

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
57th LEGISLATURE - REGULAR SESSION  
JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC  
SAFETY**

**Call to Order:** By **CHAIRMAN STANLEY FISHER**, on February 5, 2001  
at 8:00 A.M., in Room 317-A Capitol.

**ROLL CALL**

**Members Present:**

Rep. Stanley Fisher, Chairman (R)  
Sen. Arnie Mohl, Vice Chairman (R)  
Rep. Tim Callahan (D)  
Sen. Chris Christiaens (D)  
Rep. Jeff Pattison (R)  
Sen. Debbie Shea (D)  
Sen. Tom Zook (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Mary LaFond, OBPP  
Lorene Thorson, Legislative Branch  
Sandra Whitaker, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: Department of corrections,  
Community Corrections Division  
2/2/2001  
Executive Action: None

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**HEARING ON DEPARTMENT OF CORRECTIONS**

**COMMUNITY CORRECTIONS DIVISION**

**Mr. Mike Ferriter, Administrator, Community Corrections Division,**  
**Department of Corrections (DOC)** referred to the report given to

the committee from Community Corrections Division (the Rainbow Book) and stated division administrators would continue further overviews at this meeting and there would be some public testimony on the pre-release centers.

**EXHIBIT (jch29a01)**

**Sheryl Hoffarth, Administrator, Pre-release Transition Centers for Juveniles**, began her overview of the program with a few statistics (tan section, Rainbow Book). There are two centers in Great Falls--one licensed for 5 females and one licensed for 12 males--and one in Billings licensed for 12 males. Her written testimony is part of these minutes.

**EXHIBIT (jch29a02)**

She stated the transition center provides a community based residential setting for young offenders. Male offenders come from Pine Hills Youth Correctional Facility and females enter from Riverside Youth Correctional Facility. There are a few occasions when youth will enter the centers directly from the community. **Ms. Hoffarth** covered the screening process; the local communities' involvement in the youth's return to the community setting; adolescence confusion and lack of pro-social skills; and the difficulty in balancing corrections and treatment.

She stated transition centers are a vital link in the services available to juvenile offenders and they are extremely flexible. Placement at the center can result in internal changes for individual juveniles, but in most instances placement at the center results in control of the offender in the community.

**Ms. Hoffarth** continued that programming is taken very seriously at the centers. All youth are encouraged to complete their education either with a GED or attendance at a local high school. Most of the youth are employed usually with the fast food industry. With their wages, offenders are required to pay a certain amount of restitution. They are also required to do public service projects.

Treatment is available for the youth such as anger management, alcohol education/information classes, counseling for chemical dependency, criminal thinking errors and life skills.

**Ms. Hoffarth** addressed the budget requests. She specifically spoke to the necessity of 24 hours a day/7 days a week staffing requirements. In closing, she urged support of the committee to

continue funding transition centers. They are an important part of the juvenile correctional system.

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There was some discussion on the transportation officers and the transportation needs to Miles City and Riverside, transportation of adults and juveniles together, average length of stay, the budget figures (Martz budget), the overtime and holiday pay for staff, and the related benefits paid for staff. **Ms. Becky Buska, Chief, Budget/Fiscal Bureau, Department of Corrections**, explained some of the decision packages and the FTE's. **SEN. CHRISTIAENS** asked for a breakdown of vehicle's purchased and dates. **Mr. Ferriter** will get that information to **SEN. CHRISTIAENS**.

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**Mr. Ferriter** further explained the transportation officers, their locations, duties, and transportation procedures.

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#### INTERSTATE COMPACT

**Ms. Connie Perrin, Deputy Compact Administrator**, gave an overview of the program. This division is responsible for the supervision of adult and juvenile probation and parole offenders who are living and working outside of Montana. It is estimated there are 250,000 offenders living in states other than where they were sentenced. Due to such a high number of offenders, it is necessary to have a system in place to monitor and supervise them. That system is the Montana Interstate Unit. **Ms. Perrin's** written testimony is part of these minutes.

#### **EXHIBIT (jch29a03)**

**Ms. Perrin** continued the Interstate Compact is an agreement among all 50 states to assist and cooperate in the prevention of crime by providing supervision to each other's offenders as they move into the states and treat them as their own offender. She covered the requirements for an offender to move to another state; the requirements the receiving state must meet; the requirements the receiving state imposes on the offender; and statistics of the exchange numbers for Montana. The Interstate Unit acts as a clearinghouse for all communications. Juvenile runaways are also handled through the Interstate Compact.

