

Report to the Director

Montana State Prison

1867 - Present

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1996**

CORRECTIONS HISTORY - MONTANA.

The following historical information was derived from a variety of source documents and virtually all the contents within this report are either paraphrased or copied from previous work. Citations are provided in both instances to allow additional research from original documents and to credit earlier efforts..

The territory of Montana, created in 1864, had no prison during the Civil War and gold rush days. Federal prisoners, convicted of violating the laws of Congress, were sent under contract to the Nebraska State Penitentiary. Those convicted of violating territorial laws were incarcerated in county jails, primarily in Madison County. A rudimentary federal prison existed for a short time in Virginia City, but it was not adequate for the demands of the territory.

Territorial Governor James M. Ashley demanded a properly equipped penitentiary, and on January 22, 1867, Congress appropriated "no more than \$40,000" to erect a prison in Montana Territory at a site to be selected by the Territorial Legislature, subject to approval by the Secretary of Interior. On the day the appropriation became law, the Territorial Legislative Assembly instructed C.S. Ream and William Sturgis to locate a site. They chose Algenta [Northeast of Bannock], but were overruled by the Territorial government. On November 19, 1867, the Deer Lodge site was approved by the Legislative Assembly of the Territory of Montana.

An eleven and 4/5 acre site in Deer Lodge was selected and Montana Territorial Governor Green Clay Smith notified O.H. Browning, the Secretary of Interior of the action. However, a group of Deer Lodge residents (including Granville Stuart and J.S. Pemberton) contested the Territorial government's claim to the site until finally the U. S. Attorney General's Office settled the issue by ruling that the United States already owned the land.

Dr. Armistead Hughes Mitchell, pioneer physician and surgeon in the Deer Lodge Valley, was appointed as Superintendent of Construction and Building in 1869 by President Grant to begin the actual construction of the Territorial Prison. He was immediately faced with a fiscal problem. The original prison design, by a Mr. Mollett representing the Supervising Architect of the Treasury Department, would cost at least \$100,000 to construct, according to James Cavanaugh, Montana's Territorial Delegate; however, only \$40,000 had been appropriated. In response to the limited amount of available money, Dr. Mitchell began a series of cost-cutting project revisions which eventually reduced the original design from a central building with North and South cell wings to a single wing constructed of granite (which was cheaper than cement). This "Left wing of the Montana Penitentiary" was complete by October 6, 1870 and ownership transferred from the U.S. Attorney General's Office to the Territory of Montana on May 15, 1873.

"From the very beginning, it was apparent that the new wing failed to satisfy even minimal expectations. The finished wing entailed 'nothing but bare stone walls, roof, floor, fourteen brick cells, six by eight feet, in the clear -- with nothing between them and the roof, and only gratings for the lower windows. Territorial Governor Benjamin Potts bemoaned the prison's 'unfinished condition', maintaining that to complete the structure required at least an additional \$4,500"¹

The Montana Legislative Assembly authorized Governor Benjamin F. Potts to appoint a three-member director's board (Hugh Duncan, J. H. Robertson, Granville Stuart) and a warden (C. B. Adriance) to oversee the new Territorial facility. As their first act, the new directors petitioned for additional cells: "...We would recommend ...the Legislature to make an application to Congress for an appropriation to complete the present wing. The completion of this wing will give us twenty-eight additional cells, and judging from the fact that we now have nineteen prisoners, and that most of the recent arrivals have been for long terms, many of the cells asked for will soon be required"²

After operating the facility for about one year, the Montana Territorial government decided that running a prison was unacceptably expensive and requested the Federal Government to once again resume administrative responsibility. The Act of June 20, 1874 restored Federal operational control and on August 1, 1874, U. S. Marshall William F. Wheeler assumed duties as the Prison's Administrator. At the urging of Montana's elected officials, Marshall Wheeler constructed an additional tier of 14 cells at a cost of \$6,000 using convict labor for the project. He also enclosed the prison yard with a twelve foot high wood fence.

[Although Wheeler used inmate labor for prison construction in 1877, he indicated that although the inmates made their own clothes, cooked, cut lumber and performed "all that is done for the prison and themselves" the greatest misfortune to the prisoners was that they had no regular employment. Marshall Wheeler tried unsuccessfully to provide inmate contract laborers for Deer Lodge residential projects as the prison offered no employment or industrial training beyond day-to-day facility related work.]

On July 7, 1884, the amount of \$15,000 was appropriated to complete the unfinished portions of the Prison because of a need for more inmate housing. However, Governor John Schuyler Crosby's newly appointed Commission of Examiners found the East and West walls of the existing facility had no stone foundations; extended only eighteen inches into the ground, and were composed of soggy brick which could not support additional weight. Although the prison urgently needed additional cells, the available money was used to build a central office building

¹Historical Structures Report: Montana State Prison, p. 7.

²Annual Report of the Directors and Warden of the Montana Penitentiary, 1873 (Deer Lodge: New North-West, 1873), p. 12; as cited in Historical Structures Report: Montana State Prison, p. 8.

with guard dormitories. This was done over the protests of U. S. Marshall Alexander B. Botkin, the Superintendent of Construction.

Finally, on March 3, 1885, Congress appropriated \$25,000 for completion of the Montana Territorial Prison and, by the spring of 1886, the South Wing was completed. This was a three-storied brick cell house containing a three-tier block of brick cells. There were forty-two new cells, which increased the facilities' overall inmate capacity by eighty-four. [Status as of March 3, 1885: 70 cells in the prison -- 14 constructed in 1870, 14 in 1874, and 42 in 1886. With double bunking, total capacity was 140].

Three years later, on November 8, 1889, Montana became the forty-first state and assumed ownership of a Prison which it could not afford to operate, and certainly not renovate or modernize. In February, 1890, the Board of Prison Commissioners contracted out the entire Prison operation at the rate of 70 cents per capita per diem to Colonel Thomas McTague and Frank Conley for a term of one year. The contract was renewed year-by-year until, in 1909, another firm underbid Conley and McTague. However the State owed Conley and McTague money for construction costs and inmate care which neither the State nor the newly selected contractors could afford to repay. As a result, Montana reassumed operational control over the Prison and appointed Conley as Warden, a position he retained until relieved of his duties by Governor Joseph Dixon in 1921.

When Conley began running the Montana prison it was overcrowded (198 inmates), deteriorating, and increasing in population. Inmates were being housed in outbuildings in the prison yard, carpenter shop, store house and wash house. There was also no substantial security fence or wall.

