE

Population	34		
Inmate Participation:			
% In Treatment Programming			100%
% In Educational Programming			25%
% Employed:			92%
Room & Board Paid 1994			\$89,738.50

PROBATION & PAROLE: TOTAL CASELOAD: 5183 (4337 Probation 742 Parole 104 ISP)

*The Interstate Compact Unit of the P&P Bureau is also responsible for management of 886 clients who are under supervision in other states.
*These offenders are not included in the overall figure which reflects offenders supervised in Montana.

Court Fees and Fines paid in 1994: \$2,206,569.45 Restitution paid in 1994: \$1,008,051.24

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Printed: 05-Dec-94

Updated: 05-Dec-94

EXHIBIT 3
DATE 1-31-95
~~28~~ HB 2

Male Institutional Average Daily Population					
	Actual FY 94 ADP	Actual 1st Qtr FY95 ADP	Projected FY 95 ADP	Projected FY 96 ADP	Projected FY 97 ADP
Montana State Prison	1,189	1,255	1,298	1,189	1,189
Regional Jail Facilities	0	0	0	0	52
Swan River CTC	29	42	48	50	57
Pre-Release Live-In	190	204	215	340	390
Pre-Release Live-Out	4	15	30	40	40
P&P Intensive Supervision	70	89	110	175	177
	1,482	1,605	1,701	1,794	1,905
Population Last Day of FY:	1,600		1,725	1,829	1,940

Female Institutional Average Daily Population					
	Actual FY 94 ADP	Actual 1st Qtr FY95 ADP	Projected FY 95 ADP	Projected FY 96 ADP	Projected FY 97 ADP
Women's Correctional Center	42	44	48	42	42
Regional Jail Facilities	0	0	0	0	4
Swan River CTC	0	0	0	2	4
Pre-Release Live-In	26	31	32	44	44
Pre-Release Live-Out	1	4	6	7	7
P&P Intensive Supervision	7	7	7	15	25
	76	86	93	110	126
Population Last Day of FY:	88		95	106	112

Total Institutional Average Daily Population					
	Actual FY 94 ADP	Actual 1st Qtr FY95 ADP	Projected FY 95 ADP	Projected FY 96 ADP	Projected FY 97 ADP
Montana State Prison	1,189	1,255	1,298	1,189	1,189
Women's Correctional Center	42	44	48	42	42
Regional Jail Facilities	0	0	0	0	58
Swan River CTC	29	42	48	52	61
Pre-Release Live-In	216	235	247	384	434
Pre-Release Live-Out	5	18	36	47	47
P&P Intensive Supervision	77	96	117	190	202
	1,558	1,691	1,794	1,904	2,031
Population Last Day of FY:	1,688		1,820	1,938	2,052

Institutional Population includes:

- Inmates housed in an Institution
- Inmates housed in community Pre-Release Centers
- Inmates on day reporting to community Pre-Release Centers
- Inmates on Intensive Supervision in Probation & Parole

EXHIBIT 4
DATE 1-31-95
~~SB~~ HB 2

*Written testimony
Montana State
Prison*

LEGISLATIVE SUBCOMMITTEE PRESENTATION

To provide the committee with clear and concise information regarding our budget request we will make several brief presentations to assist you in making an informed decision.

In my presentation, I will provide you with a brief overview of the prison, our mission and our current needs.

As stated in Montana Code (53-30-101 MCA), the primary function of the institution at Deer Lodge is to provide for the custody, treatment, training and rehabilitation of adult male criminal offenders.

As part of the criminal justice system, a major component of our mission is the protection of society which is accomplished via the daily utilization of an objective classification system in conjunction with an effective security system.

CURRENT NEEDS

In the past year the prison has undergone a major reorganization to a Unit Management System. This system as it exists today was crafted in cooperation with our bargaining unit. This system places more emphasis on dynamic security and staff contact with the inmate population.

The Unit Management system has also fostered the development of a mechanism in which a correctional officer will be able to receive additional training and develop the knowledge and skills commensurate with the demands placed on today's Correctional Officer.

This system will ensure the development of a realistic pay scale for Correctional Officers while ensuring the tax payers that

the wages they pay are commensurate with the work being performed.

