

**DEPARTMENT OF CORRECTIONS
PRISON ISSUES BOARDS MEETING
Great Falls Regional Prison
Great Falls, Montana
May 22, 2018
10:00 a.m. to 2:00 p.m.**

Roll Call – Warden Patrick McTighe-CCC, Director Reg Michael-MDOC, Gayle Butler - MCE, Warden Dan O’Fallon-GFRP, Warden Jennie Hansen-MWP, Pat Smith-MSP, Warden Tom Green-DCCF (via telephone conference).

Via telephone conference-Pat Schlauch
Via vision Net/Skype- none

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 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 – Cynthia Wolken
Second the motion –Warden O’Fallon
All approved

Welcome and introductions.

In addition to the above people, the following were present: Colleen Ambrose, Kurt Aughney, Chris Briscoe, DJ Godfrey, April Grady, Travis Harris, Noah Hatton, Rod Johnson, Laurie Mills, Billie Reich, Alicia Tangen, Connie Winner, and Cynthia Wolken.

Members of the public – None

Legislative and Management Team Updates– Director Michael

Director Michael stated we are still in a significant budget challenge and that we are functioning as best as we can. Currently, there is a hiring freeze. When a person resigns, retires, or discharges, HR will wait five months to post the position that is vacant. Director Michael stated that traveling is approved only when it is necessary and we are purchasing only items that are really needed. Director Michael stated that YTC in Great Falls has closed. The county jail hold continues to go down. March numbers were at 198. If we continue this and hold the numbers, we will be ok in FY19.

Director Michael stated that they are going to start the telephonic interviews with the most competitive applicant for the MSP Warden’s position soon. They will then try for face to face interviews within 30 days.

Director Michael stated the Law and Justice Committee met on 5/21/2018 regarding PREA audits and how with we respond to them. We will follow process. It was discussed who does investigations of PREA? Local law enforcements are unable to do the investigations. DOJ was asked to do the investigations and they said no. DOC will do the investigations. All allegations are looked in to and are monitored. Programming is also on their radar. Justice and Legal are involved. Senator Sands wants

all our programs statewide at each facility to be in compliance with state laws and be Evidence Based Programs. Check with Kurt Aughney to set up reviews and have him look at your facilities programs.

Director Michael stated that Dan Villa and himself went to Nashville, TN to meet with CCC management regarding the contract. Unfortunately, they did not come up with a solution. They will continue to work on it.

Director Michael stated the Interim Committee met yesterday. They worked on segregation at facilities, managing population, and some proposals with the Governor.

Director Michael stated that an Investigator position has been assigned to serve the Eastern Montana area. They will work out of MWP.

MDOC Budget Update– Pat Schlauch

Pat Schlauch stated that the budget is still at a 3.5million dollar deficit and they are still working on plans to mitigate. Some of the mitigation includes the closing of YTC, reducing jail holds and the rolling open position freezes. Per statute, facility rates are adjusted each year as actual cost rates are received, but per House Bill 2 the per diem rate paid to the facilities for FY18/19 can only be the rate that was paid starting 12/6/16. DOC is still calculating the rates annually but can only pay at the frozen rates.

Division Updates –Gayle Butler and Deputy Director Cynthia Wolken

Deputy Director Wolken stated that TSCTC is up and running. 56 offenders are attending.

A review team is reviewing best practices for transgender and intersex offenders at each facility. The team would like to get in front of this.

Director Michael suggested they work on it and then bring it to the PIB.

Pat Smith suggested to look at the issue nationwide and check into other states policies, then bring to the PIB. This has worked in the past with new things. Pat offered to come to the meetings and listen in and/or be on the committee.

Kurt Aughney added to check PREA requirements, the committee needs to meet if a transgender comes in, and that the Director decides whom should be on the committee.

Gayle Butler suggested that Pat Smith be on the committee for the Contract Facilities.

Colleen Ambrose suggested that more folks be on the policy committee.

Gayle Butler speaking for MSP Warden Salmonsens, stated that the MSP PREA Audit Correction Action Plan has 25 findings. They are working on at correction plan and that they plan to be compliant before the allotted time is up.

Gayle also stated that the Edovo tablets are still in the works and the new MP3 players are being swapped out and music downloaded at MCE.

DJ Godfrey asked if all the offenders old MP3 players would be replaced. Gayle answered yes, if they were confirmed to be the inmates and are in working condition when they were turned in.

