

**Department of Corrections
Prison Issues Board
Dawson County Correctional Facility
Glendive, MT
September 21, 2010**

DOC Director Mike Ferriter, Patrick Smith Chairman, Warden Mike Mahoney – MSP, Gayle Lambert – MCE Administrator, Warden Sam Law – CCC, Warden Steve Ray – DCCF, Deputy Warden Robert Paul – MWP, Sheriff Craig Anderson – Dawson County, Ira Eakin – DOC Legal, Sgt. Bill Nevins – GFRP Unit Manager, Armando Oropeza – DOC Compliance, Deputy Warden Tom Green - DCCF, Cpt. Ron Nodland - DCCF, Warden Jo Acton - MWP, Rhonda Schaeffer – Administrative and Financial Services Administrator, Kara Sperle – DOC Fiscal, Wayne Bye, Jim Vollrath, Dale Henrichs, and Jon Barthel - DCCF.

Members of General Public – Charlie Denison

Chairman Patrick Smith called the meeting to order and explained the order of the meeting. He also called attention to the great job Sheriff Anderson and Warden Ray have done with the Dawson facility. It is a well run and secure facility that they and their staff should be proud of. They are always trying new and creative ideas to keep inmates busy and preparing them for reentry into society. He thanked them for being very hospitable to all who came for today's meeting.

“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.”

Welcome and Introductions

The minutes from the last meeting must be approved. There were some property changes - specifically #4 – gel insoles. It was reported in the minutes the opposite of what was agreed. The changes in the official minutes have been made.

Warden Mahoney moved to approve the minutes with the changes. Warden Law seconded the motion. Pat Smith called for a vote of approval. All were in favor, none opposed.

Legislative and Management Team Updates – Director Ferriter

Cathy Redfern is overseeing medical for the whole Department. John Daugherty is now the IT Division Administrator. Steve Barry will soon be back in his role as a Staff Services Administrator which covers Policy, Investigations, Personnel and Training. Armando Oropeza and Sharon Smith are now in the Administrative Services Division. Central Office in Helena has relocated their offices to the old State Fund Office. They share the building with the Board of Crime Control and the Department of Revenue.

Mary Green passed away last week. Mary was the Contract Monitor in Great Falls years ago. She then took on the role as policy writer for the department. Mary was an excellent employee and always had a smile.

Policy will continue under Steve Barry. There were quite a few policies that were being worked on, including which policies should be restricted and which ones should not.

The Director stopped at Pine Hills on his way to Glendive. He stopped to give regards to staff there because Jim Hunter, the Superintendent of the Pine Hills Youth Correctional Facility, recently passed away.

Legislation - We are limiting the number of bills being brought to legislation. We work hard to keep it limited. One bill was the result of the audit and deals with Community Corrections. Our auditor did not concur, but agreed to go to legislation for clarification. One thing that came from the audit is they looked at our contracts with secure facilities and were pleased with

what they saw. The other piece of legislation directly related to us is jail costs. This is county jail costs. There are 41 counties with different jail costs. We are working with the sheriffs and peace officers association to clarify some things without legislation. We are also going together with other departments who also have jail costs.

Our legal staff is working with the BOPP to clean up some related legislation. Ira Eakin said one of the issues with the BOPP is that offenders on furlough cannot be charged with escape. This is being cleaned up so that they can be charged with escape.

Population Management – We continue to manage our goal of 80/20. We have been very successful in maintaining our goal. We do not have an abundance of secure facility space. We have been through a variety of ideas about cutting budgets. We are waiting for final budget projections to see where we stand.

Some of the other bills that will be of interest to this group are medical marijuana and DUI.

Kara Sperle is still working on budgets and waiting to hear from the Governor’s office.

Division Updates – Warden Mike Mahoney

We do not stop and celebrate our victories often enough. When we look at our adult secure system, and all the challenges we are seeing, we are more diversified. It has been more and more challenging in the last couple years. The evolution of the STG piece has made our jobs more and more challenging. Warden Mahoney commended the regional facilities for the partnership we share with the county jails and the contracts with us. Hopefully this community realizes what an outstanding job the sheriff does. Between the Warden and the Sheriff in Dawson County, he hopes the people realize what a great job they do.