The changes associated with the introduction of Unit Management have raised a number of questions with people, therefore, it is appropriate to address some of the changes associated with the introduction of Unit Management. This is best done by contrasting the past with the present. In FY 93, Montana State Prison had an average daily population (ADP) of 1,181 inmates. We were authorized 455 full time employees (FTE) and of these 265 were Correctional Officers. These 265 Correctional Officer manned 149 posts.

THE PRESENT

There are approximately 1,320 inmates at Montana State Prison. We are authorized 419 full time employees (FTE) of which 222 are Correctional Officers and we have 125 posts.

PRESENT LAW ADJUSTMENTS

The most significant present law adjustment for Montana State Prison is the \$486,581 anticipated for the costs associated with authorization of the reclassification of the Correctional Officer. The Administration and the bargaining unit have worked diligently at finding a means to provide appropriate recognition, adequate training and compensation for our correctional staff. The proposal will enable the prison to compensate a Correctional Officer in accordance with their training and skills as well as provide incentives for our staff to develop additional skills and expertise in the correctional field. As previously stated, this system also is more in line with private sector philosophy of compensating employees in a manner that is commensurate with their

skills, expertise and workload.

It is noted that the benchmarking system has been applied to the new position description and that it is tentatively approved at a Grade 11 level. As officers receive training and are tested for competency in these new skills they will work from a Grade 9 up through a Grade 11.

NEW PROPOSALS

The most significant factor under new proposals again would be additional FTE. The \$503,142 requested in FY 96 and the \$504,875 requested in 1997 will enable us to hire an additional 19 Correctional Officers. There is without question a dire need for additional Correctional Officers at Montana State Prison if we are to achieve our mission of public safety as well as maintain the safe and orderly operation of this facility. It is imperative that this request be funded.

We also are requesting an additional 7 FTE for the Infirmary operation. This consists of two Registered Nurses, one Licensed Practical Nurse (LPN) one Ward Clerk, one Infirmary Aide, one Dietitian, and one Dental Hygienist. It is noted there are currently seven Registered Nurses and six LPN's employed by Montana State Prison. This does not enable us to provide 24 hour, seven day per week coverage which is a requirement of the Infirmary as well as a component of the agreement with the American Civil Liberties Union (ACLU). This request would entail \$196,816 in FY 96 and \$197,500 in FY 97. Again it is imperative that this proposal be funded.

The request for additional Chemical Dependency staff is based on the long range plan to assist in the reduction of the population of Montana State Prison. It is estimated that over 80% of the population is in need to chemical dependency programming and we estimate that with the additional staff requested, as many as 400 inmates per year may be considered better candidates for placements in a less restricted environment such as ISP, Pre-Release or Parole. The positions requested are five chemical dependency counselors and one administrative support position. These positions are critical to programming at Montana State Prison. We are also requesting an additional \$41,600 in both FY 96 and 97 for contracted services for the Sex Offender Program. We currently incarcerate approximately 425 sex offenders at Montana State Prison and maintain a waiting list for treatment. The number of people convicted of sex offense crimes steadily increases each year and the need to address this ever increasing social problem is best addressed in this manner. These funds would be used to contract sex offender therapy with therapists that currently provide sex offender therapy in the community.

A request is also being made for two additional FTE for the Records Department. It is noted that in the advent of the paperwork generated by DOC commitments and the increasing number of cases introduced into the system, a workload analysis indicated that two additional FTE are currently required to perform the work by this department.

EXHIBIT 4
DATE 1-31-95
HB 2

EQUIPMENT

Due to the size of the population at Montana State Prison and our design capacity we are wearing our equipment out at a very accelerated rate. Major areas of concern are: 1) Food Service. 2) Prison Fleet. It is noted that the average age of vehicles at Montana State Prison would average out to a 1979 vehicle and the average mileage on the vehicles is in excess of 100,000 miles. It is also noted that this equipment request allows us to replace the majority of our equipment with the purchase of a limited number of new vehicles and a major emphasis being placed on procurement of items bought at auction at surplus properties and/or other type auctions. Within the equipment, it is noted the executive request for General Funds of \$15,000 in FY 96 and \$112,500 in FY 97 would be used for x-ray equipment, gun range improvements and replacement of heavy equipment. The crane requested would be a replacement piece to replace a 1942 crane which has recently been identified as unsafe to operate by the Unit Manager of Maintenance. It is noted that this crane is utilized to work on wells on the Ranch, do repair work on the Housing Units as well as being utilized for other maintenance projects at the Prison. It is noted that the current piece of equipment is so old that we can no longer purchase replacement or repair parts and the monies requested would allow us to purchase a used piece of equipment that meets our needs. The refrigerator truck requested is used on a daily basis by the Warehouse and ensures the delivery of products to other institutions including meat deliveries to other institutions. This particular piece of equipment has had the engine rebuilt and is

worn out. The delivery truck requested will be utilized to haul laundry from other sites to the new laundry system currently under construction at Montana State Prison.

