

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY

Call to Order: By **CHAIRMAN TIM CALLAHAN**, on January 14, 2005 at
8:00 A.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Rep. Tim Callahan, Chairman (D)
Sen. Trudi Schmidt, Vice Chairman (D)
Sen. Keith Bales (R)
Sen. Steven Gallus (D)
Rep. Ray Hawk (R)
Rep. Cynthia Hiner (D)
Rep. John E. Witt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Brent Doig, OBPP
Harry Freebourn, Legislative Branch
Shannon Scow, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion
are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 2; Department of Corrections,
Community Corrections and Helena
Prerelease Center Tour
Executive Action: None

Community Corrections Division, Department of Corrections

Exhibits 1, 2, 3, and 4 were distributed by Community Corrections Division (CCD) to the committee in response to previous information requests.

[EXHIBIT\(jch10a01\)](#)

[EXHIBIT\(jch10a02\)](#)

[EXHIBIT\(jch10a03\)](#)

[EXHIBIT\(jch10a04\)](#)

The committee discussed capacity rates for correctional facilities. **Joe Williams, Department of Corrections Director of Administrative Services**, clarified that in capacity rates there is a difference between the contract capacity and the actual number of prisoners that are kept in the facility. These numbers fluctuate based on the amount of county, state and federal prisoners. **Mr. Williams** added that the number of federal beds fluctuates because often they are so desperate for space, they will offer to pay a higher per diem rate to county jails.

SEN. SCHMIDT noted the Great Falls Regional Prison has 250 prisoners, 100 county beds and 150 state beds, but the numbers fluctuate mainly between federal and state. **Mr. Williams** confirmed this statement and added that the numbers are relatively stable, but Great Falls Regional Prison is often used by the federal marshall because of its proximity to the airport.

SEN. SCHMIDT inquired about the cost of frequent transportation, asking if the Department of Corrections (DOC) has looked at a way to minimize the transferring of prisoners. **Bill Slaughter, Director of Department of Corrections**, replied that there is frequent need for transportation because prisoners move up to different facilities as space is freed up. Missoula Assessment and Sanction Center (MASC) prisoners are transported when they are diverted out of the program. Additional transportation is needed for outside court and medical appointments. As a result of the abundance of transport, the sheriffs put together the Northwest Transportation System. This did weekly incremental travel, where a prisoner in South Dakota would be transferred to the border. The Billings officer would then pick up the prisoner on the border. This fell apart because there were too many prisoners to transport. Nobody has the manpower for 4,000 transfers per year. The trips are regularly audited by the DOC to watch for safety and how the prisoners are picked up and searched.

In closing, **Mr. Slaughter** emphasized that transportation is a big issue for the DOC and sheriff's office and is continually being reevaluated. **SEN. SCHMIDT** asked for a write up showing the changes in transportation costs, which will be supplied by Mr. Slaughter.

SEN. SCHMIDT inquired why the Governor's Office pays for the transportation. **Mr. Slaughter** responded that the State has always paid for the interstate trips as well as most intrastate trips. The county only pays for the first transport of a prisoner after sentencing. He stated that Montana is one of the only states that pays for intrastate trips, and that in other states the county pays.

Mr. Freebourn referred to outside medical costs by facility, saying that previous information stating the total amount at \$101,893 did not match the supplemental amount of \$353,449. This is because the amount shown is only FY04. **SEN. SCHMIDT** asked for a comparison in medical costs to FY01, FY02 and FY03. **Joe Williams** said he will provide that information, with amounts that match the supplemental requests.

Mr. Freebourn distributed Exhibit 5, which is his calculation of caseloads carried per officer. It shows that when an FTE is added, caseload decreases. He concluded that if eight FTE are added, the average in the future would be the same as today according to predicted caseload. This does not take into account the workload analysis as done by the DOC.

EXHIBIT(jch10a05)

SEN. BALES asked about a projected increase in caseload versus workload. **Mr. Freebourn** explained this is included in Exhibit 5 figures. **Mr. Williams** pointed to Exhibit 1 given on January 12, Page 34. He noted the projected increase is based on the 2003 caseload, which is an anomaly due to the one-time large release from prison. This added 700 cases to the probation and parole caseload without any additional staff. The DOC is concerned about maintaining this caseload per probation or parole officer.

