

**Department of Corrections  
Prison Issues Board  
Montana Women's Prison  
May 7, 2009**

Director Mike Ferriter, Patrick Smith, Warden Jo Acton, Warden Steve Ray, Warden Sam Law, Kara Sperle, Lena Havron, Marti Swarens, Mary Greene, Myrna Kuka, Gayle Lambert, Rhonda Schaffer, Garrett Fawaz, Colleen Ambrose, Amy Abendroth, John Williams and Pam Bunke

Welcome and Introductions – Patrick Smith

Warden Mahoney had to return to MSP and is unable to attend. Cascade County is not present.

Director Ferriter

The most significant issue is the outcome of the budget. Rhonda has been doing a presentation regarding the budget. The bottom line is we were treated fairly in the session. Because of the budget, a lot of agencies fell short. Management team will be meeting to develop a strategy. During session, there were some very positive comments about our agencies and what we are doing. It was about money and not our efforts.

We had four bills that DOC sponsored;

SB 84 - This bill is a “housekeeping” measure. It corrects confusing statues that govern MCE operations. The bill gives the division flexibility in spending room-and-board payments collected from inmates and adds a description of MCE’s scope and purpose.

There were 32 license plate bills- license plates will be sold to the Department of Justice. Insurance verification will now be a part of the registration process. The insurance companies will have to work with the Department of Justice.

SB 96 – This bill ensures that only those people with legitimate mental illness are admitted to the Montana State Hospital as “guilty but mentally ill” offenders. The measure requires a mental evaluation, conducted by or approved by the state hospital, for offenders who claim they had a mental disease or defect at the time they committed a criminal offense and that the mental disease, defect of disability rendered them unable to appreciate the criminality of their conduct or to conform their conduct to the requirements of the law. DPHHS would cover the cost of the evaluations with money saved by diverting some offenders from the hospital.

HB 149 – This bill strengthens the law dealing with offender payments of court-ordered restitution to victims. It strengthens the language that requires offenders to pay restitution regardless of whether they are under state supervision and eliminates the judge’s ability to waive the administrative fee that funds the Department of Corrections Restitution Collection Unit.

HB 95 – This bill responds to a recent federal audit that prohibits the state Child Support Enforcement Division from using federal funding to help the Department of Corrections collect money from parents who have a child in an out-of-home placement. The money helps cover the cost of placement. The bill does not change existing law, but transfers responsibility for collecting contributions from the Child Support Enforcement Division to the Department of Corrections.

Budget - Rhonda Schaffer

Handout

We asked for 20 FTE for Probation and Parole and were budgeted for none.

The 116 beds for a sex offender treatment facility - This was approved last session, but the funding for it was eliminated. A 7% overall vacancy savings was imposed with a 4% vacancy savings on secure care staff. This will make staffing our facilities difficult. We had hoped to add beds to WATCH and START, and the funding for this was reduced. Funding was eliminated for the creation of a new 20-bed pre-release center on the Flathead Reservation. There was also a 2 million dollar reduction to the juvenile delinquency program. We stepped back as a department and realized we were not going to make our projections and made adjustments to our budget.

We were hoping to create an assisted living center in Great Falls for geriatric inmates and this will not happen. We also lost the Glendive expansion of about 50 secure beds.

Pam is working with Great Falls pre-release center to have sex offenders placed there. She has gained some ground with the board of directors there.

Senator Shockley wants to bring an initiative to eliminate screening committees and their ability to deny offenders placement based on being a sex offender. We currently have approximately 100 inmates who have completed sex offender treatment, but we are unable to place because local screening committees and the Board of Pardons will not approve placement. Average length of stay for offenders waiting for placement is long and most of them just end up discharging their sentence. Pam Bunke will talk to Ed Foley about the possibility of using ISP more for sex offenders.

Pat Smith said we need to keep in mind the need for the expansion at DCCF so they have an adequate recreation yard and visiting area. We need to sustain long term inmates for the long term.

Director Ferriter said the consultants recommend to move the Montana Women's Prison in Billings to a more suitable building with a capacity for 256 inmates, capable of meeting the unique needs of women offenders. They are trying to keep MWP in Yellowstone County. The current building where MWP is located would not be mothballed. It will probably be used for a men's program of some kind.

Policy - Colleen Ambrose and Mary Greene  
Handout

Mary Greene wanted to cover some basics in policy and procedure and the difference in the internet and intranet. Bob Anez will follow up with an article in the signpost.

