

**Department of Corrections
Prison Issues Board
Crossroads Correctional Center
September 9, 2009**

Director Mike Ferriter, Warden Mike Mahoney, Lena Havron, Kara Sperle, Bob Anez, Jim Vollrath, Blue Corneliusen, Sally Hillander, Mary Green, Warden Steve Ray, Warden Sam Law, AW Chris Ivins

Welcome and Introductions – Patrick Smith

Legislative, Management Team and Advisory Council Updates – Director Ferriter

North Dakota recently released its longest standing offender onto parole – he had been there for 46 years. Sometimes we forget how that is for the offenders.

DOC Advisory Council – handout

The projections were for 3.9 percent for our long term growth rate. There have been four recommendations made to the Department.

1. 116 bed sex offender program
2. 152 bed male/female special needs facility
3. Build a new 512 bed prison at a new location
4. Build a stand-alone facility for the female offenders. We would use the current facility for something else for male offenders.

The council was very complimentary to secure care staff. The council said we are operating really quite well in contrast to what they found elsewhere. Bob Anez said the recommendations of the council are not the recommendations of the governor. The Director said the consultants recommended that at least three components be built in Billings - the women’s facility, the special needs and the 512 bed facility.

Sex Offender Fact Sheet No. 1 - Handout

28.7% of all secure care inmates are sex offenders and this number is growing. The number of sex offenders in our pre-release population is only 1.1%. Our pre-release centers are not carrying much weight in terms of sex offenders. Pat Smith said of the inmates that go through treatment and are released, the recidivism rate is less than 2%. There are some hard core sex offenders, but the majority of the treated offenders can be placed back out into the communities. Director Ferriter said the sex offenders are the biggest problem for this task force. We have got to improve something or we will continue to be bogged down.

Mary Greene said is it in the contracts that some pre-release centers do not have to accept sex offenders.

Director Ferriter said it is not in the contract, but it is a commitment the facilities have made to the communities. We have asked our pre-release centers to step up to the plate. Great Falls is going to begin taking sex offenders that are from Cascade County. Helena, Bozeman and Butte are really holding out on us.

Blue Corneliusen said the Cascade County Sheriff has been very vocal on this issue. This is an education process. Great Falls has a good pre-release center and they do a good job.

Warden Mahoney said this is a systemic problem. If you look at the front end, there are statutes that require us to treat these offenders a certain way. By default, when we get these offenders into the system, the mentality is to group them all into tier three sex offenders. There are a lot of tier one and two offenders that do not need to be in prison. MSP is the only in-patient treatment center in Montana for sex offenders. We all need to work collectively together on the pre-sentence process.

Pat Smith said the director has formed a task force and is brainstorming about how we can manage this population better.

Warden Law said we deal with this every day. The problem is the public perception of all sex offenders.

Mary Greene said we could release the fact sheet to the public as it has good information. Bob Anez said the Billings Gazette is working on a story on this. Warden Mahoney said the media is a powerful tool. With the recent finding of the kidnapped girl and the criminal background of the person who took her, that is what people will remember. Blue Corneliussen said maybe we should be looking at changing the labeling of the different sex offenders. Pat Smith said this is something the task force is looking at. Pat suggested that maybe we should work with Sally Hilander, MSOTA and community corrections presentations to start the education process.

DUI Fact Sheet No. 1 – Handout

Director Ferriter said the next topic the Law and Justice Committee looked at was felony DUI. For the most part, the prevalence of felony DUI conviction mirrors the state's population distribution. However, some counties have more than their proportionate share of DUI's. Lewis & Clark, Silver Bow and Lake Counties have a disproportionately high share of DUI's in relation to their populations. Montana's felony DUI law does not provide graduated periods of incarceration for those convicted of a second or subsequent felony DUI. In most cases, judges tend to impose the same statutory 13 month to five year sentence for offenders with multiple felony DUI's. However, a judge can impose a sentence of more than the specified 13 month to five-year sentence by declaring a motorist with multiple felony DUI convictions a "persistent felony offender". That designation can bring a sentence ranging from 5-100 years. The "residential alcohol treatment program" referenced in the DUI laws is provided in form of WATCH (Warm Springs Addictions Treatment and Change) program located at Warm Springs (males) and Glendive (male and females). This is a six month treatment program. Successful completion can mean a reduction of an offender's 13-month sentence. The attorney general is highly focused on this topic.