Warden Conley began his administration by beginning extensive renovation of the security fence and construction of a log cell house which could house sixty-eight inmates. [With this addition, he was housing about 242 inmates in a facility with 70 actual cells (capacity 140 double-bunked), plus 68 inmates in the log cell house].

Montana's limited financial resources were the origin of inmate labor projects. During the early 1890s, the Prison at Deer Lodge had generally been ignored by the Board of Prison Commissioners who supported construction of the proposed Eastern Montana Penitentiary at Billings. However, a shortage of State revenue resulting from the 1893 depression eliminated any possibility of funding for this project. The Prison Commissioners had to decide either to modernize or abandon the Deer Lodge facility.

If the Deer Lodge Prison were to continue operation, security considerations indicated the rotting board fence needed to be replaced with a more substantial obstacle. Construction of a stone wall was proposed and, in an attempt to reduce State expenditures for the project, the Prison Commissioners approved a plan to build the massive, stone wall using only a Construction Supervisor, a foreman to supervise convict laborers, and inmates. Warden Conley was able to

deflect opposition to the Prison's use of inmate workers for the endeavor from organized labor and the press because the project was supported by the Board of Prison Commissioners. When completed, the stone fence was considered an unqualified success. It also served as a precedent which allowed Conley to strive toward his goal of prison self-sufficiency through use of inmate labor for subsequent building projects, and which eliminated reliance on scarce (and unpredictable) State funding..

"By the late 1890s approximately one-third of the prisoners worked outside the prison at special camps. Each of these...housed roughly 75 prisoners and three unarmed guards. At these camps the prisoners enjoyed a relatively high degree of freedom with neither chains nor cells restricting them. The only means of punishment 'for unruly prisoner...(was an) immediate return to the (prison) walls'."³ Conley used outside work crews, and trustees living outside the cell block, to reduce secure prison cell requirements. For example, in 1911 the prison had 650 inmates but only 474 cells. Warden Conley indicated that in 1916 about fifty percent of inmates were working outside of the penitentiary.

Viewing Conley's construction projects from an historical perspective supports the assertion that: "...Throughout his thirty years of service he...transformed a rapidly deteriorating penitentiary into a modern prison. In 1893 Conley inaugurated his plan of prison construction...Through sheer determination and ambition, Conley insured the survival of the Deer Lodge Prison"⁴.

Depending upon the historian's viewpoint, Warden Conley either operated within his contractual obligations while running the prison as his own personal estate manned by convicted serfs, or he was an individual who: "tempered...pragmatic use of convict labor with a genuine concern for the prisoner's well-being"⁵. In either event, Conley and McTegue developed a system of contracting prison labor for local projects which continued until 1921. "Conley 'hired out' his convicts for both public and private work, using whip, chains and dogs as he considered necessary"⁶, and he retained the income from their labors; however, he also initiated "good time" during construction of the prison wall, which reduced sentence length and eventually led to the honor system. Convicts were kept busy from dawn until dark; Warden Conley became a very rich man, and a lot of unfunded projects were completed.

"From 1910 until 1920, prison construction crews traveled throughout Montana to erect

³Historical Structures Report, p. 17.

⁴Historical Structures Report, Montana State Prison, James R. McDonald.

⁵Historical Structures Report: Montana State Prison, James R. McDonald, p. 16.

⁶First Offenders Correctional Facility, p. 11.

numerous state buildings. In 1911, the Commissioners authorized the construction of a brick kiln at Deer Lodge. The prison crews used the brick to construct numerous buildings at the Prison and at other state facilities: the women's dormitory, store building, laundry, dining room, and inmates' dormitory at the Montana State Hospital in Warm Springs; the women's and the men's dormitory at the Institution for the Insane in Warm Springs; and the sleeping pavilion, power house, kitchen, and dairy barn of the State Tuberculosis Sanitarium in Galen. A 1,000 seat prison theater, constructed in 1919 with at least \$10,000 in funding donated by Senator William A. Clark, Jr., served as an entertainment facility for inmates and Deer Lodge residents, including movies and band concerts. [Senator Clark also established a \$25,000 trust fund for maintenance of a prison band including musical instruction and band equipment]. In 1920 unskilled prison labor built the hospital and the administration building in Warm Springs"⁷ Prisoners also constructed approximately 500 miles of roads throughout the state including work at Flathead Lake, Bozeman Pass and MacDonald Pass.

Some historical references indicate Frank Conley believed that at least half of his prisoners were insane. During his administration many convicts were transferred permanently to Warm Springs. He certainly believed in the efficacy of manual labor. Conley's views of rehabilitation were consistent with most prison officials of his time and he was vocal in his ridicule of "modern" theories of prison reform. "He attended an American Prison Association meeting in 1916, 'where long haired men and short haired women sought to reform prisoners by prayer. I have been in this game thirty years...but I have never tried reforming men by prayer'."⁸ However, Conley also stated: "In order that reformation may find foothold, a prisoner must not lose his identity. He must be encouraged to think along elevating lines and to direct his mind in channels which lead toward higher and better things. He must be allowed to still hold or gain back his self respect"⁹ Rehabilitation programs, by today's standards, were available to none but from Conley's viewpoint, productive manual labor and inmate rehabilitation were interdependent..

In 1920, Joseph Dixon, an energetic, progressive, and young reformer was elected Governor.. By mid-April, 1921, Conley was relieved of his duties on charges of misuse of state funds. He was tried and acquitted. However, questions of guilt or innocence regarding various assertions including abuse of personal power, misuse of funds, and corruption created great controversy. They contributed to Dixon's defeat in 1922, and have never been fully resolved. Conley, non-diplomatically wrote: "I wanted to resign a long time ago, but I waited for the bolshevik Governor to put the can on me and he did it fine, but my date will come sometime".¹⁰

⁷Historical Structures Report, p. 20.

⁸September 10, 1916, Warden's Correspondence, p. 150; as cited in Historical Structures Report, p. 19.

⁹Historical Structures Report, p. 16.

¹⁰Historical Structures Report, p. 28.

Wardens immediately succeeding Conley continued his practice of using inmate labor for work on a variety of needed projects and as a rehabilitative tool. They also began making efforts to initiate prison reform (as each viewed the topic) and to move toward prison program modernization. Convinced that Montana was fifty years behind industrial prisons in other states, Warden M. W. Potter spent three years trying to convert the facility into an educational and industrial institution. Potter's work crews re-roofed buildings and towers; constructed new ice and hog houses; worked at the brick kiln or sawmill; completed road work; finished the Ranch Superintendent's residence, and farmed extensively. He also established a vehicle paint shop. Warden Potter recommended appointment by the Governor of a committee of pragmatic businessmen to "initiate the importance and feasibility of prison industries", and finally resigned after three years of frustration.