CORRECTIONS DIVISION INSTITUTION GROUP

Under the Corrections Division Institution Group it is noted that a General Fund request of \$362,976 in FY 96 and \$370,611 in FY 97 will be utilized to provide two additional FTE to Montana State Prison Records Department for increased workload and to cover the expenses for garbage disposal and increase the funds available for staff training.

GARBAGE DISPOSAL

In FY 94 it is noted that landfill regulations came into effect and Montana State Prison was forced to deal with the dilemma of either spending an additional \$500,000+ on upgrading their landfill system or exploring other alternatives. It is noted that this is money that was not budgeted (or allocated) for such a project. The prison administration choose to close their present landfill and contract with Powell County. The money requested is \$22,500 in FY 96 and \$30,000 in FY 97.

TRAINING FUNDS

Staff training at Montana State Prison has never been adequately funded or addressed in accordance with any acceptable guideline or standard. Training is an area that has not received adequate funding and we can no longer afford to ignore this vital component. Realistically we anticipate training will cost in excess of \$200,000 in both FY 96 and again in FY 97.

EXHIBIT 5
DATE 1-31-95
~~SB~~ HB 2

Written Testimony
Montana State
Prison

Madam

~~Mr.~~ Chairman, members of the committee, for the record my name is Tom Burgess, I am the Staff Director for the Montana Federation of State Employees, the Union that represents nearly 400 Montana State Prison Employees.

I stand before you this morning and urge all of you to support the budget request of the Department of Corrections and Human Services. Two years ago we stood before this legislature and pleaded that the number of positions at Montana State Prison not be reduced.

However, a "new" approach to management style called the Unit Management system was being implemented and at that time it was thought that the prison population would be reduced from 1181 inmates, down to 850. And the new management system would save money by utilizing less FTE's to provide appropriate safety levels.

When the Unit Management system was brought to our bargaining unit, we were very skeptical because we felt the what the Prison needed was **more workers--not less, and more posts--not less and more training, THE BOTTOM LINE--MORE MONEY!** What we ended up with was a reduction in FTE's of 43, and a reduction in total employees of nearly 70. All on the premise that the population would be reduced to 850.

Since the closure of the last legislative session, the UNION and Management at MSP spent literally hundreds of hours in negotiations, caucuses, and strategy sessions, ALMOST 15 MOS. of bargaining a new agreement and although we've had some differences in the past, WE made a commitment with each other that we would do whatever it took to make the Unit Management system work, and make MSP a top-notch prison. Both Labor and Management are MAKING the SYSTEM work, despite some very crucial factors that need to be addressed!

The Unit Management system, in order to FULLY operate at its potential, needs well trained, well compensated and just as important, the **Correct number of employees.** That is why we are asking for your support of this budget request.

In FY 93, there were 265 Custody positions at MSP and a total of **149 posts, to provide custody of 1181 inmates.**

Currently, there are 222 Custody positions, and **125 posts, to provide custody for 1324 inmates.**

This is a reduction of 43 FTE's and 24 posts, and an Avg. daily population increase of 143 inmates.

There was also some restructuring of posts within prison units that resulted in fewer number of officers working in some units. Keep in mind, the population was not decreasing at this same time, it is growing!

The end result is this:

We have ¹²²~~128~~ Correctional officers to work 125 posts, which gives a relief factor of 1.504

In order to be consistent with other correctional facilities across the U.S., a minimum relief factor needs to be at least 1.65.

Since the population has INCREASED, and the number of officers and posts has not, the budget request shows an increase in FTE's (correctional officers) of **19 people. Prison management and the union-- through the bargaining process, have agreed that 19 additional correctional officers is the bare minimum to adequately provide coverage at Montana State Prison.** This relief factor does not take into consideration Training, Vacations, Earned time off, and military leave.