Grievance Review-Billie Reich

Billie Reich stated that the Annual Grievance Report was update due to a correction of Shelby's numbers. She will send the updated report out to all via email. She also stated that she is working with IT to get the Grievance program put on the tablets. It should be available on the tablets in September. Billie stated that there are a lot of grievances filed against the Parole Board lately. She is working with Annette Carter to answer them. She also stated that there has been a lot of grievances filed against the mailroom regarding delivery, photos, etc. and access to the Legal Library.

Pat Smith noted that the agreement for the legal system to be on the tablets has been signed. It will take a bit of time to get everything worked out and running.

Medical Issues-Connie Winner

Connie Winner stated she will send out a handout with a memo on how to handle ADA claims. All ADA claims are sent to Russ Danaher for tracking.

Rod Johnson asked for an aide to assist with a blind offender at Lewistown. Connie informed him to put in a request to Russ Danaher.

Connie Winner stated that the 2016 Medicaid expansion occurred with a lot of bugs that had to be worked out since the start. A lot of providers are still sending the wrong form. She sent out the correct form that they need to use. Dr. Reece and Dr. Thomas (medical) are both full time at MSP. There will soon be a fulltime psychiatrist on staff at MSP. All three can be used as helpful resources.

Connie Winner stated that OTC medication product on the Canteen lists is working nicely at the Men's' prisons. There will be a formulary review meeting at the Central Office 9/11/2018 with all staff and providers. Connie asked all to let her know, if there are any of the OTC medications being abused. More medications may go to OTC in the future. When asked about accountability for the OTC medication, Connie stated that at MSP some officers give OTC meds and they log it. The logs are forwarded to medical. Gayle Butler asked if all of the meds are logged, offenders and staff? Pat Smith said that he spoke with Cindy and it is going ok and she does not have any issues if staff need to use the OTC's on a limited basis.

Connie Winner stated the Inmate Co-pay has been put on the back burner until we have an electronic health record. It was getting overwhelming.

Roundtable Discussion on Inmate/Facility Issues

Quality Assurance-Kurt Aughney

Kurt stated that there are two facilities that are working on Corrective Actions, MSP and Riverside. A PREA Auditor from New Mexico will return to finish up. The Pine Hills audit will be 8/20/18 and the Crossroads(Shelby) audit starts this June. Starting next year, California will be auditing in place of New Mexico.

Kurt stated that there are some new trainings for auditors. They only accept 2 to 16 persons per training. They are limited and they fill up fast. There are only 300 auditors in the USA and only 198 that are certified. Audits are done every three years at facilities. Kurt met with DOJ. It takes 22 weeks to process an auditor. There are only 55 selected. They want audit experience, investigation experience, quality assurance experience, contract specialist, and two DOJ mock audits (there are only 5 held per year). Last, they want you to have two audits done, one at a time.

Colleen Ambrose asked if under PREA statute, only DOJ can certify auditors and will only do 50+ at a time? Kurt answered yes.

Director Michael asked where does the money come from? Does DOJ cover it? Who is driving it? Kurt answered that groups that are vocal include the Western States Consortium (WSC). Scott Kady is over Montana's auditors. Kurt is pushing that we do not have enough people to audit. We may have to stop helping WSC. We need to concentrate on MT. The requirements of auditors have increased, so anything that we can do, they are open to it. A committee (Connie Ambrose, Kurt, Kevin, Gayle Butler, Jennie Hansen, and Jim Salmonsens) has been formed to work on this.

The Evidenced Based Programming (EBP) Meeting will be next week. A form will be sent to all facilities to review programs. The committee will then vote to approve programming or not. If approved, it will then go to Director's office for final approval. All programs will go thru the committee.

The Edovo policy is being worked on now. As we go forward, it will need to be adjusted.

Connie Winner asked about facilitator training? Kurt answered we have a class. All staff that are performing, should have facilitating (general training for being a facilitator). Each program will do the training that relates to them, i.e.: T4C, Parenting, etc.

CCC-Patrick McTighe

Warden McTighe stated their PREA audit is scheduled for June 12th. They hired a new Health Services Administrator and are hiring more RN's. They currently have their largest academy of staff. They are 100% staffed now due to using other staff from Mississippi. There is a new fulltime MDOC investigator at CCC.

Contract Beds-DJ Godfrey

We are currently looking at each facility's programs. If any of the contract facilities have questions regarding PREA, ask him. There is a lot to it. All facilities have been having a lot of STG and drug issues.