Director Ferriter said there have been some temporary re-orgs in the MDOC that everyone needs to be aware of. Bill Fleiner resigned and Diana Koch has moved out of her position, but will remain with the legal unit. Val Wilson is going to the Department of Transportation. Steve Barry, who was the head of the Human Resources Department, has agreed to serve as the temporary head of the Investigation and Legal Unit. He will do that for up to a year and then go to the management team with some recommendations on structural changes.

Division Updates – Warden Mike Mahoney

Warden Mahoney wanted to start off with an update on the S Dorm in Shelby. We were using the dorm as a staging area for inmates waiting for NEXUS and WATCH. We fell short of the mark in terms of numbers and secure care needed the beds. We felt that it was important to have a conversation with Community Corrections about a better way of utilizing the beds in Shelby. The beds are now being used for secure care inmates who meet the custody requirements for being housed in the dorm.

Population management is going to be a big deal. As we look towards 2025, there will be a growth rate for the secure care system. We need to work diligently about keeping up the 80/20 split. Right now, things are working well and we are able to do the things we need to do to manage our populations appropriately.

Director Ferriter thinks this is a good balance. The 80% in the community breaks down to about 65% on parole and the other 15% in alternative placement.

Blue Corneliussen sits on a drug treatment court. They work with an 18-24 month timeframe. Instead of moving people ahead because they have hit a timeframe, move them forward as they hit goals.

Warden Mahoney said there is still one component left with the ACLU lawsuit to bring MSP into compliance with ADA. Attorney Beth Baker is representing the Department on this case.

With the Swine Flu (H1N1), we need to make sure we are looking into preventative measures. We are buying hand sanitation stations to be placed strategically throughout MSP. We thought we had a positive case of H1N1 at the prison and took a preventative stance. This brought the attention of the media.

Patrick Smith said next Wednesday there will be a meeting with Garrett Fawaz to work on the policies relating to this issue. CCC has already developed a plan. The other facilities are waiting on our policy for review and direction.

Warden Mahoney said MSP has had some challenges in the last 8 months with our younger gang population on the high side. We have developed two programs – the STEPS and New Directions Programs. We are seeing some amazing things in terms of inmate behaviors as a result of these programs. The facilities should have someone come down and go through a couple days of the programs. This is being used in the lumber processing program. They put up goals for the day and were able to achieve an increase of over fifty percent in production at one point. One of the supervisors said he never knew before what the problems were with the inmates. The inmates have started talking openly about what their problems are. They are also setting things aside to accomplish tasks as a team. No one is required to go through the program. We have a waiting list of inmates wanting to go through the programs. The facilities should really encourage staff members to come down and watch graduation and see the programs work. The program focuses on the positive skills that people possess and focuses on how we can build on these skills. We are looking at getting staff members through the program as they too can benefit from the training.

Another attractive component of the program is it challenges you to identify mistakes, own them and then correct the mistakes. We are going to try and expand the program into the locked housing units.

Mary Greene asked if we have historically had a program available for high side inmates. Warden Mahoney said no, not a program of this nature.

Director Ferriter said we should look at the Pacific Institute for training. They have a web site available. Kurt Swenson got together with these people. He got a direct scholarship to go to the Pacific Institute and meet Lou Tice. He went and was very impressed. There were detectives from Los Angeles in the program that said it has made a huge difference. Take a look at the site and see. It was motivational and inspirational. The Director would like to do something with MDIU. How do we teach someone to navigate the system?

It should be noted that STEPS is outside the fence and on the low side and New Directions is in the Voc Ed class room on the high side. Again emphasis was given to this being a good training program for staff.

Policy Issues and Updates – Mary Greene

The Table of Contents for the policy manual is now on the internet. There are 238 policies and most of them have been overhauled. There are twenty-five left. The reason they push the review of the policies is it is an ACA Standard. Steve Redfern has been working very hard on these. He pushes out the policies to people for comment. Not everyone comments, but they do take the comments they get and bring them together for a good policy.

