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May 11,2015

To: Prison Issues Board

Re: Prison Issues to Submit for Consideration

I am writing today and submitting non agenda issues of concern for the Montana Criminal Justice Reform Network, our Advisory Board and prisoner Robert Rose. We are also submitting non agenda issues concerning Great Falls Regional we received from Randa Helps and her son Robert Sparks who is in the Gt. Falls regional. We plan to be part of this process both now and in the future and would appreciate receiving answers to our submissions.

Agenda item #6 discussion of pharmacy and Medicaid issues.

Hepatitis C is a growing concern both inside and outside of prison. There are many new meds which are 99% responsive and requiring much less time to be on treatment. It is our understanding that at MSP you are still using interferon and ribavirin as your treatment base. There are current treatment plans that don't even require interferon. Interferon is very invasive and only has a 70% cure rate. The new meds are Medicaid approved and the prison qualifies for 340B pricing, which allows for a grossly discounted rate. We are asking that you consider a much better treatment plan and also re-evaluate the criteria that qualifies a prisoner to receive treatment.

- We feel this would lower the health costs for the prison population in general overall.
- It would also lower the medical costs if you went back to real food instead of quick chill, which has no nutritional value at all.
- More yard and gym time would also increase the health of all prisoners.

Thank you for your consideration of all of the issues we are submitting today and we look forward to your response.

Casey Rudd
Founder Director

COMMENT : Montana State Prison Inmates Have an Explicit State Constitutional Right To Rehabilitation.

See: Article II, Section 28, Mont. Const. Rights of The Convicted:

"Laws for punishment of crime shall be founded on the principles of prevention, reformation[rehabilitation], public safety, and restitution for victims."

The 1972 Constitution Committee Meeting Minutes make clear that the delegates writing of this section declared there is to be no vindictive punishment of inmates in Montana.

However, despite this clearly written Constitutional Law, anyone who has worked or served time at MSP can tell you vindictive punishment at MSP is the norm. It is also the normal practice to unnecessarily restrict the chances of true rehabilitation unless your part of the select few.

For example, all of our sister states and even the entire federal prison system recognize the need for maximum access to inmate activities and job skill training. Idaho allows its medium and higher security prisoners access to up to 10-12 hours of yard and recreation per day. Federal prisons likewise open access to available yards and gyms all day. Not here in good-ole-boy Montana!!! WHY?

Primarily, because we have a few dirty apple decision makers who like the taste of vindictive punishment. Their non-common sense excuse is that they are under staffed. They are not so under staffed at MSP to not provide yard and gym activities all day long. The implimentation of their count system and policies and procedures trump common sense applications of modern day correctional goals that our sister states and the federal system have adopted.

The way this prison is run should be concerning to tax payers and the families of MSP prisoners accross this state.

The tax payers beleive they are paying for a service that is utilized to maximize their bucks. Not here under the MSP cloak of secrecy that they call: safety and security.

The legislatures of Montana have even passed laws that mandate the Department of Corrections to utilize state resources to maximum efficiency. Locking inmates in their cells and/or cell blocks all day and forcing idle time, while guards take hour long unofficial breaks during lock-downs is not utilizing resorces to maximum efficiency. Spending millions of dollars on gym, yards, recreation equipment, and other resorces, and then purposely denying inmates the benefits of the same, is not utilizing the maximum efficiency of state resources.

Simply put, the MSP adminstration strives every day to minimize efficient use of resources under an un-written practice of vindictively punishing inmates and treating their loved ones like crap. Just ask the visitors who regularly interact with MSP staff when being processed through the Wallace Building to visits.

If this is not the case, then why wouldn't the following common sense solutions be timely emplimented that demonstrate all four of the above foundational principles of the Montana Constitution being adhered to:

1. Adopt Practices And Procedures That Maximize Available Resorces Utilized For Inmate Programs and Activities.

- A. **HOBBY PROGRAM:** The current procedures under the current Hobby Program unnecessarily restrict an inmates ability to make is own hobby items, all at his own expense, which in turn impedes his ability to sell such items.

For example: If an inmate receives a rule infraction unrelated to his hobby permit, his hobby permit is confiscated and he is required to dispose of all of his hobby materials. It's important to note that he purchased all of his own raw materials at no cost of the state. He is then restricted from a horse hair or beading permit for six months. What this does is prevent him from making his hobby products to sell. Many inmates make enough mony to help support their families at home. More importantly, all of his monies received on his account to include hobby profits, are taxed 16% for payment to victim restitution. Thus, by doing so, he is able to carry out part of his sentence condition.

