

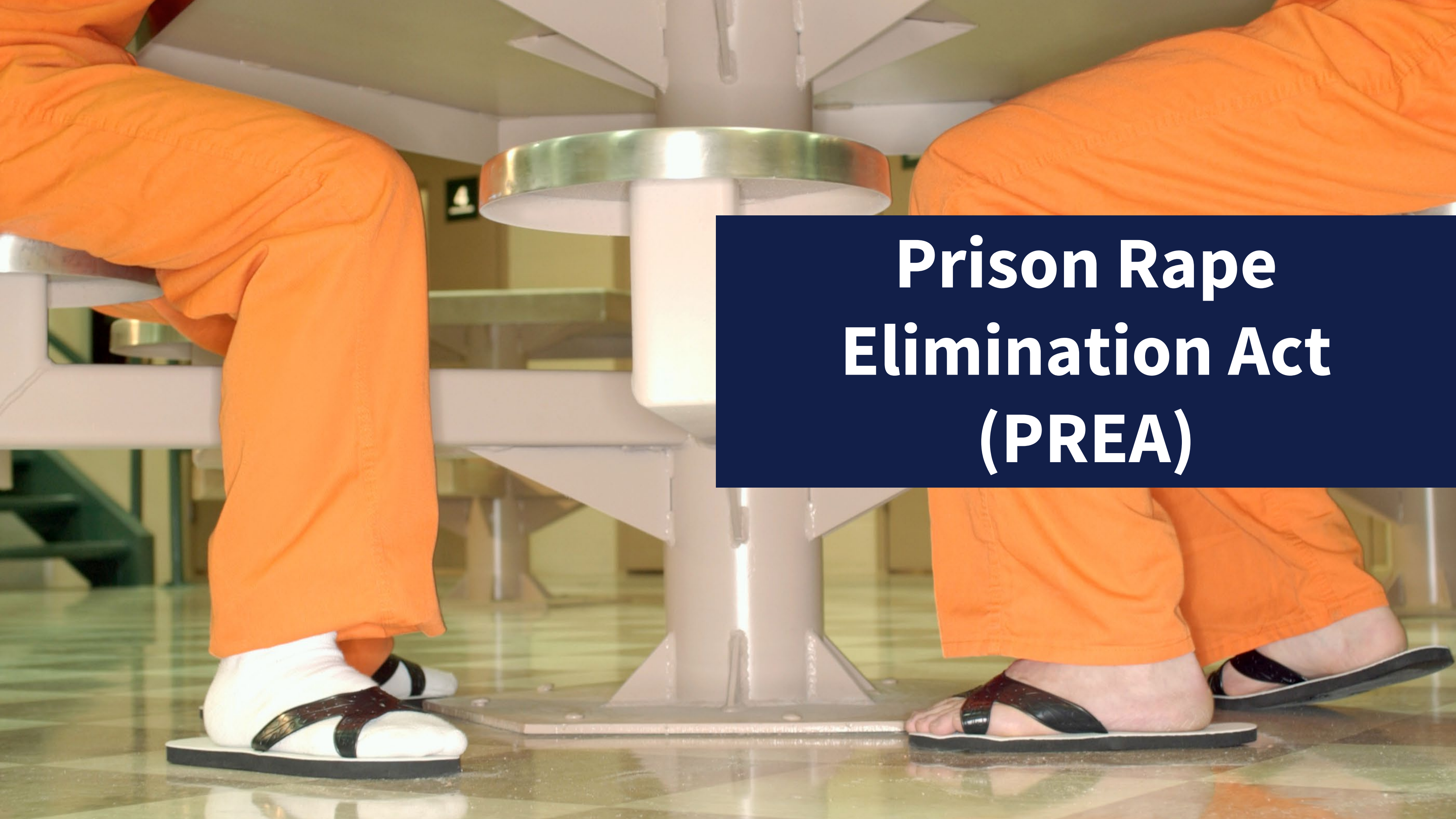
UPDATE

Montana Department of Corrections

Presentation to Montana Law and Justice Interim Committee

Friday, Oct. 29, 2021





**Prison Rape
Elimination Act
(PREA)**

What is PREA?

- Signed into law in 2003, the purpose of the **Prison Rape Elimination Act** was to address the detection, prevention, reduction and prosecution of sexual abuse or sexual harassment in all correctional facilities in the nation.
- Regulations published by the U.S. attorney general in August 2012, require states to:
 - establish a zero-tolerance standard for sexual abuse or sexual harassment
 - collect and report data on prison sexual violence
 - train and educate correctional staff, contractors and volunteers about the nature of prison sexual violence, and how to prevent, detect and respond to incidents of sexual abuse or sexual harassment
 - thorough and appropriate risk assessment and screening of offenders to keep potential aggressors and potential victims separated
 - discipline and prosecution of corrections staff who perpetrate sexual abuse or sexual harassment against an inmate
 - hold corrections administrators accountable for the occurrence of prison sexual violence in their facilities

PREA Audits

Federal PREA audits occur at each DOC secure facility every three years as required by PREA standards.