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**Ms. Perrin** stated the compact is not without problems. The current compact is 60 years old. The offender population movement is so much larger than when the compact was written, it can no longer address the needs. Many states have drafted their own legislation which is in direct conflict with the compact and renders the Unit powerless. Therefore, all 50 states are considering new legislation this year that will establish a national commission and an executive director to oversee the daily operations of the offender movements. This is SB 40 in Montana. She is very hopeful it will pass.

**CHAIRMAN FISHER** asked if Montana can refuse to take an offender asking to move here. **Ms. Perrin** stated if they are residents of Montana or are going to reside with family members, the state is obligated to take them. She stated Montana has twice the number of offenders in other states than we take in from other states.

**SEN. CHRISTIAENS** and **Mr. Ferriter** complimented **Ms. Perrin** on the job done by the Unit. It is essential for public safety in Montana.

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#### PRE-RELEASE CENTERS

**Mr. Ferriter** introduced **Mr. Doug Barnes, Pre-release Unit Manager, Community Corrections Division**, who gave an overview of the program (exhibit 1, yellow section). The Centers are located in Great Falls, Missoula, Billings, and Butte. The centers are community based correctional facilities operated by non-profit corporations under contract with the DOC. They function as a component of the correctional system and provide supervision, counseling, and assistance in locating employment, and life skills training. His written testimony is part of these minutes.

#### **EXHIBIT (jch29a04)**

**Mr. Barnes** went over the services provided, what type of offender is served, and the non-residential services. There are a total of 460 beds in the four centers, 355 male and 105 female. In May 2001 a new pre-release center in Helena will open with 40 additional male beds. The Montana Chemical Dependency Center (MCDC) is located in the Butte regional center and serves all the state adult correctional institutions. **Mr. Barnes** also spoke to the funding requests for the next biennium. In closing **Mr. Barnes** stated a brochure explaining the pre-release program, a survey report of the Connections Corrections Program, and a

report on "managing moderate and high risk sex offenders in the community" are included with these minutes.

**EXHIBIT (jch29a05)**

There was some discussion on the request for 30 additional beds in the existing pre-release centers as to which centers would be adding beds and on the 40 new male beds requested. In regards to the Butte pre-release center having different types of beds, **Mr. Barnes** stated they can make adjustments between the beds depending on the demand for use without going over the total amount contracted. He feels the MCDC beds are underutilized due to the lack of referrals by judges and staff. The additions are being requested due to the fact that population management is expecting an increase of 33% in the next biennium.

**CHAIRMAN FISHER** asked how the pre-release concept began and how it was authorized. **Mr. Ferriter** responded the State began this program 23 years ago based on the belief that it makes sense to transition offenders from prison back to the community. It has evolved now to a point of having 75% of the offenders in community programs and they hope to maintain that balance. There are about 8000 offenders currently in the State of Montana, all of whom could be sent to prison. Probation, parole and pre-release centers take care of 75% of these offenders reducing the prison costs. **Ms. LaFond** added the transition period is to prevent return to the prison system.

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There was further discussion on the chemical dependency program and the need for MCDC in pre-release. **Mr. Ferriter** stated the goal of Community Corrections is to move the prisoner out of prison and back into the community as soon as possible and safely. The MCDC concept came from those still needing treatment for alcohol and drug dependency. There is a waiting list in prison for this treatment and some may not have completed it by the time they are released. Also, some offenders go directly to pre-release and not to the state prison.

There was also discussion on the difference in expense for the community corrections programs versus the state prison. **Mr. Ferriter** explained that although the pre-release beds are not significantly less per bed, the largest difference comes from the pre-release offender working in the community for wages, paying part of their room and board costs, paying taxes, paying medical, paying clothing costs, paying child support, and restitution.

**CHAIRMAN FISHER** asked for further explanation on the LFD issue on D 71 of the budget book. **Ms. Buska** explained how the department contracts with the private pre-release centers and the necessity to be funded for the pre-release beds in order to meet their contract obligations.

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**PUBLIC TESTIMONY ON PRE-RELEASE CENTERS**

**Mr. David Armstrong, Administrator, Alternatives, Inc., Billings,** gave testimony urging the committee support the pre-release concept and the private pre-release centers. His written testimony is a part of these minutes. His presentation addressed productivity.

**EXHIBIT (jch29a06)**

**Mr. Paul Porre, Director, Pre-Release Center, Great Falls,** testified on the public safety aspect of pre-release centers. The Great Falls Pre-release Center at the present time is the newest in the state (17 years in operation) until the Helena Center opens. He stated public safety is the top priority. Nearly 90% of offenders who come through the pre-release programs do graduate. There is an exhaustive screening process to ensure the offenders placed in pre-release centers are no risk to the community. He urged committee support of funding.