His successor, J. W. Cole stated: "There is a great need of improvement in the matter of education of the prisoners...as there is not now nor has there been in the past any definite policy regarding this phase of prison management". Warden Cole resigned within a year.

In 1927, the Montana Legislature appropriated \$25,000 for a license plate factory and \$15,000 for a garment factory. Warden Austin B. Middleton, who had been Warden since 1926, stripped the original Federal Penitentiary building and installed the license plate factory in the North wing and the garment factory in the South wing. Middleton energetically pursued a goal of prison industry enhancement and viewed these two factories as important first steps toward development of a modern educational and vocational prison. However, the 1930s depression crippled his efforts. In response to economic pressures the State curtailed use convict labor which was viewed as competition for non-inmates seeking jobs. Funding for additional prison industry projects was eliminated, as were prison construction projects inside the facility.

Using the limited resources at his disposal, Middleton demolished the original Federal Penitentiary building in 1931-1932, and erected an inside administration building on its former site. He completed the hospital-industrial shop complex in 1935 (which contained the hospital, garment and auto license shops), and his modernization efforts were severely limited as the result of inadequate funding and/or support. To make the situation even more difficult for Warden Middleton, the inmate population increased from 441 in 1928 to 721 in 1931.

"By 1935, laws required that all 'prison-made' goods be clearly stamped. On January 19, 1934, the Montana Legislature decreed that:

The sale in the open market in this state of all goods, wares and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners of the state...is hereby prohibited.

The legislature declared 'sales in the open market' to 'mean all sales made to the consuming public, through the medium of stores, shops, sale offices, sale agents, or agencies whether retail

or wholesale.”¹¹

“As the Depression deepened and depleted State funds, a period of retrenchment commenced, lasting for over 30 years. The Prison evolved into strictly a maximum security or confinement prison. Its population increased dramatically while (effects of) the Depression limited the Prison’s work programs and restricted its operations.”¹² There was no funding for construction, and the Montana State Prison’s physical plant continued to deteriorate.

The vehicle license plant and garment factory appropriations of 1927 were the last industrial projects funded by the Legislature until 1942 when \$8,000 was appropriated for establishment of a tannery. This project which was never completed, and prison industry continued to be de-emphasized in favor of day-to-day maintenance and operational tasks..

As early as 1931 a special Joint Committee of the 22nd Legislative Assembly had strongly criticized the condition of the facility, especially the 1896 cell house: “This building is an eyesore to the state and is crying out in its filth and sanitary condition. Disgusted by its overcrowded condition and the incessant stench due to the bucket system, the Committee declared it a disgrace to civilization. The cell house represented almost half of the Prison’s entire cell capacity and it remained in operation until 1959”.¹³

In an attempt to maintain control in the overcrowded and deteriorating facility, the Prison administration gradually tightened discipline including re-emergence of the silent system. The Auburn, or silent system, had been loosely used during the Conley administration. However, at that time housing in the secure Montana State Prison facility was the more restrictive option to working outside the facility. By the 1930s there were few opportunities for inmates to work outside of the cell house. Under the silent system, prisoners could not talk in the dining room, bath house, in line, in the exercise yard, or when working. Virtually the only inmate conversation permitted was between individuals sharing a cell, and this exception probably only reflected the reality of enforcement difficulties. However, even in-cell conversation was not allowed at night. Living in the Prison became an increasingly grim experience.

The period during World War II provided a welcome reduction in the prison population and an improved State economy. However, the Prison continue to be under funded and ignored. Following World War II, the Prison population increased from 342 in 1945-1946 to 584 by 1950. At the same time, the Prison was facing a reduction in full-time, qualified staff. Staff/inmate ratios increased from 9.6 prisoners per employee in 1950 to 14 prisoners per

¹¹Historic Structures Report, p. 32.

¹²Historic Structures Report, p. 32.

¹³Historic Structures Report, p. 32.

employee by 1957. During this period the Prison staff effectively controlled only the outside perimeter walls while "boss-cons" controlled other inmates, service industries and the inmate concessions.

In 1957, during the "bloodless riot", about eighty inmates controlled the administration and cell blocks for approximately fifteen hours. State officials, during their negotiations to end the disturbance, agreed to improve Prison conditions and Attorney General Forrest H. Anderson presented a ten point program intended to promote prison reform:

1. Substitution of a more efficient food service.
2. Establishment of an exercise yard inside the walls.
3. Installation of cell lighting facilities by which prisoners can read and work during off hours.
4. Establishment of a disciplinary committee to insure against abuse of authority by custodial personnel.
5. Establishment of an inmate council where prisoners can air their complaints and expose inflammatory conditions before they result in a prison disturbance.
6. Enactment of certain security measures recommended by Scudder and the out-of-state wardens [Kenyon J. Scudder, Los Angeles penologist and member of the Osborne Committee] who visited the prison in February.
7. Possible acceleration of construction on the medium security buildings located on the prison farm in order to reduce pressure at the prison itself and afford an opportunity to increased inmate employment.
8. Establishment of prison classification and segregation system to increase security, better utilize inmate occupational skills, establish the basis for an effective rehabilitation system and lay the groundwork for successful parole.
9. Hiring of skilled professional personnel to implement the classification, segregation system and assist the warden generally.
10. Appointment by the Board of Prison Commissioners of an advisory committee of prominent citizens to maintain a continuing impartial evaluation of prison operation and progress.

Attorney General Anderson's list of reforms was not supported either by the Deer Lodge community or the inmates because the list did not include the need for a new prison.

In the fall of 1957, William Arthur escaped and abducted Laura Shafford. Although she was eventually released and Arthur re-captured, the local population, having lost confidence in Prison authorities, formed the Citizens Protective Association of Deer Lodge. This armed group of local individuals was organized to provide increased security for citizens in the area. Local concerns were further increased by a sit down strike involving about 275 inmates on January 27, 1958.