DOC Policy – Developed at central office, overarching in scope, to provide directives based on goals, standards, and statutes/rules by which divisions, facilities and programs operate. DOC policy is reviewed, approved and signed by the Department Director.

Operational Procedures – developed at the division, facility or program level to provide staff with the direction and detail on how to implement Department policy and local operations. Reviewed, approved and signed by wardens/facility administrators.

Restricted and Unrestricted Department Policies

There was an incident when an inmate escaped in Helena several years ago. Steve Barry was unable to find the escape policy. The Department is working on the development of a system of direct access to restricted policies limited to authorized employees.

Restricted Policy

1. Restricted Designation Criteria – If widely available, would compromise safety and security.
2. Access Authorization – Division/facility administrators approve a limited number of employees for direct electronic access. Access rights set up by policy unit and IT Bureau staff.
3. Policy Access Sites – Current restricted policies are available on the Intranet and Internet through authorized employees' user IDs and passwords. Contract Monitors have Intranet access and can get restricted policies for the contract administrators if needed.

Unrestricted Policy – Available to all employees on the Department Intranet and Internet sites. The general public has access on Internet. Policies on these sites are always current.

Unrestricted Procedures – Available on the Department Intranet if posted by divisions/ facilities.

Pat Smith said the MSP Operational Procedures are not on the internet.

Legal – Colleen Ambrose

DOC Legal refers to the policies on a daily basis. It is great to have access to the policies. The archived policies are available on the I-drive in Helena. This is very helpful. There are a few areas the legal unit is dealing with that have older policies.

At MSP, we have been reviewing a couple policies that DW Swanson asked Colleen Ambrose to present today.

DOC policy regarding publications - The mailroom at MSP spends a lot of time going through magazines to make sure they comply with policy. We are trying to come up with a broad listing of 30-40 magazines, and that would be all the inmates would be able to order from. The mailroom personnel would not have to go through the magazines. A lot of the inappropriate material comes from the advertisements and not the articles. DOC Legal would like the administrators to make a decision about this. DW Swanson has looked at what Colorado and some other states allow, and they are all over the board. We have to justify what our penological interest in blocking the magazine is. Gayle Lambert wanted to know if it is possible to order the magazines from the canteen. Director Ferriter asked if we know if we can legally do this – choose what magazines inmates are allowed to order. Director Ferriter would like to ask for a legal review of this item. Warden Acton wanted to know if we can just say no more publications except what the library offers. Director Ferriter asked about newspapers. MSP allows inmates to subscribe to newspapers and they are also available in the library. Colleen will do some research and come up with a legal standing. Gayle Lambert is going to look at what other institutions do.

Restriction of foreign language magazines and books – DOC legal is looking at this because security does not know if people are writing things in code so staff members do not know what they are saying. Policy provides that this can be reviewed on a case by case basis. Warden Law said that anything CCC staff members do not understand, they take to the border patrol to see if it is appropriate and they have been a lot of help as they have lots of resources. If we can have it reviewed and deemed appropriate, then the administrator can allow the book in.

Garret Fawaz – Emergency Preparedness

Back in December, the management team decided to go away from DOC policies for emergencies, and go towards an emergency operations plan. We will have to make sure we review our policies and make sure they are in line with the plan. This will incorporate a long term training program. Most of the courses are on-line.

Garrett emphasized that central office is not going to be the Incident Commander for a facility during an emergency incident. The over-arching tenet is that emergency incidents are commanded at the local level, the central office is a support provider for the IC, not a commanding entity.

There are some significant changes in DOC 1.1.6 with the recent updates to the policy. Everyone needs to be familiar with these changes.

Vigilant Guard 2009 overview – Garret discussed the scenario and how central office would participate in this state-level exercise from September 15-17, 2009. Contact Garret for details if you want to participate.

Radio Deployment – MWP is on line. MSP is next in line. We are working on having a contracted vendor to fix all problems with the radios.

Incident Reporting – Patrick Smith

Pat Smith had the monitors talk with the facility administrators regarding DOC 1.1.6. This is a little different than what was in the facility contracts. We will have to change contract language but everyone has agreed to follow policy until then. It is very important that notifications and reporting are done in a timely manner.

Director Ferriter – There was recently an incident at MWP and another at CCC. MWP’s involved them reporting a priority one incident to the MSP Command Post and they did not ask for specifics and their response was very carefree. The proper people in the chain were not notified. CCC’s incident involved wrong information being reported to the Director’s office. As a result, a two page report was given to the facilities in regards to notification for priority one incidents.

