



# Montana Department of Corrections

## Director's Office

Steve Bullock, Governor  
Reginald D. Michael, Director

July 7, 2020.

Members of the Law and Justice Interim Committee,

The Montana Department of Corrections is extremely proud of the programming it provides through its staff and contracted providers to ensure offenders are successful when they return to our Montana communities. Pursuant to the 2017 Justice Reinvestment statute changes, the department provides evidence-based programming that has been proven to reduce criminogenic risk. Evidence-based programming is critical to reducing recidivism and ending the cycle of incarceration – it is the cornerstone of our public safety mission. Please find below an explanation of how the needs of offenders are assessed and how the DOC ensures inmates receive that programming in a timely manner.

### Assessment

DOC follows best practices for determining the programming needs of offenders in the criminal justice system using a Risk, Needs and Responsivity (RNR) model. This includes completing a validated risk and needs assessment on every offender who enters DOC custody. For males, DOC uses the Montana Offender Reentry and Risk Assessment (MORRA). For females, DOC uses the Women's Risk and Needs Assessment (WRNA). The results of these assessments give department staff an understanding of the likelihood of a particular individual to commit another crime, and thus, have additional involvement with the justice system. Secondly, these assessments highlight areas in which individuals need intervention such as education, cognitive-behavioral programming, substance use treatment and more. The eight identified intervention areas are referred to as criminogenic needs and have been highly correlated with offender success. If required areas of intervention are identified, offenders are placed on waiting lists for the specific program that fits their needs.

### Programming for male offenders

All male inmates are processed through the Martz Diagnostic/Intake Unit (MDIU) on the MSP campus, where they are evaluated using the MORRA and secondary assessments and receive necessary referrals. Inmates acknowledge receiving this information by signing the treatment or programming request and are placed on appropriate waiting lists. Inmates can – and often do – refuse programming. When inmates decline the recommendations made by DOC staff, they sign refusal forms and will be placed on a waitlist in the future only upon their request. This refusal greatly impacts classification and the inmates' potential for release. Offenders on waitlists for programming are prioritized based on a variety of factors. To some degree, this depends on the type of intervention (sex offender versus substance use treatment, cognitive-behavioral programming, etc.). Time before release date, court orders, and more also factor into these decisions.

The DOC focuses on getting an inmate parole ready by their parole eligibility date. Therefore, priority levels include the following:

**Priority 1 (highest priority)** – Inmates who have received a disposition of 'parole upon completion' of the identified intervention by the Montana Board of Pardons and Parole (BOPP).

**Priority 2** — Inmates who have come before the BOPP and been provided with a date to reappear upon the completion of the identified intervention.

**Priority 3** — Inmates who are set to discharge their sentences within one year.

**Priority 4** — Inmates who are court-ordered to participate in particular programming.

**Priority 5** — Inmates who have been recommended to complete certain programming by the BOPP.

**Priority 6** — Inmates who have been recommended to complete certain programming by the interstate compact division.

**Priority 9** — Inmates serving a life sentence.

**Priority 10** — Inmates sentenced to life without possibility of parole.

### **Inmates sentenced to regional or private prisons**

When male inmates are placed at a contracted prison but are waitlisted for a program offered at the Montana State Prison, they maintain their position on the waiting list. When offenders reach the top position on the list, they are transferred back to MSP if the facility in which they are being held does not offer the needed intervention. Although the contracted prisons offer some programming, those facilities do not offer as many programs as are provided at MSP.

### **Programming for female offenders**

At the Montana Women's Prison (MWP), the process for evaluation is similar to that used at MSP. Inmates are assessed using the WRNA and any other secondary screening or assessment tools to best determine criminogenic need domains. MWP is the only facility in Montana that offers all programming for parole onsite. MWP's waitlist is shorter than that of MSP because it has a smaller inmate population. That said, the availability of programming required qualified staff and an appropriate location to provide those services.

### **Delivery of programming during COVID-19 pandemic**

To mitigate the risk of COVID-19 in its facilities, the DOC has modified the way it delivers programming to offenders. For example, the number of inmates allowed to participate in groups at one time has decreased to allow for social distancing. Also, because movement of inmates slowed, and even stopped for a period of time, some programming was briefly interrupted. However, facilities are creatively delivering services, including provision of one-on-one programming to some inmates to ensure their programming needs are met in a timely manner.

### **Montana Board of Pardons and Parole programming considerations**

The BOPP must determine whether an inmate is required to complete programming in the prison or be allowed to complete programming in a prerelease center or in the community. Risk to public safety is one of the key factors for deciding where programming may be completed. Also, as part of this process, the BOPP reviews inmates' supervision history, programming history, risk and needs assessment and the availability of the programming.