By 1957, members of the Legislature had become aware of and actively concerned about decades of deterioration of the physical plant at the old prison, as well as neglected programs and administration. The concern was great enough that the first study assigned the new Legislative Council was a study of what to do at the prison. The facilities' deteriorated condition was unequivocally described when, in 1958, the Montana Legislative Council investigated the Prison and summarized: "...not a single major physical facility at the Deer Lodge prison could be described as coming up to modern standards. Much of the prison is so antiquated, obsolete or limited in size that it is a positive detriment to basic correctional aims...To expend much money for this purpose (extensively repair or augment existing facilities) would be to buttress an outmoded and crumbling institution that should be abandoned at the earliest possible date".¹⁴

Warden F. O. Burrell resigned following Attorney General Anderson's expressed dismay with Burrell's failure to solve the Prison's problems. The Attorney General stated at the time, "If there is going to be peace at Deer Lodge, we must bring the prison out of the nineteenth century in a hurry". To begin this formidable task, Floyd E. Powell, the Deputy Warden from Wisconsin State Penitentiary, was appointed Warden of Montana State Prison on March 4, 1958.

Powell immediately recognized that existing Prison industry buildings were inadequate; that 40 to 50 percent of the inmates were idle, and that "much of the work was 'repetitive', unproductive, and improvised purely for the purpose of providing jobs'.¹⁵ He favored the construction of a new prison over extensive renovation of the old Penitentiary. "During September, 1958, the Prison Commissioners and the Montana Legislative Council's Prison Subcommittee joined with Warden Powell and Governor J. Hugo Aronson to support plans for a new prison. On November 8, 1958, the State of Montana was granted a Federal loan of \$6,673,438 for a new penitentiary"¹⁶

The Legislative Council's report, published in December 1958, contained sweeping

¹⁴Montana Legislative Assembly, A Report to the Thirty-Sixth Legislative Assembly; as cited in Historical Structures Report, p. 33.

¹⁵Historic Structures Report, p. 39.

¹⁶Historic Structures Report, p. 39.

recommendations for the development of a modern, progressive prison program and physical plant to be developed in accordance with the long-range master plan. The report called for a new prison (300 minimum security; 250 medium security; 200 maximum security; 200 additional beds, for a total of 950 inmates) to be built on the ranch in four phases over a ten year period. An alternative plan, to be phased in over a four-year period, called for 850 inmate capacity.

The 1959 Legislature received the (Legislative Council's) report and enacted a measure providing for a \$5,000,000 bond issue to finance construction of a new prison. The issue was to be retired with revenue derived from a one-mill statewide property tax levy. As required by the Montana Constitution this measure was referred to the people for approval.

Following the 1959 session, at approximately 4:00 on the afternoon of April 16, 1959, Inmates Jerry Myles and Lee Smart, Jr. led about 12 other inmates in an escape attempt during which Deputy Warden Theodore Rothe was shot and killed, and Warden Powell was temporarily held hostage. This major riot, which lasted three days, ended in the murder/suicide of the two ringleaders during a successful assault of the prison by seven teams of National Guard troops. Although the riot was primarily attributed to personal problems of its leaders, the poor conditions at the prison were also implicated.

Crowded conditions in the rapidly deteriorating facility were made even worse when, on August 17, 1959, an earthquake damaged the 1896 cell house and it had to be demolished. The 1896 cell house contained nearly half of available beds within the facility.

Despite the concerns of the Legislature and the problems at the prison, the \$5,000,000 referendum was defeated at the polls in 1960.

This vote set the tone for the remainder of the 1960s. In 1964 the prison's education program was called a "hoax and a fraud". In 1967 an inmate was found dead in the "hole" and the administration was criticized for allowing a prisoner to be placed in dangerous conditions. In 1969 there was concern over lack of training funds and training for prison employees. Deterioration of both the physical plant and the prison's programs were extensive by the end of the decade.

Despite the lack of material progress during the sixties, efforts on the part of prison officials and others continued. The Department of Institutions prepared a funding request in 1966 for the purpose of planning an inmate housing facility to be constructed near Rothe Hall on prison ranch grounds. This request (according to a Hoiland - Zucconi Architect report) was included in the 1967-77 Montana Long-Range Building Program. The 1967 Legislature appropriated preplanning funds to establish specific requirements and construction costs for the project (see study 1).

During the 1969 Legislature, terminology and emphasis changed slightly. The Legislature was

asked to appropriate \$2.1 million for the construction of a rehabilitation center (to include both adult and juvenile residents). The Legislature passed laws (53-30-107 - 53-30-109, since repealed) authorized the establishment and operation of an "intensive rehabilitation center" at the prison. However, instead of the requested \$2.1 million, the prison received \$6,500 for library renovation.

In 1971, the Board of Institutions tried again to build a new prison. A request was submitted for \$2.9 million for long-range construction, including \$1 million for construction of a new prison facility. The Legislature hoped to obtain Federal funding and authorized a \$4 million prison complex. Of that amount, \$3 million was to come from the Federal Government and \$1 million from long-range building (See Study 2). Should the efforts to obtain Federal money fail, \$200,000 of the \$1 million in Montana money was to go to renovation of the old prison. The effort to obtain Federal money and a new prison failed because the Federal agencies at that time were emphasizing crime prevention programs, and not "bricks and mortar" projects.

The new Montana Constitution, adopted in 1972, reiterated a policy of inmate reformation. In 1973 Roger Crist, the new Warden, advocated increasing rehabilitation programs for the prison population of 250, half of whom were first offenders between 18 and 23. The issue was complicated by efforts to establish regional corrections facilities, rather than continue concentrating on the central prison. However, in 1973, the Legislature appropriated \$3.8 million for construction of a new prison.

Late in 1973, architects presented plans for a \$10 million prison for 325 inmates which was rejected as too expensive. In January, 1974 they reappeared with a \$4.9 million campus-like plan designed to allow easy prisoner segregation. The Legislature added \$600,000 to the 1973 appropriation with the expectation of \$200,000 from the Federal Government. The final total was \$4.6 million authorized for construction of a 334 bed prison.

After the plans were approved, prison population began to increase from a low of about 250 in 1973; to 489 in January, 1977, and reached 514 in March of the same year. By early 1977, the new prison was nearly ready to open, at a cost of \$5.7 million, and was already 180 beds too small.

Two additional 96-bed units (Close I and Close II) were then approved by the Legislature (1977) with an appropriation of \$3.8 million. However this did not occur before many of the same questions raised at the 1973 session were revisited. Members proposed alternatives to new central prison construction. Proposals were also made that yet another master plan be prepared.

