

65.6
lrgf
990

Montana. Criminal
Justice and Correc-
tions Advisory Council.
Report to the
governor

Report to the Governor

STATE OF MONTANA

1990

Criminal Justice and Corrections
Advisory Council

PLEASE RETURN

July, 1990

AUG 8 1992

SEP 8 1992

MONTANA STATE LIBRARY

S 365.6 G1rgf 1990 c.1
Report to the governor /



3 0864 00069215 5

REPORT TO THE GOVERNOR

**CRIMINAL JUSTICE AND CORRECTIONS
ADVISORY COUNCIL**

July 1990

This report was made possible through a grant
from the U.S. Department of Justice,
Bureau of Justice Assistance
(87-DP-CX-0011)

CRIMINAL JUSTICE AND CORRECTIONS ADVISORY COUNCIL
1539 Eleventh Avenue
Helena, Montana 59620

July 25, 1990

Honorable Stan Stephens, Governor
Room 204, State Capitol
Helena, MT 59620

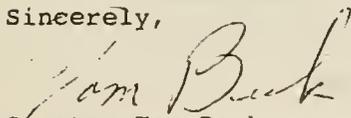
Dear Governor Stephens:

Attached is the final report of the Criminal Justice and Corrections Advisory Council created by Executive Order 17-89. The report presents selected data on Montana's correctional system, council activities and the Council's final recommendations for addressing the needs of Montana's female offenders, sentencing practices, prison overcrowding and alternatives to address the prison population problems.

The Council has been working since September, 1989 to provide you with these recommendations. The group held eight meetings, six in Helena, one in Great Falls and one in Deer Lodge. Staff reports, consultants' technical assistance and public testimony were utilized in the development of these recommendations. The Council's work has culminated in 17 recommendations which, if fully implemented, could alleviate prison overcrowding in Montana through 1995.

Finally, the members of the Council express their gratitude to you for selecting them to serve Montana in this important matter.

Sincerely,



Senator Tom Beck
Chairman

cc: Curt Chisholm

Enclosures

CRIMINAL JUSTICE AND CORRECTIONS ADVISORY COUNCIL

MEMBERSHIP

Senator Tom Beck, Chairman	Mike Lavin
Margaret L. Borg	Ted O. Lympus
Representative Vivian Brooke	Walter J. Moore
Chris Christiaens	Hon. Thomas A. Olson
Colleen Conroy	Mike Schafer
Hon. Donald D. Dupuis	Debbie Swanson
Sheryl Hoffarth	Senator Pat Regan
Representative Betty Lou Kasten	Representative Bob Thoft

EX-OFFICIO MEMBERS

Daniel D. Russell	Henry E. Burgess
-------------------	------------------

DEPARTMENT OF INSTITUTIONS

Curt Chisholm, Director	Dan Russell, Administrator Corrections Division
-------------------------	--

STAFF

Susan Byorth, Project Director

Ted Clack, Department of Institutions Research Analyst Manager

Rich Petaja, Department of Institutions Research Specialist

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	1
I. SELECTED DATA ON MONTANA'S CORRECTIONAL SYSTEM	3
II. COUNCIL ACTIVITIES	9
SUMMARY OF RECOMMENDATIONS	10
III. COUNCIL RECOMMENDATIONS	13
Recommendation #1: Corrections Oversight Committee	14
Recommendation #2: Task Force on Sentencing, Treatment, and Release	17
Recommendation #3: Probation and Parole Field Officers	20
Recommendation #4: Board of Pardons Staff	22
Recommendation #5: Targeted Case Managers	23
Recommendation #6: Local Jurisdiction Options	24
Recommendation #7: High Security Treatment Unit, High Security Unit, Low Security Unit	26
Recommendation #8: Pre-Release Center Expansion	28
Recommendation #9: Selected PRC offenders to House Arrest	31
Recommendation #10: Graduated Sanctions for Parole Violators	33
Recommendation #11: Good-time for Parolees	35
Recommendation #12: Commitment to Correctional Authority	37
Recommendation #13: Expand Intensive Supervision Program	40

TABLE OF CONTENTS (continued)

	<u>Page</u>
Recommendation #14: Temporary Programming and Housing for Female Offenders . . .	42
Recommendation #15: New Facility for Female Offenders	45
Recommendation #16: Additional Level of Supervision .	48
Recommendation #17: Parole Issues	50
Council Recommendations: Impact	51
Cost	59
APPENDIX A: EXECUTIVE ORDER	60
APPENDIX B: STAFF REPORTS	65

LIST OF TABLES

TABLE 1	Montana Prison Admissions on First Montana Felony Conviction. Fiscal Years 1984- 1989	5
TABLE 2	Average Sentence of Male Montana Prison Admissions, in Years. Fiscal Years 1984-1989	5
TABLE 3	Percent of Prison Population Granted Parole Calendar Years 1980 - 1988	6
TABLE 4	Number and Percent of Total Male Inmates Released to Parole Fiscal Years 1980 - 1989	6
TABLE 5	Average Length of Stay of Montana Prison Populations, in Months Fiscal Years 1980 - 1989	7
TABLE 6	Percent of Montana Prison Admissions Convicted of Violent, Property, Public Order, Drug and "Combination" Charges	7
TABLE 7	Projected Male and Female Inmate Populations. Montana Fiscal Year End 1990 - 1995	8

NOTE: All cost estimates and suggested legislation are preliminary and are prepared for discussion purposes. Suggested legislation must be reviewed by the Department of Institutions and by the Governor before being submitted for sponsorship and final bill drafting.

INTRODUCTION

The Criminal Justice and Corrections Advisory Council began work in September of 1989 to address the problems outlined by Governor Stephens in Executive Order 17-89. The Governor's order directed the Council to focus its efforts on the following areas:

1. To address the needs of Montana's female offenders.
2. To develop statistical data on Montana's sentencing statutes and practices and to review our sentencing and release practices; and,
3. To further examine ways to address the crowding problems in our adult male correctional institutions and provide viable alternatives for addressing both male and female population problems.

The Council recognizes that the State of Montana cannot continue to build additional prison beds in hopes that construction will solve the problems of overcrowding. However, until such time as there is a change in public policy which is reflected in sentencing practices or until criminal activity is significantly reduced, our crowding problems have to be addressed through a combination of additional prison housing and expanded community alternatives to incarceration.

The Council strongly believes that the public and policy-makers must be informed that correctional resources are limited and expensive and should be used wisely. Many offenders who are now sentenced may be successfully dealt with through intermediate sanctions and still accomplish the goals of punishment and rehabilitation.

The Council has completed its work and offers this report to the Governor in hopes that the efforts of the Council's membership will be helpful in addressing the current and future problems of Montana's correctional system. In doing so, the membership recognizes that as costly as some of the recommendations are, the combination of construction and administrative options appears to be the only viable way of meeting the needs that will be evident through 1995 for the projected inmate population. Failure to address these needs in a timely manner will only result in the need to reconvene a similar council within another biennium.



Digitized by the Internet Archive
in 2011 with funding from
Montana State Library

I. Montana's Correctional System

One of the most critical issues confronting the criminal justice system today is prison overcrowding. According to the Bureau of Justice Statistics, the state and federal prison population in 1986 was 503,794 inmates, roughly equivalent to the 1986 population of the state of Wyoming (507,000). The average year-to-year increase in the prison population from 1980 to 1986 was 8.8 percent.¹ In 1986, only ten state prison systems operated below design capacities.² The prison population continues to rise despite declining crime rates and a leveling-off of the at-risk population (males ages 18 - 34).

Conventional wisdom holds that correctional population size is determined primarily by a jurisdiction's total civilian population and crime rate. Montana's experience in the past decade indicates that conventional wisdom provides scant explanation of the growth of correctional and prison populations. Montana's civilian population increased only 4.8 percent from 1980 to 1985 and has declined steadily since then. Further, the "at risk of serious crime" population (males aged 18-34), has declined in relative size in comparison to the total population. Data provided by the Montana Board of Crime Control indicate that Montana's rate of index crime has declined substantially since 1980. In short, the supposed sources of Montana's correctional population have declined in size while that population has continued to increase (see tables and figures immediately below). Clearly, total civilian population and crime rates are not the primary determinants of the size of Montana's correctional populations.

Prison populations are determined by the number of admissions to and releases from prison and the time elapsing between each admission and subsequent release. Montana's institutional system population (MSP, WCC, SRFC, PRC, ISP) increased 90 percent between FYE 1980 and FYE 1990, from 701 to 1,335 inmates. Total correctional populations (persons under prison, parole or probationary supervision) also increased substantially in the same period, from average daily populations of 2,986 in 1980 to 4,845 in 1990, a 62 percent increase. The following discussion addresses the variables that appear to

¹ Bureau of Justice Statistics, U.S. Department of Justice, Historical Statistics on Prisoners in State and Federal Institutions, Yearend 1925 - 1986 (Washington, D.C.: U.S. Government Printing Office, 1988), 2.

² James Austin and Aaron D. McVey, "The NCCD Prison Population Forecast: The Growing Imprisonment of America," NCCD Focus, April 1988, 1.

control the growth of Montana's correctional and prison populations.

Admissions to, releases from, and time spent in prison (or under correctional supervision) represent public policy decisions. Admissions represent not only an individual's decision to violate a public law but also a conviction by the public and assessment of a punishment considered appropriate by the public. Releases represent either the expiration of the punishment or a grant of conditional release from the punishment by a public entity. Length of time under punishment is a combination of the nature of the punishment (sentence length) and a decision by the release agency - in Montana, the Board of Pardons.

The information presented below clearly suggests that Montana also has instituted incremental policy changes that have contributed to its overcrowding crisis. Session laws of Montana's legislature were reviewed to identify statutes affecting corrections programs. In the last six legislative sessions from 1979 to 1989, 107 bills have been passed affecting corrections. Of those 107 bills, 55 percent (59) had the effect of increasing prison populations, and only 18 percent (19) had the effect of decreasing prison populations. It is difficult to point to specific statutory changes and attribute specific population increases to those changes. Nonetheless, it does not seem unreasonable to presume that the disproportion between laws intended to increase and decrease correctional populations has had noticeable effect.

Montana prison admissions data provide further evidence of public policy changes. The first table below illustrates changes in sentencing of those convicted of their first Montana felony offense. Nearly one-half of 1989 prison admissions were for first Montana felony convictions. A surprising percentage of that group - 76 percent - were incarcerated for a single offense. The proportion of incarcerated offenders on their first Montana felony conviction increased 22 percent in relative size over previous years in 1986. That phenomenon has been quite stable since 1986. Although some members of this group (31.5 percent of this group in FY 1989) were incarcerated upon revocation of probationary sentences or paroles, the increased rate of imprisonment of this group can be seen as a change in public policy. First Montana felony conviction does not include prior arrests or prior felony convictions in other states.

**Table 1: Montana Prison Admissions
on First Montana Felony Conviction.
Fiscal Years 1984 - 1989**

	Fiscal Year					
	1984	1985	1986	1987	1988	1989
Number	186	202	264	271	267	297
Percent Total	39.8	39.5	48.6	48.2	49.2	49.6

Similarly, the number and proportion of prison admissions serving consecutive, in contrast to concurrent sentences has increased markedly in recent years, from 7.9 percent in 1984 to 17.8 percent in 1989. Consecutive sentences increase an inmate's length of stay in prison. Until 1989, imposition of consecutive sentences required a declaration to that effect by the sentencing judge. Since 1989, a new statute requires a declaration in imposition of concurrent sentences. That statute, and increased rates of imposition of consecutive sentences, indicate a more harsh trend in criminal sentencing.