Pat Smith said we should know who is supposed to be called during an incident and in what order. Notify command post and one staff member from CPB if it is a contract facility.

Security Chief's Annual Property Review – Patrick Smith

See handout from Security Major Wood.

The Security Chiefs from each secure facility coordinated an annual review of Personal Property items to remain in compliance with DOC 4.1.3, Section IV. Changes recommended by the Security Chiefs were brought to PIB. The PIB members had the following comments and/or recommended changes from the Security Chiefs review.

1. Laundry bags – Agreed and will remain facility issued items.
2. Calendars – include on canteen list to allow one calendar for inmate possession. The calendar may be a religious calendar and need not be only one page.
3. Bulbs for reading lamps – agreed to add bulb to canteen list. Need clarification as to whether we are also adding replacement batteries, if so that is approved.
4. Tennis shoes – agreed to go with “white only” tennis shoes. MWP would like to be excluded from any 6 month grandfather clause. It was agreed to use up what the canteen currently has and all future orders will be white only. It was also agreed to allow a 24 month grandfather clause for any tennis shoes the inmates may currently have.
5. Cups – agreed with security chiefs to authorize (2) twelve ounce cups with lids.
6. Clear watch – eliminate the unisex watch language and replace it with clear security watch. Agreed with security chiefs to eliminate unisex watch and start selling clear security watch. Okay with one watch, may need larger sized band for larger inmates. Allow one watch only.
7. Religious items – Security chiefs recommended removing Buddha statue, Jewish calendar, Catholic calendar and palm for Palm Sunday. The PIB members decided to remove calendars from religious items and allow one calendar on the property list which could be a religious calendar. Warden Law has some concern over Oddinist calendars because they are racial and violent. Pat Smith will check on the reasons for the request to remove the Buddha statue and the palms. No one appeared to have big issues with this request but just wondered why?

MWP would like to add a baby blanket – it was agreed to implement 1 gender specific blanket. In addition, MWP would like to replace lotion with Eucerin. PIB agreed.

CCA – Chief Busby and Major Wood will continue to work on a consistent property list for Ad Seg inmates. It is important that the facilities work together. We have the right to choose what can be limited for an incentive program. PIB agreed.

DCCF – change for to current limits of coffee and cheese to (2) any combination. PIB agreed.

Hobby – would like to see all facilities allow the same items for hobby from the same vendors. Different vendors result in items being confiscated or destroyed. This issue, while valid, will have to be put on the back burner for now. Until these items come from one place, it would be nearly impossible to enforce or oversee. PIB agreed.

One last thing was requested to add on from the Work and Re-entry Center. The PIB was asked to add a snore guard to canteen list. There are three inmates per room at the WRC and snoring is becoming an issue because inmates work different shifts. Gayle Lambert agreed to research this item and see if the guard or strips are more cost effective. Neither item was viewed as a security issue, and PIB members were OK with either item being added to the canteen and property list.

Gayle Lambert asked if requests for changes to canteen items can be directed to a central spot. This way the canteen and others can review prior to the meetings with the security chiefs and PIB. Gayle will give this project to one of her staff members – Gail Boese. The requests still need to come from the unit management teams and other staff not directly from inmates. If you get requests for changes please send them to Gail Boese, she will then compile them through the year and work with the canteen and prepare a list for the security chiefs to discuss per policy.

Roundtable Discussion

DCCF – Warden Ray

DOC audited DCCF and they have made lots of improvements and didn't have a lot a lot of issues. Things are going really well. They are still having a few STG issues.

Director Ferriter asked how it was sitting with DCCF that the expansion is not moving forward.

Warden Ray said staff were excited about the expansion, and they know they have to wait two more years for another chance. DCCF knew it would come down to a Legislative decision.

#### CCC – Warden Law

CCC has had an issue recently from drugs coming into facility. There have been contraband issues. A visitor had marijuana in the vehicle. It was found during perimeter check. The vehicle was left unlocked and was searched. Visitor was arrested and the vehicle confiscated.

The latest problem was an inmate who was high when he attempted suicide. In the same pod, there was an anonymous kite about a unit being high and drugs being available. They did a search and tested every inmate in that unit. Ten inmates out of 15/16 tested positive. They are certain the drugs are coming through visitation. There have been recent attempts by inmates to have staff bring drugs in. A couple inmates with dangerous contraband were found. The information regarding this was found in outgoing mail. CCC is starting to routinely work with border patrol and Toole County to use a drug dog to search vehicles. Toole County will make apprehension if drugs or weapons are found.

Warden Acton offered up that she has drug dogs available if needed.