Last year when they wrote the offender treatment program policy, there was no prior policy regarding these programs. It is very good to have policies that showcase these programs. Mary would like to write an offender education policy.

Director Ferriter wanted Mary to know how much we appreciate our policy person. We are in very good shape and have been recognized nationally.

Grievance Review – Billie Reich

DW Ross Swanson, Patrick Smith, Candyce Neubauer and other people have been meeting quarterly to talk about grievances. They are looking to build the reports so they are orderly. Billie said we have seen a lot of changes in the grievance program, especially at MSP. We are working on an OMIS tab. This is still in the production stage. Inmates are getting a copy of the Director’s response/email as part of the grievance appeal response. This is only at MSP. Chris Studeny is the other grievance person. There was a fourth step added to medical grievances. Dr. Rantz is responding to the third step now, with the final going to the Director.

Another change is the actions the inmates can request. Inmates can ask for an investigation of staff conduct. Inmates were requesting for staff to be fired or demanding certain discipline. This is not appropriate.

MSP Grievance staff is traveling to the regional facilities more and giving technical support. It makes sense to go and visit other facility populations. Good for staff and inmates to see them and discuss problems and move forward to make good changes.

There have been some PREA complaints about staff shakedowns at MSP. There has been a huge increase in PREA complaints. Most have to do with pat searches and things of that nature. We are looking at other states to see if they are seeing the same problems. Are the inmates targeting staff or are there changes that need to be made about making a thorough pat search? We are also looking at holding inmates accountable if they are just trying target staff members.

Pat Smith said inmates need to be told at MDIU about what to expect in a pat search. By doing this, we are hoping to quell some of the problems. There are some inmates who are pushing limits.

Billie said there are about 2100 informal resolutions that are being brought to MSP. About half of those are going to grievances. There has been a 16 percent increase in grievances.

Warden Mahoney asked what percentage of that is PREA related. Billie said it is about 2%.

Billie said the number one grievance is medical, then property, then the mailroom. Director Ferriter said he sees a lot of grievances about magazines. Pat Smith has been talking with DW Swanson about the magazines. Legal is pretty much going along with a set number of magazines allowed for sale in the secure care facilities. This still needs to be put together and put into policy changes.

Director Ferriter said the library is another one that we see a lot of grievances for. Billie said this has something to do with being short staffed in the library and the changes in the legal library system. Warden Sam Law has four grievances regarding Westlaw. Pat Smith said there were some problems that were found with Westlaw and this is being taken care of.

Billie Reich also stated we are tracking ADA and disability related issues.

Presentation by Montana Interactive dealing with Inmate Banking and Visiting – Cory Mabry and Becki Kolenberg

Warden Joe Acton was now on the phone.

Montana Interactive, LLC, a subsidiary of NIC, is the State of Montana eGovernment Service Provider. They have partners in 23 states and building online services for state and local government is their only business. They have a base of 152 stand alone eGovernment services and over 330 payment processing services. The company has eGovernment-specific relationships with 2 state agencies, 4 universities, and 7 local government agencies. They have processed more than 4 millions end-to-end transactions in 2008. Over 3.6 million unique visitors in 2008.

The Enterprise Model

What is the enterprise model? The Enterprise Model allows people to access the program 24 hrs a day, 7 days a week without worry of being open from 8-4 Monday thru Friday. They are contracted by the state to build websites for the state.

1. Funding options - Self funded is exactly what it means. Funding comes from convenience. When transactions, such as a background check or driving record are put online, they charge a convenience fee in addition to the regular fee. The additional charge you pay for the convenience of on line pay goes towards a pot so other agencies that do not have the revenue can utilize the service. There are no legislative appropriations involved in most projects.
2. Time and materials – if an agency receives grant money to build a service, they are encouraged to turn that money over to the fund to help pay for the service. The CON is an example of a free service.
3. Inmate banking – This involves a basic search, like CON for the inmate. You can search by name or number. You can assign a minimum amount for the transaction. The pay is by credit card. A receipt page is also available for a printed receipt. An electronic check is not allowed because funding must be guaranteed. Alabama does have a limited list of people allowed to make deposits. Montana would use a similar model. There is an administrative site to allow multiple functionality.