Further evidence of increased severity in sentencing may be found in the use of the dangerous offender designation. The percent of male prison admissions designated as dangerous offenders has risen from 4.9 percent in 1984 to 11.9 percent in 1989. The dangerous offender designation increases inmate length of stay by requiring that one-half an inmate's sentence, less good time, be served prior to parole eligibility. Inmates not designated dangerous become parole eligible in one-quarter their sentence, less good time. The proportion of inmates designated dangerous has more than doubled since 1984 and the number of such admissions more than tripled since that date.

Table 2 displays the trend in length of sentences issued by the state's judges. Although the average length of sentences issued each year is variable, the trend is toward longer sentences.

**Table 2: Average Sentence of Male Montana
Prison Admissions, in Years.
Fiscal Years 1984 - 1989**

	Fiscal Year					
	1984	1985	1986	1987	1988	1989
Avg. Sentence	10.9	12.7	11.2	11.7	13.5	11.5

Trends in discretionary release from imprisonment - parole - also indicate shifts in public policy. All discretionary releases from incarceration are granted by the Montana Board of Pardons. Data provided by the Montana Board of Pardons are presented in Table 3 below. That table displays the percent of prison populations granted parole since 1980. Although the data are erratic, the decade trend shows a decrease in parole releases granted.

**Table 3: Percent of Prison Population
Granted Parole
Calendar Years 1980 - 1988**

Calendar Year								
<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
36.7	38.8	36.0	34.3	27.2	22.5	28.8	31.6	29.1

Table 4 displays the number and percent of total inmates actually released to parole for the same years. The percentages differ from Board figures because many paroles are granted contingent upon some condition, some of which may not be met.

**Table 4: Number and Percent of Total Male
Inmates Released to Parole
Fiscal Years 1980 - 1989**

	Fiscal Year									
Pop.	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
	701	784	829	870	908	1049	1122	1124	1188	1301
No.	200	158	233	150	144	202	216	287	269	246
%	28.5	20.1	28.1	17.2	15.9	19.3	19.2	25.5	22.6	18.9

Note that, although the number of inmates released to parole in recent years has increased, the proportion of total inmates released has declined from earlier levels.

The cumulative effects of these and other changes in public policy have affected prison length of stay. Table 5 presents the average length of stay, in months, of Montana prison populations. Note that average length of stay has shown a marked increase since 1981.

**Table 5: Average Length of Stay
of Montana Prison Populations, in Months
Fiscal Years 1980 - 1989**

Fiscal Year									
1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
23.7	22.5	23.2	26.0	27.6	28.6	29.2	29.8	30.1	29.9

The data presented above clearly suggest that Montana's present prison crowding crisis is the result of a decade-long trend of increasing severity in treatment of criminals. It has been argued by some that the nature of today's criminals justifies increased severity. Table 6 below displays analyses of prison admissions by type of crime committed, for Fiscal Years 1984 through 1989. The proportion of admissions convicted of violent crimes increased slightly from 1984 to 1988 and declined in 1989. The percentage of "combination" crimes which include a violent crime was 57 percent in 1984 and 49 percent in 1989. This parallels the decline of violent crimes in 1989 to below 1984 levels. This does not suggest an increase of severity in crime.

**Table 6: Percent of Montana
Prison Admissions Convicted of Violent, Property,
Public Order, Drug and "Combination"* Charges**

<u>Criminal Type</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Violent	21.9	23.6	24.4	23.1	23.8	19.2
Property	45.6	42.5	40.4	42.5	40.4	40.2
Drug	4.3	4.8	5.2	4.8	4.3	8.8
Public Order	0.6	1.3	1.6	1.1	1.5	0.7
"Combination"	27.5	27.8	28.4	28.5	30.0	31.2

*"Combination" crimes are any combination of above categories.

Source: Montana Department of Institutions

Montana's experience in the last decade, coupled with similar trends nationwide and conclusions drawn in professional literature, have led us to conclude that there is no legitimate reason to expect correctional populations to decline in the near future. Our population projections reflect that conclusion. Those projections are based on conservative assumptions concerning admission rates and increases in length of stay. Both reflect averages of recent growth trends and, as such, understate recent fluctuations in those trends. Despite this conservatism,

Montana prison population projections predict an alarming housing shortfall through 1995.

Table 7, below, displays projected male and female inmate populations at fiscal year end 1990 through 1995. The current female inmate population has exceeded the Fiscal Year End 1990 projection and probably will exceed that of 1991 by year end.

**Table 7: Projected Male and Female Inmate
Correctional System Populations
Montana Fiscal Year End 1990 - 1995**

	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
Male	<u>1360</u>	<u>1434</u>	<u>1516</u>	<u>1609</u>	<u>1707</u>	<u>1810</u>
Female	64	69	80	93	104	124

The projected male correctional system will need a total of 456 additional beds to meet projections by 1995. The recommendations will provide 412 additional beds with a potential shortage of 44 beds. It is anticipated that the efforts of the Board of Pardons will mitigate the 44 bed shortage by 1995.

The projected female correctional system population will exceed current capacity by 1992. The recommendations will provide sufficient capacity for projected populations through 1995, with a 16 bed surplus.

II. COUNCIL ACTIVITIES

The Department of Institutions applied for and received an extension of the Bureau of Justice Assistance grant through June of 1990. On July 28, 1989, Governor Stephens issued Executive Order 17-89 recreating the Criminal Justice and Corrections Advisory Council. The order authorized the Council to operate until September 1, 1991. (A copy of the executive order is contained in Appendix A.)

The Executive Order lists the Council's tasks as:

A) In cooperation with the Department of Institutions, develop a comprehensive plan to address the needs of Montana's adult female offenders.

B) Develop statistical data about current Montana sentencing statutes and practices with the understanding that this information will serve as a resource for any changes in sentencing practices that may be considered in the Governor's future recommendations to the Legislature.

C) Study the impact of sentencing legislation passed in the 51st Legislative session to determine how new sentencing practices further impact prison populations.

D) Review the need for recodification of sentencing statutes and other laws relating to corrections.

E) Examine the current practices governing the parole and release of inmates.

F) Further examine ways to address the crowding problems in our adult male correctional facilities; and

G) Provide alternatives for addressing both male and female prison population problems.

The 1989 Legislature directed the Department of Institutions, in cooperation with the Criminal Justice and Corrections Advisory Council to develop a comprehensive plan for housing adult female inmates to be presented to the 52nd Legislature (Ch. 518, L. 1989). The plan must:

a) consider the need for building a new correctional facility, as well as other incarceration alternatives;

b) provide for adequate educational, treatment, training, and employment opportunities for female inmates;

c) comply with the standards published by the American Correctional Association's Commission on Accreditation for Corrections, wherever feasible; and,

d) contain proposed legislation for implementing the plan, if appropriate.

Council composition. The Governor retained 5 members of the former Council. The 16 members of the Council included: five legislators, a district judge, a tribal judge, a county commissioner, a county attorney, a public defender, a sheriff, administrators from a women's and a men's pre-release center, the deputy director of the Department of Justice, and members of the public. Each member brought to

the Council a wealth of knowledge and experience and a sincere desire to confront the issues surrounding prison overcrowding.

The Governor appointed two former members, Dan Russell, Corrections Division Administrator, and Henry Burgess, Board of Pardons Chairman, as ex-officio, non-voting members. Representative Helen O'Connell resigned and was replaced by Representative Vivian Brooke January 23, 1990. Mr. Walter J. Moore passed away in April of 1990.

Organizational meetings. The Council began its work in September 1989. The group met eight times. Most of the meetings were held in Helena. One meeting was held in Deer Lodge to allow for a prison tours and a second was held in Great Falls to allow for a pre-release center tour. Members focused on three major study areas and divided into subcommittees on prison overcrowding, women offenders and sentencing and release.

Prison tours. In October 1989, the Council met in Deer Lodge to tour Montana State Prison. They also traveled to Warm Springs to tour the Women's Correctional Center. In addition, the subcommittee on Women Offenders took consultants on a tour of the Women's Correctional Center in January of 1990. Some of the subcommittee on Women Offenders' members and Department staff took a tour of the women's correctional facilities at Lusk, Wyoming and Shakopee, Minnesota in March, 1990.

Consultants. The Department received funding from the National Institute of Corrections for technical assistance regarding the women's prison directive. Jacqueline Fleming, Superintendent of the Minnesota Correctional Facility for women in Shakopee, Minnesota, and Jennie Lancaster, Female Command Manager from North Carolina visited Montana in January of 1990 to provide technical assistance regarding programming and facilities for women offenders. The consultants toured the Women's Correctional Center on the Warm Springs campus, and met with the subcommittee on women offenders and the full Council at the January 1990 meeting to share their recommendations.

Adoption of recommendations. The Council's year-long study culminated in a July, 1990 meeting in Helena. The members of the Council presented their recommendations to Governor Stan Stephens in July, 1990.

Following is a summary of the recommendations to the Governor, by subcommittee, that are presented in detail in the next chapter of this report.

SUMMARY OF RECOMMENDATIONS

SUBCOMMITTEE ON WOMEN OFFENDERS

1a. The Council recommends two beds be added to the Women's Life Skills Center and an additional 12-15 bed pre-release center be established. This recommendation is included in the Subcommittee on Prison Overcrowding recommendation on expansion of pre-release centers.

1b. The Council recommends that contingency funding be provided to allow the Department of Institutions to address immediate housing needs associated with increasing female inmate populations through 1993. (This funding will only be necessary in the event that the additional pre-release center is not funded and that no additional beds are provided for the Women's Life Skills Center.)

The Council recommends that the Department implement a corrective action program similar to that presented for the immediate needs of our female offenders. The Department of Institutions has developed a corrective action plan and presented it to the Council. The Council supports the Department's request for funding adequate to implement the corrective action program in the next biennium.

2. The Council recommends that a new women's facility of 100-120 beds should be the number one building priority for the Department, that it be operated by the state, and that private sector funding options for construction be explored to determine if they are cost-effective.

SUBCOMMITTEE ON PRISON OVERCROWDING

1. Hire two (2) targeted case managers at MSP to address treatment and release needs for potential parolees and supervised release candidates.

2. Encourage local jurisdiction's to create house arrest and community service programs for offenders in lieu of prison sentences.

3. Construct three new housing units to include: a) a 120-bed high security treatment unit, b) a 96-bed high security unit, and c) a 96-bed low security unit at the Montana State Prison for male inmates.

4. Endorse the expansion of pre-release centers, and include additional funding for the centers to provide more chemical dependency treatment.

5. Release selected offenders to electronic monitoring/house arrest for last two months of pre-release.

6. Develop graduated sanctions for parole and parole violators.
7. Institute flat-rate good-time for parolees.
8. Change the statutes to sentence offenders to a correctional authority.
9. Expand the Intensive Supervision Program to a third city.
10. The Council recommends that an additional level of probation and parole supervision be added which would take greater advantage of curfew and house arrest options by providing more electronic monitoring and increased supervision.
11. That the Board of Pardons receive technical assistance in the reviewing of parole practices and the criteria and the proposed alteration of the practices; that the Legislature amend the prison population control statute; that the Board of Pardons and the Department of Institutions issues a formal statement that otherwise parole-eligible inmates who require some form of treatment may be paroled to plans incorporating treatment in licensed, community-based programs by 3/1/1991; and, the Board of Pardons and the Department of Institutions issue a formal, written agreement stipulating the conditions under which the Supervised Release Program can become an effective, well-used alternative to incarceration by 3/1/1991.