Yet another unnecessary restriction is preventing him from having two hobby permits such as beading and horsehair. He should be able to have two hobby's as long as his finished and raw materials do not exceed maximum allowable property limits. Alternatively, the MSP admin could take into consideration victim restitution and even allow more storage space.

Under the above section of Montana's Constitution specific to prisoners, any restriction on rehabilitative programs and ability to make mony to pay restitution unnecessarily burdens and inmates Constitutional right. Hobby is not just a privilege but a right, especially considering the people of Montana voted in and approved the restitution clause of Art. II, Sec. 28, Mont. Const. in 1998. The Department adabvnced arguments to support the amendment so victims could be paid restitution. Then a couple years later , the department restricted the inmates ability to make a maximum amount of hobby items for sale. Where is the common sense here??

SOLUTION: Allow inmates to keep thier hobby permits as long as they do not receive a rule infraction related to the hobby, and allow inmates to have two permits as they did in the past. Especially high-side inmates who have few job opportunities and live in a forced idleness invironment. Such change would show the department utilizing it's resources to maximum efficiency with regard to this rehabilitative program.

- B. **RECREATION PROGRAM:** In 2011-2012 the Governor required all state agencies to cut budgets due to a budget shortfall. The MSP Adminstration under Mike Mahoney decided to eliminate the prison Recreation Department. All Recreation Department employees were given notice that they could stay on as FTE's but not with the Rec. Dept. as it was eliminated. Some stayed on, while a couple left.

The Recreation Department was under Rehabilitative Services. It provided an inmate program that enhanced inmate recreation and music activities.

FOR EXAMPLE: Through the Recreation Department most all recreation activities were organized and scheduled, to include but not limited to: Baseball, basketball, handball, vollyball and horseshoe tournaments. The Recreation Department also managed the Music Program at MSP. Inmates use to enjoy playing in bands together and creating and recording their own music. All of that equipment was purchased through the Inmate Welfare Fund and the Clark Fund, none of which came out of the General Fund Budget. In other words, these programs were paid for by the inmates and their families and not the general tax paying citizens. All the priron administration was required to do to keep these programs going, was to provide supervision. A good use of state resources that advanced valid rehabilitative goals.

So here we are in 2015 and the Recreation Department and most inmate recreation activities remain un-maintained. The decision to eliminate the program is actually contrary to statutory mandates of 53-1-201 MCA. This issue is also being litigated in a civil case against the Department entitled In The Matter of The I.W.F. v. Myron Beeson, DDV-2012-54, Mont. 1st Judicial Dist. Court Lewis & Clark Co., (Hon. James Reynolds presiding).

The last thing the Department should have eliminated is the inmates Recreation opportunities. It forces unnecessary idle time and has a debilitating effect on the entire inmate population. It allows the administration to use the lack of a recreation department as an excuse to not use it's guards to supervise recreational activities, when a simple count and scheduling change would do the fix.

This argument is even more compelling when you compare that all of our sister states with similar staff to inmate ratio's provide yard and gym activities throughout the day. It's typical for other state prisons and the federal prison system to allow inmate movement on the hour throughout the day. Not at MSP. The MSP administration minimizes inmate movement in an effort to minimize programs and activities as a means of vindictive punishment. The way the prison grounds are designed should allow a safe and secure setting to run activities all day with the current staffing levels. MSP simply refuses to consider such common sense methods, due againt to a few Bad-Apple decision makers.

-- The administration artificially inflates it's gang numbers and gang problems as an excuse to minimize movement and activities. Ironically, the officers who work here have a primary duty to provide security while maintaining programs and activities, which require inmate movement. Which invites a logical question? What are the officers here for when the administration rids the prison of security concerns by locking inmates in their cells and cell blocks most of the day?

Solution: Maintain the pre-existing Recreation Department and all of the programs and activities previously provided thereunder so that the inmates have a greater chance of enjoying a rehabilitative environment. Also, change existing procedures so that the administration demonstrates it is adopting modern day correctional goals like other states and the federal prison system. They are great examples that should be followed with regard to inmate movement and accessible programs and activities. Otherwise, MSP inmates will continue to be denied rehabilitation.

If the administration continues to keep the high-side inmates (medium security and high security) locked in cell blocks all day, might the administration approve the inmates being able to purchase their own high quality gaming devices to help minimize the adverse effects of idle time, as well as providing better hobby opportunities as discussed above??? This has proven to be an accepted practice in prisons such as Arizona and California.

