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LAW AND JUSTICE INTERIM COMMITTEE
67th Montana Legislature

SENATE MEMBERS

Bryce Bennett
John Esp
Steve Fitzpatrick
Jen Gross
Keith Regier
Diane Sands

HOUSE MEMBERS

Robert Farris-Olsen
Frank Fleming
Kathy Kelker
Casey Knudsen
Jasmine Krotkov
Barry Usher

COMMITTEE STAFF

Julianne Burkhardt - Attorney
Veronica Torgerson -
Secretary
Rachel Weiss - Research
Analyst

MINUTES LOG

August 19, 2020
8:00 AM

Video Conference Call

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://legmt.gov>. From the home page, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu for the date of the meeting. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From there, use the calendar to select the date of the meeting you wish to view/listen to. The written Minutes Log, along with links to the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

Please contact the Legislative Services Division at 406-444-3064 for more information.

ROLL CALL

Members Present:

Rep. Barry Usher, Chair (R)
Sen. Jen Gross, Vice Chair (D)
Sen. Bryce Bennett (D)
Sen. John Esp (R)
Rep. Robert Farris-Olsen (D)
Sen. Steve Fitzpatrick (R)
Rep. Frank Fleming (R)
Rep. Kathy Kelker (D)

Rep. Casey Knudsen (R)
Rep. Jasmine Krotkov (D)
Sen. Keith Regier (R)
Sen. Diane Sands (D)

Staff Present:

Julianne Burkhardt, Attorney
Veronica Sullivan, Secretary
Rachel Weiss, Research Analyst

COMMITTEE BUSINESS SUMMARY

TRAINING ON INTERIM BUDGET CHANGES

08:07:58 Quinn Holzer, Assistant Director, Legislative Fiscal Division (LFD) (**Exhibit 1**).
08:17:25 Marcianne Lewandowski, Fiscal Analyst, LFD (**Exhibit 2**).

Committee Questions

08:21:05 Rep. Kelker asked Mr. Holzer about federal grants and budgeting.
08:23:10 Rep. Kelker asked Mr. Holzer a follow-up about federal funding.
08:23:10 Sen. Bennett joined the meeting.
08:25:22 Sen. Sands asked Mr. Holzer a question about federal funding and state matching funds.
08:28:22 Sen. Sands asked Mr. Holzer about limits for budget changes in a department.
08:31:18 Sen. Sands asked Mr. Holzer about the Department of Corrections funding and how that budgeting is estimated.
08:33:35 Sen. Sands asked Mr. Holzer about the funding for the Justice Reinvestment Act.

COMMITTEE ISSUE: REVIEW OF RECENT PERFORMANCE AUDITS RELATED TO STATE PRISONS AND COMMUNITY CONTRACTED FACILITIES

08:37:29 James Sutcliffe, Performance Auditor, Legislative Audit Division (LAD) (**Exhibit 3**) (**Exhibit 4**) (see **Exhibit 6**).
08:45:59 Mr. Sutcliffe referenced a table on page 7 of exhibit 3 (**Exhibit 5**). Pat
09:08:27 Smith, Contracts Bureau Chief, Department of Corrections (DOC).

Committee Questions

09:13:00 Rep. Krotkov asked Mr. Sutcliffe about the survey of former inmates' graph. (See exhibit 3, Table 6, page 2).
09:15:55 Rep. Krotkov asked Mr. Sutcliffe about the data set used in making policy decisions.
09:19:10 Rep. Fleming asked Mr. Sutcliffe about risk of inappropriate inmate placements.
09:22:01 Sen. Sands asked Mr. Sutcliffe about the committee requesting additional audits from the Audit division.
09:23:51 Sen. Sands asked Mr. Sutcliffe why the women's prison was not included in the report.
09:25:43 Angus Maciver, Legislative Auditor, LAD.

- 09:28:17 Sen. Sands asked Mr. Sutcliffe about looking at recidivism.
- 09:33:44 Rep. Kelker asked Mr. Smith about the software to keep records for the prison system.
- 09:34:55 Rep. Kelker asked Mr. Smith about commercial programs that are made to follow individual prisoners through the process to look at recidivism.
- 09:36:48 Rep. Kelker asked Mr. Sutcliffe about frequency of transports in the prison system.

