

**DEPARTMENT OF CORRECTIONS
PRISON ISSUES BOARDS MEETING
Montana State Prison
September 25, 2018
10:00 a.m. to 2:00 p.m.
Minutes**

Roll Call – Director Michael, Gayle Butler/MCE, Pat Smith/CPB, Warden Tom Green/DCCF, Acting Warden Jim Salmonsens/MSP, Travis Harris/GFRP, Warden Jennie Hansen/MWP, Warden Pat McTighe/CCC

Others via telephone & 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.”

In addition to the above people, the following were present: Kurt Aughney, Noah Hatton, DJ Godfrey, Paul Szcapaniak, Cindy McGillis-Hiner, John Daugherty, Colleen Ambrose, Pat Schlauch, Billie Reich, Kari Alstad,, Cecily Simmons, Alicia Tangen/Quality Assurance, Elaine Dahl/Policy Writer, Kathy Ralston/IT DOC, Scott Klajic/DOC MH, Deputy Director Cynthia Wolken.

Approval of minutes from the last meeting,
Moved to approve the minutes – Warden Green
Second the motion – Director Michael
All approved

Welcome and introductions.

Legislative and Management Team Updates – Director Michael

There was a meeting at the Riverside Facility to tell staff they are repurposing the facility and moving Lewistown inmates to Riverside. They are still meeting with staff about the coming changes. The DOC has made a decision regarding the Warden at MSP. They have selected a new Warden and he will begin on October 22nd. Lynn Guyer will be the new Warden at MSP. He comes to us from Idaho. This will give us an opportunity to evaluate what we do and how we do it. Director Michael then thanked AW Jim Salmonsens for serving as Interim Warden at MSP.

Deputy Director Wolken – Legislative Update - Law and Justice was considering a solitary confinement bill but have decided not to follow through with this at this time. There will be further discussion on this during the next session. There are several bills related to MCE. There is one on Re-Entry Savings. We have asked for some tweaks on this bill. There is also another bill related to MCE regarding license plates. The big elephant will be our budget. We are trying to meet public safety obligations regarding our budget.

MDOC Budget Updates – Pat Schlauch

Budget is in second year of biennium. We had to transfer funds from 2019 to pay bills. We are continually looking at things to make us more efficient. Plan is not to have a supplemental this year. Working with the Governor’s budget office. The

baseline budgets have been submitted, but none have been approved at this point. Pat Smith asked if the regional contracts have been caught up. Pat Schlauch said that with the legislation from last session, rates from regionals were froze at the December 2016 rates. Years 2015-2016 had to have the rates re-adjusted and retro payments were sent back to the facilities. 2016-2017 is done. We have to wait for Legislation for future funding. The CJH is what pushed the budget. Since January, the CJH has been sitting between 200-210 inmates waiting for movement. This is within our budget. This will help tremendously with the budget for 2019.

Division Updates –Interim Warden Jim Salmons

MSP is severely understaffed for correctional officers. The last two classes have added 20 plus to staff. Due to the officer shortage, visiting has been reduced as the security is not available. There are lots of maintenance issues from an aging facility. Right now, the facility is managing this. On a positive note, the contractors finished the new fences and now have new security functions including cameras on the towers. The population today is 1605.

Warden Jennie Hanson - MWP Updates

MWP is short staffed also. This causes safety and security issues. There is a new DOC Investigator at MWP. They have been stopping contraband coming in through visiting. Working on the Admin Gate. MWP is at 221 – this is at emergency capacity. There are only three more beds at the whole facility.

Review of Inmate Assignment Policy 5.1.1 & Matrix – Warden Hansen & DJ Godfrey

Warden Hansen gave a brief synopsis of the DOC policy, which was written in 1998 for the men’s prison. In the policy, there is an inmate pay scale. This is harder to follow for the smaller facilities. They would like some verbiage taken out of policy, so it could be more appropriate for the other facilities.

DJ Godfrey said they got rid of the sub-categories. All jobs should fall within policy without having to change the policy. You can give out raises within the facility, but you have to stay in budget when giving raises. The only other change to the policy is now inmates can have two paying jobs, but they must be paid out of two different budgets.

