

Indian People's Action



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Honorable MacDonald

Indian People's Action stands in strong opposition to the growing trend of mass incarceration. The increased detainment at Crossroads Correctional Facility, a private prison, has wreaked havoc in communities of color throughout Montana. While Natives only make up seven percent of the state's overall population, Natives comprise of seventeen percent of the state's population under correctional supervision.

Accordingly, with increased incarceration, comes more scrutiny over the prison's services and use of government funded resources. Through our efforts, we've identified key issues that warrant immediate attention. Inmates repeatedly complained of the following occurrences:

1. lack of heat;
2. unwillingness to check out blankets and jackets to inmates;
3. the prison's blatant failure to respond to requests under the Freedom of Information Act;
4. retaliation of those making complaints against prison officials;
5. lack of public accountability of the private prison; and
6. the interference with religious freedoms of Native people within the prison.

The contract between the Department of Corrections (DOC) and Corrections Corporation of America (CCA) details the duties of both the state agency and the private prison contractor. In the agreement, CCA is obligated to perform the following:

ISSUANCE OF CLIMATICALLY APPROPRIATE PRISON UNIFORMS

Montana winters are undoubtedly cold with temperatures frequently dropping well below zero degrees. Accordingly, CCA is under an obligation to issue appropriate uniforms to its inmates. The agreement reads in pertinent part: "Inmates must be furnished prison uniforms and climatically appropriate outer-wear which must be reissued as needed." See, Contract, General Administration, Section K (2010).

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PUBLIC ACCOUNTABILITY AND OPEN TRANSPARENCY

To uphold trust and strengthen accountability, information between the private prison and the public must be openly shared. Accordingly, CCA has a duty to timely respond to requests for information made by the public. The agreement reads in pertinent part: "The contractor must develop and implement a plan for the dissemination of information about the facility to the public, government agencies, and the media. The plan must be made available to all persons upon request." Id. at General Administration, Section F (2010).

INMATE RIGHT OF RELIGIOUS FREEDOM

Despite their conviction status, inmates are afforded basic human rights. Of those, one of the most fundamental rights is the right to religious freedom. The agreement reads in pertinent part: "Contractor must provide the inmates the opportunity to voluntarily practice their own religious activities subject only to those limitations necessary to maintain the order and security of the facility." See, Contract, Inmate Rights, Section A (2010).

Indian People's Action seeks to assure that the services provided under the agreement are effectively performed. Accordingly, we seek action of the Law and Justice Interim Committee to look into the complaints of violation by requesting a FBI investigation.

Please inform us of the action your committee commits to take in looking into this matter. You can reply to Michaelynn Hawk at indianpeoplesaction@gmail.com or you can reach Lita Pepion directly at: 406-208-5779. Your commitment to ensuring the safety of the inmates is greatly appreciated.

Regards,

Michaelynn Hawk, Director
Indian People's Action