**Mr. Mike Thatcher, Chief Executive Officer of Community, Counseling, and Correctional Services, Inc. (CCCS), Butte,** testified in regard to the additional beds requested. He stated a huge number of offenders suffer some form of addiction and do not come out of the Montana State Prison (MSP) drug and alcohol free. Most offenders have multiple additions. There is such a long waiting list for treatment, it has created a backlog for both the prison and the pre-release centers. There is a definite need for another facility in the state. His written testimony is a part of these minutes and includes waiting list information and information on the Connections Corrections Program.

**EXHIBIT (jch29a07)**

**Mr. Thatcher** stated the pre-release centers are built with private funds. He quoted room and board daily rates showing a significant lower rate than prison costs.

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**Mr. Thatcher** also spoke to the waiting list showing the empty beds could be filled immediately if DOC had funding. He stated he needed the current contracts to continue to remain in business. If it becomes necessary to book offenders out of state, the cost will increase. In closing, he stated he believes private pre-release is the most cost efficient method to care for offenders.

There was additional discussion on the request for additional beds. The first 30 beds (2002) will be distributed to the existing centers. The additional 40 beds (2003) would be in a completely different area of the state. There was further discussion on the cost per offender in pre-release.

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**Ms. Sue Wilkins, Executive Director, Missoula Correctional Services**, testified for the pre-release concept. Pre-release is only one component of the correctional system. It is cost effective and programmatically effective. She stated the Missoula center is currently full with a waiting list and has been full since it opened. Her written testimony is a part of these minutes.

**EXHIBIT (jch29a08)**

**Ms. Wilkins** specifically spoke in regards to an increase in the per diem rate. She explained the current per diem rate and the need for the increase. They are suffering increased costs for staff, increased costs for medical, and increased utility costs to name just a few of the increases. In closing, she stated she hopes to continue to provide good programming without reducing the current services.

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**TREASURE STATE CORRECTIONAL TRAINING CENTER**

**Mr. Dan Maloughney, Superintendent, Treasure State Correctional Training Center**, distributed an informational booklet about the Center.

**EXHIBIT (jch29a09)**

He stated the Treasure State facility was established in July, 1993, as an alternative to long-term incarceration, to reduce long-term costs to taxpayers of keeping selected offenders incarcerated, provide a positive atmosphere for change, and to

foster a decrease in victims. The mission of Treasure State is to encourage inmates to "change your thinking, change your way of life." Although Treasure State is not a military program, it is a correctional program with a military style training that provides treatment and rehabilitation in an intensive manner. It incorporates strict discipline, regimentation, and physical fitness. The offenders give up privileges afforded them at other correctional facilities and programs in order to do this program. His further written testimony is a part of these minutes.

**EXHIBIT (jch29a10)**

**Mr. Maloughney** also referred to the tan section of the Rainbow Book (exhibit 1). This program is for both male and female and has included inmates up to age 55.

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At this time **Mr. Maloughney** showed a film of the program.

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**Mr. Maloughney** continued the Center has developed a victim impact program with classroom activities and role-playing aspects. They have also developed a juvenile delinquency prevention program, have established a high school information program in Missoula and Powell County High Schools, and have on-going development of community work projects in the Deer Lodge area.

He went over the budget requests. In closing, he addressed the changes that need to be made to better accommodate the women who are now allowed in the program.

There was discussion about the budget requests and vacant FTE positions, how the screening process works, the transportation methods, medical services, the current provisions to accommodate women, and the disclosure process (from inmates to staff).

**Mr. Ferriter** closed the presentations by stated again that according to a report by the U. S. Department of Justice, "Providing supervised probation as an alternative to incarceration results in significant savings and jail bed space."

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He hopes the committee now has a better understanding of alternatives to incarceration and how critical these alternatives are to a successful system of corrections. **Mr. Ferriter's** remarks are a part of these minutes.

**EXHIBIT (jch29a11)**

**SEN. CHRISTIAENS** suggested that in order to track the success of chemical dependency treatments, the reuse of chemicals need to be tracked. **Mr. Ferriter** will pass the suggestion on to the appropriate people.

The committee will revisit the exempt staff positions in the Attorney General's Office at the next meeting.

**CHAIRMAN FISHER** adjourned the meeting.

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**ADJOURNMENT**

Adjournment: 11:00 A.M.

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REP. STANLEY FISHER, Chairman

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SANDRA WHITAKER, Secretary

SF/SW

**EXHIBIT (jch29aad)**