SUBCOMMITTEE ON SENTENCING AND RELEASE

1. Create a legislative oversight committee to review legislation effecting corrections.
2. Recommend creation of a task force to take a comprehensive look at sentencing, treatment, and release issues. This task force should include representation from all three branches of government, all aspects of the criminal justice system and the public.
3. Increase probation and parole resources for the Field Services Bureau. The recommendation is for a minimum of four field officers based on the past year's workload, three half-time support staff, equipment and operating expenses.
4. Increase probation and parole resources for the Board of Pardons. The Council supports an additional hearings officer and a pre-parole programmer, an additional secretary, equipment and operating expenses for the Board of Pardons.

III. COUNCIL RECOMMENDATIONS

In this report, the Council submits 16 recommendations to the Governor for his consideration. These recommendations are presented in this chapter of the report. Included with each recommendation is a statement of the problem to be addressed, an estimate of implementation costs, projections of prison population impact, comments on required legislation and/or administrative rules, and a discussion of related implementation issues.

This chapter concludes with a chart summarizing the impact on projected prison populations and an estimated cost for each recommendation.

RECOMMENDATION # 1

CORRECTIONS OVERSIGHT COMMITTEE

Statement of the Problem

Since 1979, over 107 bills have passed the legislature regarding corrections. Of the 107 bills, 55% increased prison populations and only 18% decreased prison populations. A committee with comprehensive overview is needed to coordinate corrections issues and, most importantly, to weigh correctional policy concerns with correctional program capacity and budgetary concerns.

Recommendation

The recommendation is for the Legislature to create a joint legislative corrections oversight subcommittee of the House and Senate Judiciary committees to review any introduced bill which defines criminal offenses and establishes ranges of penalties during the session. The committee would be required to assess the programmatic and fiscal impact of all such bills.

Implementation Costs

The subcommittees costs would be absorbed as part of the legislative session.

Prison Population Impact

There may be no direct impact, but if the oversight committee monitors legislation for impact, and a fiscal appropriation must be made to accommodate the impact of any bill, then there should be a consistent correctional policy and any legislation which is passed will be done with full awareness of its overall impact on the correctional system.

Required Legislation/Administrative Rules

The following legislation contains elements that the Council proposed to create a corrections oversight committee. The actual mechanism by which an oversight committee is formed should be at the discretion of the Governor and the Legislative leadership.

Corrections oversight committee -- appointment and composition. (1) There is a corrections oversight committee.

(2) The committee consists of:

(a) four members of the senate appointed by the committee on committees in consultation with the chairman of the

senate judiciary committee and the minority leader of the senate;

(b) four members of the house of representatives appointed by the speaker in consultation with the chairman of the house judiciary committee and the minority leader of the house.

(3) No more than two members from each house may be of the same political party.

Term of office. Appointments to the committee are for two years. A member of the committee serves until his term of office as legislator is ended or his successor is appointed, whichever occurs first.

Vacancies. (1) A vacancy occurring during a legislative session must be filled in the same manner as the original appointment.

(2) An appointment to the committee under this section is for the unexpired term of the original member.

Officers. The committee shall elect one of its members as chairman and may elect other officers it considers necessary.

Meetings and compensation. (1) The committee shall meet as often as may be necessary during legislative sessions.

(2) Committee members are entitled to receive compensation and expenses as provided in 5-2-302.

Powers and duties of the committee. (1) The committee shall coordinate criminal justice issues, hold hearings and examine the criminal justice system in a comprehensive way and to establish legislative priorities for criminal justice.

(2) The committee shall review any introduced bill which effects prison sentences or state prison populations, effects probation and parole populations, or effects the Board of Pardons, by defining criminal offenses and the establishment of ranges of penalties.

(3) With each introduced bill, the committee will require:

- (a) a fiscal note; and,
- (b) an impact statement.

(4) The committee will require each introduced bill to specify the necessary appropriations to implement the act. The appropriations shall be equivalent to the amounts reflected in the fiscal note prepared by the legislative fiscal staff.

(a) Any new law enacted without the funding required by this section shall be null and void unless such funding is appropriated in the general appropriations act.

(5) The committee shall prepare a report on any bill under review which must state whether the committee supports, opposes or takes no position and include a fiscal note and an impact statement. The committee shall submit the report to the chairman of the committee considering the bill.

(6) The committee may request the assistance of the staffs of the legislative council, the office of the legislative fiscal analyst, the legislative auditor, the department of institutions, and the office of budget and program planning, and any other agency that has information regarding corrections in the state.

RECOMMENDATION # 2

TASK FORCE ON SENTENCING, TREATMENT AND RELEASE

Statement of the Problem

The Council has concluded that a reassessment of sentencing practices in Montana is in order, but realize that it is beyond the scope of this Council. The statutes reflect a patchwork of changes, the correctional policy is very general and does not provide specific goals, and issues of good-time and parole release criteria must be examined. Sentencing alternatives must be developed, especially for youthful offenders, and treatment programs which are mandated by sentencing judges must be provided in programs which are adequately funded.

Recommendation

The recommendation is for a Task Force to be appointed, representing all three branches of government, the criminal justice system and the public. In addition to the membership, it is anticipated that the Task Force would seek information from individuals with expertise in relevant areas, such as probation and parole, law enforcement, prison staff, etc. and utilize that information in the development of recommendations. Its charge is to examine sentencing, treatment and release issues to be reported back to the legislature.

Implementation Costs

The following biennial costs were estimated by the Legislative Council:

Operating Expenses	\$23,434
Total Personal Services	4,500
Printing and Postage	7,522
<u>Consulting Services</u>	<u>5,000</u>
SUBTOTAL	\$40,456
<u>Project Director</u>	<u>\$25,641</u>
TOTAL	\$66,097

Costs include six meetings in Helena for 12 members and 2 staff, meals, lodging, and mileage; salaries @ \$25.00 day; costs for a final report, photocopies, supplies, postage; consulting service costs which could be for technical assistance in setting up a Task Force or data compilation and analysis. The proposal assumes that there will be staff from various state agencies who would be available to assist this Task Force. A project director will be necessary at

approximately a Grade 13 position, \$25,641 annually for salary, insurance and benefits.

This is a monumental task and the estimate of six meetings is a minimum. A biennium may not be a sufficient amount of time considering the amount of data collection and study that will be necessary.

Prison Population Impact

There is no initial impact on prison populations and would not be, unless recommendations for sentencing and parole reform were to come out of this Task Force, and be adopted. This Task Force is patterned after the Sentencing Commissions found in states such as Minnesota and Washington.

Required Legislation/Administrative Rules

A "blue ribbon" committee could be appointed by legislative mandate and legislation would be required.

Committee on sentencing, treatment, and release.

(1) (a) There is a committee on sentencing, treatment, and release.

(b) The chief justice of the supreme court shall be a member and appoint two district court judges.

(c) The president of the senate shall appoint one senator and the minority leader of the senate shall appoint one senator. The speaker of the house shall appoint one representative and the minority leader shall appoint one representative.

(d) The governor shall appoint two public members of the committee who shall have knowledge of the criminal justice system; and a prosecutor and a defense counsel.

(e) The corrections division administrator shall be a member.

(f) The attorney general or designee shall be a member.

(g) A representative of the Board of Pardons shall be a member.

(2) A committee member shall serve until the committee terminates on __. A vacancy on the committee must be filled in the same manner as the original appointment.

(3) The committee shall elect one of its members as chairman and may elect other officers it considers necessary.

(4) A member is entitled to compensation as provided in 2-15-122(5).

(5) The committee shall examine sentencing and release issues, including but not limited to:

(a) the state correctional policy;

(b) the need for sentencing reform, in the form of sentencing guidelines or structured sentencing, and any recodification of the criminal code necessary;

(c) the effectiveness of sentencing enhancements;

(d) the use of alternatives such as treatment, community service, day fines, house arrest, etc. as part of the sentencing reform;

(e) the need for structured parole decisions;

(f) the effectiveness of mandatory minimum and maximum sentences;

(g) the effectiveness and authority vested in the sentence review division in monitoring sentencing practices;

(h) good-time, the nondangerous designation and the determinants of parole eligibility; and,

(i) the assignment, distribution, and caseload of the district court judges.

(6) The committee shall make recommendations on the necessary changes to the -- legislature.

(7) Agencies of the executive branch, the judiciary, and the legislative council shall provide staff assistance to the committee, as necessary.

Implementation Issues

This can be a costly process, but if support is developed in all of the affected areas and effective staff is utilized, this committee could revamp correctional policy, sentencing practices, including treatment issues and the use of treatment as a sanction, and the criminal justice process to deal with the current and future prison overcrowding, and assure a comprehensive criminal justice system.

RECOMMENDATION # 3

PROBATION AND PAROLE RESOURCES-FIELD SERVICES

Statement of the Problem

The numbers of offenders on probation and parole supervision is increasing at a rate greater than that of the prison population.

Recommendation

The recommendation is to increase probation and parole field services by a minimum of 4 officers. (NOTE: This is based on current workload data from April 1989 to March 1990. In the event that results from the time study or workload data indicate a need for more officers, this recommendation supports additional needs. Also, any recommendations from this Council which will increase the need for probation and parole officers should be taken into consideration, before the final appropriation is sought.)

Implementation Costs

The cost for the FTE, including salary, insurance and benefits is:

Probation and Parole Officer (Grade 13,2)	\$25,641
Half-time Secretary (Grade 8,2)	\$9,130

Biennial costs

4 Officer positions	\$205,128
3 half-time support staff	\$54,784
Operating Expenses: contracted service, supplies and materials, communications, travel, rent, repairs and maintenance.	\$35,256
<u>Equipment: automobiles, office equip.</u>	<u>\$40,296</u>

BIENNIUM TOTAL	\$335,464
----------------	-----------

Prison Population Impact

There is no direct impact on the prison population. However, if the probation and parole officers are given manageable caseloads and sufficient resources, the number of revocations may decrease due to greater supervision.

Required Legislation/Administrative Rules

Legislative approval is required for additional Department of Institutions employees and for funding the new positions.

Implementation Issues

This recommendation is based on information which will have to be updated after the new time study and with the increased efforts at dealing with the overcrowding situation. An increase in probation and parole officers will mean better supervision and less stress on the officers.

RECOMMENDATION # 4

PROBATION AND PAROLE RESOURCES-BOARD OF PARDONS

Statement of the Problem

The staff of the Board of Pardons has not been increased commensurate with the increase in prison population.

Recommendation

The recommendation is to increase staff for the Board of Pardons. There is a need for an additional hearings officer and a pre-parole programmer.

Implementation Costs

The biennial cost for the positions, including salary, insurance, benefits, and equipment is:

Hearings Officer (Grade 16,2)	\$63,508
Pre-Parole Programmer (Grade 15,2)	\$58,528
Secretary (Grade 8,2)	\$36,128
Computer	\$ 5,450
Automobile	\$ 9,899
<u>TOTAL BIENNIAL COST</u>	<u>\$173,513</u>

There will be an additional cost for operating expenses.

Prison Population Impact

There will be a direct impact on the prison population as an additional hearings officer and a pre-parole programmer will help deal with the caseload, and the waiver and annual review backlog. The intent is for the pre-parole programmer to participate in the initial classification process to develop treatment plans (for all admissions).

Required Legislation/Administrative Rules

Legislative approval is required for additional Board of Pardons employees and for funding the new positions.

Implementation Issues

This recommendation will facilitate parole release if a coordinated process is instituted in conjunction with a set of objective guidelines that represent the criteria for parole.