Construction continues at the prison. We are in the process of adding an annex in back of the Maximum Security building. We will have re-therm units and staff break areas. This also enables us to revamp the isolation cells. We are modifying two blocks to meet ADA Standards and upgrading the boiler. During construction, a cable TV line was broke and they had to quickly fix that. The education and laundry buildings are getting an elevator. The old E Unit has been gutted with inmate labor. This building will eventually be used for low side visiting and transportation offices.

Two weeks ago, MSP had the second phase of a leadership training program.

Director Ferriter said this is a very special project when the NIC comes to Montana. We have 30 people involved with this. Administrators were allowed to select topics. Some of the topics they were working on were youthful offenders in secure facilities, STEPS Program, management of sex offenders and breaking down barriers to the community. About 1/3 of MSP’s population is sex offenders. It is a huge issue moving these offenders to the community.

Inmate population wise, about 310 inmates have gone through STEPS. There are 45 facilitators trained.

Since the last PIB meeting, the Warden has met with the Board of Crime Control council and MLEA regarding developing statewide firearms standards. They are working on the specific differences with DOC and statewide standards.

The automated inmate banking deposit system is in the testing phase. When the testing phase is done, it will be implemented at MSP. After MSP is done testing the system, this issue will be brought back to PIB to see about implementing the system at the other facilities.

Patrick Smith wanted to announce and recognize Jim Vollrath. He will be retiring from the Contract Monitor position in Shelby. He has been there for the last six years. He thanked Jim for the time with us and the great job he has done. The monitors catch it from everyone and it is not an easy job. They deal with everyone – inmates, families, DOC staff and the facilities they monitor. Warden Law said they do not look at Jim as a Contract Monitor, but part of their family and hopes he goes away knowing he was treated that way and that he is always welcome at their house. Jim thanked everyone for the experience and said it has been a personal pleasure.

Legal Issues and Updates – Ira Eakin

One of the things Colleen Ambrose has been working on is a comprehensive legal review of publications and the Mailroom Policy. Legal is involved because of First Amendment considerations. We are not prepared today to give any specific dos and don’ts. Another issue that came up recently was the Dress and Hygiene Policy. There are two big issues they have been looking at. The first is forced showers for inmates who refuse to keep themselves clean and have become offensive to others and have sanitation issues. Legal has reviewed the proposed changes and has decided the policy is acceptable. The inmates do

not have the right to be free from taking a shower. A low pressure hose with detergent can be used. There is no need for contact with the inmate.

The second issue has to do with hair. The Ninth Circuit Court of Appeals has said that prison hair policies must allow for exceptions based on sincere religious beliefs. At MSP, there has always been deference given to Native Americans with long hair or braided hair. This is not a problem. The problems are with the individuals who want to wear their hair a certain way to associate with STG groups or have dreadlocks that cannot be searched. The new policy has been cleared with Legal and allows the inmates to be warned and they can be subjected to forced hair cutting, with the exception of inmate's with valid religious reasons for their hair style. The inmate must declare a religion. The Prison has a legitimate interest in the safety and security of the facility. They must be able to quickly search someone's hair. The new policy drafted is a good policy. It allows the prison the ability to control hair length and styles, but still pass the Warsoldier ruling.

If an inmate is allowed long, braided hair based on a religious exception and gets caught hiding contraband in his hair, then that would be a valid reason to force the inmate to cut his hair.

Warden Mahoney said what they are seeing lately is the STG piece. Mohawks and little ponytails stuck up in the back. These are based on STG affiliation. Dreadlocks are an issue also. These were once allowed, but officers are unable to separate the hair and look for contraband.

The Correspondence Policy will hopefully be on the next agenda. There are two different issues we have been looking at. One was publications and the other was books. Warden Law has been denying the very large hard back books such as atlases in Shelby. These are available in the library. The inmates are allowed to look at these books, but not check them out. School books are provided to the inmates. Colleen Ambrose is meeting with the Security Major on these issues. Ira Eakin said the big question is whether we can restrict certain publications. This is a complicated legal question. There is a host of issues that come into this picture. Is an art book that contains a drawing of a female breast a violation of policy? Can we keep that out? Ira does not think there is a problem with limiting hard back books or large sized books.

Warden Law said his facility has been dealing with each publication individually. They do not alter the publication, because that violates policy also. They simply give an undeliverable notice for that item.

Patrick Smith said this just needs to be clearly outlined consistent in policy. This will be put back on the agenda.