Mike Ferriter, Administrator of Community Corrections Division, went into Exhibits 1, 2, 3, and 4 in more detail.

***{Tape: 1; Side: B; Approx. Time Counter: 0 - 2.1; Comments:
Exhibits 1, 2, 3, and 4 overview}***

Interstate Compact Unit

***{Tape: 1; Side: B; Approx. Time Counter: 2.1 - 8.4; Comments:
Cathy Gordon, Interstate Compact Supervisor}***

Cathy Gordon, Interstate Compact Supervisor, distributed Exhibit 6, which defines an interstate compact as well as purpose and functions of the contract.

EXHIBIT(jch10a06)

An interstate contract is an agreement between two or more states to transport prisoners for supervision to offenders who cross state lines to live and work. Montana currently has 900 offenders residing out of state; 390 offenders from other states reside in Montana. The prisoners on interstate compact in Montana are prisoners that commit crimes out of state but want to return home to be closer to their support system.

SB 40 allowed Montana to be part of the National Interstate Commission. Montana pays \$18,000 a year to engage in interstate compact. This is funded by the \$50 application fee an offender must pay to transfer out of state. The total request for interstate compact is \$30,000. This will pay dues and also interstate training and equipment for a new interstate offender tracking system.

Mr. Freebourn noted this is DP 13, Supervision Fee Spending Authority, on Page D-90 of the Legislative Fiscal Division (LFD) Budget Analysis.

Mr. Ferriter returned to the Interstate Compact Unit, noting that Montana exports more prisoners than they import. Also, since the \$50 application fee was assessed, there are not as many invalid transfers or prisoners that change their mind. He then distributed Exhibit 7, which explains MASC.

EXHIBIT(jch10a07)

Missoula Assessment and Sanction Center (MASC)

***{Tape: 1; Side: B; Approx. Time Counter: 13.4 - 29.5; Comments:
Dan Maloughley, MASC Supervision}***

Dan Maloughney, MASC Supervisor, explained that the mission of MASC is to expedite the placement of transition prisoners into

the community. MASC operates under a cooperative agreement between the DOC, Community Corrections, and Montana State Prison. MASC is meant for short-term treatment, assessment and evaluation of offenders sentenced to the DOC. After the offender is in this 60-day program, they are evaluated by a staff "screening committee" to determine if the offender is ready for a community placement, or if they should be transported to the Montana State Prison.

{Tape: 1; Side: B; Approx. Time Counter: 17.5 - 20.5; MASC Staff Descriptions}

The staff of MASC is comprised of an administrator, a sanction unit manager, one part-time administrative clerk, a chemical dependency counselor, a mental health worker, and a state unit manager. These staff positions work together to provide a secure facility, process appropriate paperwork, and provide the programming that will help evaluate the prisoner and make them ready for community placement.

MASC is comprised of three components, outlined on Exhibit 7, Page 2. One is a holding facility for offenders that have already been placed into the community corrections program and are waiting to be placed. These offenders receive little programming or assessment unless it is requested. The second component is for assessment, which puts an offender through the screening committees. If there is a common thread in the reasons for denial, the MASC screening committee ensures the prisoner receives relevant programming. The holding and assessment prisoners move between the two programs. The third component is sanctioning, which is a way for the state to give an offender a wake up call without placing them in a high-cost prison.

Statistics related to MASC can be found on Exhibit 7, Pages 3 and 4. These statistics represent MASC since it's opening in February 2003. **Mr. Ferriter** emphasized that all of these offenders would be prison bound, so if MASC can divert even 50% of its prisoners into Community Corrections, money will be saved and further offender assessment will have been obtained. Exhibit 8 has additional statistics on the program.