RECOMMENDATION # 5

TARGETED CASE MANAGERS

Statement of the Problem

Some 300 parole eligible inmates at Montana State Prison are in "Waiver Status." Another 300 are in "Annual Review Status." The former group, although eligible for parole, have waived their right to a parole hearing. The latter has been informed by the Board of Pardons that they are denied parole and the case will be reviewed annually. These two groups comprise more than one-half the prison population. In addition, a substantial number of prison admissions become parole-eligible within their first year of incarceration. The Council has proposed adding 2.0 FTE Targeted Case Managers. These staff would assist inmates in preparation of institutional treatment plans, parole plans, and scheduling of treatment and parole hearings. The Council anticipates that these activities will shorten average length of stay and, thereby, reduce prison overcrowding.

Recommendation

The CJCAC recommends authorization of 2.0 FTE targeted case managers, allocated as the Department proposes.

Implementation Costs

The cost for an institutional case manager (Grade 13,2) for salaries, insurance and benefits for one year is \$25,641. The biennial cost for two officers at MSP would be \$102,564. Operating expenses are \$5,431 per year and equipment costs for the first year, including one automobile at \$9899 and \$350 office equipment, are \$10,249. The total biennial cost is \$123,675.

The targeted case manager duties for WCC will be provided by a federal grant.

Prison Population Impact

The Department has estimated that this proposal will result in an additional 30-60 releases per year from the institutional system.

Required Legislation/Administrative Rules

Legislative approval is needed for additional employees and for the funding of new programs.

Implementation Issues

The Targeted Case Manager is part of the initial classification process.

RECOMMENDATION # 6

LOCAL JURISDICTION OPTIONS

Statement of the Problem

Relatively few sentencing alternatives are available to Montana's district court judges. Judges now are limited to suspended or deferred sentences (conventional probation), and to prison. The judge may amend the sentence if the offender is accepted for Intensive Supervision (in only two Montana cities). As a consequence, judges may sentence offenders to prison when they consider conventional probation too lenient a sentence and Intensive Supervision not available. Similar constraints are faced by judges who revoke suspended or deferred sentences.

Other states have instituted house arrest and community service programs as sanctions for convicted, non-violent high misdemeanants and felons. Six Montana counties also have instituted house arrest programs which serve as alternatives to jail. Yellowstone County has successfully contracted with a private corporation (Alternatives, Inc.) to provide an integrated system of community-based sanctions to convicted misdemeanants. The services range from supervised community service to detention.

A substantial portion of Montana prison admissions are non-violent offenders with no prior convictions and persons whose probationary sentences have been revoked for repeated technical violations of the conditions of their sentences. The existence of community-based programs providing supervision, detention, and public service sanctions as graduated alternatives could reduce prison overcrowding by diverting qualifying offenders from prison.

Recommendation

The CJCAC recommends that Montana communities be encouraged to establish local house arrest and community service programs to serve as alternatives to prison for selected, non-violent offenders. The Council further recommends that the State establish a grant fund to serve as "seed money" for communities pursuing such programs. Those grant funds would be awarded on a competitive basis. (Optional-grants would be reviewed and approved by a committee comprising staff of the Corrections Division, the MBCC and the Local Government Assistance Division of the Department of Commerce). Finally, the Council cautions against using community-based correctional programs to serve offenders who otherwise would have received no sanction. If such programs are to be an effective approach to reducing prison overcrowding, they must serve persons who otherwise would have been sentenced to prison.

Implementation Costs

Based on a MBCC grant application for a community service center including one community service coordinator, one secretary, contracted service, furnishings, operating expenses (excluding initial start-up costs), and workers compensation coverage, the total is approximately \$58,000. for a one year period. This estimate is based on 400 clients using the program (not all of which will be prison bound).

Prison Population Impact

Unknown at present.

Required Legislation/Administrative Rules

An appropriation would be necessary for the grant program which would provide start-up funds for each community. This granting procedure must be developed.

Statutory authority to specifically allow house arrest as a specific condition of probation may be advisable, although currently "any other reasonable conditions considered necessary for rehabilitation or the protection of society" (46-18-201(1)(a)(x), MCA) is allowed.

Department of Institutions administrative rules should reflect the policy for this programs.

Implementation Issues

The department should institute guidelines for the kind of offender who is suited for the program, and a procedure to assure that these programs do not "widen the net". The procedure could be similar to that of the ISP program.

Existing ISP equipment could be utilized for a house arrest portion. The house arrest may be done on a "curfew" system which would not require the wristlet but would utilize the phone calls for curfew checks.

If an offender fee program were instituted, the revenue would be used to support the program and any additional staff needed.

RECOMMENDATION # 7

CONSTRUCTION OF THREE ADDITIONAL HOUSING UNITS at MONTANA STATE PRISON

Statement of the Problem

The population projections through 1995 for male inmates at Montana State Prison indicate that in addition to the alternatives to incarceration forwarded by the Council, a need exists for three additional housing units.

By 1995, there will be a need for an additional 197 beds for the high and medium security classification inmates. A 96-bed high security unit and a 120-bed high security treatment unit would meet those needs with a 19 bed surplus.

Montana State Prison has experienced substantial growth in the number of "special needs" inmates who, by the nature of their crimes and/or sentences, should be housed in the high security compound. Such inmates (e.g. sex offenders, geriatric, emotionally disturbed, chemically dependent or protective custody inmates) have treatment needs and security profiles which differ from typical high security inmates. Construction of a special needs, high security treatment unit could enhance delivery of treatment/programming for this group and more typical high security inmates and allow more efficient use of high security housing resources.

By 1995, there will be a need for an additional 259 placements/beds for the low and other classification inmates. Recommendations from the Council estimate an impact of 100 placements, for a deficit of 159 inmates. A 96-bed unit will partially fulfill the need for some of these inmates, leaving a shortage of approximately 63 potential beds that may be needed.

There will be a total of 456 additional beds needed by 1995. The three housing units and the other recommendations will provide 412 beds with a potential shortage of 44 beds total. It is anticipated that the potential shortage can be mitigated with cooperation of the Board of Pardons.

Recommendation

The Council recommends, in order to cope with the population projections through 1995, construction of:

- 1) a 120 bed high security treatment unit for special needs inmates in the Montana State Prison compound or in an adjacent area;
- 2) an additional 96-bed high security unit; and,
- 3) a 96-bed low security unit.

Implementation Costs

The projected cost to build a unit similar to the maximum security or close security units in 1992 is approximately \$39,163 per bed. The cost for a 96-bed unit is \$3,759,703, and a 120-bed unit is \$4,699,560. This does not include the architect's fee which is estimated at 10% or \$375,970 and \$469,956. The costs do not include fences or equipment.

SUBTOTAL: \$9,305,189.

The projected cost to build a low security unit in 1993 with occupancy by 1995 is \$3.2 million inclusive of architects fees.

SUBTOTAL: \$3,200,000.

TOTAL: \$12,505,189.

Prison Population Impact

The high security units would serve 96 and 120 inmates and would meet a projected 1995 197-bed high-security housing shortfall. The 96-bed low security unit would partially meet the estimated low-security needs of 159-beds through FY 1995. There will be a total of 456 additional beds needed by 1995, the three housing units and the other recommendations will provide 412 beds for a potential shortage of 44 beds.

Required Legislation/Administrative Rules

A legislative appropriation is necessary for funding a new high security treatment unit.

RECOMMENDATION # 8

PRE-RELEASE CENTER EXPANSION

Statement of the Problem

Montana's pre-release centers were established in the early 1980's to provide transitional services (access to employment, education/training, counseling and training in elementary fiscal management) to inmates soon to parole or discharge. Changes in parole practices and increased prison crowding have created needs for more concentrated counseling and treatment at that level, as well as additional capacity. Montana's correctional system now has five such centers with a combined capacity of 132 beds. The state's centers serve low security inmates. That group is the largest and is expected to experience the greatest growth.

Prison crowding and parole practices have overtaxed prison counseling resources. Delays in access to treatment increase length of stay and, thereby, further aggravate crowding and scheduling problems. Expanding pre-release capacities and adding chemical dependency counseling services at each center could reduce prison overcrowding, relieve pressure on prison counseling programs and increase inmate flow through the system.

Recommendation

The CJCAC recommends:

- 1) (a) Creation of an additional 25-30 bed pre-release center for men;
(b) Creation of an additional 12-15 bed pre-release center for women;
- 2) Expansion of existing pre-release centers for men by the following amounts:

Billings Alpha House	5 beds
Butte Pre-Release Center	10 beds
Great Falls	10 beds;
- 3) Expansion of the existing pre-release center, the Women's Life Skills Center in Billings, by 2 beds; and,
- 4) Add 2 FTE certified chemical dependency counselors to the staff of each pre-release center or provide sufficient contracted service funds in each center budget to support purchase of equivalent services in the community.

Implementation Costs

- 1) New 25-30 bed male pre-release center: approximately \$335,344-\$402,413 (based on 1991 average current pre-release

center costs @ \$36.75/day per inmate, 32 beds.) This does not include start-up costs which average \$75,000.

2) New 12-15 bed female pre-release center: approximately \$210,000 (based on WLSC 1991 costs.) This does not include approximately \$40,000 needed for start-up costs.

3) Approximate annualized costs for expansion over current cost:

Billings Alpha House:	<u>Total</u>	<u>Over current</u>
Current 30 beds @ \$37.49/day	\$412,706	
Plus 5: 35 beds @ \$34.67/day	\$442,706	\$30,203
(Based on 1990-91 biennium; Staff and renovation costs are included)		

Butte Pre-release Center:	<u>Total</u>	<u>Over current</u>
Current 35 beds @ \$34.98/day	\$446,853	
Plus 10 beds: 45 beds @ \$27.87/day	\$503,789	\$56,936
(Based on 1990-91 biennium; 2 additional staff included.)		

Great Falls Transition Center:	<u>Total</u>	<u>Over current</u>
Current 30 beds @ \$37.44/day	\$409,943	
Plus 10 beds: 40 beds @ \$29.55	\$431,474	\$21,531
(Includes 1 counselor and 1 part-time resident advisor @ \$27,428 annually)		

Billings Life Skills Center:	<u>Total</u>	<u>Over current</u>
Current 12 beds @ \$47.82/day	\$209,472	
Plus 2 beds @ \$45.23/day	\$231,110*	\$21,638
Equipment and renovation needed		\$ 4,500
		<u>\$26,138</u>

(*Includes 1 staff, Grade 9)

4) No costs for CD counselors or contract services were calculated nor are included in this proposal. The Department of Institutions has received a grant in the amount of \$150,366.00 from the Montana Board of Crime Control to allot funds to each pre-release center to contract for chemical dependency services. The matching funds for the grant will be obtained through client fees for services. This grant is an expansion of programs which have been operating in Billings and Great Falls. When the grant expires the Department of Institutions should seek additional funding to continue this vital program.

Prison Population Impact

This program expansion should provide an annual space equivalent to 100-110 beds for male low security inmates, and 28-34 female low security inmates, assuming average

length of stay in the centers is six months. No population impact has been estimated for program enhancements.

Required Legislation/Administrative Rules

Legislative approval is necessary for additional appropriations for funding these expansions and/or new centers, and any new staff.

Implementation Issues

Support of the Board of Pardons and enactment of a statute sentencing offenders to a state correctional authority will be necessary to realization of full population effects resulting from pre-release enhancements.

RECOMMENDATION # 9

SELECTED PRE-RELEASE OFFENDERS TO HOUSE ARREST FOR LAST TWO MONTHS

Statement of the Problem

Pre-release center programs were designed to provide transitional services and experience to selected inmates prior to their return to the community. The intended average length of stay in these programs is six months. Some inmates complete program goals in less than six months. Others are admitted to pre-release centers more than six months from their parole eligibility or discharge dates. Still others may be denied parole by the Board of Pardons but are inappropriate for a return to prison. Finally, a few pre-release inmates are developmentally disabled and may need prolonged, low-level supervision. Continued residence in pre-release centers is a waste of limited program resources and may impede the inmate's eventual return to civilian status. Selected inmates who successfully complete all pre-release center program goals prior to their parole eligibility or discharge dates could be released to house arrest two or more months prior to those dates. Those inmates would remain under the overall supervision of the centers, but would not reside there. Such releases would provide those inmates another supervised transition to community life and would free badly needed program space for other pre-release candidates.

