

**DEPARTMENT OF CORRECTIONS  
PRISON ISSUES BOARDS MEETING  
Sheriff's Complex  
121 8<sup>th</sup> Avenue South  
Lewistown, MT  
September 15, 2015  
9:00 am to 1:00 p.m.**

Roll Call – CCC - Warden Douglas Fender, Dawson - Warden Tom Green, MSP - Warden Leroy Kirkegard, , Cascade - Captain Dan O'Fallon, MWP – AW Bob Paul, MCE Andrew Olcott, Directors office - Pat Schlauch.

Via telephone conference--None present

Via vision Net-None present

There is a quorum present.

“In accordance with Montana Code Annotated Section 2-3-103(1), the Board will hold a public comment period. Please note that this open forum period for comment is the public’s opportunity to address the Board on any topic that is within the purview of the Board. While the Board may or may not take action on the issues presented, the Board will listen to comments, may respond to questions, may ask that particular questions, or comments be submitted in writing, and may ask that the issue be placed on a subsequent agenda for possible discussion by the Board. The Chairman of the Board will determine the amount of time allotted for public comment.”

“Pursuant to Montana Law, the Chairman may decide to hold a meeting or part of a meeting in executive session due to interests of individual privacy, or individual or public safety or security of public facilities, including jails, correctional facilities, private correctional facilities, and prisons, if disclosure of the information may jeopardize the safety of facility personnel, the public, or inmates of a facility.”

Approval of minutes from the last meeting

Moved to approve the minutes– Warden Leroy Kirkegard

Seconded the motion– Andrew Olcott

All approved

Welcome and introductions.

In addition to the above people, the following staff were present- Colleen Ambrose, Tonya Dempster, Demetric Godfrey, April Grady, Travis Harris, Lena Havron, Jerry Johnson, Rod Johnson, Kari Kinyon, Bonnie Lusby, Candyce Neubauer, Bob Paul, Paul Szczepaniak, Deborah Powell and Billie Reich.

**Legislative and Management Team Updates– Warden Leroy Kirkegard**

Director Batista testified in front of the sentencing committee. Offenders fail in the community and come back into the system and bounce from placement to placement. The secure facilities will help if needed. In the near future we may look at specialized facilities and utilize the regional facilities if needed. CCA has the most beds and is a more secure facility. Warden Kirkegard stated that he has no management beds left at MSP. The County Jail Hold continues to be a problem with how many are sitting out there waiting for placement or to be placed. County jails are still full.

Pat Schlauch stated with the new amount that we pay the county jails, that there hasn't been too big of an issue. The counties might not have liked it but understood what was going on. Pat Schlauch mentioned that the sentencing committee should help how we deal with sentencing and what we can do to help keep appropriate offenders out in the community. There are 3 government representatives on that committee that will follow through and give suggestions to the next Legislature.

Senate Bill 405 was the Medicaid bill for paying for all offenders at Medicaid rate. In the past Medicaid would only pay if the offender was over 65. Now all inmates will be covered at those rates.

### **Division Updates –Warden Kirkegard**

Warden Kirkegard wanted to thank all the regional prisons for help with moving offenders to their facilities with MSP being full. He wanted to thank CCA for keeping him updated on the criminal activity going on up there. Dan O’Fallon reported that they had found a cell phone at the Great Falls Regional Prison. Warden Kirkegard wanted to let everyone know that they are revamping the Locked housing units. There will be a level 1, 2, 3, 4. Linda Moodry is retiring October 2, 2015. After Linda Moodry retires Roxanne Wigert will be taking care of the Interstate compact offenders. There will be a PREA audit set for November. The MCA conference was cancelled due to low enrollment.

MSP is still down 30 officers. The local lumber mill has laid off some people, maybe this will help us. MSP had to move some of their officers to transportation to help with the medical appointments.

Associate Warden Tom Wilson has put together a short class on the philosophy of reentry. I told him to come to any of your facilities and to train your staff. The class takes about an hour with questions, he is willing to travel.