Later in the biennium (1979), the Law Enforcement Assistance Administration (LEAA) funded the development of a master plan through the Corrections Division at a cost of \$102,000. The Corrections Division Master Plan for Fiscal Years 1980 - 1985 emphasized expansion of Community Corrections services: "...the most critical problem at the prison is the population, which may mean that the institution is suffering from overuse. The prison is well suited for

handling the dangerous or repeat offender who cannot be dealt with in any other way. But as a 1978 Master Plan survey of prison inmates revealed, 41 per cent did not present a substantial threat to society and could be kept in community corrections rather than sentenced to the prison".¹⁷ The Corrections Division Master Plan also included an inmate population projection which predicted a peak of 1065 in 1983, with steady decline until 1991. "Given the incarceration rate in 1978 and 1979 to date, the best estimate of the rate of prison population would be 'business as usual' in 1979 and 1980, and then a slowing of the growth in 1981-82. Then, by 1983-84 the population should begin to level off, and unless legislation is enacted that increases the incarceration rate, the population should begin declining in 1985 and continue through 1990"¹⁸.

By the time the Legislature returned to Helena in 1979, the prison's inmate population was exceeding the design capacity of the newly expanded facility, and was approaching absolute maximum capacity of 718. During that session many alternatives were discussed, including pre-release center and community alternatives. Finally, in the appropriations conference committee, a proposal was adopted to build a facility similar to Swan River Youth Forest Camp in the Stillwater Forest in Northwest Montana, with a capacity of 80 inmates. In addition, the Legislature funded 118 more beds at MSP, and authorized a contingency fund to allow housing 40 inmates in either an institutional facility or a community setting.

The 1979 Legislature also became concerned that to meet the state's long-term prison needs a long-range prison facilities plan needed to be developed, and that the recently completed LEAA funded Corrections Division Master Plan did not satisfy their requirements. An interim committee was designated to study a wide variety of prison policy issues.

In the summer of 1979 the residents of the Tobacco Valley area clearly expressed their opposition to the Stillwater proposal. Faced with opposition, the Department of Institutions reconsidered their projections and decided the prison population would not increase enough to justify the additional 80 beds. The project was scrapped and, as the appropriation was specific, no beds were added at another location.

After Stillwater was settled, the committee concentrated on sentencing practices and assumed an oversight role for long-range corrections policy and facility issues. The Department spent the interim developing a correctional needs report which was presented to the committee at its final meeting, and which foresaw no need for additional prison construction. The committee concluded no additional facilities were needed at the prison in the immediate future; should prison population warrant additional facilities, residential programs outside the prison should be considered.

¹⁷Corrections Division Master Plan, pp. 58-59.

¹⁸Corrections Division Master Plan, p. 58.

For the 1981 Legislative Session, problems of prison security were the uppermost issues. The escape problems at MSP had reached significant enough proportions that Deer Lodge citizens revived the Citizens Protective Association, which was originally established in 1957 following the Laura Shafford abduction. The Department requested additional staff, a new prison industries facility, and an improved perimeter fence. No additional prisoner housing facilities were requested despite the fact that the prison (including Swan River) was at least 150 inmates over design capacity.

The Legislature authorized funding for fence improvements, but did not approve the prison industries request. No new cells were requested or approved.

During the last part of 1981 and the early months of 1982, the population at the prison continued to rise. In March there was a disturbance and security concerns increased. Ultimately the Governor determined the situation had reached crisis proportions and new facilities would be needed. As a result, a special session was called to review problems in the entire adult correctional program.

Whereas, the Governor has convened the Legislature to consider the conditions and problems existing at the Montana State Prison and within the state's adult correctional program generally; and

Whereas, the Governor has appointed an independent Prison Alternatives Task Force to prepare recommendations on alternative correctional programs for Montana, and the task force has yet to complete its work; and

Whereas, the Legislature hears the demands of the people of Montana for swift and sure punishment of convicted criminals in a manner insuring the safety and protections of the people of Montana; and

Whereas, the Legislature also recognizes its responsibility to provide opportunities for the rehabilitation, reformation, and training of inmates in order to reduce recidivism and produce productive members of society; and

Whereas, the Legislature supports the following concepts:

1. Secure incarceration for dangerous offenders;
2. Actual work experience and vocational and on-the-job training for inmates, which instill in them the work ethic and which better utilize facilities such as the prison ranch;
3. Educational opportunities for inmates desiring to avail themselves of such opportunities;

4. Alcohol and drug counseling for inmates; and
5. Cooperation between agencies of state government and the university system for the utilization of staff and services that may be beneficial for the inmates of the prison and general;
6. Adequate training programs for the prison staff; and

Whereas, the people of Montana have had only limited opportunity to be heard in a structured and productive hearing process for purposes of expressing their concerns and expectations for Montana's correctional system.

Therefore, it is the intent of this act that a fact finding task force of the Legislature be created to develop a plan of action on corrections for presentation to the 48th Legislature.

Summary of Findings and Recommendations of the Montana Legislative Council Fact finding Task Force On Corrections:

The Task Force found that it was widely perceived among corrections professionals and policy makers that Montana has no correctional policy or, if it does, that it is so spread among constitutional, statutory, and administrative authorities as to be disjointed and uncertain. Once a clear policy is articulated, statutes and administrative policies must be altered to conform to the adopted policy.

The Task Force indicated the number one priority at Montana State Prison "...is the provision of an additional 180 to 200 high security cells"¹⁹ It found the prison to be significantly overcrowded and projected "Should current growth trends in the system continue, the estimated population of 900 could easily be too low, and, in addition, could exceed 1,300 by 1990"²⁰

The Taskforce recommended strengthening Prison ranch management; setting aside 36 beds for treatment programs; and, expanding pre-release.

In the area of Long-range Planning: "The Task Force finds that neither the Legislature nor the Executive has engaged in meaningful long-range planning over the past decade. This has resulted in prison facilities chronically short of space and a constant crisis atmosphere. Emergency measures for low security inmates were adopted by the Legislature in 1979, but not implemented. No proposal was presented or adopted by the Legislature in 1981, but the crisis

¹⁹Fact finding Task Force on Corrections: Final Report, p. 6.