To ensure ongoing PREA compliance at facilities between federal audits within the three-year cycle:

- The DOC PREA coordinator works with PREA staff at each facility to conduct a “local” PREA audit.
- The department’s Quality Assurance Office conducts a mock audit at each facility.

The department also conducts PREA spot check/audits annually at each contract prerelease center, treatment center, transition/sanction center, and regional and private secure facility on non-federal audit years.

PREA Successes



- Recently submitted a letter of certification of PREA compliance for Governor Gianforte to provide to the U.S. Department of Justice, protecting DOJ grant funding opportunities for Montana.
- DOC recognized nationally for internal PREA criminal and administrative investigations process.
- Partnering with a software company ARGUS which is building a national PREA compliance software platform based on Montana's model of wrap-around PREA compliance.
- The next federal PREA audit is scheduled for March 2022 at Pine Hills Correctional Facility. DOC was fully compliant in the last two cycles. Upon the successful completion of this upcoming PHCF audit, DOC expects to certify full compliance with the third PREA audit cycle.



Electronic Health Records

Clinical Services transitions to electronic health records

- The DOC's Clinical Services Division is transitioning from paper health records to electronic ones this week.
- First four years of the contract with the vendor, TechCare EHR - \$1.06 million
- The electronic system allows all records to be available online eliminating the need for staff members to search for paper files.





Second Chance Pell Grants

What is Second Chance Pell?



- Second Chance Pell was established in 2015 to provide Pell Grants to people in state and federal prisons so they could participate in postsecondary education programs.
- Previously, incarcerated individuals were not eligible for this type of educational funding.
- Experimental sites for the program will be expanded nationally in FY 22-23.

Pell Efforts



- The DOC is working with the U.S. Department of Education, the Office of the Commissioner of Higher Education, Montana University System, the Governor's Office and the Vera Institute to prepare a letter of interest to the U.S. Department of Education to allow Montana inmates to participate in the Pell program. Expect response by January 2022.
- The department is engaged in discussions with several institutions about providing educational programming. Planning to expand conversations to include universities and colleges throughout the state.

Second Chance Pell: Next Steps

- If the letter of interest is accepted, the DOC will:
 - Begin the process of applying for specific programs with colleges, universities based on what best fits each facility's needs.
 - Submit application to U.S. Department of Education by March 2022.
 - Focus on stackable and industry-recognized credentials to fill the employment gaps in Montana with the programs we offer under Pell.



A landscape photograph showing a winding asphalt road with double yellow lines curving through a field of dry, yellowish grass. In the background, there are rolling hills and a large mountain range with a prominent peak covered in snow. The sky is a clear, pale blue. A dark blue rectangular box is overlaid on the right side of the image, containing the text 'Inmate Suicides' in white.