Recommendation

The Council recommends that selected pre-release inmates be placed on house arrest supervision for the last two months of their prison term.

Implementation Costs

There may be costs attached to the use of ISP computers for the purpose of curfew and check-in phone calls. Additional staff may be necessary to monitor those on house arrest at a cost of approximately \$10 to \$15 per day.

As of May 31, 1990, it is estimated that approximately 19 offenders are appropriate for this program at the current time. For 19 offenders, at \$15.00 per day for two months the cost would be \$17,100.

Community Corrections staff estimate that 100 offenders could be served in the first two years of the program. For 100 offenders, at \$15.00 per day for two months each, the biennial cost would be \$90,000.

Prison Population Impact

Specific estimates of the population impact of this recommendation have not been calculated. However, the equivalent of one "extra" pre-release center bed would be created for each three pre-release center inmates placed on house arrest.

Required Legislation/Administrative Rules

If the offender is committed to a correctional authority, that may be sufficient, but the need for statutory authority must be explored.

Implementation Issues

The Department of Institutions will be required to develop policy, and Pre-Release Center program staff would be required to screen candidates for house arrest very carefully. This program must be kept separate from the Intensive Supervision caseload, although equipment might be shared. House arrest programs are not available in all communities served by pre-release centers at present. This could be remedied through the use of current ISP computers and long-distance telephone service.

Where inmates are transferred to house arrest prior to parole, some commitment may be required from the Board of Pardons that a parole will be granted unless the inmate in question violates conditions of his transfer.

RECOMMENDATION # 10

GRADUATED INTERMEDIATE SANCTIONS

Statement of the Problem

Probation and parole revocations have accounted for nearly 50 percent of the annual prison admissions in the past three years. Nearly 80 percent of parole revocations are for technical violations of condition of parole. A similar proportion is assumed to exist for probation revocations. The Montana corrections system now offers some sanctions that can serve as acceptable alternatives to incarceration for parole and probation violators. The subcommittee has suggested that a greater range of graduated sanctions be developed in the community setting to serve as alternatives to incarceration. The sanctions proposed range from increased supervisory contacts with probation and parole officers through required counseling and treatment to electronic monitoring and jail detention. The use of such alternatives is expected to reduce the use of incarceration as punishment for probation and parole violations for selected offenders.

Recommendation

The Council recommends the funding and development of a range of graduated community-based sanctions to serve as alternatives to incarceration. The Council also recommends departmental adoption of formal, written policy to guide the use of those sanctions. The range of sanctions should include, but not be limited to:

- a. increased frequency of supervisory contact
- b. mandatory community service
- c. intervention hearings by staff and regional supervisors
- d. mandated treatment and/or counseling
- e. "Relapse groups"
- f. addition of special sentence conditions
- g. curfew
- h. confinement to jail or pre-release for 48 hours
- i. assignment to the Intensive Supervision Program
- j. house arrest
- k. jail or pre-release placements for 30-60 days

Implementation Costs

Costs will be dependent on the sanctions used. Pre-release, jail placements and ISP will have a cost per day attached. It is estimated that parolees or pre-release center residents who violate their conditions would spend an average of 30 to 60 days in jail, at an average cost of \$38.00 per day. An estimate of the numbers of inmates appropriate for these sanctions is approximately 50 inmates

who could be placed in county jails for 30 days at a rate of \$38 per day, the costs incurred would be:

50 violators X 30 days X \$38 = \$57,000
Biennial cost: \$114,000

Prison Population Impact

The impact on the prison population will ultimately be determined by the Board of Pardons and the District Court Judges. The Board of Pardons has final authority over parole revocations and the District Court Judge has the final authority over probation revocations. Through the use of intervention hearings, the Department can have a greater impact on parole revocations, but the district court holds jurisdiction and the discretion on probation revocations. Caution must be used in estimating impact on technical violations. Some technical violations may involve new crimes which are not prosecuted, or represent numerous technical violations. If intervention hearings and graduated sanctions are used, many revocations may be circumvented by early intervention.

Required Legislation/Administrative Rules

It is currently unclear as to what point violation must be submitted to the judge or the Board of Pardons. Written policy should be developed to authorize the intervention hearings and the point at which a probation violation must be submitted to the District Court Judge or a parole violation to the Board of Pardons.

Legislation may be needed to authorize a regional supervisor, upon approval of the Board of Pardons, to place a parole violator in county jail in lieu of prison.

Funds must be appropriated to the Department of Institutions for payment for housing prisoners in jails, pre-release, ISP, house arrest, etc.

Implementation Issues

County jails may be used as a resource only if space is available. There may also have to be consideration made of the liability of placing an offender in a jail that does not meet standards.

RECOMMENDATION # 11

GOOD TIME ALLOWANCE FOR PAROLEES

Statement of the Problem

More than one-half of the Montana prison population is eligible for parole. Some eligible inmates state that they will not pursue parole because, with prison good time, their sentences will expire sooner if they remain in prison. If inmates in prison receive good-time, it only stands to reason that they would continue to earn that privilege once they have earned parole.

Further, Montana's average parole officer's caseload is about 100 clients, well above the recommended levels. Montana once granted good time to parolees, but abolished the process because statutory provisions and amendments had made the process too complicated. It is presumed that availability of parole good time will increase inmate motivation to pursue parole and observe the conditions of parole once it has been granted. An increase in the rate of parole could reduce prison populations, and less time on parole could reduce parole caseloads, with no increase in public risk. Many parolees continue supervision under a probationary sentence as well.

Recommendation

The Council recommends a statutory change to authorize award of 30 days per month good time to parolees. Good time accrued could only be forfeited upon a return to prison for parole violation. Authorization for forfeiture should remain with the Department as is current good time allowance and forfeiture.

Implementation Costs

None.

Prison Population Impact

The prison population impact is unknown but favorable. The impact on probation and parole caseloads would also be favorable.

Required Legislation/Administrative Rules

Section 53-30-105 is amended to read: "**53-30-105. Good time allowance.** (1) The department of institutions shall adopt rules providing for the granting of good time allowance for inmates employed in any prison work or activity. The good time allowance shall operate as credit on his sentence imposed by the court, conditioned upon the

inmate's good behavior and compliance with the rules made by the department or the warden. The rules adopted by the department may not grant good time allowance to exceed:

(a) 10 days per month for inmates assigned to maximum, close, and medium I security classifications;

(b) 13 days per month for those classified as medium II and minimum security classifications;

(c) 15 days per month for inmates having been assigned as medium II or minimum security for an uninterrupted period of 1 year;

(d) 13 days per month for those inmates enrolled in school who successfully complete the course of study or who while so enrolled are released from prison by discharge or parole;

(e) 3 days per month for those inmates participating in self-improvement activities designated by the department.

(2) In the event of an attempted escape by an inmate or a violation of the rules prescribed by the department or warden, the inmate may be punished by the forfeiture of part or all good time allowances. The warden of the state prison shall advise the department of any attempted escape or violation of the rules on the part of the inmate. Any punishment by forfeiture of good time allowance must be approved by the department.

(3) A person may not earn good-time under this section while he is on probation-~~or parole~~.

(4) A person may earn good-time while he is on parole at a flat rate of 30 days per month and in accordance with the rules adopted by the department of institutions.

~~(4)~~(5) The warden of the state prison may request all or portions of any previously forfeited good time be restored as a result of subsequent good behavior. Any restoration of good time allowance must be approved by the department.

RECOMMENDATION # 12

COMMITMENT TO A CORRECTIONAL AUTHORITY

Statement of the Problem

Felony offenders sentenced to a term of incarceration now are sentenced specifically to Montana State Prison or to the Women's Correctional Center. A review of prison admissions in recent years reveals that a substantial proportion of admissions have sentences that require only a few months of prison time to parole eligibility or even to discharge. Some of this group might be better housed in facilities less specialized (and less crowded) than the two prisons (i.e. pre-release center). Montana's corrections system at present has few housing/supervision alternatives to the prisons. A number of alternatives have been proposed -- expanded pre-release center capacity, community programs, expanded ISP, house arrest and the like. Assuming that additional alternatives are developed, current sentencing laws still will require prison time. The subcommittee has proposed an amendment allowing the sentencing to a state correctional authority rather than to a specific facility. If enacted, that amendment would allow the Department to more expeditiously transfer appropriate inmates to acceptable programs. Such capability also would permit the Department to reserve limited prison space for those offenders who need it the most.

Recommendation

The Council recommends that offenders be sentenced to a correctional authority, instead of a specific institution. All offenders would be received at a central reception center, and then placed in the most appropriate correctional program.

Implementation Costs

There are no direct implementation costs. There may be costs in developing new programming that is appropriate for offenders.

Prison Population Impact

This would not effect the current prison population, but would effect any offender sentenced after the passage of legislation.

Required Legislation/Administrative Rules

45-2-101 General Definitions.

(16) "correctional institution" means the state prison, county or city jail, or other institution for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenders.

Insert definitions for "correctional authority" and "correctional program."

"correctional authority" means the Montana department of institutions and employees, institutions and programs organized under or contracting with the corrections division of that department. The correctional authority will receive the convicted person at the appropriate reception facility for evaluation and placement in a correctional program according to sound correctional policy. The reception center for male convicts is the Montana state prison and the reception center for female convicts is the women's correctional center.

"correctional program" means pre-release centers, Intensive Supervision or any other program operated by or under contract to the state correctional authority for the confinement, supervision and rehabilitation of convicted offenders.

The following statutes would have to be amended. Phrases struck out would be deleted and those underlined would be inserted.

46-18-201. Sentence that may be imposed. (1) Whenever a person has been found guilty of an offense upon a verdict or plea of guilty, the court may:

(e) commit the defendant to the correctional authority for placement in an appropriate correctional institution or correctional program, with or without a fine as provided by law for the offense;

46-19-101. Commitment of defendant. Upon rendition of judgment after pronouncement of a sentence imposing punishment of imprisonment or death, the court shall commit the defendant to the custody of the sheriff, who shall deliver the defendant to the place of reception for determination of placement of his confinement or execution.

Many sections of the code will need to be corrected to replace phrases such as "in the state prison" in Chapters 45 and 46 and other relevant statutes. A comprehensive list of these statutes will be developed.

Implementation Issues

Alternative programs will have to be expanded and developed in order to properly place offenders. Policy and procedure will have to be outlined, especially regarding judge's recommendations and preferences.

RECOMMENDATION # 13

INTENSIVE SUPERVISION PROGRAM

Statement of the Problem

Prison overcrowding continues to plague Montana's correctional system. One variable contributing to that problem is a lack of sentencing alternatives to incarceration. An Intensive Supervision Program (ISP) was established to serve as an incarceration alternative. The success of the initial program led the former CJCAC to recommend the creation of two additional Intensive Supervision Programs in Montana's urban areas. Only one additional program, now operating in Missoula, was funded by the 1989 Legislature. Great Falls, a source of a substantial proportion of prison admissions, has expressed an interest in ISP and had been recommended as a site of an expanded ISP.

Recommendation

The Council recommends that an Intensive Supervision Program, with a capacity of 25 offenders, be funded and established in Great Falls. This program should be used as a diversion for offenders sentenced to prison, and as an intermediate sanction for probation and parole violators.