Lewistown Infirmary- Rod Johnson

Rod stated there are currently 23 offenders at Lewistown. CO positions are full. Medical staff is not. Offenders love the Edovos. Rod asked if they can be used for Parole Board and can they get transcripts on them. Gayle, Pat, and Kurt answered no, not at this time for Parole Board. The Parole Board can get any transcripts that they need from OMIS or files. They can be printed if they the offender requests them.

MCE/MSP-Gayle Butler

MSP—Gayle (helping to fill in for Interim Warden Jim Salmonsens) MSP continues to struggle with being low on CO's and LAC's in treatment. More offenders are going to Hi-side due to classification.

MCE—Gayle WRC center was full. They are down 2 spaces due to current releases. Larry Burke will be retiring after 29 years with DOC. Voc-ed and Education will be blended together.

Canteen has been very busy with OTC medications and hobby added, audit season, and downloading the information needed on the new MP3 players.

Branding is done. We are working on a Wild Horse Adoption and Gentling Program with about 35 horses.

Legal-Colleen Ambrose

Colleen stated that the Federal District Court MSP Pilot Project for e-filing should be up and running by June 1st. Gayle will be providing boxes so the files can be brought to the Library to be scanned in. There is a lot involved. MSP was asked to first try the low side, but they soon requested the entire prison.

Colleen stated the Langford vs MSP/DOC lawsuit that was filed by the ACLU in 1994 regarding the 1991 riot is close to being settled. A settlement with ADA Compliance was signed and it will go in front of the court soon. Information has been sent to offenders.

Colleen stated that the ADA infrastructure issue has been addressed for low side gym. Six to Eight policy changes for placement in Ad-seg and locked housing are also being worked on.

Colleen stated ADA training is required for all staff. You will need 85% to pass. After testing, you could be monitored for two years.

Discipline-Billie Reich

Billie stated that there has been additional discipline increasing in areas of housing refusals, assaults, and weapons. Recently, 24 hearings were held in one day(majors).

Billie stated that the Disciplinary system went live on OMIS 3. There were a lot of requests to IT for items to be done in the module before it went live, but they were not done. Billie, Kristie, and DJ are working on correcting them.

Director Michael stated that OMIS 3 will be the official record for DOC in the future and all should be able to use.

MWP Warden Hansen stated that a cheat sheet would be nice for the Discipline module.

Budget-April Grady

April stated that FY is nearing, with June 30th the end. Please get all information to her ASAP.

MWP-Warden Jennie Hansen

Warden Hansen stated the LT's took on a lot of PREA issues, reentry is staffed, and the new investigator was trained last week and very excited to have him on site. She stated they are six officers down and the Associate Warden position is going to be posted. The gardening program is up and running with the LT running it. There has been a gopher problem. Used kitty litter has been placed outside of the fence to keep them out. Facilitator training is done. She is working with Gayle on a new policy for hobby, to add beading and horsehair.

Warden Hansen stated the fire crew has been selected.

Warden Hansen stated that she has also been working with Robert Lishman to finish up the Elkhorn Treatment Center contract.

GFCF-Travis Harris/Dan O'Fallon

Travis stated that the dental clinic is up and running. Dr. Hicks started on 5/21/18. Dr. Hash will continue to help for now.

Travis stated that the MP3 players will be switching out this Thursday.

Warden O'Fallon stated that they are down 5 CO's right now. They had 20 applications. They are down to 3 out of the 20 that will go the next step. The position was opened back up and closes on Wednesday. They just lost one medical staff and another will be down June 1st, so they will be down 2 medical staff. Mental Health staff will be down on 7/1.

Warden O'Fallon stated they have a population of 470 in state and county. Stateside is good. County is overcrowded.

Warden O'Fallon asked if mail will go online when they have the Edovos? Pat Smith said no, not at this time. It may be an option in the future.

IT-Pat Smith

Pat stated that John Dougherty asked him to remind everyone to use the IT purchase request (ITPR) process for requesting IT equipment when using State funds. Monitor, mouse, speakers, and microphones do not have to go thru the process.

Review of RIC committee recommendations -Pat Smith

Pat stated that they recently met and that there was not much to discuss. There was one allowance. It is a Messianic Judaism head covering called a Yarmulke. It is being added to the Christian Matrix in MSP procedure 4.1.3, Inmate Personal Property. MSP is allowing them to wear them, but only under the cap. Pat said that the other facilities may require that they wear them per their own rules such as when and where.

Motion to approve was made.

Second the motion was made. All approved.

