

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
58th LEGISLATURE - REGULAR SESSION**

**JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC
SAFETY**

Call to Order: By **CHAIRMAN STANLEY (STAN) FISHER**, on January 21,
2003 at 8:05 A.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Rep. Stanley (Stan) Fisher, Chairman (R)
Sen. Corey Stapleton, Vice Chairman (R)
Sen. Keith Bales (R)
Rep. Tim Callahan (D)
Rep. Carol C. Juneau (D)
Sen. Trudi Schmidt (D)

Members Excused: Rep. Dave Lewis (R)

Members Absent: None.

Staff Present: Marian Collins, Committee Secretary
Brent Doig, OBPP
Lorene Thorson, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion
are paraphrased and condensed. The time stamp for these
minutes appears at the beginning of the content it
refers to.

Committee Business Summary:

Hearing & Date Posted: Montana Women's Prison, Montana
State Prison, Contract Beds Public
Testimony, 1/17/2003
Executive Action: None

{Tape: 1; Side: A; Approx. Time Counter: 0.1 - 6.8}

Karl Ohs, Lt. Governor and Chairman of the DOC Advisory Council, stated that the Council was established to assist the DOC in setting priorities and direction for Montana's correctional system. The Council is comprised of members representing the entire spectrum of the criminal justice system. The Advisory Council believes the DOC's approach is a fresh, carefully considered course of action with great potential for real change by offenders, and urged this Committee to look with favor upon the DOC Executive Budget request.

{Tape: 1; Side: A; Approx. Time Counter: 8.5 - 30}

{Tape: 1; Side: B; Approx. Time Counter: 2.3 - 15.4}

Jo Acton, Warden, Montana Women's Prison (MWP), Billings, Montana, presented a brochure to the Committee that was produced by women inmates in the Advanced Computer class. Current population at MWP is 156, which does not account for the women MWP is responsible for within the community. When the recent expansion was completed on MWP, staff was increased 71% to manage the facility that tripled in capacity with the transfer of women inmates from the Shelby prison. Mental health services, educational services, and medical services are contracted with private providers. Approximately seventy percent of inmates have children under the age of eighteen. In 2001, the Intensive Challenge Program was initiated at MWP. This "boot camp" has graduated 22. Of those graduates, four returned to MWP. Eighty-five women have received a conditional release, and only three have returned to the prison.

In April 2003, an assessment and sanction center for women will be incorporated at MWP similar to the Missoula program. **Ms. Acton** reviewed the Montana Women's Prison Program Handbook, which each inmate receives when they enter the program.

Ms. Acton stated that MWP has stretched its budget as far as possible without compromising security or the quality of care offered. The number of employees requested in the budget report is what is necessary for operation of the MWP. **Ms. Acton** entered her testimony as Exhibit #3.

REP. JUNEAU asked how many Native American women are in the prison, and why they are there. **Ms. Acton** stated that 35-42% of the inmates are Native American, and are primarily from cities; not reservations. The average age is 35 years. **Ms. Acton** believes poverty, lack of employment opportunities, drug and alcohol abuse, as well as inadequate legal representation and Native

American women's reluctance to battle the charges against them contribute to the large number of Native American inmates.

REP. JUNEAU suggested that the DOC Advisory Council, the Department of Corrections and Nancy Knight begin studying the issue of the large number of incarcerated Native American women to determine how to reverse the trend.

EXHIBIT (jch12a01)

EXHIBIT (jch12a02)

EXHIBIT (jch12a03)

{Tape: 1; Side: B; Approx. Time Counter: 15.3 - 15.5}

CHAIRMAN FISHER asked for an explanation of the \$1.2 million request in the MWP budget.

{Tape: 1; Side: B; Approx. Time Counter: 15.6 - 16.5}

Rhonda Schaffer, Fiscal Bureau Chief, Department of Corrections, stated that the increase for the expansion is the annualization for the FTE's, operating, utilities, and contracted services. Contracted services total \$674,407, supplies are \$420,618, communication is \$32,980, travel is \$9,997 and utilities are \$134,942.

{Tape: 1; Side: B; Approx. Time Counter: 17 - 30.5}

{Tape: 2; Side: A; Approx. Time Counter: .2 - 30.3}

{Tape: 2; Side: B; Approx. Time Counter: 2.2 - }

Mike Mahoney, Warden, Montana State Prison (MSP), introduced managers of the programs in the Montana State Prison Division, presented a handout of his presentation, and gave an overview of programs within the MSP Division. The Missoula Regional Prison has been converted to the Missoula Assessment and Sanction Center (MASC) where individuals will be evaluated whether or not they can be placed in a less-expensive environment than in an institution. The MASC will also serve inmates who have violated parole but not enough to warrant returning to prison. The Conditional Release Program was initiated in August 2002 and, as of January 17, 2003, 333 inmates have been released from MSP.