BREAK (RECONVENE AT 9:55)

**EFFECTIVENESS OF CONTRACTED COMMUNITY CORRECTIONS PROGRAMS
IN REDUCING RECIDIVISM**

- 09:56:24 Amber Robbins, Performance Auditor, LAD (**Exhibit 6**) (**Exhibit 7**).
- 10:23:43 Megan Coy, Program and Facilities Bureau Chief, DOC.

Committee Questions

- 10:35:40 Rep. Kelker asked Ms. Robbins about the data on lengths of treatment times.
- 10:37:06 Rep. Kelker asked Ms. Robbins about contracted treatment programs.
- 10:39:42 Rep. Kelker asked Ms. Robbins about standardized evaluations.
- 10:41:05 Rep. Kelker asked Ms. Coy about data for placement processes.
- 10:44:53 Rep. Kelker asked Ms. Coy about treatment options.
- 10:47:16 Sen. Sands asked Ms. Robbins and Ms. Coy about programming for women, Native American's and people of color.
- 10:52:12 Sen. Sands asked Ms. Coy about recidivism and culturally appropriate programs.
- 10:54:39 Rep. Krotkov asked Ms. Robbins about the data sets and making policy decisions with these data sets.
- 10:57:04 Rep. Krotkov asked Ms. Coy about collecting data.
- 11:02:38 Rep. Krotkov asked Ms. Coy about the department pursuing recommended changes.
- 11:03:55 Rep. Usher asked Ms. Robbins about the data analysis.
- 11:08:50 Rep. Usher asked Ms. Robbins and Mr. Maciver about the DOC data.

PUBLIC COMMENT* ON THE PERFORMANCE AUDITS

- 11:14:04 Amy Tenney, CEO of Boyd Andrew.
- 11:17:56 May Simmons, self.
- 11:21:53 Dave Armstrong, Chief Executive Officer for Alternatives Incorporated.
- 11:26:28 Laurie Little Dog, self.
- 11:28:09 Janee Weber, self.
- 11:31:32 Mike Thatcher, Administrator for Montana Community Counseling and Correctional Services.
- 11:34:29 Erin McGowan, Director of Montana Community Contractors Association.

AGENCY OVERSIGHT: DOC UPDATE ON COVID-19 AND PREA AUDITS (PRISON RAPE ELIMINATE ACT)

- 11:36:39 Reginald Michael, Director of Department of Corrections, (DOC) (**Exhibit 8**) (**Exhibit 9**).
- 11:52:19 Kurt Aughney, Quality Assurance Office Director, DOC (**Exhibit 10**).
- 11:59:21 (**Exhibit 11**) (**Exhibit 12**).

Committee Questions

- 12:00:09 Rep. Kelker asked Director Michael about COVID-19 in the prison system.

PUBLIC COMMENT* ON ANY TOPIC WITHIN THE LJIC'S JURISDICTION BUT NOT ON THIS AGENDA

- 12:04:07 Laurie Little Dog, self.
- 12:09:12 May Simmons, self.
- 12:14:28 Janee Weber, self (**Exhibit 13**).

COMMITTEE DISCUSSION/COMMITTEE QUESTIONS

- 12:20:00 Rep. Usher spoke on the rules of testifying.
- 12:20:37 Sen. Esp discussed the rules of testifying.
- 12:21:14 Sen. Sands asked Rep. Usher about HIPAA laws and the meetings.
- 12:22:39 Sen. Gross asked Rep. Usher about the next meeting.
- 12:23:03 Sen. Sands discussed the end goal of the policies.
- 12:24:36 Sen. Bennett updated the committee on post office services.
- 12:25:30 Rep. Usher discussed the plans for the next meeting.
- 12:27:22 Rachel Weiss, Legislative Services Division (LSD), Research Analyst, spoke about the next meeting.
- 12:30:09 Rep. Krotkov discussed policy bills and budget committees.

ADJOURNMENT

- 12:30:44 With no further business before the committee, Rep. Usher adjourned the meeting at 12:30 pm.

Additional Documents:

- Public Comment Packet
Public Comment Packet 2