Pat Smith wanted to thank all of the regionals for doing some of the transports to help with filling their facilities.

### **Discussion of Property and Canteen Review-Warden Leroy Kirkegard**

Previous Prison Issues Board there was some confusion on property. The committee of Security Chiefs hadn’t had a chance to get together and discuss. Each year on the MCE survey the inmates ask for a variety of pop, candy chip changes. This year they asked for a variety on pies and soups. Do we want to give them a better variety? Pat Smith stated that a lot of the drinks should have been sugar free so they could not be turned into Pruno. He was not sure what Gayle Lambert has comes up with.

Warden Kirkegard stated from Sally’s notes and previous minutes that CCA had problems with the candies, fireballs and teas. Warden Douglas Fender said that they have been drilling holes in the garbage sacks so that cannot make pruno in their garbage cans etc. This is one way to prevent the pruno. CCA is also cutting up the fruit so the offenders have to eat it right away.

Pat Smith said he would try to get the proposed changes again and send out the changes or bring them to the next meeting.

Pat Smith informed us at the Religious Coordinators meeting that the Wicca’s wanted a black feather and small quartz pendulum. This was approved by the RIC committee and was brought here for consideration.

Motion to approve – Warden Leroy Kirkegard; Second to approve – Warden Tom Green

All voted in favor of approving this.

### **Review of visiting policy – Candyce Neubauer**

The MSP mail room is the department that takes care of the visiting questionnaire. People who are allowed to send money in to offenders are being looked at. Candyce Neubauer was asked to discuss it here at PIB and see if it would affect any of the facilities. The legal mail has also been an issue. Warden Kirkegard said there is a limit of 5 that can send in money. Paul Szczepaniak’s concern is that people are getting past our approval system that are not family and are just for the offenders to move money around. Warden Daly had said previously that we should look at aunts and uncles for approval. In some families the aunts and uncles have raised the person that is incarcerated. Warden Kirkegard said it would be problematic to be able to figure out if the aunts and uncles are really relatives. Candyce would like to put it on the visiting questionnaire. Judy Beck has revised the form. Paul Szczepaniak asked if they could put on the questionnaire how long they have known the offender. Bob Paul stated at the Montana Women’s Prison there are more non family members that try to send in money than family members. Candyce stated if the offender is found guilty of any related issues they can lose their visitation up to 365 days. Candyce also stated that this would follow them to the 3 regional prisons. Warden Fender stated that he is getting more of his

staff access to enter this information into OMIS which will lead to better tracking. Candyce said this subject will be added to her agenda for the DHO conference.

After a lot of discussion, Pat Smith stated, it sounds like everyone is fine leaving the policy the way it is. Pat Smith also stated that MSP and the regional prisons should stay consistent with the policy. Everyone agreed.

Offender legal mail has had a little bit of a problem. Candyce said they have changed the definition of privileged correspondence and presented that. Staff members did not know if it was legal or privileged information. Colleen stated that it needs to stay protected. Warden Kirkegard stated there was a problem opening mail from Advocacy groups.

Demetric Godfrey asked how many legal mailings can they send out, when their funds are indigent, and we are paying for them.

Billie Reich stated that they are allowed 8.

The group agreed to change the definition to say “recognized legal advocacy groups” and leave the rest of it the way it was proposed. All agreed to the proposed changes.

### **Review of PREA reporting and incident reporting – Paul Szczepaniak**

There is 3 ways of reporting PREA incidents stated Paul. Here are the 3 ways of reporting

1. Hotline –third party
2. Talking to Investigations
3. OSR’s Offender Staff Requests/grievances

Please document all allegations and violations. There has been numerous allegations on staff for boundary issues with offenders stated Paul. He asked to keep good documentation, especially on offenders that are written up. A new electronic incident report system will hopefully start in October. Previously we would just have a paper copy in the file. The system will roll out at MSP and eventually the regional prisons will also have to have access to obtain these incident reports. It will be easier to pull a report that you have been looking for. Long term goals would be for this to be implemented throughout the state. CCC offered up that they already have an electronic report system in place if our IT wanted to look at it.