²⁰Fact finding Task Force on Corrections: Final Report, p.7.

atmosphere prevailed and resulted in a special session. The state must do better".²¹

"The Task Force recommends that the Executive approach long-range planning for the adult corrections system on an ongoing, systematic basis. After watching the development of trends, a contingency plan should be available six months prior to the convening of the 49th Legislature."^{22,u}

Prison Analysis, Special Session II - 1983 Biennium, submitted by the Office of the Legislative Fiscal Analyst, June, 1982, indicates the Executive Budget submitted to the 47th Legislature "...is requesting a new prison facility to handle 120 maximum security inmates, expand community corrections for 79 minimum security inmates, and improve the present state prison to house 673 inmates. Increased annual operating costs before considering inflation are \$1,880,110. Building and major improvement will cost \$10,607,880".²³

In August 1987, Governor Ted Schwinden created the 16-member Criminal Justice and Corrections Advisory Council. His Executive order charged the Council to thoroughly review Montana's existing criminal justice and correctional systems, and to recommend modifications. The Council submitted twelve recommendations to the Governor, for his consideration, in September, 1988. They were:

1. Intensive Supervision programs should be established in Billings, Great Falls, and Missoula. Each should have the capacity to supervise 25 offenders.
2. Procedures should be developed allowing convicted felony offenders to be diverted from MSP or WCC to available beds in existing pre-release centers (Billings, Butte Great Falls, and Missoula).
3. Legislation should be enacted permitting, under emergency circumstances, the early discharge of certain MSP and WCC inmates. This early discharge mechanism would be activated under the same conditions as the early parole provisions (MSP or WCC exceeds design capacity for more than 30 days).
4. The probation and parole workforce should be increased by ten officers.
5. Hire two psychologists, one correctional training specialist, and one secretary at MSP (to expand the sex offender treatment program).

²¹Fact finding Task Force On Corrections: Final Report, p. 12.

²²Fact finding Task Force, p. 13.

²³Prison Analysis, Special Session - II, p. 2.

6. Implement a pre-parole program to better prepare inmates for parole hearings and possible release.
7. Authorize District Judges to statutorily conditionally discharge probationers from supervision prior to sentence expiration.
8. Following due process (hearing and finding of guilt) allow regional P&P Supervisors to place parole conditions or pre-release violators in county jail in lieu of return to MSP or WCC.
9. Revise supervised release application requirements.
10. Replace mandatory language in 46-30-201 to remove liberty interest from parole status.
11. Make the Chairman of the Board of Pardons a half-time salaried state official.
12. Stagger the terms of Board of Pardons' members.

None of the recommendations by this Criminal Justice and Corrections Advisory Council included construction of additional cells. Instead, they addressed issues and procedures related to releasing inmates from MSP and WCC.

In September of 1989, another Criminal Justice and Advisory council, formed at the request of Governor Stan Stephens in Executive Order 17-89, began to address the following issues:

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.

Summary of recommendations from the July, 1990 report by this council:

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.
- 1b. The Council recommends that contingency funding be provided to allow the Department to address immediate housing needs associated with increasing female inmate

populations through 1993.

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 targeted case managers at MSP.
2. Encourage local jurisdictions 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 © a 96-bed low security unit at MSP.
4. Endorse the expansion of pre-release centers, and include additional funding for 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. Add an additional level of probation and parole supervision which would take greater advantage of curfew and house arrest options by providing more electronic monitoring and increased supervision.
11. Provide technical assistance to the Board of Pardons amend various parole eligibility provisions.

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.

3. Increase probation and parole resources for Field Services.
4. Increase probation and parole resources for the Board of Pardons.

On September 22, 1991, the riot in the Maximum Security building at Montana State Prison resulted in the murder of five protective custody inmates. An Administrative Inquiry Team, funding by the National Institute of Corrections, prepared the Riot At Max report, which was completed December 14, 1991.

Specific recommendations are included as Attachment A. In the months following the riot, all recommendations were listed by the Corrections in a goal/objective format, and specifically addressed.

Following are a variety of Montana Corrections studies, in chronological order, which indicate inmate population (when available) and Correctional circumstances at the time of the particular study.

Missing reports: **Evaluation Report on Montana State Prison - R.L. Wham, 1957.**

Pending report: **The Montana State Prison - A Preliminary Analysis - Robert E. Ashpole, 1967.**

This is being sent from the University of Montana on an inter-library loan.

Study 1: **First Offenders Correctional Facility and a Master Plan for Construction of Future Prison Facilities at the Montana Prison Ranch (1968).**

Hoiland Zucconi Architects, August 1968.

"The State Department of Institutions, in 1966, requested funds to plan Phase I of an Inmate Housing unit to be built near Rothe Hall on the Prison Ranch.

This request became a part of a 1967-1977 Long Range Building Program for the State of Montana, and the 1967 Legislature appropriated pre-planning funds to establish specific requirements and construction costs for the project.

Recent decisions by Montana judges demand that the state comply with existing laws on segregation of prisoners under 21 years old. Separation of first offenders is also a good correctional practice and with some changes in the statutes, it is planned to house both juveniles and first offenders in this facility. None of the present prison facilities at Deer Lodge allow for total separation of prisoners. Physical separation and design of a completely segregated prison has, therefore, become a part of this program.

On the first day of February, 1968, a contract was executed by the State Board of Examiners with Hoiland - Zucconi Architects to plan an Inmate Housing Unit, now known as the First Offenders Correctional Facility²⁴

“Programming research collected the ideas of the nations’ leading penal and correctional theorists, with contributions from law enforcement officials who were actually operating jails, reformatories, and prisons.

The ideas and theories and methods of these people have been evaluated on the basis of their application to Montana problems, and the applicable subjects have become a part of this program.

In a modern correctional institution, there are four groups of prisoners: New, Intractable (not wanting treatment), Tractable (wanting and capable of treatment), and Defective (limited or incapable of treatment). These four groups are often housed in different buildings, sometimes in different institutions, as their housing needs are not the same. Since each of the four groups will contain among them maximum, medium and minimum risks, provisions for all three types of risks must be made in each institution²⁵

There are two types of reformatory structures - one a secure institution for the serious criminals, and the other a more open and flexible institution for the less risky types. The State of Montana has institutions in Miles City and at the Swan River Camp to house the tractable, no problem youth. A proposed facility for first offenders at Deer Lodge, therefore, should be planned as a close-security prison, with provisions for training and treatment, to prepare them for parole, or for a type of custody which costs the state less money. Treatment of educational and vocational deficiencies must be a basic aim in the rehabilitation of young or first-term convicts. Many of the reasons for their conviction can be traced directly to a lack of preparation for productive life...an inability to provide for their basic needs by lawful means²⁶”.

²⁴First Offenders Facility, Hoiland - Zucconi Architects, August, 1968, page 1.