What we have essentially been told in the past is to do more with less money. In the 1993 biennium the state asked the correctional system to control and maintain a prison population of 850 inmates. Today the state is asking to control 1324 inmates, with 43 **less** correctional officers. Now there is approximately a 40% (40% above the proposed 850) increase in the number of inmates that was supposed to be held at MSP in 1994. This is not a situation the correctional officers, Montanans nor Prison officials want to be in. **The old adage "more for less" will not work at Montana State Prison.**

With the cooperation and dedication of everyone involved a partnership evolved between the prison management and the union. To become more efficient and effective, both parties agreed to set up a new unit management system. Additionally, there has been a strong and active labor/management committee at Deer Lodge to deal with the problems that occasionally arise between labor and management. The committee is comprised of very dedicated union members and prison administrators. Both sides agree that the 19 additional FTE employees is much needed and overdue. In order for this new unit management system to function at the top we have to have a working minimum number of correctional officers. We believe we have asked for just that number. Thank you.

Submitted January 31, 1995

EXHIBIT

6

DATE

1-31-95

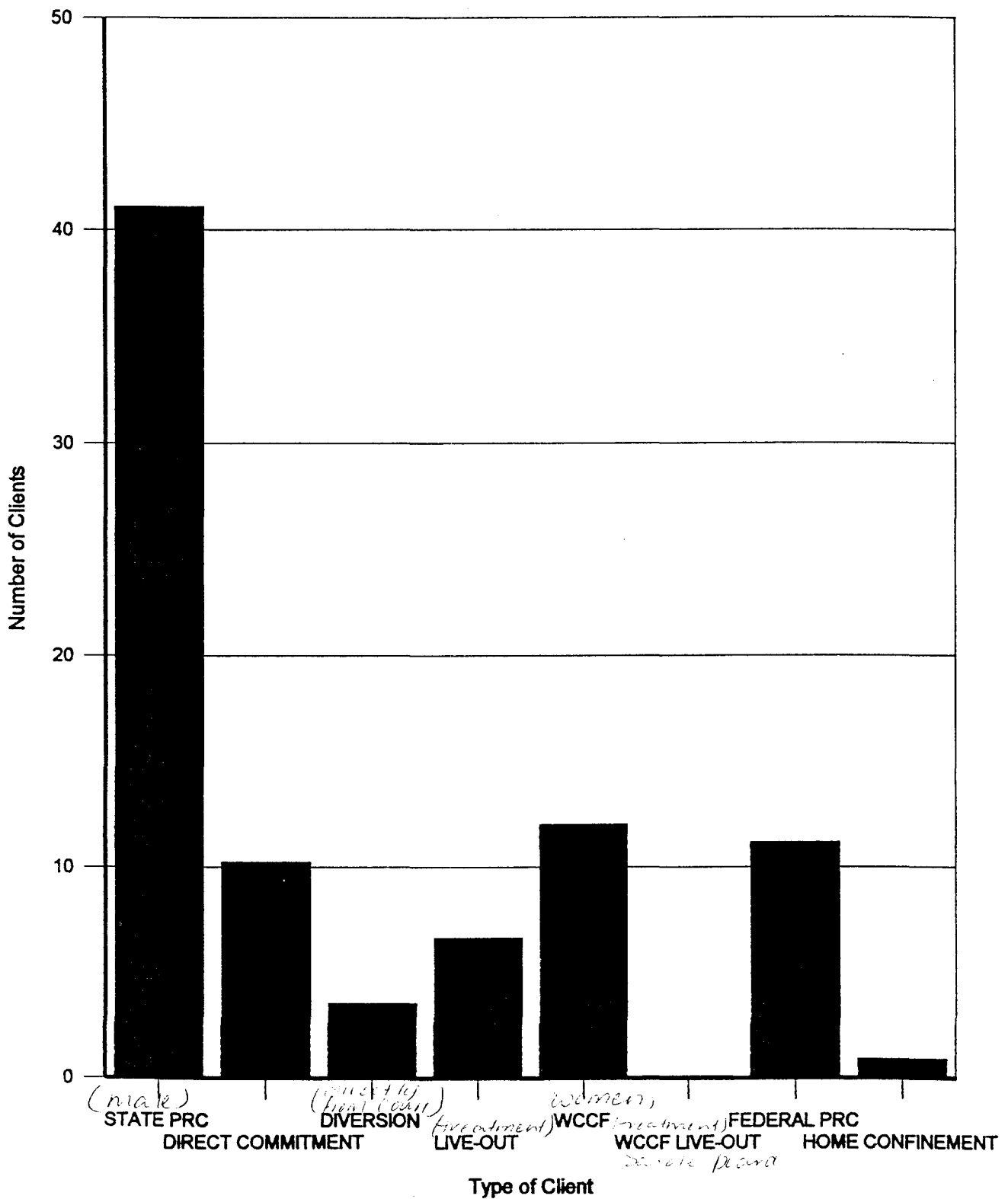
~~88~~

HB 2

Handout 1 1

Women's Correctional System
Community Corrections
Alternatives, Inc.