Warden Kirkegard says the new form will be very informative, and the previous version the STG coordinators could not see all of the form. A selected person from each facility will be picked to oversee it. At MSP it will still go to Command Post to look for errors.

Dan O’Fallon asked if it would affect how they do things. Warden Kirkegard did not think it would change much. This will also be able to help the P&P administration too.

Paul also asked if the STG coordinators could call into a meeting every couple of weeks. Everyone thought that was a good idea. Paul said he would try to set this up.

### **Discussion of inmate compensation – Lena Havron**

Lena stated that we have been updating this policy for a couple of years. The Reentry committee wants the offender to have the GED done first. Lena Havron also stated if they wanted to change the pay matrix it would be up to the Board, but keep in mind there is only a certain amount of money to be spent.

Warden Kirkegard said this came up two years ago about them getting paid to do assignments and not to go to school, programs etc. We need to get this done and be consistent across the board. Colleen Ambrose agreed and said we need to fix

and follow this policy. Warden Fender asked if we can look at adding good time to this process and is the sentencing committee going to look at this stuff? Colleen said she thought good time may be back on the table with the committee. Warden Kirkegard asked if we can tie other incentives to all of these areas. Treatment and Education staff need to be involved in this. Everyone thought the inmates should want to get education and treatment, not just get paid for it. Lena thought most people were in favor of not paying them for these areas.

It was decided to reform a sub-committee with each facility having 1 to 2 people on it and one person from legal and one from policy, with Lena chairing it. The Wardens gave these names for now and said they may adjust as we go along.

DCCF - Jon Barthel & Macowoski,

CCC - Deborah Powell,

MWP - Lusby,

GFRP - Harris

MSP - Marissa Botswick and Jim Salmons

Ms. Lusby from MWP then showed a presentation on inmate jobs, compensation reentry and how it works at MWP.

Requirements are clear conduct for 120 days for Majors, 90 days for minors, participate in reentry and are able to perform essential functions of the job. Kitchen is the only place you can work without pay until they get clear conduct. They all have to fill out applications and each applicant will be interviewed by 2 to 5 people. They encourage staff to help, to teach, to mentor, to coach and to support. They will actually leave prison with a cover letter and resume. They also buy a disc to put all the information on.

Pat Smith asked if the positions like janitorial, food service etc. get some type of certification to show they were trained? Ms. Lusby said they are trying to get certifications. Pat Smith said the more we make this related to the real world that would help them to succeed in the long run. Lena would like them to add all of this to the inmate's goals and be on the actual inmate evaluations. If it is something that the wardens are interested in, I don't think it will be that hard to sell.

Pat Smith asked Lena to put the contract monitors on this committee too.

### **Roundtable Discussion on Inmate/Facility Issues**

#### **MWP- Bob Paul**

The flooring has been taken care of and replaced at the Montana Women's Prison. Montana Women's Prison has been guiding offenders on the community outreach programs. Our staff has been helping offenders set up goals for when they go out into the community. The staff has also been holding the offenders accountable for their actions; this will help them in the community. For pill pass the offenders will sign for the medication they are going to take.

#### **Budget- Pat Schlauch**

Since the last Prison Issues Board Meeting Kara Sperle has taken a new job with the DPHHS. April Grady has taken over as interim acting Bureau Chief. April is currently the Bureau Chief of Contracts.

Pat Schlauch said there was only one fiscal note request so far. CII0 is the initiative that would legalize marijuana. It would take 50,000 signatures.

### **MSP- Warden Leroy Kirkegard**

Warden Kirkegard wanted to welcome Deborah Powell. Deborah is the new Associate Warden up at the Crossroads Correctional Center. He also congratulated the staff who received the Governor's award, including Bob Paul who was present.

### **Legal- Colleen Ambrose**

They will be changes coming to the Legal Services Bureau shortly. We have one of our attorneys leaving soon. Last week we had some ACLU allegations, and we are still working on many DRM complaints and HRB complaints. The Legal department is still working on the 1994 lawsuit of Conditions of Confinement.