²⁵First Offender Facility, pp. 5-6.

²⁶Ibid., p 7.

"In 1953, the 30,000- acre Deer Lodge Farms were purchased the State to become a part of the prison facilities. Governor Hugo Aronson signed the papers for this major expansion.

Construction at the Prison Ranch has progressed steadily since purchase of the land. An abattoir was built in 1953. First unit of the 200-man Rothe Hall was begun in 1958, and completed in 1963. A Tag Plant was built in 1965, and a new dairy, to serve all institutions in the valley, was begun in 1965, and was completed in 1968. A Medical Research Center operated jointly with the University of Montana was completed in 1968. Several farm and maintenance buildings, utilities, service lines, roads and fences have all been built on the ranch property since 1953²⁷".

"The population of any prison varies with the economic ups and downs of the state, with war and insurrection and revolts, with severe weather changes, with ethnic pressures, and, as is obvious in recent years, with new laws and new interpretations of existing laws.

Decisions by the courts have made convictions more difficult to obtain and those convicted are receiving relatively short sentences. These two factors combine to dramatically reduce the prison population, which dropped below 550 in 1967.

Present trends indicate that the total prison population in Montana will level off soon at about 600, and increases in crime and state population will balance decreases caused by social progress and by other facilities.

Normally, up to 40% of the prisoners can be trustees. The rest, 60%, will always require cells²⁸".

Philosophy for Design:

The underlying philosophy of penology has gradually substituted, as its basic tenets, the principles of correction and rehabilitation for the old ideas of punishment and retribution...The facility proposed in this program is for tractable first offenders. There are a variety of excellent examples of correctional institutions for this more hopeful group of prisoners. None are specific answers to the Montana problem, but all of them have some outstanding common characteristics:

The overall atmosphere (conveyed by program, staff and buildings) is one of normal living under normal conditions. Mutual trust, cooperation and willingness

²⁷Ibid., p. 12.

²⁸First Offenders Facility, p. 15.

have replaced the old prison discipline.

The small group principle is reflected in housing, dining, recreation and all important activities.

Prisoners are expected to participate in the duties and responsibilities of running the prison, with the staff always in control.

Security, while primary, is not the ultimate goal.

Acculturation to normal, responsible living has taken over.

The current emphasis on both acculturation and problem solving is shown in the architecture.

Successful experiments have been conducted with prisoners "living in" and "working out". Some prisons are permitting conjugal visits²⁹.

Study 2. Application for Discretionary Fund Grant from the Law Enforcement Assistance Administration (LEAA) of the U.S. Department of Justice, 1969.

Requested \$6,657,473.

"The institution has completely outlived its economic life and should be replaced in entirety as soon as possible. The property under institution control is extensive, running into thousands of acres. Thus, many adequate sites are available if it seems reasonable to retain the state prison at Deer Lodge Montana.

Inmate population has been fluctuating over the last several years from a high of some 500 inmates to its present 250 inmates. This I understand is due to changes in Parole and Probation practices. The Warden believes that this state population will increase in the years ahead and visualizes need for a 400 inmate institution, a figure which seems reasonable...

Warden Estelle hopes to obtain a major portion of his construction money from LEAA and estimates that the State Legislature will advance him no more than \$1,000,000 and the right to expend this contingent upon the remainder of the construction funds being supplied by LEAA.

Naturally I was non-committal regarding his chances of obtaining \$4,000,000 from LEAA and suggested that he substantially increase his request and justification to the State Legislature.

²⁹Ibid., pp. 49-50.

Also it was thought that Warden Estelle should prepare in writing the programs and objectives of the proposed new institution" (Robert D. Barnes, Architect, LEAA) .

Population Evaluation:

Montana State Prison, when opened in 1871, had 14 cells. Within five years there were 28 cells and 80 prisoners. Serious unemployment and money shortages in the earlier years of the Depression spawned crimes of violence and despair, and the prison population of Deer lodge rose to 721 in 1932. During World War II the population dropped, but increased steadily after the war to reach 760 prisoners in 1964. Decisions by courts and many new alternatives to incarceration have contributed to a drastic reduction of the present prison population, which now varies between 250-300 inmates. Present trends indicate that the total prison population in Montana will level off at about 325-375 inmates. With adequate facilities, up to 75% of this population could be classified in the Medium-Minimum bracket³⁰

Future Outlook

"Montana corrections stands now in one of the most advantageous positions it has for decades. Historically, whenever budgetary priorities and considerations were given to state agencies and institutions, the state correctional institutions were always last. This year, through the efforts of cooperative state, public and private agencies, and the awareness of the state's Chief Executive and his staff and the Legislature, the entire correctional system has become one of its top priorities. During this session the Legislature allotted one-tenth of its building and construction appropriation toward corrections, namely a new facility for adult offenders. This appropriation of \$1,000,000 is contingent upon receiving federal assistance for construction. If federal participation is not attained by January 1, 1973, the monies will revert and the institution will be allowed to spend up to and not more than \$200,000 for maintenance and renovation of the antiquated facilities. This is the first time that Montana has considered the grave problems of corrections in budgetary terms. A great concern is now expressed that if federal participation is not gained at this time, it may be the last opportunity"³¹

Study 3: Social Criteria for the Design of Imprisonment Facilities In Montana (1972).

School of Architecture, University of Montana (Bozeman), 1972.

³⁰Application for Grant Discretionary Funds to LEAA, 1969, page 13.

³¹LEAA Discretionary Fund Grant Application, page 72.

“Money is most commonly cited by staff and inmate at Deer Lodge when discussing the lack of progress. The Legislature in its last session did provide matching funds if the federal government provided money for a new facility, which did not happen. Although figures are hard to come by, it would appear that Montana spends in excess of \$20 per day per inmate, which would put it near the top among state prisons and somewhat discounts the frequent complaints of too little support from the legislature.

There is a growing feeling among many people that the lack of an agency to depend on becomes a cause of crime. American culture seems determined to make every man prove his independence. He must shift for himself, but if he fails, there is great misery in store. Many prison inmates had long institutional histories, some beginning at elementary school age, and find it very difficult to deal with the everyday middle-class problems of making a living. When demands become too great, they may turn to crime. Often what is needed is a place to go to for advice or assistance. Halfway houses have been started in Montana and these should go a long way toward providing assistance in being able to get along in a community. Nothing should be done to discourage dependency on such a facility. Warden Estelle was very insistent on providing an uncomfortable environment for his inmates, so that they would not be encouraged to come back. We feel that the client should be able to develop a trusting relationship with the institution and that the institution should extend its boundaries into the community of the client and be available when needed in order to assist the client in avoiding further serious difficulties³²”.