Implementation Costs

The initial start-up cost for an automobile and office equipment for each officer is \$10,074. The initial start-up cost for the computer is \$18,500, and the cost for 15 wristlets is \$14,250. Operating costs per year for contracted services, supplies, materials, communications, travel, rent, repairs and maintenance are \$10,039. Personnel costs include two Intensive Supervision Officers at Grade 13-2 and a part-time secretary at Grade 8-2. The personnel costs, including salaries, insurance and benefits, per officer, per year are \$25,641. The part-time secretary personnel costs per year are \$9,130. The biennial cost for this program is \$193,800.

	<u>Biennial Cost</u>
Personal services	\$120,824
Operating costs	20,078
Automobile (2)	19,798
Office equipment	350
Computer	18,500
<u>Wristlets</u>	<u>14,250</u>
TOTAL	\$193,800

Prison Population Impact

ISP is intended to operate as a diversion from prison. The program is designed to require an average length of stay of six months. If program capacity is 25 offenders and average length of stay is six months, the Great Falls ISP should divert approximately 50 prison-bound offenders per year.

Required Legislation/Administrative Rules

An appropriation would have to be made for the costs of a new program and authority granted to hire 2.5 FTE.

There is currently no explicit statutory authority for a judge to amend the court order to place the offender in the ISP program. Judges may be more likely to use the program if there was explicit statutory authority.

Implementation Issues

Currently, each program has the capacity for 5 women. The programs would maintain the capacity for 5 women, but retain the right for flexibility. (If there are not 5 women suitable for the program, the wristlets could be used for men, or conversely, if there were over 5 women suitable for the program and there were vacant spots, they would be used accordingly.)

RECOMMENDATION # 14

TEMPORARY PROGRAMMING AND HOUSING FOR WOMEN OFFENDERS

Statement of the Problem

The 1989 Legislature directed the Department of Institutions, in cooperation with the Criminal Justice and Corrections Advisory Council to develop a comprehensive plan for housing adult female inmates to be presented to the 52nd Legislature (SB 38- Ch. 518, L. 1989). The plan must:

- a) consider the need for building a new correctional facility, as well as other incarceration alternatives;
- b) provide for adequate educational, treatment, training, and employment opportunities for female inmates;
- c) comply with the standards published by the American Correctional Association's Commission on Accreditation for Corrections, wherever feasible; and,
- d) contain proposed legislation for implementing the plan, if appropriate.

Recommendations

I. The Council recommends that contingency funding be provided to allow the Department of Institutions to address immediate housing needs associated with increasing female inmate populations through 1993. This funding will only be necessary in the event that the recommendation for the two additional beds at the Women's Life Skills Center in Billings and an additional pre-release center for women are not funded. These needs may be met by providing a list of options including, but not exclusive to:

1. Pursue off-site options in the form of contracted placement:
 - a) for special needs inmates (e.g. geriatric, mental health, sheltered workshop.);
 - b) for inmates from areas not now served by a pre-release center; and,
 - c) in lieu of Galen/Lighthouse for drug and alcohol treatment.
2. Pursue a specified amount of money to provide temporary housing units for offenders whose needs cannot be met in pre-release, community or contract placements and who require secure housing.

2. The Council recommends that the Department continue to implement a corrective action program similar to that proposed by Department and Women's Correctional Center administration. The Council supports a Department of

Institutions request for funding to adequately implement the corrective action program.

Implementation Costs

Based on a range between current population projections and an estimate of 109% of projected population (current 1990 population is 9% over projected population):

In 1991 and 1992, if all recommendations are approved and implemented, there may not be a housing shortage. If the new pre-release center beds are not implemented, there could be a shortage of from 6 to 13 beds by 1992.

The WCC average LOS at the end of calendar year 1989 was 382 days. We can, therefore, estimate the beds for a one year (365 day) cost. Based on estimated costs of \$35.00/day, an estimated \$76,650 to \$166,075 should be allocated to the Department for potential temporary housing needs for 1992 if a contingency fund is necessary.

Prison Population Impact

ESTIMATED NEEDS FOR FEMALE OFFENDERS

N.B. The emergency capacity of WCC is 55 beds.

<u>FY91</u>	<u>Projection</u>	<u>109% of Proj</u>
Low/Other	Need: 24 beds	26 beds
High/Med	Need: 45 beds	49 beds
<u>TOTAL</u>	<u>69 beds</u>	<u>75 beds</u>
	<u>Capacity</u>	
WLSC	12 beds	
WCC	55 beds	
SUBTOTAL	67 beds	(2 bed shortage) (8 bed shortage)
Galen	2 beds	
ISP	5 beds	
SUBTOTAL	74 beds	(5 bed surplus) (1 bed shortage)
2 add'l beds WLSC	2 beds	
<u>TOTAL</u>	<u>76 beds</u>	<u>(7 bed surplus) (1 bed surplus)</u>
<u>FY92</u>	<u>Projection</u>	<u>109% of Proj</u>
Low/Other	Need: 28 beds	30 beds
High/Med	Need: 52 beds	57 beds
<u>TOTAL</u>	<u>80 beds</u>	<u>87 beds</u>

<u>FY92 (cont.)</u>		<u>Projection</u>	<u>109% of Proj</u>
	<u>Capacity</u>		
WLSC	12 beds		
WCC	55 beds		
SUBTOTAL	67 beds	(13 bed shortage)	(20 bed shortage)
Galen	2 beds		
ISP	5 beds		
SUBTOTAL	74 beds	(6 bed shortage)	(13 bed shortage)
2 add'l beds WLSC	2 beds		
New LSC	14 beds		
<u>TOTAL</u>	90 beds	(10 bed surplus)	(3 bed surplus)

There are approximately 2 beds in Galen/Lighthouse and 5 ISP slots for women. There have not been 5 women in the ISP program at any one time, however.

Pre-release centers have a capacity of 12, but over the course of a year may house 24 women, assuming a LOS of 6 months. The capacity is calculated at fiscal year end (12).

Required Legislation/Administrative Rules

An appropriation will be required for any contracted placements that will be necessary to house women through 1993. The above estimates do not show a need for temporary housing unless two new pre-release center beds are not added in FY 1991 and FY 1992, and a new 14 bed pre-release center is not added by FY 1992. Without additional pre-release center beds, a contingency fund must be set aside for temporary housing, and if it is not utilized it should revert back to the general fund.

RECOMMENDATION # 15

PROGRAMMING AND HOUSING FOR WOMEN OFFENDERS

Statement of the Problem

The 1989 Legislature directed the Department of Institutions, in cooperation with the Criminal Justice and Corrections Advisory Council to develop a comprehensive plan for housing adult female inmates to be presented to the 52nd Legislature (SB 38- Ch. 518, L. 1989). The plan must:

- a) consider the need for building a new correctional facility, as well as other incarceration alternatives;
- b) provide for adequate educational, treatment, training, and employment opportunities for female inmates;
- c) comply with the standards published by the American Correctional Association's Commission on Accreditation for Corrections, wherever feasible; and,
- d) contain proposed legislation for implementing the plan, if appropriate.

Recommendation

The Council makes the following recommendations for a women's facility:

1. That a new facility be built to accreditation standards, taking into account, for example, handicap and geriatric requirements.
2. That the facility be separate from the male facility and share no services or personnel.
3. That the facility be built on a model similar to the Minnesota Correctional Facility for women at Shakopee:
 - a) the construction of a new facility in its design, and location must be predicated on programs which meet the needs of women offenders; with
 - b) a central administration and support building, to be built to allow for expansion at a later date; and,
 - c) separate modular housing facilities to allow easy expansion.
4. That the outside perimeter be minimally fenced, with a fenced exercise yard, a high security area, and with the ability to expand within the fenced perimeter.
5. That there be an independent living program or housing facility within the unit.
6. That criteria for siting the facility include the following considerations:
 - a) availability of transportation for visiting purposes;
 - b) access to a pool of volunteers;
 - c) access to interns for education and programs;
 - d) adequate medical and psychological support which take into account the special needs of women;

- e) availability to work release and OJT jobs;
 - f) ability to place children in foster care; and,
 - g) access to education facilities such as vo-tech, and other higher education.
7. That the physical facility include the following support services:
- a) a gymnasium;
 - b) outdoor recreation facilities;
 - c) a chapel supported by religious contributions;
 - d) a library;
 - e) a full-service, stand-alone support unit for:
 - i) food service
 - ii) laundry
 - iii) maintenance
 - iv) adequate staff space;
 - f) adequate infirmary, medical and mental health space, taking into consideration the special needs of women;
 - g) adequate vocational/industry space;
 - h) adequate educational space;
 - i) adequate self-help/support group space; and,
 - j) a parenting program which allows for extended on-site visitation.

Each component needs adequate space in order to not compete with other programs.

The Council recommends that the facility be built to house from 100 to 120 female offenders. The final recommendation regarding size should be made by the Department of Institutions. The Council places the new women's facility as their number one building priority.

The Council opposes any plan to turn the facility over to the private sector to operate. The Department of Institutions should operate the new facility. The Council agrees that in the construction of the new facility, private sector funding and lease-purchase financing should be considered, as well as funding provided by the sale of general obligation bonds by the state. The determination of which method should be used must be dependent on shown cost-effectiveness after a review of the options by the Legislative Fiscal Analyst and the Board of Investments.

Implementation Costs

A projected cost for a 93-bed facility with support capacity for 150 to 175 inmates was \$9,080,700. The projected costs include the building but not the land acquisition. The land acquisition need is for an 18 to 20 acre site.

Prison Population Impact

Projected Distribution of Female Inmate Populations Among Custody Categories FYE 1990-1995

<u>Custody</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
Hi	14	15	18	20	20	27
Med	28	30	34	40	46	53
Low	9	10	12	14	16	18
<u>Other*</u>	<u>13</u>	<u>14</u>	<u>16</u>	<u>19</u>	<u>22</u>	<u>26</u>
Total	64	69	80	93	104	124

*Other includes ISP, PRC, Galen

Capacity of Female Correctional Facilities

<u>Facility</u>	<u>Emergency</u>
Women's Correctional Center	40
WCC Expansion	15
Women's Life Skills Center	12
Intensive Supervision	5
Galen/Lighthouse	<u>2</u>
TOTAL	74

Required Legislation/Administrative Rules

An appropriation will be required for the building of a new women's facility and sufficient staffing to bring the programs up to recommended levels.

Implementation Issues

The implementation issues will be size, site, funding, and contractual arrangements with other jurisdictions.

RECOMMENDATION # 16

PROPOSAL FOR ADDITIONAL LEVEL OF SUPERVISION

Statement of the Problem:

There is a need to attempt to reduce recidivism and to provide additional programming to assist those on probation or parole supervision who are experiencing problems in the community. There is also a need to give the Board of Pardons more options to parole inmates who may have needs over and above regular supervision.

Recommendation

The Council supports the recommendation of the Community Corrections Bureau in the establishment of an additional level of probation and parole supervision. The increased level of supervision will be called "extended supervision" and will be available to clients in the communities of Missoula, Helena, Butte, Great Falls, and Billings. Clients will be required to report to their P & P officer face-to-face on a weekly basis and report telephonically weekly. "Extended supervision" clients may also be subjected to curfew monitoring via electronic supervision equipment. The need for curfew monitoring will be determined by the Board of Pardons or the Regional Supervisor. In addition, the P & P officer will be required to make one collateral contact monthly regarding each "extended supervision" client. Clients will be placed on the "extended supervision" level by means of:

1. Direct recommendations by the Board of Pardons. The parolees directly referred by the Board will be on "extended supervision" for a period of time specifically determined by the supervising officer.