Prerelease (PRC) placements are considered for a multitude of reasons. If an inmate has been incarcerated for an extended time period, placement at a PRC is preferable in order to provide the offender with a safe and structured return to the community. If an inmate has struggled to complete community-based programming in the past, a PRC can provide necessary accountability to help ensure successful completion of programming. If an inmate doesn't have the resources to develop an appropriate release plan, placement at a PRC allows offenders greater opportunity to obtain employment and housing. All PRCs offer in-house programming as well as referrals to community-based programming, community resources, and a means for inmates develop employment and life skills.

In Montana, prerelease centers are run by private, nonprofit contractors. These centers accept inmates who have been endorsed, or granted parole, by the BOPP upon successful completion of programming. Pursuant to statute, these programs have screening committees, and members of those committees ultimately determine which inmates are admitted into their programs.

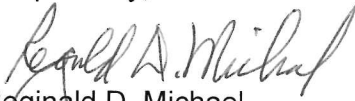
Some reasons a PRC screening committee may deny admittance to an inmate include:

- Risk of criminal activity in the community (community)
- Risk of harm to other facility offenders, staff or self (clinical)
- Escape risk (community/legal)
- Unable to fulfill program obligations (this includes “reasonable accommodations” that would address any responsiveness issues (clinical)
- Insufficient time to complete the program (legal)
- Victim resides in the local community (victim input) (community)
- Incomplete referral/insufficient referral material (i.e. the MORRA, Secondary Assessments, i.e. C.D./M.H.) (legal/contractual)

Due to a lack of specific and measurable exclusionary criteria, and instead a reliance on the reasons listed above, many high risk/high need inmates are not able to secure prerelease placements. Should an inmate’s screening packet be denied at all the PRCs, the offender’s request will be set aside for six months. At that time, it is re-circulated among the prerelease centers with hope for a different result.

As you can see from the information provided above, many factors influence the way programming is provided to offenders — some under the DOC’s control, and others, not. That said, the DOC understands the importance programming has in preparing offenders to be successful when they return to Montana communities. As a result, the department remains committed to offering programming at the highest quality and capacity possible.

Respectfully,

  
Reginald D. Michael  
Director

## **Waitlists for Programming in DOC Secure Facilities: 6/3/2020**

### **Montana State Prison**

Montana State Prison provides the following programs to inmates based on their priority level. The DOC is meeting its goal of parole eligibility as few, if any, individuals on the waitlist have already been granted parole and are waiting to complete their programming.

#### **Services provided by certified mental health staff:**

Sex Offender Programming (SOP):

- SOP I – 225 (average time to complete is approximately 12 mo.)
- SOP II – 101 (average time to complete is approx. 12 mo., depending on inmate's progress)
- SOP III – 166 (Most sex offenders continue services in the community upon their release as their risk and needs change during the transition from prison to the community.)

Substance Use Disorder (SUD) treatment:

- ITU (Intensive Treatment Unit) – 729 (average time to complete is 3 mo.)
- Relapse Prevention – 249 (average time depends on the inmate's progress)

#### **Programming provided by eight trained staff at MSP:**

CCP skills group- 122 (moderate risk in criminal attitudes and behaviors- 6-week program, depending on inmate's needs)

Thinking for a Change (T4C) - 441 (high risk in criminal attitudes and behaviors - 12.5 weeks/25 sessions)

Victim Impact; Listen and Learn- 54 (13 sessions)

Anger management- 127 (6 weeks/12 sessions)

Batterer's Intervention Program- 95

\*\*\*The above numbers also reflect inmates housed at CCC, CCRP, DCRP.

### **Montana Women's Prison**

Dialectical Behavior Therapy (DBT) – 27 (30 sessions/ 60 hours)

Helping Women Recover – 55 (12 weeks)

Seeking Safety – 36 (25 sessions)

Beyond Violence – 8 (20 sessions)

Moving On – 17 (12 weeks)

### **Pine Hills Correctional Facility**

Seeking Safety – 1 youth (25 sessions)

T4C (Thinking for Change) – 7 youth (12 weeks)

**Crossroads Correctional Center\***

Chemical Dependency – 234

SOP (Sex Offender Programming) – 137

STU – 228

**Dawson County Correctional Facility\***

CD-ITU - 75

CD-Relapse - 19

Relapse Prevention - 3

SOP - 8

Anger Management - 7

Batterer's Intervention - 12

CCP (Core Correctional Practices) Skills Group - 28

T4C - 23

Parenting - 3

Victim's Impact – 9

**Great Falls Regional Prison\***

Anger Management – 6

T4C – 16

CD-Relapse Prev/ASAM Level 1 – 20