Also: the administrations current count procedures could be changed just slightly so that programming and activities could be available until 9:30 pm instead of 8:30pm. Just as important, activities could be provided during all counts as they are during the day. Why shut down all prison activities during evening counts. All that does is give the officer's 2hrs of unofficial break time. At the very least, staff resorces are not being used to maximum efficiency as the statute mandates of the department.

C. VISITATION PROGRAM: The MSP Administration has now given back visitation privileges on Thursday's and Friday's. The population and visitors appreciate it, and are still hoping Wednesday's will be allowed.

However, there might be consideration given to extending visiting hours on the weekends.

FOR EXAMPLE: Visiting hours could start during first shift hours at 8:00am and run until 5 or 6pm. This would greatly improve visiting enjoyment for families that travel from the other side of the state, such as the Billings area. Even for visitors that travel from the western part of the state that travel three or four hours. Extending these hours would most likely eliminate overcrowding and the need to turn tax paying citizens away.

There is no valid penological reason to not extend visiting hours on the weekends to enhance rehabilitation. If an inmate is deprived of his ability to maintain his ties to the community and family relations, other forms of rehabilitation are useless. This has been shown through scientific studies over the last 50 years.

AN EMERGING PROBLEM: Most all visitors are complaining that they are experiencing adverse treatment by visiting staff when they are processed through the Wallace Building again. This was a problem a few years ago, but was rectified. Now it is raising it's ugly head again. Tax paying visitors deserve the best service possible free of harrassment and condesending comments. They and inmates also desrve a process by which visiting is administered according to the posted schedule. Lately, the process they go through is disrespectfull, over-time consuming, and leads to unnecessary delays. Lately, visitors do not see their inmates until about 3:15pm, when they showed up on time for processing at 1:30-2:30pm. Paper work could start while visitor wait in line in their vehicles before they even enter the Wallace Building.

Part of the problem is that staff treating inmates like crap throughout the week spills over into the expectation that they can treat their families with the same rude behavior. If you don't agree hang a complaint box up for visitors and see for yourself. why not? Oh, yea that might require the officers involved to follow their written code of ethics. If they did there would be no complaints in a complaint box, or at this meeting. I'm sure the IWF would gladly pay for the expense of the boxes.

SOLUTION: Take a survey from inmate visitors and ask what they would like to see as far as visiting schedules and processes that would enhance their experience. Why not? they pay the officers wages. They paid for the building as well. It seems only fair for them to weigh in on such a decision. Would only take 60 days to complete it.

Also officers should be trianed to treat inmates and members of the public with dignity and respect.

There are officers who treat inmates and families as they should. Hats off to them...It only takes a few Bad-Apples to make all look bad at the end of the day.

BARBER PROGRAM: The MSP Administration is creating great health and safety risks to inmates through the current barber practices at MSP. This is not the first time this has been raised as an issue.

A couple of years ago low-side barber Benny Diablo expressed his concerns to the administration that the prison, through Warehouse personnel, were withholding necessary sanitation and disinfectant products that were ordered through the IWF. In other words, Mr. Diablo effectively put the administration on notice that the practice of not providing necessary products was potentially spreading infectious diseases through the inmate population. Especially considering that the prison requires hair cuts at the barber-shop. There is one on the high and low side of the prison.

Just as concerning, the prison assigns untrained prisoners to the job who have no hair cutting experience, and who have no training in sanitizing hair cutting equipment.

In an effort to encourage the administration to fix the obvious hazards, Mr. Diablo contacted outside barber schools who indicated they would assist in helping set up a barber school to train inmates in a trade. A lot of paper-work was prepared and submitted to the administration in the midst of Mr. Diablo's claims that Warehouse personnel were withholding proper supplies, or not ordering adequate sanitization supplies all together. It appeared the program was forthcoming, when all of the sudden he was removed from his job after refusing to cut hair without necessary products. He was shortly thereafter shipped out to a regional prison to shut him up. This is common retaliatory action at MSP.

There has been no further action by the administration to correct this very hazardous practice. It can not be assumed that no diseases have been spread by such practices when up to 1/3 of the population is expected to carry Hep-C.

The way the administration schedules hair cutting on the high-side only in the evenings, forces the barbers to rush hair cuts to get them done, without adequate time for sanitization products to work.

SOLUTION: Allow professional training such as the barber school that Mr. Diablo was encouraging. Until then, ensure that proper sanitization practices and products are available. Hire experienced barbers. There are many experienced barbers on the high-side who cannot get hired because unit management teams disapprove them for discriminatory purposes.