Board of Pardons recommendations must indicate that the individual would not be a good candidate for parole if it were not for the extended level of supervision. No parole client will be on "extended supervision" longer than 6 months.

2. Regional Supervisor Overrides. If the supervising P & P officer requests that one of his/her clients is in need of an increased level of supervision, the Regional Supervisor has the authority to override the risk and needs score and place the individual on "extended supervision" status. The level of supervision is to be reviewed monthly and the "extended supervision" override is not to exceed 6 months.

3. Intervention/On-Site Hearings. Hearings Officers may consider placing probationers or parolees on "extended supervision" status as an intermediate sanction as a result of a hearing. The Hearings Officer must designate the

length of the "extended supervision" sanction and it must not exceed 6 months.

Implementation Costs

"Extended supervision" will require curfew monitoring. The monitoring can be provided by existing "host" computers in Missoula and Billings. However, funds will be required for long distance phone calls by the computer to communities outside Missoula and Billings. Long-distance funds were estimated at \$17,500 for the biennium.

Prison Population Impact

"Extended supervision" will be designed to divert probationers and parolees from further problems in the community and ultimately from entering or reentering MSP. Additionally, the program is designed to provide a parole option to high risk or high need inmates who otherwise may not be granted a parole. The extended services provided by the P & P officer coupled with curfew monitoring should prove to be of great assistance in the successful rehabilitation of the P & P client.

Required Legislation/Administrative Rules

Legislative approval is required for additional funding.

Implementation Issues

Current workload statistics indicate that the establishment of the "extended" level of supervision would create a need for additional FTE. The new FTE will be necessary to compensate for the extra time required to fulfill the requirements of the "extended" level of supervision. There may also be a need to purchase additional wristlets for electronic monitoring. The Council has authorized additional FTE in other recommendations and did not specifically recommend additional FTE for this program.

RECOMMENDATION # 17

PAROLE ISSUES

Statement of the Problem

The driving factors behind prison populations are admissions and releases. The primary releasing authority, excluding discharge, is the Board of Pardons through the parole process. The Council believes that it is logical to look for assistance in determining whether or not there are acceptable ways by which the Board of Pardons can impact the prison population and still insure to the best of their ability the safety of the public in the state of Montana. In reviewing the parole process in Montana, the Council believes that there is a need for policies and procedures beyond that which are in current practice. Some of the areas the Council finds to be most promising are found in the following recommendations.

Recommendations

The following recommendations are made to address the parole issues with which the Council is concerned:

1. The Board of Pardons should pursue technical assistance from the National Institutions of Corrections. Any such assistance should entail a review of Montana's parole practices and criteria and proposed alteration of those practices, as necessary, to ensure that the parole process is just, efficient and cognizant of the needs of public safety.
2. The Legislature should amend the state's prison control statute. (The intent of this recommendation is to place a statutory cap on prison populations using one of the many methods in place in other states.)
3. The Council recommends that the Board of Pardons and the Department of Institutions issue a formal statement recommending that otherwise parole-eligible inmates who require some form of treatment may be paroled to plans incorporating treatment in licensed, community-based programs by March 1, 1991.
4. The Council recommends that the Board of Pardons and the Department of Institutions issue a formal, written agreement stipulating the conditions under which the Supervised Release Program can become an effective, well-used alternative to incarceration by March 1, 1991.

IMPACT OF CJCAC FINAL RECOMMENDATIONS
ON CORRECTIONAL POPULATIONS

The following impacts were calculated making certain assumptions regarding trends in admissions and length of stay. The population projections were made for fiscal year end, so the capacity of programs was calculated at fiscal year end. The intensive supervision program (ISP) and pre-release centers (PRC) have an estimated length of stay of 6 months, so that the actual number of inmates who may be circulated through a program in a year is approximately double that of fiscal year end capacity.

IMPACT

<u>Male</u>	<u>Population in excess of capacity</u>					
	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
Hi	9	13	17	22	28	34
Med	13	38	66	97	128	163
Low	58	11	50	94	142	191
Other*	8	18	29	42	55	68
<u>Total</u>	<u>88</u>	<u>80</u>	<u>162</u>	<u>255</u>	<u>353</u>	<u>456</u>

*Other includes SRFC, ISP, PRC

Recommendations: Population Impact

	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
ISP: 3rd City (Low and Other)	0	0	20	20	20	20
PRC: Increase existing capacity plus a new center (Low and Other)			50	50	50	50
High Security Treatment Unit (Hi and Med)	0	0	0	120	120	120
High Security Unit (Hi and Med)	0	0	0	96	96	96
Low Security Unit	0	0	0	0	0	96

<u>MSP</u>	<u>Population in excess of capacity after recommendations</u>					
	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
Hi	9	13	17	0	0	0
Med	13	38	66	-97	-60	-19
Low	58	11	9	66	127	93
Other*	8	18	0	0	0	0
<u>Subtotal</u>	<u>88</u>	<u>80</u>	<u>92</u>	<u>-31</u>	<u>67</u>	<u>74</u>

Reduction in Waiver Pool	30	30	30	30	30	30
	50	62	-61	37	44	44

(Negative numbers indicate surplus beds)

Other Issues

Waiver and Annual Review Status

There are currently approximately 300 inmates on waiver status and equally large numbers on annual review status.

1) A new policy on waivers will be established with an end result of no waivers being granted. During the interim, waivers will be

allowed for specific reasons, one per inmate, and for a maximum of 4 months.

2) In addition, the Board of Pardons has committed to developing a schedule to hear all individuals currently on waiver status.

These actions combined with their efforts to develop objective criteria are anticipated to have a significant impact on parole releases from the correctional system. As part of a plan to administratively impact correctional populations, additional resources are currently being committed for Montana State Prison during FY 1990. These include 2 additional FTE to the substance abuse program; 2 Correctional Treatment Specialists to be designated as targeted case managers to deal solely with assisting inmates with paroles and supervised release placements. The Board of Pardons has hired 1 FTE to function as a pre-parole programmer who will assist in the initial classification process by providing inmates with information of the Board's expectations in order to be favorably considered for parole at the first parole hearing appearance.

By 1993, there needs to be a concerted effort which will result in a significant number of additional paroles. A 10%-20% reduction in the waiver pool is estimated at 30-60 inmates who would not otherwise be paroled.

Policy on Intermediate Sanctions

These policies are intended to further reduce prison populations.

- a. Probation and Parole Intervention Hearings- Proposal to meet with District Court Judges and County Attorneys individually to explain and gain support for the program for non-violent violators.
- b. Intermediate Sanctions for Parole Violators
- c. Direct referrals to ISP from Board of Pardons
- d. Add new option of computer monitored curfews/house arrest for an extended parole/probation supervision.

IMPACT

NEEDS FOR MALE OFFENDERS- based on population in excess of capacity and recommended program increases only, at year end.

FY93

<u>Low/Other</u>	<u>Need: 136 beds</u>
BOP Impact	30 beds
ISP	20 beds
PRC: 1 new center and 25 added beds	50 beds
TOTAL	<u>100 beds</u>
	(36 bed shortage)
 <u>High/Med</u>	 <u>Need: 119 beds</u>
High Security Unit	96 beds
High Security Treatment Unit	<u>120 beds</u>
TOTAL	<u>216 beds</u>
	(97 bed surplus)
 <u>TOTAL</u>	 <u>Need: 255 beds</u>
Additional Capacity Added	<u>316 beds</u>
	(61 bed surplus)

FY94

<u>Low/Other</u>	<u>Need: 197 beds</u>
BOP Impact	30 beds
ISP	20 beds
PRC: 1 new center and 25 added beds	50 beds
TOTAL	<u>100 beds</u>
	(97 bed shortage)
 <u>High/Med</u>	 <u>Need: 156 beds</u>
High Security Unit	96 beds
High Security Treatment Unit	<u>120 beds</u>
TOTAL	<u>216 beds</u>
	(60 bed surplus)
 <u>TOTAL</u>	 <u>Need: 353 beds</u>
Additional Capacity Added	<u>316 beds</u>
	(37 bed shortage)

FY95

Low/Other

Need: 259 beds

BOP Impact	30 beds
ISP	20 beds
PRC: 1 new center and 25 added beds	50 beds
Low Security Unit	<u>96 beds</u>
TOTAL	196 beds
	(63 bed shortage)

High/Med

Need: 197 beds

High Security Unit	96 beds
High Security Treatment Unit	<u>120 beds</u>
TOTAL	216 beds
	(19 bed surplus)

TOTAL

Need: 456 beds

Additional Capacity Added	<u>412 beds</u>
	(44 bed shortage)

IMPACT

<u>Female</u>	<u>Population projections</u>					
	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
Hi	14	15	18	20	20	27
Med	28	30	34	40	46	53
Low	9	10	12	14	16	18
Other*	13	14	16	19	22	26
<u>Total</u>	<u>64</u>	<u>69</u>	<u>80</u>	<u>93</u>	<u>104</u>	<u>124</u>

*Other includes ISP, PRC, Galen

Recommendations: Population Impact

	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
PRC: Increase existing capacity of WLSC to 14 and a new center of 12-5. (Low and Other)	0	2	14	14	14	14
ISP: 3rd City (Low and Other) [5 beds w/6 mos LOS]	0	0	5	5	5	5
New Facility				100	100	100

Institutional Housing, New Programs and Current Capacity

	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
WLSC	12	14	28	28	28	28
ISP	3	5	5	10	10	10
Galen	2	2	2	2	2	2
WCC/New*	55	55	55	100	100	100
<u>TOTAL</u>	<u>72</u>	<u>76</u>	<u>90</u>	<u>140</u>	<u>140</u>	<u>140</u>
*WCC cap.	55	55	55			
New Facility				100	100	100

Capacity over projected population including all recommendations and current capacity.

	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
Hi/Med	13	10	3	40	34	20
Lo/Oth	-5	-3	7	7	2	-4
<u>Total Surplus</u>	<u>8</u>	<u>7</u>	<u>10</u>	<u>47</u>	<u>36</u>	<u>16</u>

IMPACT

NEEDS FOR FEMALE OFFENDERS- based on total population projections and total capacity of programs at year end.