Background information regarding the 1982 Special Session:

Concern with the population at Montana State Prison was primary among the reasons Governor Schwinden cited in his May 24, 1982 proclamation calling a Special Session of the Legislature:

...Whereas, inmate population at Montana State Prison is in excess of levies determined to be commensurate with sound prison policy; and

...Whereas, overcrowding was a factor in the March 24, 1982 disturbance at Montana State Prison: ...

Before and during the Special Session, there was legislative concern with confirming the nature and extent of the overcrowding problem. For example, the Legislative Fiscal Analyst raised a number of questions about population projections, classification, and

³²Social Criteria for the design of imprisonment facilities in Montana, University of Montana School of Architecture (Bozeman). 1972.

housing needs that didn't seem to be adequately addressed in the executive proposals³³.

Study 4: Old Montana State Prison: a renovation feasibility study (1982).

This study was conducted as a result of Special Session interest in renovating the "old prison" to be used as separate housing for as many as 200 maximum security inmates.

The Parrish Architects, St. Paul, Minnesota, November, 1982.

"The general state of conditions in the Montana Prison system had become of such vital concern that a Special Session of the Legislature was called by the Governor in June, 1982, to deal specifically with these issues. Legislation enacted including the following:

Establishment of the Task Force on Corrections to develop a plan of action and recommend policies to the Legislature.

Establishment of an Industries Training Program for inmates.

Provisions for housing outside of security perimeter for minimum security inmates working in agriculture.

Provision for expanding prerelease center use.

Retaining a consultant to prepare cost estimates for the renovation of the Old State Prison.

Appropriation for expansion of staff and construction of additional facilities at the New Prison.

From this legislation, it is evident that the State is serious about improving correctional practices, improving security at the Prison and reducing overcrowding³⁴.

"The new Prison at Deer Lodge, was opened in 1977 with a capacity of 373. It was

³³Office of the Legislative Fiscal Analyst, Prison Analysis Special Session - II, (Helena), Legislative Fiscal Analyst, pp. 3-14.

³⁴Old Montana State Prison: a renovation feasibility study, The Parish Architects, St. Paul, Minnesota, 1982, p. 2.

constructed at the Prison Ranch, a site with virtually unlimited space. In 1979, additional capacity of 192 was added, providing a total single occupancy capacity of 515 inmates.

The inmate occupancy has been growing year by year, far exceeding the design capacity. At the present time, even with some 130 inmates accommodated at Forest Camp, Galen, Work Release Centers and other satellite facilities, the facility accommodates about 730 inmates with over 190 being housed in a substandard manner. Most of these are being accommodated by double bunking; however, some are being housed in rooms that were previously Interview Rooms, which do not meet standards for housing³⁵.

Prison Population Projections

"A recent publication the Montana Department of Corrections summarizes the various prison population projections that have been made in recent and previous years by six agencies. The article discusses and illustrates, by actual figures, the impossibility of reasonable projections by any known methods. The average of the various projections for each of the next nine years is as follows:

82	83	84	85	86	87	88	89	90.
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834	864	876	875	878	849	811	797	785

These figures suggest that prison population will continue to increase, peaking in 1986, then receding. We know of no reason at the present time to believe that prison population will reach its peak in 1986. Indeed, most correctional professionals believe it will continue to climb for the foreseeable future. To place any reliance on that peak seems very risky.³⁶

**Study 5: Fact finding Task Force on Corrections: Final Report, February, 1983.
A Report to the Forty-eighth Legislature.**

The task force was established by House Bill 11 at the Second Special Session of the 47th Legislature in June, 1982.

The major concern of the committee was the overcrowding of the present system. It became obvious there has never been any long-range planning for the prison system -- just reaction to crisis situations. With the present growth rate of 9%, and the change of

³⁵MSP: renovation feasibility study, pp. 6-7.

³⁶MSP: renovation feasibility study, p. 13.

attitude by the court system for more severe sentencing, it is reasonable to assume the prison population will continue to grow. The committee's nonpartisan recommendation to rehabilitate the territorial prison was based on a number of factors:

It is good prison policy to separate the hard-core prisoners by distance from the general population. This maximum security area would house the violent offenders, homosexuals, and so on.

Statistics indicate 15% of total prison population are in need of maximum security housing.

The committee realized that building the 192 maximum security unit will not solve all future growth problems but it does solve the need for maximum security for around 1,300 to 1,400 total prison population.

With the work done in the Second Special Session for the minimum security population, the future needs will be in the medium security area. The present prison can be expanded to accommodate this with additional medium security facilities such as Close I and II. This gives an opportunity for the state to have a system capable of 1,300 to 1,400 and it can be done in a well-planned fashion with three distinct housing areas for maximum, medium, and minimum security prisoners.

Long Range Planning Findings:

1. The Task Force finds that neither the Legislature nor the Executive has engaged in meaningful long-range planning over the past decade. This has resulted in prison facilities chronically short of space and a constant crisis atmosphere. Emergency measures for low security inmates were adopted by the Legislature in 1979, but not implemented. No proposal was presented or adopted by the Legislature in 1981, but the crisis atmosphere prevailed and resulted in a special session. The state must do better.
2. The proposal to renovate the old prison may be expected to provide needed maximum security space until the total system population is somewhat in excess of 1,300. Should the current rate of growth continue, this population may be expected in a decade. Furthermore, medium security space will become critically short as the population continues to grow. Barring a change in current trends, there will be a need to authorize additional medium security space for the system in 1985.
3. Providing the maximum security needs at the old prison allows future expansion of medium security at the new prison site. With division, up to 500 inmates could be housed on each side of the prison. This would still keep the prison elements

within recommended size limits.

Long Rang Planning Recommendations:

The Task Force recommends that the Executive approach long-range planning for the adult corrections system on an ongoing, systematic basis. After watching the development of trends, a contingency plan should be available six months prior to the convening of the 49th Legislature.

Montana has no clearly stated correctional policy.

Study 6: Report to the Governor, Criminal Justice and Corrections Advisory Council, July, 1990.

Report to Governor Stan Stephens from the Criminal Justice and Corrections Advisory Council created by Executive Order 17-89. The report was made possible through a grant from the U.S. Department of Justice, Bureau of Justice Assistance (87-DP-CX-0011).

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 (and) 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.