On the table for the Inmate Assignment Policy, they got rid of subcategories. The jobs are now listed that can be paid out of IWF budget. There is also hourly pay for some jobs. The jobs should not fall below or above the pay scale. The IWF rep is now in the policy.

OMIS currently has all the job positions to pick from. The jobs must show the past changes to positions to create the job history.

Pat Schlauch asked who will monitor the higher pay inmates to make sure they stay within the budget. DJ Godfrey said locally there will have to be some internal control.

Pat Schlauch asked what the total budget for inmate payroll is. Chris Briscoe said she will have to go back and look this up. Pat Smith said the people/facilities are accountable for their own budgets for this. Elaine Dahl suggested that all changes for inmate pay should have to go through the Prison Issues Board. Kurt Aughney agreed this would give everyone at PIB a chance to view any changes.

Warden Hansen made the motion to move this forward. The motion was seconded by Warden Green. All in favor, no one opposes.

DJ will work on this policy and send it to everyone.

Tablet Steering Committee Issues – Gail Lambert & Billie Reich

Gayle Butler said the tablets were put into use at MSP. The steering committee reviews content and requests for additional content for education, programs, etc. There are representatives from all the departments. The steering committee also eliminates content. She will send out the form needed for these types of requests when it is ready for approval. Pat is taking care of the contract facilities.

Lexus/Nexus is not quite ready for the tablets. They are also still trying to figure out how to do transcripts and certificates for the inmates when modules are complete. We discovered that the inmates must read all unit rules, not just the specific unit rules before they use. They are also looking at what is mandatory to make sure it’s being read and scored.

Microphone earbuds are not necessary as there are microphones already in the tablets. Microphone earbuds are not made for correctional facilities and they are expensive. Pat Smith said the inmates are wanting to use the microphone headphone for the

language courses, as the tablet microphones do not work well. Gayle said if we allow this for the language courses, then we have to allow inmates to purchase them.

Warden Hansen does not have any problems with microphone earbuds at MWP because the facility is smaller. If the inmates want to purchase them with their own money, then she has no problem. Warden Green would like to see the board agree on something regarding the microphone earbuds. AW Salmonsens would like to look at some options and bring this issue back to the spring meeting. Gayle Butler agreed to re-visit this at the spring meeting.

When an inmate gets written up, it's not always a good idea to take away the tablet for all write ups. This is not logical to take the tablet away as a sanction unless the write up has to do with the tablets. Pat Smith said the tattoo sanction removes electronics. This should not be part of the electronics sanction. If the inmate damages, destroys or alters the tablet, then we could take the tablet away.

The tablets have been given to investigations to look at and see if inmates can compromise them and how. Paul Szczepaniak said the inmates have tried in other states to remove the batteries. John Daugherty said at another state, they were doing this, but with how we issue them, this should be different.

John Daugherty said investigations just received these tablets yesterday. There is a survey regarding the tablets availability and how we should handle certificate and transcript requests.

Warden Green said DCCF has the tablets, but they are not functional yet.

Travis Harris said Great Falls is still working on getting a phone contract before they look at the tablets.

Warden Hansen said MWP has the tablets but not all the programming that MSP has.

DJ Godfrey asked if we are going to allow the inmates to have tablets while serving detention. AW Salmonsens said no, but we will have to have access to OSR's because the kites and grievance will eventually be on the tablets. At this point, access to tablets while in detention will be on a case by case basis. The inmate kites have gone down regarding the tablets.

John Daugherty said he spoke to another state regarding the tablets last week. One of the facilities in the state said they only allow use in cells with the doors closed. John is looking at connection issues. At this point, we are only allowing tablet use in common areas.

Warden Hansen said MWP does the same as MSP with the taking the tablets as part of a sanction. If the write up has something to do with the table, then use it as a sanction. All agreed. Colleen Ambrose asked if we let them continue to use the tablets, can we take away movies and games. Gayle Butler said it is a lot of work to change individual content. If you have questions, contact Pat Smith. The committee meets once a month.