FY91

Low/Other	Need: 24 beds
High/Med	Need: 45 beds
<u>TOTAL</u>	<u>69 beds</u>

	<u>Capacity</u>	
WLSC	12 beds	
WCC	<u>55 beds</u>	
SUBTOTAL	<u>67 beds</u>	(2 bed shortage)
Galen	2 beds	
ISP	<u>5 beds</u>	
SUBTOTAL	<u>74 beds</u>	(5 bed surplus)
2 add'l beds WLSC	<u>2 beds</u>	
<u>TOTAL</u>	<u>76 beds</u>	(7 bed surplus)

FY92

Low/Other	Need: 28 beds
High/Med	Need: 52 beds
<u>TOTAL</u>	<u>80 beds</u>

	<u>Capacity</u>	
WLSC	12 beds	
WCC	<u>55 beds</u>	
SUBTOTAL	<u>67 beds</u>	(13 bed shortage)
Galen	2 beds	
ISP	<u>5 beds</u>	
SUBTOTAL	<u>74 beds</u>	(6 bed shortage)
2 add'l beds WLSC	2 beds	
New LSC	<u>14 beds</u>	
<u>TOTAL</u>	<u>90 beds</u>	(10 bed surplus)

FY93

Low/Other	Need: 33 beds
High/Med	Need: 60 beds
<u>TOTAL</u>	<u>93 beds</u>

	<u>Capacity</u>	
WLSC	12 beds	
WCC	<u>100 beds</u>	
SUBTOTAL	<u>112 beds</u>	(19 bed surplus)

Galen	2 beds	
ISP	<u>10 beds</u>	
SUBTOTAL	124 beds	(31 bed surplus)

2 add'l beds WLSC	2 beds	
<u>New LSC</u>	<u>14 beds</u>	
TOTAL	140 beds	(47 bed surplus)

FY94

Low/Other	Need: 38 beds
<u>High/Med</u>	<u>Need: 66 beds</u>
TOTAL	104 beds

Capacity

WLSC	12 beds	
WCC	<u>100 beds</u>	
SUBTOTAL	112 beds	(8 bed surplus)

Galen	2 beds	
ISP	<u>10 beds</u>	
SUBTOTAL	124 beds	(20 bed surplus)

2 add'l beds WLSC	2 beds	
<u>New LSC</u>	<u>14 beds</u>	
TOTAL	140 beds	(34 bed surplus)

FY95

Low/Other	Need: 44 beds
<u>High/Med</u>	<u>Need: 80 beds</u>
TOTAL	124 beds

Capacity

WLSC	12 beds	
WCC	<u>100 beds</u>	
SUBTOTAL	112 beds	(12 bed shortage)

Galen	2 beds	
ISP	<u>10 beds</u>	
SUBTOTAL	124 beds	(capacity meets need)

2 add'l beds WLSC	2 beds	
<u>New LSC</u>	<u>14 beds</u>	
TOTAL	140 beds	(16 bed surplus)

COST ESTIMATES FOR FINAL RECOMMENDATIONS

<u>Recommendation</u>	<u>Start-up Costs</u>	<u>On-Going Biennial Costs</u>	<u>Biennial Total Cost</u>
Task Force		\$ 66,097	\$ 66,097
P & P- Field	\$ 40,296	295,168	335,464
P & P- BOP	15,349	158,164	173,513
Targeted Case Managers	10,249	113,426	123,675
PRC			
New Male	75,000	402,413	477,413
* New Female	40,000	210,000	250,000
Alpha- 5 beds		30,203	30,203
Butte- 10 beds		56,936	56,936
G.F.- 10 beds		21,531	21,531
* BLSC- 2 beds	4,500	21,638	26,138
PRC-House arrest		90,000	90,000
Graduated Intermediate Sanctions		114,000	114,000
ISP	52,898	140,902	193,800
Extended Supervision		17,500	17,500
<hr style="border-top: 1px dashed black;"/>			
SUBTOTAL	\$238,292	\$1,737,978	\$1,976,270
Temporary Housing for Female Offenders if *PRC beds are not funded		166,075	166,075
<hr style="border-top: 1px dashed black;"/>			
SUBTOTAL		\$166,075	\$166,075
 CONSTRUCTION			
New Women's Facility- 93 beds			\$9,080,700
High Security Treatment Unit- 120 beds			5,169,516
High Security Unit- 96 beds			4,135,673
Low Security Unit- 96 beds			3,200,000
<hr style="border-top: 1px dashed black;"/>			
SUBTOTAL			\$21,585,889
TOTAL with PRC expansion for women			\$23,562,159
TOTAL with TEMPORARY HOUSING for women			\$23,452,096

All cost estimates are preliminary and are prepared for discussion purposes.

APPENDIX A

STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 17-89

EXECUTIVE ORDER CREATING THE
CRIMINAL JUSTICE AND CORRECTIONS ADVISORY COUNCIL

WHEREAS, the role of the existing Criminal Justice and Corrections Advisory Council has only been partially fulfilled; and

WHEREAS, the expectations of the Council need to be focused more closely on the correctional needs of the State of Montana; and

WHEREAS, the 51st Legislature passed an act requiring the Department of Institutions to develop a comprehensive plan for housing adult female inmates; and

WHEREAS, the 51st Legislature passed a number of bills which will affect male and female correctional populations; and

WHEREAS, the male and female prison populations continue to escalate; and

WHEREAS, there is an ongoing need to address prison and the correctional system caseload problems; and

WHEREAS, prison population projections forecast even more serious crowding problems in the future; and

WHEREAS, the need to address these prison crowding problems necessitate the involvement of a cross-section of Criminal Justice professionals, laypersons, and legislators.

NOW, THEREFORE, I, STAN STEPHENS, Governor of the State of Montana, by virtue of the authority vested in me pursuant to the Constitution and laws of the State of Montana, specifically Section 2-15-122, MCA, do hereby create the Criminal Justice and Corrections Advisory Council, the role and scope of which shall be as follows:

I. PURPOSE

The Council is charged with thoroughly reviewing Montana's existing correctional systems and recommending

modifications to those systems which will best serve the public's interest and expectations. Specifically, the Council shall:

- A) In cooperation with the Department of Institutions, develop a comprehensive plan to address the needs of Montana's adult female inmates.
 - 1) Consider the need to construct a new correctional facility for adult female inmates.
 - 2) Review incarceration alternatives for adult female offenders.
 - 3) Examine the feasibility of contracting with neighboring states for the incarceration of their adult female offenders.
 - 4) Review the possibilities of private sector funding for the construction and lease/purchase of an adult female correctional facility.
- B) Develop statistical data about current Montana sentencing statutes and practices with the understanding that this information will serve as a resource for any changes in sentencing practices that may be considered in the Governor's future recommendations to the legislature.
- C) Study the impact of sentencing legislation passed in the 51st Legislative session to determine how new sentencing practices further impact prison populations.
- D) Review the need for recodification of sentencing statutes and other laws relating to corrections.
- E) Examine current practices governing the parole and release of inmates.
- F) Further examine ways to address the crowding problems in our adult male correctional facilities; and
- G) Provide viable alternatives for addressing both male and female prison population problems.

II. COMPOSITION AND TERMS OF APPOINTMENT

The Council shall consist of the following persons who

shall serve at the pleasure of the Governor:

Senator Thomas Beck
651 Greenhouse Road
Deer Lodge, MT 59722

Representative Helen O'Connell
703 4th Ave. S.W.
Great Falls, MT 59401

Senator Pat Regan
204 Mountain View
Billings, MT 59101

Representative Betty Lou Kasten
SR 277 Box A-14
Brockway, MT 59214

Ms. Colleen Conroy
P.O. Box 516
Hardin, MT 59034

Representative Bob Thofn
1520 S. Burnt Fork Road
Stevensville, MT 59870

Ms. Debbie Swanson
307 1st St. Box 347
Havre, MT 59501

E.F. "Chris" Christiaens
211 36th St. N.
Great Falls, MT 59401

Ms. Sheryl Hoffarth
P.O. Box 30873
Billings, MT 59107

Mr. Donald D. Dupuis
P.O. Box 278
Pablo, MT 59855

Walter J. Moore
1313 2nd West
Roundup, MT 59072

Mr. Mike Lavin
Department of Justice
Helena, MT 59620

Mr. Ted O. Lympus
P.O. Box 1516
Kalispell, MT 59901

Mr. Mike Schafer
Box 35017
Billings, MT 59107

Ms. Margaret L. Borg
317 Woody Street
Missoula, MT 59801

Honorable Thomas A. Olson
615 S. 16th Avenue
Bozeman, MT 59771

Serving as ex-officio non-voting members are:

Mr. Henry E. Burgess
1506 Leslie
Helena, MT 59601

Mr. Daniel D. Russell
1539 Eleventh Avenue
Helena, MT 59620

Senator Thomas Beck shall serve as Chairperson.

III. ADMINISTRATIVE ASSISTANCE

The Department of Institutions shall provide staff assistance to the Council.

IV. COMPENSATION

Each Council member who is not a full-time salaried employee of the State or a political subdivision of the State is entitled to be compensated \$25 for each day in which he or she is actually and necessarily in the performance of Council duties. All Council members are entitled to reimbursement for travel expenses as provided in

Sections 2-18-501 through 2-18-505, MCA, incurred while in the performance of Council duties. The Department of Institutions shall pay the compensation and expense reimbursement.

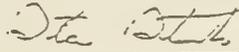
V. DURATION

This Council shall exist until September 1, 1991.

VI. PRIOR EXECUTIVE ORDER REPEALED

Any Executive Order in conflict with the provisions of this Order is hereby repealed.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 23rd day of July, in the year of our LCRD, One Thousand, Nine Hundred and Eight-Nine.



STAN STEPHENS, Governor

ATTEST:



MIKE COONEY, Secretary of State

State of Montana
Office of the Governor
Helena, Montana 59620
406-444-3111

STAN STEPHENS
GOVERNOR

January 23, 1990

The Honorable Mike Cooney
Secretary of State
State Capitol
Helena, Montana 59620

Dear Secretary Cooney:

Please be informed that effective immediately I have appointed the following to the CRIMINAL JUSTICE AND CORRECTIONS ADVISORY COUNCIL in accordance with Executive Order #17-89, under the Department of Institutions.

Rep. Vivian M. Brooke, 1610 Madeline Ave, Missoula, MT, 59801 is to serve a term ending September 1, 1991, and fulfills the requirement for being a member. Rep. Brooke replaces Rep. Helen O'Connell.

Sincerely,



STAN STEPHENS
Governor

APPENDIX B

CRIMINAL JUSTICE AND CORRECTIONS ADVISORY COUNCIL STAFF REPORTS 7/89 - 6/90

I. Women Offenders

1. "History of Women Inmates," Susan Byorth, Project Director, May 1989.
2. "Profile of Adult Female Inmates in Montana," Susan Byorth, Project Director, May 1989.
3. "Montana Women Inmate Population," Rich Petaja, Research Specialist, October, 1989.
4. "FY 89 Year-End Data on Women's Correctional Population," Susan Byorth, Project Director, October, 1989.
5. "Women's Facilities in Montana and Surrounding States," Susan Byorth, Project Director, November, 1989.
6. "Comparison of Female Correctional Facilities: Lusk, Wyoming and Shakopee, Minnesota," Susan Byorth, Project Director, April, 1990.
7. "Program Comparison," Steve MacAskill, Women's Correctional Center Manager, April, 1990.
8. "Regional Female Housing Requirements," Rich Petaja, Research Specialist, April, 1990.
9. "Responses to WCC Education Status Survey," Rich Petaja, Research Specialist, April, 1990.
10. "County of Origin of Admissions to WCC," Susan Byorth, Project Director, April, 1990.

II. Prison Overcrowding and Alternatives

11. "Alternative Sanctions: A Review," David Elenbaas, Staff Researcher, Revised October, 1989.
12. ""Boot Camp" Shock Incarceration," Susan Byorth, Project Director, November, 1989.
13. "Privatization in Corrections," Ted Clack, Research Analyst Manager, and Susan Byorth, Project Director, January, 1990.

III. Sentencing and Release

14. "An Overview of Parole in Montana," Lois Menzies, Project Director, Revised October, 1989.
15. "An Overview of Sentencing Alternatives in Montana," David Elenbaas, Staff Researcher, Revised October, 1989.
16. "Conditional Discharge from Supervision," Susan Byorth, Project Director, November, 1989.
17. "Consecutive Sentencing Statute," Susan Byorth, Project Director, November, 1989.
18. "Probation and Parole Officer's Sentencing Recommendation," Susan Byorth, Project Director, November, 1989.
19. "Correctional Policies of Other States," Susan Byorth, Project Director, February, 1990.
20. "Judicial Resources Information," Susan Byorth, Project Director, February, 1990.
21. "CJCAC- Study of Montana Sentencing Practices- 1987," Susan Byorth, Project Director, David Elenbaas, and Lois Menzies, July, 1990.

IV. Miscellaneous Reports

22. "Preliminary Data," September 8, 1989.

150 copies of this publication were produced at a unit cost of \$3.3527 per copy, for a total cost of \$502.91 which includes \$272.28 for printing and \$230.63 for distribution.