EXHIBIT(jch10a08)

Treasure State Correctional Training Center

{Tape: 2; Side: A; Approx. Time Counter: 2.7 - 18.1; Comments: Dan Burden, Superintendent treasure State Correctional Training Center}

Dan Burden, Superintendent of the Treasure State Correctional Training Center (TSCTC), is representing TSCTC, also referred to as the DOC "Boot Camp." TSCTC takes offenders for an intensive 90-day military format program. The program emphasizes discipline, treatment, and making every day count since at times the successful completion of the program can waive a five-or ten-year sentence. The goal is to create an intense learning opportunity for the offender, which will help them develop skills that will help them reintegrate into a community quicker.

The day at TSCTC starts at 5:00 A.M. and uses a demanding physical and mental schedule to bring the offender out of their comfort zones, where they are less able to use their defensive skills. This opens the door to more thorough treatment programs. The offenders soon learn to listen or immediate consequences of physical exercise are enforced. A prisoner can either stick to the program or volunteer to quit, which brings them back to a secure facility. An offender is pushed to take full accountability for their crime and for how the victim of the crime has been affected.

The TSCTC has the full range of treatment programs. Along with the multiple on-sight programs, a restorative justice approach is used to involve the offender with the community and with victims of crimes. With the Victim Impact Panel, victims come and tell the offenders how their lives have been affected by the crimes committed. They are brought into a community to create a sense of belonging. Activities include wood for elders, presentations for high schools on life choices and consequences, as well as a delinquency program that confronts youth who have been charged with multiple offenses. After the program there is an aftercare facility in the Great Falls prerelease center to de-escalate prisoners from the intense TSCTC program and ready them to return to a community.

The cost per day is \$81 for the 90-day program, compared to \$69 a day in traditional incarceration for five to ten years. This is a huge savings particularly for non-violent offenders.

{Tape: 2; Side: A; Approx. Time Counter: 18.1 - 29.5}{Tape: 2; Side: A; Approx. Time Counter: 0 - 3.9; Comments: Video: TSCTC}

A video was shown to the committee to depict real, every day life at TSCTC. This showed the offenders as they are treated in terms of physical consequences, mealtimes and those on quitter's status. **Mr. Burden** emphasized that the inmates learn hard, honest work and teamwork. They become contributing, safe members of the community. **Mr. Ferriter** noted that this program is unique in their attention to aftercare, treatment and staff commitment. He also pointed to Exhibit 9, which gives more detail on the program

EXHIBIT(jch10a09)

Contracted Programs

Mr. Ferriter introduced Contracted Programs of the Community Corrections Division, beginning with prerelease centers explained in Exhibit 10.

EXHIBIT(jch10a10)

He explained that there are plans to open a new 60-day chemical dependency facility in Glendive. The facility at EastMont was not capable, which will be shifted to a women's Warm Springs Addiction and Change Program (WATCh). He pointed to Pages D-87 and D-91 in the LFD Budget Analysis for information on prerelease and WATCh.

{Tape: 2; Side: B; Approx. Time Counter: 9.3 - 21.5; Comments: Michelle Jenecik, Prerelease Centers}

Michelle Jenicek, Contract Program Manager for the DOC, oversees the contracted services for the five non-profit corporations that run the prerelease centers. She believes the job of probation and parole officer is the toughest job, which is helped by the prerelease centers. Offenders could be sent to prerelease centers to keep an offender in line.

There are five prerelease centers in Montana: Butte, Billings, Missoula, Great Falls and Helena. There are currently 599 beds, and offenders stay 30-60 days. There are many programs offered, including a victim's program. Prerelease centers offer supervision and skill training during the transition period. If the offender fails to comply, they are sent back to prison. The offenders in a particular prerelease center are determined by a screening committee made up of locals and prerelease officials. Offender eligibility requirements are found on Exhibit 10, Page 2 and 3. The biggest benefit to the DOC is that the offender is

able to work, enabling them to pay room and board, as well as begin paying restitution or other financial obligations.

There has been an increasing demand for prerelease bed space. A number of additions have been made to make accommodations for the demand.

***{Tape: 2; Side: B; Approx. Time Counter: 19 - 21.5; Comments:
Timeline of Previous Prerelease Center Expansions}***

The Warm Springs Addiction and Treatment Center (WATCh) was created as an intensive chemical dependency program for fourth time DUI offenders, explained in Exhibit 11.