### **GFRP – Captain Dan O'Fallon**

We interviewed a teacher at the high school for the Hi Set teacher position. She will start at the Great Falls Regional Prison a week from today.

Great Falls Regional Prison has updated their camera system and they have added 30+ more cameras. Footage from the cameras can be stored up to 3 years.

### **GFRP- Travis Harris**

Travis Harris asked if it was still allowed to do the yearly pizza sale. Lena responded that yes food sales are allowed according to the policy a few times per year. Others discussed it and everyone agreed to stick with the current policy.

### **GFRP – Demitric Godfrey**

DJ stated when getting offenders property off of transports, they usually have the property, but sometimes do not have their disciplinary. Pat Smith stated that if you are having problems with transports let Jerry Johnson and Heidi Crowe know. Pat Smith said to make sure to keep everyone aware of the problems. Candyce Neubauer thought it would be a good discussion for the Grievance/Disciplinary Conference.

### **Grievance – Billie Reich**

The Grievance/ Disciplinary Conference will be the on October 7 &8. The Grievance department has been really busy pulling documents for legal.

### **MCE- Andrew Olcott**

MCE is starting a welding program. It will be connected with the department of labor industry. Kevin Nicholson transferred from Billings to the MCE Tag Plant.

### **Budget – April Grady**

We just purchased the BOPP recording equipment and they will be able to do hearings October 1<sup>st</sup>. Candyce asked who will be able to view it. April replied you have to request a recording, due to the redacting software and privacy issues.

### **DCCF – Warden Tom Green**

The Baaken has slowed down a lot since it started a couple of years ago. Dale Henrichs the Contract Monitor is retiring at the end of the year. DCCF is fully staffed and entering union contract negotiations.

### **CCC- Deborah Powell**

Deborah wanted to thank everyone for welcoming her to CCA. She stated that she is looking forward to working for CCA.

### **CCC- Douglas Fender**

Warden Fender would like to thank everyone that helped with the several audits that CCA passed (ACA, PREA, USMS, FSC internal). There will be a legislature tour with 12 legislatures and 3 staff members on the 28<sup>th</sup> of September. CCA is replacing the roof on the building. It will take about 2 months to complete. CCA is vacant 10 officers. There will be a job fair here shortly. Warden Fender stated that they have hired 2 mental health staff. Warden Kirkegard asked what level of mental health staff they are. Warden Fender stated that it is 2 psychiatrists. The CCA phones system will be switching over to Telmate, it will take about 6 weeks to finish the process.

### **IWF accounts & global fund updates, quarterly requests, funding reviews, and new business – Lena Havron**

Two annual budgets need to be approved. They were handled out and reviewed by all.

Montana Woman's Prison for 2016 requesting \$67,120

Motion to approve – Warden Douglas Fender

Motion to second – Warden Tom Green

All voted in favor to approve.

CCA Annual Budget for 2016 Requesting \$138,475.00

CCA went back to the normal budget.

Motion to approve – Warden Leroy Kirkegard

Motion to second – Bob Paul and Warden Tom Green

All voted in favor to approve.

Funding request for MSP

\$5000 for MSP, this is to fund any requests for the diploma verifications from other states. This would give us the ability to have the funding available. MDIU would be the main hub for doing these.

Colleen Ambrose asked if it is just going to be there just in case. Yes, to be used as needed. States are starting to charge a higher rate. Marissa Bostwick will be the one in charge of these requests. Warden Fender asked it to be noted in OMIS.

Motion to approve- Warden Tom Green

Second the motion - Warden Douglas Fender

All voted in favor to approve.

Pat Smith stated at the last meeting that we are still receiving letters from offender's families. The letter was received the day of this meeting. Warden Kirkegard stated we should have legal look at our process of answering these.

**Public Comment Period- None Present**

**Other Security/Confidential issues if needed**

**The next meeting will be tentatively held January 12, 2015 at the Great Falls Regional Prison. (It has since been rescheduled to 2-9-16 at the GFRP)**