Compliance Monitoring – Armando Oropeza Handout

One thing Armando is excited about is everybody has been very open to change. Armando said there is always room for change and development. When he was working at the academy, he had the opportunity to meet a lot of our employees. He has been gathering knowledge and rebuilding the audit instrument. He is putting together teams for different parts of the instruments. He will send out letters to these people asking for their participation.

The Director said it might be helpful if we knew Armando's background. Armando is now working in the division with Rhonda Schaeffer. He was an Air Force relocate to Great Falls in 1998. He started working with juveniles in Great Falls. Three and a half years ago he went to work for the academy as an instructor.

Patrick Smith said as we go forward, he will make sure everyone has input to any changes and we will hopefully have a better product. The teams will help design and update the instruments. This will be field tested before we set the standards. We want to get away from the "Gotcha" phrase and go to more of a learning opportunity.

Rhonda Schaeffer wanted to thank everyone for letting them step back and reassess what they are doing with the compliance monitoring. She wants everyone to give them time because they are committed to this.

Gayle Lambert asked if as they are working through the tool, they please pay attention to MCE. They are totally separate from the facilities.

Armando said almost every tool will be different. They will have to tweak the instrument to the facilities.

Update on Inmate Wages in all facilities and the Montana Interactive Project – Kara Sperle Montana Interactive is in a testing phase still.

They are still working on inmate wages and pay scales. They should have one more meeting on this issue and be able to get it all wrapped up within the next six weeks.

Roundtable Discussion**MWP – DW Bob Paul and Warden Jo Acton**

DW Paul said they are working on a Garden Initiative Project with Gayle Lambert. The goal is to have 960 square feet of gardening space. Food service is excited about this. It will offset the costs of purchasing vegetables and they can donate to the food bank.

MWP purchased a couple of lots in back of the facility. All the buildings are gone and the ground is leveled out. They are working on what they will do with this space.

They would like to look at a way of bringing together treatment and education. They stumbled into this project. They had offenders in behavior treatment courses and after discussion, found they were covering some of the same areas in education.

MWP has been working hard on getting security updated. They have an EPP figure to present to Legislature.

There was an escape attempt at MWP. The bottom line is the troops did an outstanding job. The inmate was apprehended in less than two minutes.

MWP is working with Ira on getting some MOU's for crisis and mutual aide. They are working on getting a MOU with Passages. If the facility has a catastrophic situation and must move the population, there is no place to go in Billings.

CCC – Warden Sam Law

Warden Law said his facility has been through about 4 audits this year and have a couple more to go. Things are going good. The population at CCC has increased and they only have eight empty beds.

MCE – Gayle Lambert

Last session there was some long range building money for MSP for a gardening program. They tried to get this moved to Glendive because they have a longer growing season. The money must be split between Pine Hills, MSP and MWP. This is part of the Governor's Feed Montana Program.

MCE is working with Pam Bunke on the Re-Entry Initiative. Many of our people are involved. They have been meeting for the last 16 months. They are making headway, but it is a slow process. Sam Casey is the Re-Entry Manager.

At MSP, they are still doing college courses. They are trying to get done with their AA's before the money runs out. The Pathways to Success program at MWP has 55 students.

There will be two demonstrations coming up for the MP3 players. There are only two companies that offer this service for correctional facilities. The MP3's will work well; it is the downloading that could be a problem.

GFRP – Sgt. Bill Nevins

The facility is under tension with the political ramifications going on in the county. O'Fallon and Cpt. Hitchcock have been running the facility. Things are going well. On the county side, there was an escape attempt. The escape was actually shut down before it happened – it was still in the planning stages. The facility is getting better every day. Sgt. Nevins appreciates Jerry Guthrie and Pat Smith with movement of inmates in and out of the facility. He is not seeing a lot of STG problems. Sgt. Nevins thanked the Sheriff and Warden for the visit to Glendive and tour of the facility.

Director Ferriter wanted to let everyone know about some changes in administration at MASC. Jason Kowalski is the new Administrator and Sue Hintz is the Undersheriff. This is for Missoula County Detention facility. Dan Maloughney is still the Administrator for the MASC program.

MSP – Warden Mike Mahoney

Lt. Blaz is focusing a lot on our emergency and fire drills. They evacuated B Unit. 168 inmates were relocated to the gym. The staff did an outstanding job. This was done right in the middle of construction. It took about three hours and went well.

About a year ago, Warden Mahoney took over the safety committee. The goal was to reduce slips, trips and falls by 50 %. They achieved a reduction of 51%. They are doing a good job of working on safety issues.