Warden Law would like to see a quarterly security chief conference call or meeting to address issues and share information. He also let everyone know that recruitment is going well at CCC and they are near fully staffed.

#### MWP – Warden Acton

MWP has recently gotten a couple women in from Warm Springs. One of these inmates tested positive for hepatitis. The inmate thought she was going to die and attempted suicide. Another one of these Warm Springs inmates is assaultive to staff. MWP is also working with Passages about some problem inmates they have. These inmates may have to get stabilized at Warm Springs prior to MWP placement.

Just did full property shakedown less than a month ago. Some confusion about what is now allowed. They are putting the cameras in and that is going well. MWP is still working on the security controls for the system.

#### MSP - Patrick Smith

The Work and Release Center (WRC) is now at capacity. There have been a lot of moves on the high side. MSP recently reconfigured CU3 and MAX. The mental health inmates were also moved. The changes will give us more Pre Hearing Confinement and Ad Seg beds. There have been some problems at the Religious Activity Center. The high side Catholic services had some problems so those activities were shut down for two weeks. The main problem is inmates using the RAC for illegal activities. There have also been some problems at the high side sweat lodge, so sweat got closed down for two weeks. The Communications Fair was on Tuesday. There was a lot of employee participation. There was an increased number of officers at the fair which is good to see. MSP is working with the Pacific Institute on new programs with inmates (STEPS). This is being done through MCE and MSP. Inmates seem to really like it. The Department is also working with Dr. Leonard Meese about staff wellness. This is still in the working stages.

Director Ferriter said Dr. Meese came to us (DOC) a year ago. He was in private practice and got a little frustrated. He wanted to focus on prevention. Dr. Meese is committed to bringing up the overall wellness of our staff in the DOC.

We are starting to have a quarterly review of all grievances. There will be a total review of what the grievances are and the whole process and will be shared with all facilities as move forward.

Recently a team was sent to Oregon to visit three facilities and review how they deal with their SMI and STG problems. How they classify these inmates. They also reviewed disciplinary, housing and property issues associated with this type of inmate.

#### MASC – Amy Abendroth

Amy Abendroth said MASC is seeing an increase in PREA incidents. The question is whether it is an increase in reporting or an increase in incidents. They have had four incidents since January. Pat Smith said MSP is also seeing an increase in reporting. Inmates are testing the pat search. Warden Acton has had some PREA reports, but the

details are very vague. They were inmate to inmate. Claims were made by inmates, but upon viewing the cameras, they were not real.

Amy has also seen an increase in STG validations. She needs to know contacts to forward staff to. Pat Smith advised her to continue to utilize Dan Hess at MSP.

The next Northwest Gang Conference will be in Missoula. There is an upcoming Native American Gang training in Great Falls in June.

MCE – Gayle Lambert

MCE is still looking at the MP3 players. They are looking at the terminals and wiring. The money for the songs would automatically come out of the inmate’s account. John Daugherty from IT is helping.

ID Cards – MCE is still working on getting out to all the facilities. They have already been to CCC, GF and DCCF. They are producing approximately 200 ID cards a month. They will be going to Nexus and Elkhorn this week. They will eventually be going to the pre-release centers, although it is not a priority. They are working on the incarcerated inmates first.

Education – working with Flathead Community College. Not available for MWP or Great Falls. This is being done through grant funding. This has to be scheduled with Vision Net. We are looking at getting a grant for more Vision Net drops. MCE is also seeing if they can get night classes. MCE will be starting a virtual welding class at DCCF. Donci Bardash has done a great job working with the facilities. They will look at other possibilities such as Webinar or Webinex as an alternative to Vision Net. These programs are not nearly as expensive as Vision Net.

American Indian Liaison – Myrna Kuka

Myrna met with Warden Ray about visiting his facility and the Native Americans there. Fort Belknap has lots of questions. There were some concerns about juveniles – this is not Myrna’s department. She needs mentors to visit the facilities. There is no money for food, lodging and gas to accomplish this. She has been in contact with a retired criminal investigator from the Northern Cheyenne Tribe who was a war veteran. He said he could possibly visit MSP. Myrna is working with Tom Wilson on this. She also needs to schedule a visit to the eastern part of the state.

Director Ferriter said Galen has a Federal Juvenile Facility with 60 beds. It houses almost solely Native American juveniles.

Myrna held a class at Missoula Pre-Release. It was well received. She has one scheduled at MSP. She is also trying to recruit Native American probation officers.