- a. Inmate banking in Montana – An example is Arkansas working with CSI on Inmate Banking. Montana has contracted with CSI on Commissary and Trust accounts. Montana would be able to partner with CSI on Inmate Banking to use their existing SABHRS interface. The system would tie into OMIS. We could limit users to “Top List” maintained in the Offender Management System.

- 4. What are the costs to build this service? There are no up-front costs to the agency to develop this service. The development costs are paid out of fees collected by the Department of Administration.
 - a. Transaction fees – It could be passed onto the customer and labeled as a Department of Administration fee.

5. Next Steps

There would need to be an initial visioning meeting. ITSD, MI and the agency work together to develop the appropriate work order. Once the work order is approved by all parties, a schedule can be set and work can commence.

MI Project Methodology

- 1 Data gathering
- 2 Prototyping
- 3 Coding
- 4 Testing
- 5 Implementation

Warden Mahoney said this would eliminate some duplicity and could be a real cost savings to our facilities. The program has the ability to utilize the approved list of people authorized to send money to an inmate. Director Ferriter said we use money orders because of issues with credit cards. Money orders would still be used as a manual paper process.

Warden Mahoney said everyone needs to get back to Pat Smith and let him know who is interested in sitting down and having a strategy planning process. Liability for stolen credit cards seems to be the only risk involved, and it would need to be discussed whose liability that would be.

Roundtable Discussion

DCCF – Steve Ray

The long distance educational piece is going good. There are about five inmates involved right now. The program is getting ready to start virtual welding. They finally got electricity to the cells. They had 12-18 gang members causing problems and this was addressed and they were shut down. The facility has a good garden this year.

Director Ferriter said he got a request from the Governor’s office to look at a sweat lodge in Glendive. He suggested a meeting be scheduled to discuss this issue. Warden Ray said that with no perimeter fence, they are really limited in their ability to have a sweat lodge. It was always their intentions that when they did the expansion, they would put in a sweat lodge. Pat Smith said the last expansion plans did have a sweat lodge, but you have to have a secure perimeter fence to even consider it.

CCC –Warden Law

Warden Law said things are going well in Shelby. The programs are going good. They are looking at another dog program in addition to the CCI program. The dogs are really good for the inmates, so this is something they just wanted to check out. The new dog program is a free program. If anyone wants the information, just call Warden Law. The CCI program only allows ten dogs, this program has no limits.

The CCA internal audit was just completed. The facility got 97.3% out of 100.(CONGRATULATIONS!) The auditors showed up unannounced at the facility and conducted a thorough three day assessment of all areas, systems and building operations. The DOC audit is in November and they have a federal audit also coming up. The facility does not know when the internal and federal audits take place until they walk in the door.

The facility has not had a lot of STG increases. They recently had a STG incident. It involved two cousins that disrespected each other and ended up fighting.

GFRP – Blue Corneliusen

Everything is good in Cascade County. They are getting ready to meet on the overall contract. Great Falls has a new grievance person that Billie has been working with.

MSP – Warden Mahoney

Warden Mahoney said MSP has been really challenged in the last 8 months with the locked housing units. The problem appears to stem from Close 1, upper D Block inmates. A lot of it is gang related. The unit staff has broken up a lot of the activity in the last twelve months. The inmates have been complaining because they no longer have control over the gym, yard and chow hall due to scheduling changes. There were fifteen inmates in Close 1 that got locked up last week. There has been good communication and cooperation among and between staff and Warden Mahoney credited the staff with prevent further problems with this group. The Warden spoke again about the STEPS and New Directions programs and feels that they both show great promise.

IWF

Lena handed out the IWF funds recap. She asked if everyone uses these sheets. CCC uses theirs and so does DCCF. MSP also confirmed the printouts were used and very helpful.