The Warden was allowed to participate in the debriefing of the escape from Community Corrections in Great Falls. The people who were involved stepped up and admitted to breaches in the security system.

Director Ferriter said what happened was with CCCS. He issued a word of caution for all of us that we sometimes forget who we are dealing with.

We are looking at using something similar to the CCC Close Custody Management Program on our high security compound. There also was an assault in the high side food service and it was on tape. It was clearly a STG thing.

DCCF – Warden Steven Ray

The Glendive facility is blessed with good staff and officers. They have also had a very successful garden year. They had lots of cucumbers. They used what they could and sold some at the Farmers Market, the rest will probably be donated. There was also a lot of corn and tomatoes. The horse program was successful this summer. They are talking about expanding the program next year with training colts and selling them. They are looking at getting wood and building corals.

Director Ferriter said there is potential for some community service projects for Glendive inmates. The fairgrounds and softball fields are nearby. Gayle Lambert has some experience with that. MCE has 8 inmates that work every day in the community and 15 more that work most days. They are screened by the Unit Management Team, Admin Review and then a Community Screening Committee.

Warden Ray asked if the inmates were guarded or unguarded. Gayle Lambert said they are under indirect supervision and subject to count. The local sheriff and undersheriff monitor the inmates. Our fire crew is also under indirect supervision.

Budget – Kara Sperle

Kara said when they have more information about the budget, they will release the information. Right now, they are taking on the Governor's initiative to save 20% of energy by 2010.

Rhonda Schaeffer said they go before sub-committees on October 7th and then again on October 15th.

Armando Oropeza said the big thing for STG inmates lately is cutting notches in their eyebrows for identification. This is becoming more and more popular.

The Director sent some information regarding suicides and this will be passed around. This is good information and has good recommendations in it.

IWF Account Updates – Kara Sperle

Handout

MASC still has a very large IWF account balance. They are still working on the contract. A majority of this money will probably stay in the IWF pool. There are some policies being worked on regarding pooling together IWF money for re-entry.

The IWF fund recaps were handed out and if you have any questions or need discussion, just meet with Kara.

IWF Requests

Warden Mahoney had an IWF request for MSP for \$3000. This is for the Inter-Library Loan System. There is an annual increase of \$400. We must pay postage on the inter-library loan books. The request of \$3000 is for the Inter-Library Loan System.

Warden Ray moved to approve this request. Warden Law seconded the motion. All were in favor, none opposed.

Patrick Smith asked how everyone else is handling inter-library loan. Warden Ray said DCCF sees no charge for the service. Sgt. Nevins said Great Falls does not have inter-library loan books. Warden Law said CCC manages it. DW Paul said MWP has a few, but the cost will be under the \$2500 threshold.

Warden Mahoney said they are also looking at concrete benches for recreation. They are looking at three of these and may have a request next time if costs are over the \$2500 threshold.

Gayle Lambert said last year MCE increased the size of the canteen. They are now able to service all the facilities with the three FTE's they originally had. Last year they had 1.9 million dollars in revenue without increasing the FTE's. The net revenue was \$160,000, of which 50% will go back to the facilities IWF. This refund will be based on each facilities percentage of overall sales.

They are still trying to get CCC's trailer licensed.

Public Comment Period

Patrick Smith asked if there was any public comment. There was none. Mr. Smith did receive two emails from Barbara Rose, and they both had to do with the agenda for today's meeting. She said it was not posted on the website. A few minutes later, she found it on the website, just not where it had previously been posted. She asked if we could consistently post the agenda to the same area. Patrick forwarded this request to Dean Smail and the IT Department. He had mistakenly put the agenda on the wrong area. He sent Barbara Rose an email apologizing. We will strive to have the Prison Issues Board agendas, minutes etc. in the same area on the web site.

If any members of the public have questions about accessing the PIB, just contact Ira Eakin or Patrick Smith.

The Chairman has determined that the individuals or topics next coming under discussion at this meeting involve individual rights of privacy or safety and security issues which outweigh the public's right to know. Therefore, the Chairman has decided to hold this part of the meeting in closed session.

The next meeting will be in the second or third week in January 2011. This will be scheduled around the legislative session as in the past to hopefully reduce multiple travel dates for all concerned. The next meeting will be in Helena at the MDOC central office. As soon as the Legislative schedule is posted we will post the exact date of the meeting on our website and notify all members of the PIB.