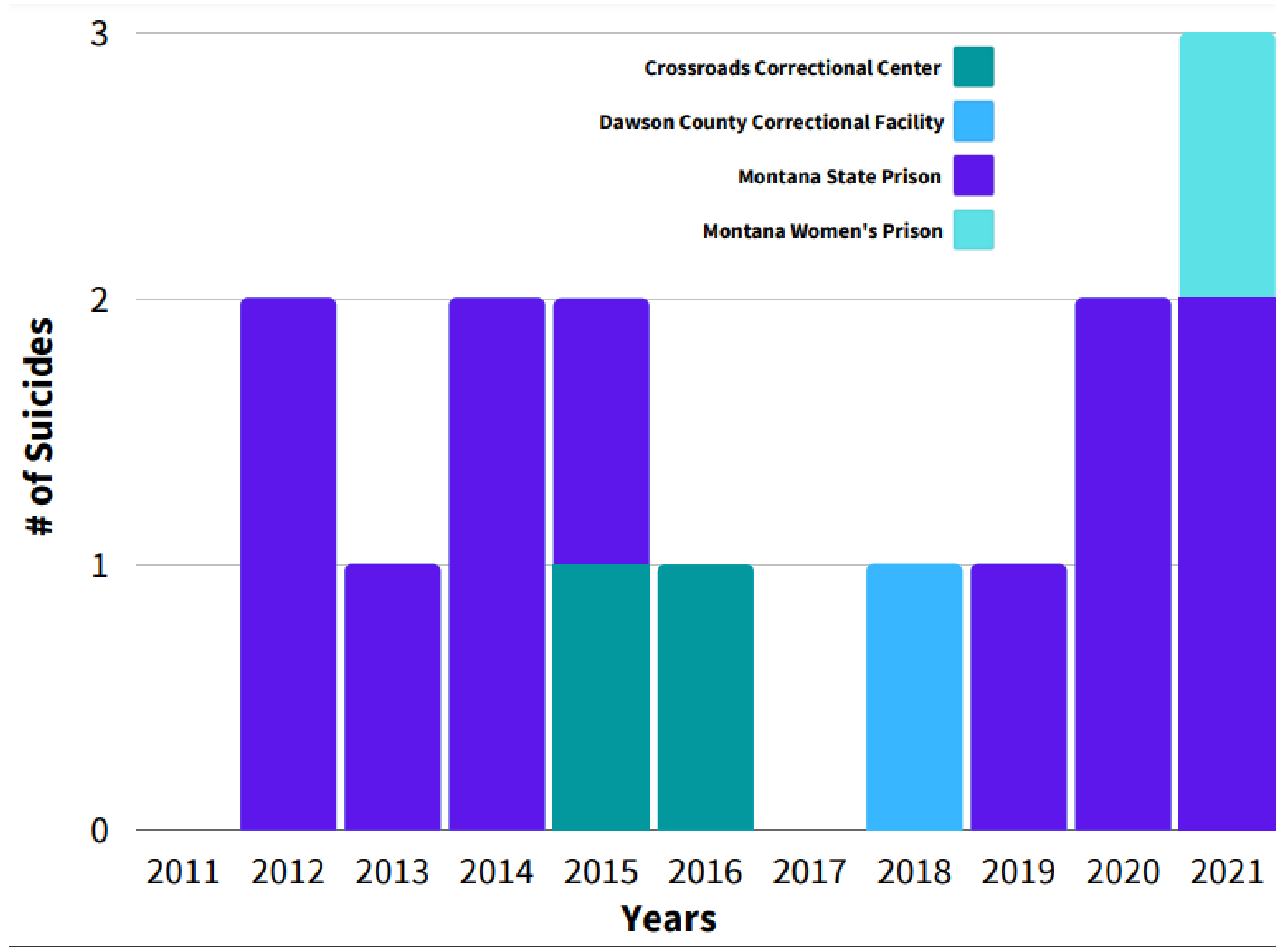
Inmate Suicides

Recent Inmate Suicides

- In two separate incidents in September, two inmates at Montana State Prison died by suicide - Edward A. Bailey, 40, and Jeremy B. Cramer, 47.
- Both inmates were pronounced deceased by the prison physician, and the Powell County coroner filed official death certificates ruling the deaths as suicides.
- Montana law requires that the cause, manner, and circumstances of the deaths of individuals who die while incarcerated in correctional facilities operated by the state must be inquired into and determined by a county coroner.
- By statute, the county coroner must provide his or her findings related to deaths in correctional facilities to the county attorney for review. In turn, the county attorney may order the coroner to hold an inquest into the death.

Suicides at DOC, DOC-Contracted Secure Facilities (10 Years)

- Over the past 10 years, 15 suicides have occurred at DOC and DOC-contracted secure facilities.
- Eleven of those occurred at MSP where the Average Daily Population for the past 10 years ranged between 1,400 and 1,600. MSP is the largest prison in the state and houses inmates with the most severe mental health conditions.



By the Numbers: Mental Illness in DOC Secure Facilities

Severe Mental Illness (SMI) – A substantial organic or psychiatric disorder of thought, mood, perception, orientation or memory which significantly impairs judgment, behavior or ability to cope with the basic demands of life.

- In the 2019-2020 biennium at MSP:
 - **792** inmates had a mental health diagnosis
 - **301** inmates had a diagnosis of Severe Mental Illness (SMI)
 - **600** inmates received psychotropic medications

The DOC has a full-time, dedicated behavioral health team on site at MSP and MSP is accredited by the National Center on Correctional Healthcare.

MANAGING MENTAL ILLNESS

- Managing mental illness in DOC secure facilities presents a significant challenge despite the presence of behavioral health staff at all DOC secure facilities. It is not unusual for behavioral health needs of inmates to exceed the capacity of staff despite the existence of the Secure Adjustment Unit (SAU) at MSP.
- When individuals are found guilty, but mentally ill, they are placed in the Forensic Unit at Montana State Hospital.
- However, should an offender become too aggressive for staff at DPHHS facilities to manage, or receive the maximum therapeutic benefit from the treatment being provided in a DPHHS facility, they are transferred to MSP.
- This illustrates the need for a state facility in or near a population center which provides adequate clinical staffing along with appropriate levels of security to address the needs of the seriously mentally ill inmates in our corrections system.

Study Bill: HJ4



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE CRIMINAL COMMITMENT PROCESS AND PLACEMENT OF INDIVIDUALS WITH MENTAL ILLNESS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.

HJ4 was assigned to the Law and Justice Interim Committee. The committee assigned 0.10 FTE to:

- Analyze legal framework involving determination of criminality for defendants with mental illness.
- Examine the use of the Forensic Mental Health Facility.
- Review availability of the Forensic Mental Health Facility for offenders being held in local correctional facilities.
- Review the costs of operating the facility.
- Determine the optimal role of the facility in Montana's mental health and criminal justice systems.

QUESTIONS?



**MONTANA DEPARTMENT OF
CORRECTIONS**