New proposals and requests for IWF expenditures were now heard;

Patrick Smith – Power Grant Education Program

Handout

MCE pushed for this grant and got the program going. Gayle Lambert was going to help with this presentation, but could not be here. The DOC was the recipient of a federal grant for the Project Offender Work and Education Ready program or POWER. The objective of this grant is to assist and encourage incarcerated youths to acquire educational and job skills through the pursuit of post-secondary education certificates. Approximately 1300 offenders will be eligible to participate in such programs and those attending and completing will increase their chances of success once in the community.

The program has been implemented at MSP as a pilot project. It requires that the FVCC post secondary education classes are conducted through the state vision net/met net system. The Glendive and CCC facilities have also currently come on line for some of the programs. It would be the goal of the Department to extend these opportunities to all facilities. Although the classes are grant funded, the purchase of the equipment for the facilities is not. The equipment costs would be approximately \$13,000 per facility and would include a Polycom HDX 8002, a monitor, a cart and a 3 year warrant. There would be a one-time charge to each facility in the amount of \$350 for a data drop installation and an annual fee of \$4236 for the DOC service charges associated with the video conferencing support.

MCE and CPB met with IT on Thursday and had Legal sit in on the meeting. It was determined we can use IWF funds for equipment and service for the program. IWF has MASC money left over from when they were secure care and it was recommended to use those IWF funds for some fixed costs. IT had a lot of concerns because they were not initially involved in the set up and everything must be pre approved with DOA.

Patrick Smith proposed that general IWF funds be used to purchase the equipment for all contracted facilities as well as pay the one-time fee of \$350. The annual fees in approximate amount of \$4236 should be paid through each of the facilities individual IWF funds. DCCF has the equipment but has to share a drop that is already in place. DOA is not happy about sharing a drop, so they required another drop. MCE is looking to put another drop at MSP because the current drop is in the computer lab in the Wallace Building. We would need to add a drop at CCC. All of the equipment was priced together. We have the option to add Great Falls and MWP so all facilities would have the same ability and equipment. The cost for their equipment was included in this proposal. There is no equipment fee for MSP because the grant already paid for MSP. Monthly service fees would be paid for out of each facility's IWF accounts. \$65,000 is the initial set up cost and we would pay for this with old MASC IWF money. If any facility is unable to pay the annual fees, the other facilities would share the costs out of the IWF funds.

The proposal was finalized as described above.

Warden Sam Law seconded the motion and the motion passed on a unanimous vote.

Pat will email GFRP, Dan Maloughney and MWP to explain they could request to add the program at their respective facilities if they desired and the equipment costs would be available through IWF funds. Each facility will be reminded to put the annual costs requests on a separate request form and get those to Lena Havron.

DCCF

DCCF would like to buy a new treadmill for their facility. A new treadmill will cost \$6400.

Patrick Smith seconded the motion

All approved

CCC

CCC Inmates would like an additional microwave on the pods. The total cost is \$5400.

Warden Ray seconded the motion

All approved

Warden Law also requested a new baseball backstop. The total cost would be \$3253.34

Warden Mahoney seconded

All approved

\$2500 for Christmas decorations for the pods to have a decorating contest.

The community comes in and judges the decorations.

Warden Mahoney seconded the motion

All approved

Food handouts for the upcoming year at CCC including,

Baked goods for Christmas \$3100

New Year's pizzas \$3000

Super Bowl sub sandwiches \$3100

Warden Mahoney seconded the motion with caveat that there is continuity and consistency throughout the facilities. We need to make sure we are not bringing a lot of extra food into the facilities. We should be utilizing our own food services as much as possible.

DCCF does four a year and it is all incentive based.

*This should be on the next meeting's agenda to talk about food handouts.

All voted in favor of CCC's requests

MSP

MSP has a new Freedom of Education Program. The facility is buying the rights to a "canned" program. This program will eventually be available to all facilities. In the program, the inmates learn something about their behaviors. It is a cognitive based program. The program will cost \$9350. Once we buy the rights to the program, we can share it with anyone.

Warden Ray seconded the motion

All approved

This concluded all agenda items.

Pat Smith asked if there was any public comment. There was none.

The next meeting will tentatively be on December 8, 2009 in Helena. Exact times and place to be announced.