Discussion of canteen/property lists – Pat Smith/Gayle Butler

Pat stated that in the past, the Security Chiefs handled property and canteen. In the past two years the numbers of issues has gone down. This year Pat asked all facilities to send requests to him.

Pat said Kristie Cobban has one request to allow head phones for MDIU and locked housing. They would use these with the new tablets and MP3 players if they have progressed to the appropriate levels. This was approved.

Warden McTighe-Shelby is requesting bottled water on canteen. Water at Shelby has had a rust color a few times when the City was working on the water system. They have tested it and it was fine, but the inmates have raised issues with it. Gayle said the only problem would be storage. All voted in favor of allowing bottled water on the canteen, if Gayle could find room for it at the canteen, and it would be considered the same as bottled soda in the amounts allowed.

Gayle stated that they would like to start a special package program that, if approved, families could purchase approved packages from the Canteen for offenders. They would be available around Christmas, Easter, Thanksgiving, Birthday, and a special occasion day. She will bring a proposal to the next PIB meeting as everyone seemed open to the idea.

Jennie Hansen asked to have clear alarm clocks, root beer, and an extra pair of shoes for work put on the Canteen list at MWP. Travis Harris suggested to purchase shoe covers. Pat suggested they could also just be purchased by the facility and added to the facility's budget instead of allowing the inmates to purchase them. Pat also suggested that if work shoes were purchased, it would need to be a one for one trade.

Wash Cloths were also discussed to be added.

All agreed and voted to add a 3 pack of wash cloths, root beer, bottle water, and ear buds (for MDIU and locked housing units on the matrix). They also agreed to add clear alarm clocks and a pair of work shoes on the MWP canteen list for women. DJ added that the ear buds will be a Level 2 restriction for discipline and everyone agreed.

IWF accounts & global fund updates, requests, funding reviews, review FY 18 Annual IWF budgets and new business- Chris Briscoe

Chris stated that she received all IWF budgets except for MSP. Warden Salmonsens will get that to her. It will be sent out by email to be voted on. Chris stated that the Global Fund had to be adjusted to bump up it from \$20,000 to \$100,000 and that should be good for a year. That was previously approved.

CCCF-Warden Dan O'Fallon

New budget is \$62,975. It was reviewed and revised with no problems.

All in favor. All

All opposed. None

DCCF-Warden Tom Green

New budget is \$37,990. They are not asking for anything extravagant. They will run short and they are asking for help this year. Cable TV is the biggest cost. Warden Green has checked other companies. They run about the same as Mid-Rivers. Gayle asked what is the revenue? It comes from telephone and commissary. With the cable each month and what is coming, it is still short. Monthly average is \$2,220 coming in and average \$2,500 is going out. DJ asked if hobby revenue could help? Warden Green said no. They only have the hobby case that is up front. We can't send it back to MSP to be sold in the store there because Transport will not take it anymore. Pat asked if the other facilities could help until the tablets come in. That along with video visitation should help out some.

Pat also asked April Grady, if we could consider an entire inmate TV system that could cover all of the state secure care facilities? It may be cheaper and would make things much more consistent for all inmates. April said she would start to look into it.

Pat asked Chris to work out a comparison sheet for Dawson's last year expenses and income to see what it actually looked like. Warden Green's phone connection was lost, so all agreed we will check with him to see if he can negotiate with the current

cable company. CCC, GFRP and MSP said they could pony some money up for DCCF to get them through if needed. All decided to table it for now. Pat would send DCCF's budget out with MSP's for a vote via email and would see if they could also propose a TV RFP for the whole system.

MWP-Warden Jennie Hansen

New budget is \$68,700. Warden Hansen said that it is \$2,000 less than last year.

All in favor. All

All opposed. None

CCC-Warden Patrick McTighe

New budget is \$172,950. It is \$20,000 more from last year, but the Industry Program is now separate and TV-cable had a significant increase.

All in favor. All

All opposed. None

IWF Requests:

CCC had 1 request – A trio of work out machines: a treadmill, an exercise bike, and a stair stepper. Warden McTighe said that the bids run \$8,249 to \$10,905. Approving will need to go thru the bid process and they will work with April Grady to get it in order. Approving of \$10,905:

All in favor. All

All opposed. None

Public Comment Period- None

Other Security/Confidential issues if needed-None

The next scheduled Prison Issues Board meeting will tentatively be held September 25, 2018 at the MCE Office at Montana State Prison in Deer Lodge.