Medical Issues – Connie Winner

Cindy Hiner introduced Dr. Scott Klajic. He is a retired army psychologist and has recently moved his family to Helena. Connie has given him his top priorities. The number one is compliance and best practice.

Cindy Hiner said the next thing to take into consideration is the formulary and treatment of the offender population. The physicians have identified issues with canteen items available for the offenders and how they negatively affect their healthcare. Ms. Hiner said she would like to address the committee regarding changes and putting healthy items on the canteen. For example, the diabetic population and trying to control their sugars. She would like to see healthy choices for canteen purchases. Gayle Butler agreed there should be healthier options. AW Salmonsens said this should be part of the inmate's personal responsibility and there is no room in the canteen for additional items.

Cindy Hiner would like the doctors to come and make a presentation to the board with their healthy options. Should be done in January, so if there are any changes, they would be ready for the spring meeting, which is when we make changes to the canteen.

All were in favor of looking at this and hearing them out. Pat said we should look at all the options and still try to keep the inmate populations requests in mind. Cindy Hiner will present this at the next meeting.

Roundtable Discussion on Inmate/Facility Issues **GFRP- name**

notes

DJ Godfrey – Contract Placement Bureau

DJ Godfrey has been working with the BOPP regarding mental health evaluations. For now, this is on hold. When there is a transport, the property inventories are not being filled out accurately and completely. The form is outdated. Inmates rolling up and doing their own inventory is problematic. DJ Godfrey will contact someone from each facility to work on the property inventory form. MWP has their own form and does not need to be involved in this.

Billie Reich – MSP Classification/Grievance

The annual Disciplinary/Grievance Conference is coming up in Shelby. All of the facilities will be there. They have also hired Mark Lochrie as the second Grievance Coordinator. The Department also has a new PREA Compliance Manager. Bill Weddington will start in this position on Monday.

Deputy Director Cynthia Wolken

Deputy Director Wolken will be helping with the new warden at MSP. She thanked AW Salmonsens, and said he did an outstanding job. They will continue to work toward the opening of the MSP satellite facility at Riverside. Maintenance has been helping with this.

Gayle Butler - MCE

MSP has hired a new teacher, so they are only down five. Two retired and one changed positions to the library. They have checked on getting a book library available for the MP3 players. This is not available yet.

Colleen Ambrose – Legal Services

There have been several new hires for DOC legal this week. They have been authorized to fill Robert's position. The new hires will be attending NEO at MSP. They have a lot of HRB cases they are handling related to medical at MSP. The other project is Langford vs. Bullock. They are working on the final provisions of the 1994 settlement regarding ADA compliance. They are making sure they are compliant with the settlement agreement. This includes MSCTC. They are working on ADA issues with locked housing. They are also working with the Training Bureau because we have to provide training for all staff at MSP on ADA. The training has a test at the end. The ACLU is looking at the current training for NEO.

Quality Assurance – Kurt Augney

The final report from Riverside on PREA is done and looks good. MSP is due on October 9th. The Pine Hills' audit starts today.

Evidence based programs – the meetings will be sent by email. They are planning the annual license at CCC.

Director Michael asked if everyone is familiar with the process for approving programs. Kurt Augney said all programs must be evidence based. The forms are on the website. Once the forms are filled out, they need to be submitted to the committee. If approved, it goes to the director for approval and signature.

Pat Smith and DJ are working with the wardens to help with the process, but most must wait until MDOC & MSP determine which ones we will use for secure care males.

Clinical Services - Connie Winner

They are happy to have Dr. Klajic. They are going to focus on evidence-based programming at MSP. They have a good program at MWP. The Medical Services Manager position at MWP has been posted. The Assistant Directors of Nursing at MSP have been helping out.

MSP- Jim Salmonsens

MSP is short staffed and also dealing with issues of an aging facility.

Information Technology - John Daughtery

DOC Legal staff have signed off on the contract for Lexus/Nexus. It should be on the tablets on October 1st and we can replace the computers and printers in the facilities. He has a list of all the facilities that need to get this done. Potentially early spring before everyone gets done.