Schedule enough time for the barbers..

To: Casey Rudd

From: Randa Helps

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May 5, 2015

My son Robert J Sparks #36291 is incarcerated at Great Falls Regional Jail on the MSP side. I am going to try to outline some grievances that they have.

1: Cascade Regional claims they are MSP compliant but they are not. They claim they are PRIA compliant yet they have no number posted or available to the inmates. Only an address.

2: It took 4 days for a sexual misconduct to be addressed.

3: Major write ups are given out and there is no due process. Officer's Lenahan and Norris are Hearings officers and they do most of the write ups. Officer Norris is also the the grievance officer. There appears to be no progressive write up system in place. Where is ther fair, objective decision being made?

4:Visitations are limited due to lack of space. So if the inmates do not have clear conduct they are not allowed visits. This is not a violation that denies visits at Deer Lodge. One young man who

has a new baby was told he could hold the baby for 30 seconds. I have been in the visiting room there. Two officers for six to eight people should be able to watch a new father hold his son for the whole visitation. At Deer Lodge they have a play area!

5: There is a severe lack of medical care. Several inmates appear to be suffering from Mersa and are not quarantined. A good example is the clippers used by the Barbers. Authorization was given for new clippers that can be sanitized but someone donated a pair that were used to groom their dogs and the facility used them on the inmates! The IWF allocates funds of \$500.00 for the Barber's and Cascade Regional is not taking care of this. There was an order for new clippers and proper sanitizer. I do not believe this order was ever placed and the inmates requests regarding this are being ignored.

6: The Law Library is not current with Law Books or forms.. The inmates are blocked from LexisNexis when trying to draft any appeals or file documents using case histories.

7: The Health Department was called about the deplorable conditions in the kitchen. Unfortunately, the facility was given notice of an inspection and had the inmates working to clean and shine that kitchen! My son has personally requested the protein and calorie count per daily meals from the food vendor/Cascade Facility and has had no response. He assures me that It is not adequate for the average man.

8: When an inmate sends an Offender Request Form (Kite) to a particular officer it is not normally answered by the Officer they requested an answer from. One inmate is trying to get a Kite to Jerry Johnson at Deer Lodge and Officer Godfrey told him that he will take care of it and no kites will go to Mr. Johnson, who is Mr. Godfrey's superior. Now I am not using inmate names. The

Facility claims they do not retaliate but they do. So, if names are needed I will get them for you..

9: The prisoners pay for their own cable with monies from the IWF. This facility does not have cable in individual cells. It has two satellite Tv's in the day room that require a radio to access them. They charge \$85.00 per radio. How many inmates could possibly afford this? I have been told that Commander O'Fallon will not put cable access in because their community is poor and can not afford cable for themselves. Well, the prisoners are paying for this themselves so why would that be an issue?

10: There are 180 inmates in this facility and approx 20-25 jobs available. Hobby is one of the outlets that keep nerves soothed and provide revenue for Lawyer fees, child support, and money banked for living expenses on their release. Hobby seems to be used as the ultimate punishment. And Officer Norris is the Hobby Director.

11: There has been past embezzlement problems from personnel and I believe some of those monies belong to the IWF. Has anyone audited to see if a surety bond from the insurance has reimbursed them?

12: Securus Telephone service. This company is a total joke and they are unresponsive to complaints.. They charge an enormous amount of money for phone calls, they charge \$9.95 to add money using their automated phone service, \$7.95 if you pay online. I have had numerous calls that claim I have a three way call going on. When I called them they said if there is any background noise it alerts to three way. My son is calling from a phone where there are 70 men housed. There is always background noise. And by the way they will not reimburse me. I ask you who are the thieves? This company is under contract.

Being in business myself I can guarantee you that if I was doing business with them under contract I would be able to get out from under this contract. So, why can't Cascade? The calls are so expensive that only a few can afford calls. Telus at Deer Lodge is excellent and affordable. Maybe my friend Roberta could talk with her son for more than 30 seconds a month if Telus was under contract.

I thank you for this opportunity to highlight a few of the problems with this facility. I am only dictating issue that I have been told. I also speak with other mother's and wives through our support group and they have complained about the same issues and feel that they all need to be addressed. If it was just one person complaining I would give pause but when I speak with two to three others and they have the same fears and issues for their loved one's then something needs to be done.

Contract Beds are not fulfilling their contract. All State Prisoners are to be housed, fed and treated equally. No matter what facility they are housed at!

Sincerely,

Randa Helps