Annual IWF Budget – Lena Havron  
MSP

Contracted Services	Inmate Pay	106973.34
	Activities Wages	10379.11
	Printing	2018.82
Supplies	Supplies	42715.49
	Communications	399.48
	Repairs	3140.49
Release Assistance	Funeral Trips	2253.80
Other Expenses	Release Assistance	25000.00
	TV Subscriptions	33051.00
		225931.53

Warden Ray motioned to approve the MSP IWF budget.

Warden Law seconded the motion.

All approved.

CCC

Fixed Costs	Release Assistance	7000.00
	Westlaw (4000.00)taken out of request	
	TV System	12000.00
Elected Costs	Education	5000.00
	Vo-Ed	900.00
	Recreation & Hobby	6000.00
	Recreation – New Equipment	9000.00
	Recreation – New Yard Construction	5000.00
	Microwave – Repair/Replacement	4000.00
	Holiday Ice Cream & Soda	9000.00
	Wages	8500.00
	Bingo	3000.00
	Family Day	9500.00
	Death Bed Assistance	1000.00
	Movies	1000.00
	Misc. Games, Pod Games & Prizes	5000.00
	Library	1000.00
	Law Library	1000.00
	Chapel	2500.00
	Firewood	1500.00
	Christmas/Super Bowl	15000.00
	Barber	900.00
	Office Supplies/Copies	2500.00
	Picayune	900.00
	Photo Program	2000.00
	Medicine Wheel	1000.00
	Cat & Hat/Children’s Christmas	1500.00
	Visitation	500.00
	Satellite System	25000.00
	Misc.	1000.00
Programs	Canine Companions for Independence	14400.00
	Music Program	3000.00
	TAP	750.00
	Incentive Program Supplies	7500.00
	PlayStations	3000.00
		170850.00

Pat Smith asked if everyone is putting in for Westlaw. Marti Swarens said DOC pays for Westlaw for all facilities. This will be taken out of CCC’s request.

Warden Ray motioned to approve the amended CCC IWF budget.  
 Patrick Smith seconded the motion.  
 All approved.

DCCF

DCCF proposed a one time request from the annual IWF budget to put electric into the cells and to get Vision Net to the facility. (See below)

IWF Budget Requests	IWF Payroll	5000.00
	Copies & Postage	150.00
	Fair Worker	1000.00
	Hobby Supplies	200.00

	Library/GED Misc. Supplies	500.00
	Music Supplies	300.00
	Smudge Supplies	200.00
	Photo Copies	1000.00
	Popcorn Supplies	1500.00
	Release Assistance	2500.00
	Movies	750.00
	Cable TV	7800.00
	Newspapers	1000.00
	Indigent Kits	500.00
	Game Prizes	300.00
	Recreation Equipment Repairs	300.00
	Food Giveaways	2000.00
	Dog Program	2000.00
	Indoor Recreation Equipment	5000.00
		32000.00

Warden Law motioned to approve the DCCF IWF budget.  
 Patrick Smith seconded the motion.  
 All approved.

MWP did not have their proposed IWF budget ready for the meeting.  
 Great Falls was not represented at the meeting, so there was no proposed IWF budget for Great Falls.  
 Lena Havron stated that she would work with both of these facilities to get their IWF budgets prepared and then they will be sent out for a vote by e-mail and entered into the next meetings minutes.

IWF One Time Requests

CCC

Warden Law requested IWF funds to put sod into the recreation and sweat lodge area. This will cost \$6200.00. He also requested to replace two weight machines in the recreation area. This will cost \$6798.00. Warden Law would also like to talk about sharing IWF funds for certain projects for all DOC secure care inmates. This will be put on the next meetings agenda.

Warden Ray motioned to approve the sod project for CCC.  
 Warden Acton seconded the motion.  
 All approved.

Warden Acton motioned to approve the replacement of two weight machines for CCC.  
 Warden Ray seconded the motion.  
 All approved.

DCCF

Warden Ray requested IWF funds to put electricity into the cells at DCCF. This will cost \$21,000.

Warden Law moved to approve putting electricity into the cells at DCCF.  
 Warden Acton seconded the motion.  
 All approved.

Warden Ray requested IWF funds for a Vision Net drop sight. This will cost \$7617.00.  
 Garrett Fawaz said to make sure there is a USB port.

Warden Law motioned to approve the DCCF Vision Net drop sight.  
 Patrick Smith seconded the motion.  
 All approved.

Public Comment Period

No public comments

The next meeting will tentatively be on **August 4<sup>th</sup> at the Crossroads Correctional Center** in Shelby.