Core Civic – Warden Pat McTighe

They are filling positions at CCC. They have an upcoming audit. HiSet graduations are next week. Staffing and recruitment is going well. They have been to three different job fairs in the last couple weeks.

Cecily Simons – Kurt Aughney and his group showed up at CCC. Corporate was there at the same time. The PREA report came back good. ACA audit was just completed, and it was very good.

Budget – Pat Schlauch

Every two years we have an audit of our finances. There was an issue last time with the deposits. Pat Schlauch will be talking to the facilities and to the accounting people at each facility.

They have two positions open now. In the interim, they are working to keep things going. They will probably be short for a while. If you have any questions, call Pat Schlauch or Tawnia Everhard.

MWP- Warden Jennie Hansen

The new classes are full for the 6-8 week program. It is evidence based and addresses risk/need.

MWP had a new LAC that started yesterday. They also have a new Mental Health worker starting next week. They also hired an Investigator and an Associate Warden.

DCCF- Warden Tom Green.

DCCF hired a new case manager. Her name is Janine Brown and she is going through training. They will try and get her out to visit the other facilities.

The new inmate phone system is having some issues. Century Link will be fixing these.

IWF accounts & global fund updates, funding and new business - Chris Briscoe

Chris passed out a summary of the global fund. The global fund gets money from each facility. This fund pays for rent, treatment, and a lot of re-entry stuff for the offenders. There were no comments or questions regarding this.

There was an IWF request. MSP wants to buy an ice and water dispenser for the infirmary. The cost is \$4860.60. opened for discussion. Colleen Ambrose asked if it was for Lewistown Infirmary. The request is for the MSP Infirmary. The old one broke and cannot be fixed, it was originally purchased by IWF long ago. It is in the Infirmary for post-op recovery and inmates who are sick and need to be hydrated, as well as for icing injuries. This request is on our delegated authority, so it does not have to be put out for bid. The IWF reps have not signed this. This was an error, and AW Salmonsens will take this to the IWF reps.

The motion was made by Gayle Butler for \$4860.60 for an ice and water dispenser for the MSP Infirmary. The motion was seconded by Warden McTighe. All were in favor – none opposed.

There were no other requests from the other facilities.

Public Comment Period

Rudy Stock, Lori Little Dog, Ernest James Christenson

Lori Little Dog said there are some things she wants us to be aware of. First, when it comes to DOC commits, she would like them not to be placed at MSP/MDIU. When someone doesn't do well and ends up on the high side at MSP, it is pretty intense. When it comes to Langford and ADA compliance issues, access to medications, and not putting inmates with mental health issues into confinement, she said she hopes someone can come up with a way to reevaluate how we deal with these inmates. She would like to know if there any way to work with previous doctors the inmates have had before prison. She requested some Native American psychology for employees to go to for cohesiveness and understanding. She also encourages the prison to look at our hiring practices and that we should reach out to the areas around the reservations. There are kids coming out of tribal colleges for these jobs. She was also concerned with MDIU and Pre-Hearing confinement and the inmates not having access to religious practice during those times, and this was concerning to her. When religious practice is totally withheld – she would like us to revisit this. Lock down time is very long and could be better spent. She would also like to have us look at visiting and medicine bags.

Ernest James Christenson – Visiting hours on the low side and Saturdays only for children to visit. He only gets to visit his grandson for an hour and a half before he is asked to leave. He would like to visit a little longer. There is a bottleneck at check in for visiting. He used to visit several years ago, and it wasn't like this. It hard in the winter when it's cold and people have to stand outside in the cold to wait to come in. He would also like to increase the amount of money to \$25.00 to bring to visiting because sometimes he runs out of money and the vending prices have increased over the years.

There were no additional members of the public present, but there were additional comments sent in which will be included as attachments.

Other Security/Confidential issues if needed

These were discussed under closed session.

The next meeting was tentatively scheduled for Wednesday, January 16, 2019 in Helena at DOC Central Office. It has since been changed to Wednesday January 23 in the Helena MDOC office.