



## Governor Greg Gianforte | Director Brian M. Gootkin

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Feb. 21, 2024

Members of the HB 5 Select Committee on Corrections Facility Capacity and System Development Committee,

The Montana Department of Corrections respectfully submits the following information in response to requests made by members of the HB 5 Select Committee during its Dec. 12, 2023, meeting.

### **Explain the hierarchy of offenses the DOC uses to categorize crimes.**

From highest severity to least severity, the hierarchy of offenses is as follows:

- Violent (assault, deliberate homicide, robbery, etc.)
- Sexual (sexual intercourse w/o consent, incest, etc.)
- Drug (criminal distribution of dangerous drugs, fraudulently obtaining dangerous drugs, etc.)
- Property (arson, burglary, identity theft, bad checks, etc.)
- Influence (driving under the influence of alcohol/drugs, negligent vehicular assault, etc.)
- Person (stalking, criminal endangerment, elder abuse, endangering the welfare of children, etc.)
- Weapon (possession of explosives, possession of a firearm by a convicted felon, etc.)
- Public Order (cruelty to animals, money laundering, escape, etc.)
- Vehicle (reckless driving, speeding, hit and run with injury, etc.)

### **Explain fluctuation in total number of correctional officer positions at MSP in 10-year comparison.**

A chart illustrating vacant and filled correctional officer positions at MSP for fiscal years 2013-2024 showed variation among total number of positions in several years. While State Human Resources manages the data used to develop the chart, the DOC believes the fluctuations are related to:

- Classification changes
- Pay plan changes
- Elimination of 11 CO positions by Montana Legislature (FY16 and FY17)
- Position transfers

### **Classification, custody levels at Montana State Prison**

**Classification** is the placement of inmates in a custody level that matches their individual risks and needs.

Considerations in the classification process include:

- Severity of current offense
- Length of sentence
- Types of prior commitments



- History of escapes and attempts
- History of violence
- Victim impact
- Type of detainer

Classification status reviews occur on a periodic basis to determine whether reclassification is required based on criteria including conduct, program participation, mental health, etc.

Classification drives **level of custody**. Custody relates to the level of control that must be exerted for the safe and secure management of an inmate.

Custody levels at MSP range from minimum to maximum custody. At the minimum level, inmates may live at the Work and Reentry Center and even work in the community. Individuals requiring the highest level of custody live in MSP's Restrictive Housing Unit, which houses inmates who exhibit assaultive or dangerous behavior.

Inmates whose custody levels fall between those extremes live in units located on the high security or low security side of the prison. Because the prison was built using antiquated systems of prison construction – some of it in the 1970s – it does not allow the high or low security areas to be used interchangeably to properly accommodate inmates of different custody levels. This drastically limits the manner in which the DOC can effectively manage its population within the facility. For example, there may be limited incentive for an inmate to improve their behavior if there is no alternative placement available to allow for additional privileges.

Modern correctional facility construction, however, emphasizes adaptability to allow use by inmates of varying custody levels. This focus will be crucial to the construction of the new units and will allow the DOC to manage its inmate population more efficiently and effectively. According to the National Institute of Corrections, considerations related to modern correctional facility construction, which will be addressed in new construction at MSP, include:

- Adequate capacity including the right kinds of bedspace to allow proper inmate classification and separation, and flexibility in the use of housing areas
- Good lines of sight and visibility of housing areas
- Spatial organization that accommodates the flow of activities rather than inhibits it.
- Ability to expand the facility in terms of capacity and support services
- And more.

Modern correctional construction concepts allow for the incentivization of good behavior to earn privileges, and implementation of restrictions for negative behavior, without necessarily needing to transfer an inmate within the facility.

Respectfully submitted,

*Brian M. Gootkin*

Director, Montana Department of Corrections