AVERAGE DAILY POPULATION BY CLIENT TYPE JULY 1 THROUGH DECEMBER 31, 1994

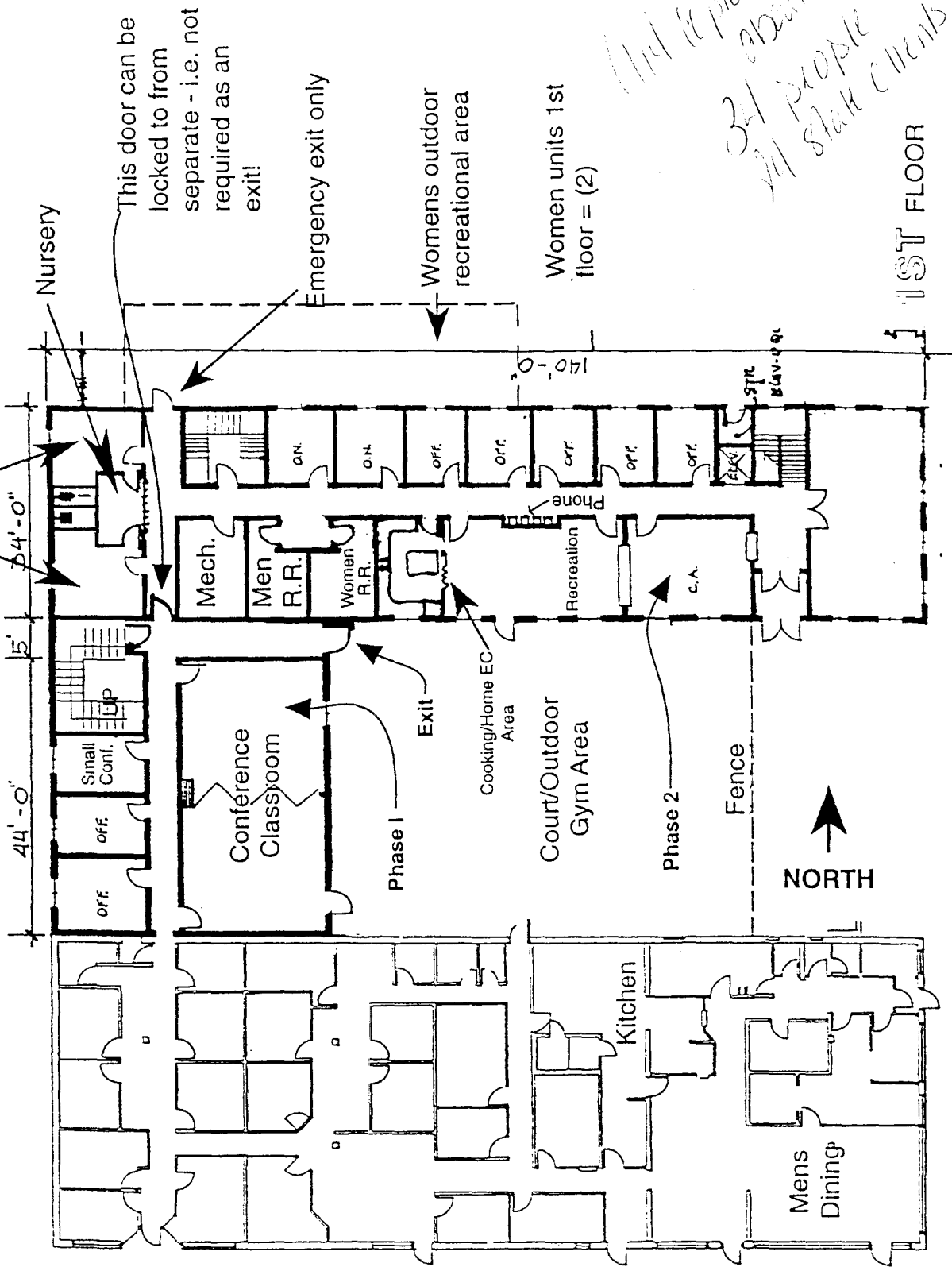


**INTENSIVE TREATMENT MODULE SCHEDULE
REVISED 01/26/95**

EXHIBIT 6
DATE 1-31-95
HB 2

MONDAY	2:00-4:00	MRT	DIANE	SHED
	4:00-5:00	AFTERCARE	MARY	RCR
	4:30-6:30	ACE	BRENDA	REC RM
	5:30-7:00	RISK & CD AFTERCARE	MEG	RCR
	6:00-8:00	MRT	DIANE	SHED
	6:30-7:30	WOMEN'S SG	BONNIE	WCCF
TUESDAY	1:00-3:00	ACE	BRENDA	REC RM
	3:30-5:30	CD ED	MEG	SHED
	5:30-7:30	ACE	BRENDA	REC RM
	6:00-8:00	MRT	CHRIS	SHED
WEDNESDAY	4:00-6:00	WOMEN'S MRT	GEORGE	WCCF
	5:30-7:30	ACE	BRENDA	REC RM
THURSDAY	8:00-10:00	MRT	CHRIS	RCR
	4:00-6:00	MRT	GEORGE	SHED
	4:00-6:00	ACE	BRENDA	REC RM
	5:00-6:00	DAC/AAC FEDERAL CD	MEG	RCR
	6:00-8:00	CD ED	MEG	SHED
	6:30-8:30	ACE	BRENDA	REC RM
FRIDAY	3:00-5:00	MRT	GEORGE	SHED
	6:00-7:00	IN-HOUSE NA		REC RM
	6:00-8:00	MRT	GEORGE	SHED
SATURDAY	10:00-12:00	CD ED	CHUCK	BREAK RM
	4:00-5:00	RE-ENTRY	CHUCK	BREAK RM
	2:00-3:00	MRT	CHUCK	BREAK RM
SUNDAY	6:00-7:00	IN-HOUSE AA		REC RM