The Cook/chill Program produces approximately 10,000 meals per day, and feeds not only MSP but also Montana State Hospital, Riverside, the Prerelease Center in Helena, the TSCT Center, and the WATCh Program.

Mr. Mahoney stated that mental illness and developmental disability issues are of great concern at MSP. Of the 1,300 inmates currently at the Prison, approximately 300 inmates are mentally ill. Of those 300, nearly 250 are on some form of psychotropic medication. Inmates with methamphetamine-associated problems are on the rise. Most drug and alcohol treatment programs are 28 days. The treatment program for methamphetamine users is more intensive and lasts 90 days. Meth use requires longer treatment and results in serious dental, medical, and behavioral problems.

Joe Williams, Administrator, Centralized Services Division, DOC, informed the Committee that the federal government recently began providing money to local law enforcement agencies to bust meth labs. Prisons will see the results of arrests from these busts within the next twelve to twenty-four months.

{Tape: 2; Side: B; Approx. Time Counter: 14.1 - 18.5}

Mr. Mahoney stated that the MSP Division has no new program proposals. Present Law Adjustments are listed in Exhibit #4.

EXHIBIT (jch12a04)

{Tape: 2; Side: B; Approx. Time Counter: 19 - 30.5}

{Tape: 3; Side: A; Approx. Time Counter: 0.2 - 24}

Joe Williams presented the Committee with information regarding Average Daily Population (ADP) from 1988 through the first quarter of 2003. **Mr. Williams** also presented Committee members with a list of bills presently before the Legislature, that the DOC is following, which deal with enhancing felony penalties or creating new penalties. This creates more problems for Corrections because there isn't enough money to deal with offenders currently in the system, let alone adding more to the system. With MSP nearly full and regional prisons at capacity, DOC feels it imperative to keep the prison in Shelby open. MSP has no room to expand and Shelby's infrastructure was built to house 1,500 inmates. At this time, the cost of care in Shelby is approximately \$53.00 per day, versus \$62.00 per day at MSP. The cost difference is because MSP has a large infirmary, a full staff of psychiatrists, psychologists, medical doctors, so that the regional and private prisons don't have to replicate services. Chemical dependency programs are the exception because 80% of offenders are chemically dependent.

EXHIBIT (jch12a05)

EXHIBIT (jch12a06)

SEN. SCHMIDT asked about funding cuts for chemical dependency and the GED Program at the Great Falls Prerelease Center. **Mr.**

Williams stated that the Executive Budget reflects restoration of those programs beginning July 1, 2003.

Mr. Slaughter responded to earlier questions concerning out-of-state prisoners at the Shelby prison. The Legislature originally mandated there were to be no out-of-state prisoners except under interstate compact. A bill is now before this Legislature to allow the Shelby prison to accept out-of-state prisoners, under strict guidelines.

SEN. SCHMIDT asked what percentages are federal, state, local, and out-of-state prisoners. **Mr. Williams** stated there is a contract in place stating half capacity to regional prisons in Great Falls and Dawson County. The prisons try to balance the dollars versus the programming needs of the offenders. Once the Shelby prison gets to a certain level of offenders, the price to Montana taxpayers will go down. **Mr. Slaughter** also stated that the Governor has asked DOC to include in the contract with the Shelby prison that as Montana's population grows, Shelby will have to move out-of-state prisoners so that Montana has a guarantee of first choice.

Mr. Williams stated that DOC's present law adjustment for contract beds is a decrease from the 2002 level. DOC is increasing the probation/parole caseloads so there are not as many offenders as originally anticipated. Also, with the creation of the Assessment and Sanction Center in Missoula, offenders are there for a shorter length of time and the rate dropped. The increase in probation/parole is approximately 700 with no increase in staff. The budget will be tight but manageable. Mr. Williams asked that this Committee look closely at the number of felonies in this State given the resources available.

ADJOURNMENT

Adjournment: 10:45 A.M.

REP. STANLEY (STAN) FISHER, Chairman

MARIAN COLLINS, Secretary

SF/MC

EXHIBIT (*jch12aad*)