Infant Care Units



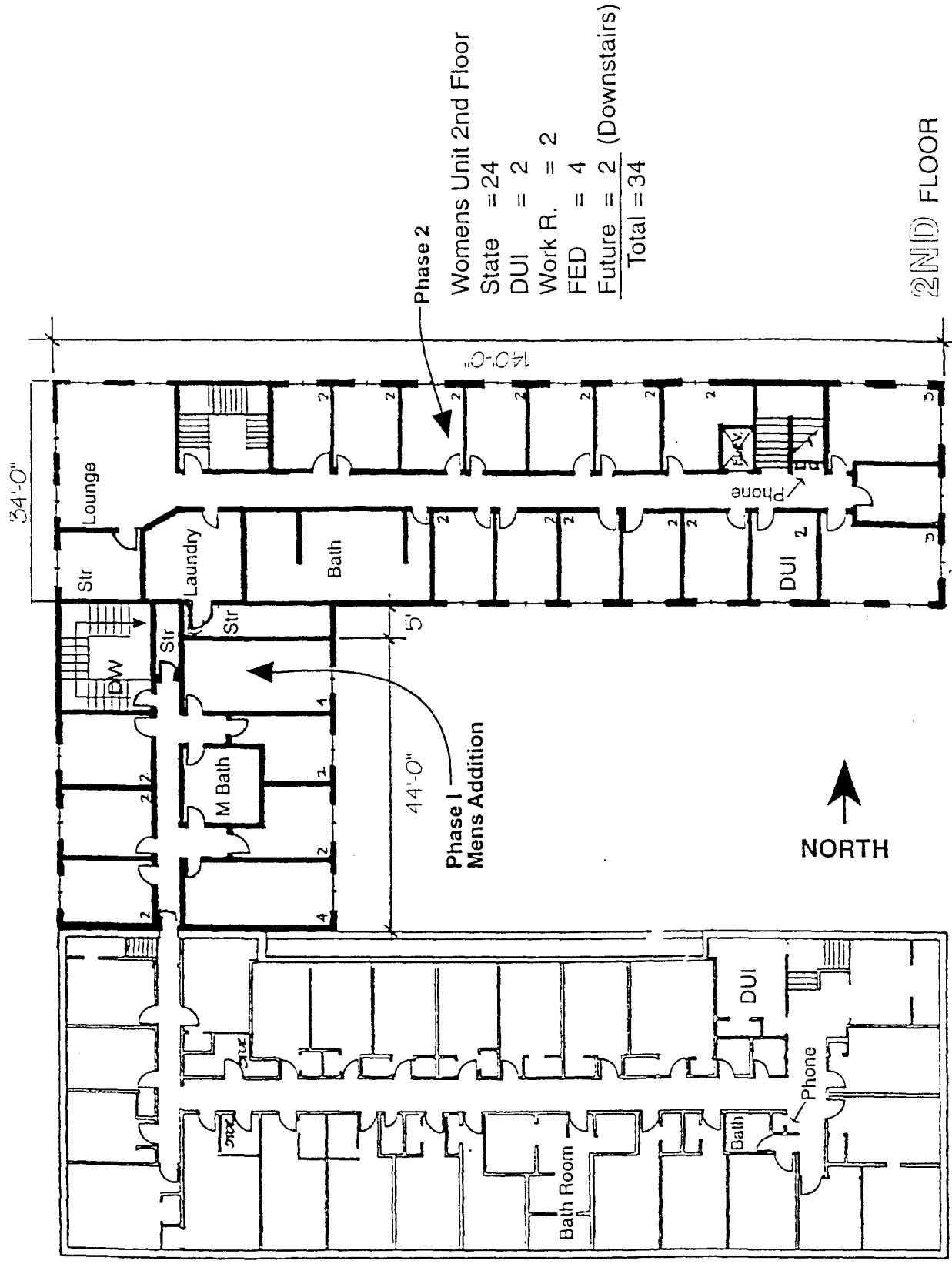
ALTERNATIVES INC. PREP/EASE ADDITION



EXHIBIT 6
 DATE 1-31-95
HB 2



10/02/93 Revision



ALTERNATIVES INC.
 PREPARE ADDITION

SECOND FLOOR PLAN

EXHIBIT 7
DATE 1-31-95
HB 2

NEW PROPOSAL #21
JANUARY 31, 1995

13

AGENCY NAME: Dept. of Corrections & Human Ser.

REQUEST NAME: Security/Spec. Serv. FTE at MSP

PROGRAM NUMBER: 20

CV NUMBER:

FY96 FTE: 15.50

FY97 FTE: 15.50

FTE % FUNDING: G.F.100%

FTE % FUNDING: G.F. 100%

FY96 FUNDING: General Fund

FY97 FUNDING: General Fund

TOTAL COST: \$595,939

TOTAL COST: \$597,462

FUNDING NOTES: N/A

RELATED LEGISLATION: (X)NO ()YES, (If yes, draft copy must be attached)

REQUEST SUMMARY:

This is a request for an additional 15.50 FTE in the areas of security and special services at Montana State Prison. These FTE will help MSP comply with recommendations of security audits done since the 1991 disturbance, help provide problem prevention, provide psychiatric services, ministry services, and provide MSP with adequate staffing needs that would help reduce overtime hours.

13.0 FTE will be added to the area of security at MSP. These FTE will provide a security team for the purpose of handling immediate emergency, i.e., disruptive inmates, cell extractions, response to trouble in kitchens, support buildings, gym, yard, and industrial areas; provide for additional correctional technicians to operate the Inmate Admissions Unit and the Hearings Unit at MSP currently operated by inmate labor; provide for correctional technicians to operate the inmate telephone intelligence system and the institutional urinalysis equipment; and provide an additional correctional supervisor for the Honor Dorm.

<u>Security:</u>	<u>FTE</u>	<u>Description</u>
	7.0	Security Team to handle emergency situations and perform safety and security audits. (1 Gr. 14, 1 Gr. 13, & 5 Gr. 10's)
	3.0	Operate inmate admissions and hearings currently staffed with inmate labor. (Gr. 11's)
	2.0	Correctional Technicians for investigation unit. (Gr. 11's)
	1.0	Honor Dorm Correctional Supervisor. (Gr. 12)

13 FTE OBPP rec. Security Staff
RM moved RM7 has
Hauled

2.5 FTE will be added to the area of special services at MSP. These FTE will provide a psychiatrist, a half time chaplin, and an additional accounting technician.

Spec. Serv:

<u>FTE</u>	<u>Description</u>
1.0	Psychiatrist(Gr. 32)
1.0	Accounting Technician(Gr. 9)
0.5	Chaplin(Gr. 14)

EXHIBIT 8
DATE 1-31-95
~~SE #B2~~

NEW PROPOSAL #22
JANUARY 31, 1995

AGENCY NAME: Dept. of Corrections & Human Ser.

REQUEST NAME: Outside Work Crew (plus equipment) at MSP

PROGRAM NUMBER : 20

CV NUMBER :

FY96 FTE: 5.00

FY97 FTE: 5.00

FTE % FUNDING : G.F.100%

FTE % FUNDING : G.F. 100%

FY96 FUNDING: General Fund

FY97 FUNDING: General Fund

TOTAL COST: \$202,465

TOTAL COST: \$158,927

FUNDING NOTES : N/A

RELATED LEGISLATION : (X)NO ()YES, (If yes, draft copy must be attached)

REQUEST SUMMARY :

This request is to provide funding for one (1) additional Correctional Supervisor I position and four (4) Correctional Officer positions for MSP's proposed inmate work detail program. The additional staffing would supervise work crews assigned to perform various tasks in local communities and the general vicinity of the prison. The crews would consist of approximately 12 high and low security inmates. The staffing requested here is minimal for this number of inmates.

Transportation of this work crew would require purchasing two specially equipped vans. These vans would cost approximately \$44,000.

<u>FTE</u>	<u>Description</u>
1.00	Correction Supervisor Gr 12
4.00	Correction Officers Gr 11's

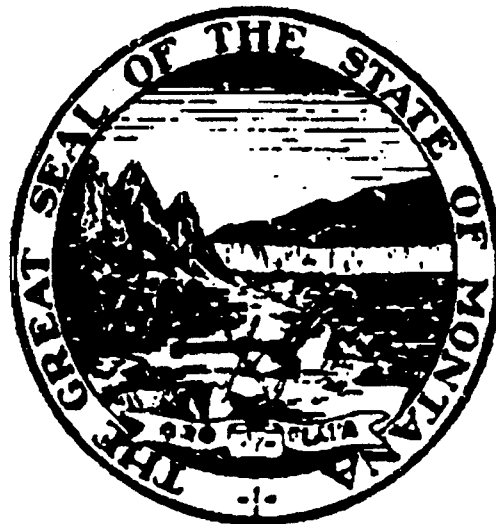
EXHIBIT 9
DATE 1-31-95
SB HB 2

DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES

WHITE PAPER

CORRECTIONS MEDICAL REFORM

The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.



LEGISLATIVE REPORT 1995

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Institutions & Cultural Education SUB-COMMITTEE

DATE *Jan 31, 95*

BILL NO. _____ SPONSOR(S) _____

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
<i>Tom Burgess</i>	<i>Montana Federation State</i>	✓	
<i>Bae Ann Glosser</i>	<i>Montana State Prison</i>	✓	
<i>MARIL A Knip</i>	<i>MONTANA STATE PRISON</i>	✓	
<i>Bill PERRY</i>	<i>MONTANA STATE PRISON</i>	✓	
<i>MICHAEL D ZUBER</i>	<i>MONTANA STATE PRISON</i>	✓	
<i>Myron Beeson</i>	<i>MSP - B.W. I</i>	✓	
<i>MIKE MAKONEY</i>	<i>MSP BW II</i>	✓	
<i>Daniel Chelini</i>	<i>MSP Bus Mgr.</i>		
<i>Dave Amos</i>	<i>Administrative Alternatives, Inc</i>	✓	

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

HR:1993

wp:visbcom.man

CS-14