EXHIBIT(jch10a11)

If a DUI offender successfully completes WATCh, they go on supervised parole. If they are unsuccessful, they are sent to prison. This program is treatment intensive, with eight and one-half hours a day dedicated to programming. Statistics of WATCh are on Exhibit 11, Pages 7 through 12.

Ms. Jenecik then explained the Community Corrections Contracted Programs budget requests, found in the LFD budget analysis from D-87, D-88 and D-91. She noted that special-care patients listed in Figure 9 are those that need more psychiatric care and are usually on more costly prescription drugs. Stipends listed in the same figure are paid to inmates that have been accountable and done programming, but have been unable to save money for their release. The DOC gives them a \$500 loan to help these inmates get private lodging rather than paying \$3,000 to keep them in the system.

She explained the DOC is working to establish a prerelease center in Bozeman due to overcrowding in the area. This facility has a higher per diem because it is proposed as a smaller facility, within a community that has a higher cost of living than other areas of the state. Establishing this center, even at a higher cost, is preferable to releasing prisoners without prior supervision or skills training. Community Corrections programs teach offenders to comply to rules and become a working part of the community.

Discussion:

***{Tape: 3; Side: A; Approx. Time Counter: 5.4 - 15; Comments:
Discussion on Contract Programs of the CCD}***

SEN. BALES inquired about the increase in escapes from prerelease centers, noted on Exhibit 10, Page 6. **Ms. Jenecik** explained that as the program expands, higher-risk offenders will be allowed into the program.

SEN. SCHMIDT referred to D-88 of the LFD Budget Analysis, asking about the placement of the 10 new beds for males and females. **Ms. Jenecik** explained there will be a total of 88 beds added. Fifteen beds for males have been added to Billings, four to Great Falls, ten to Helena, eight to Missoula, ten beds for boot camp aftercare, potentially twenty beds to Billings, six to Butte and ten to Commissions Corrections Program. She added she will supply a chart as requested by **SEN. SCHMIDT**.

Mr. Freebourn stated **Ms. Jenecik** responded to the LFD issue on this Decision Package (DP), stating that the per diem at Bozeman is approximately \$27 a day more than the average per diem. If it were on average the state would save \$200,000 over the biennium. **Rhonda Schaffer, Fiscal Bureau Chief**, added that the high per diem is due to the lack of economies of scale, and that the contract is still under negotiation. **Mr. Ferriter** stated the first step is to enter the community and make a mark. Once there is success there will be opportunities for expansion and therefore lowering the cost. This has been seen in the start up of other prerelease centers. He will supply a cost comparison of other prerelease centers to the committee as requested by **SEN. SCHMIDT**.

SEN. SCHMIDT inquired about Exhibit 10, Page 1, asking if the Great Falls bed numbers include the TSCTC beds. She was answered by **Ms. Jenecik**, who replied that the actual bed total is 153 beds.

SEN. SCHMIDT asked how medical costs are included into the per diem. **Ms. Schaffer** replied that outside medical costs are paid by the offender, unless there is a large accident which the offender cannot afford to pay on their typical \$8 an hour wage. The prerelease centers helps these offenders with the costs.

Mr. Ferriter closed the presentation on prerelease centers, declaring that CCD employees are committed to and proud of their jobs. He then thanked the committee for consideration of their budget requests.

LFD Comments and Discussion

***{Tape: 3; Side: A; Approx. Time Counter: 17.9 - 22.4; Comments:
LFD comments and issues}***

Mr. Freebourn reminded the committee that the DP's for Community Corrections Division (CCD) are on Pages D-83 through D-91 of the LFD Budget Analysis. He added that the LFD does have an issue with the caseload reduction with the possible addition of probation and parole staff. He also commented that the Interstate Compact fee is paid for by fees attached to inmate registration forms.

Public Comment

***{Tape: 3; Side: A; Approx. Time Counter: 22.7 - 26.5; Comments:
Dave Armstrong, Administrator Billings Prerelease Center}***

Dave Armstrong, Administrator of the Billings Prerelease Center, affirmed that the offenders at the prerelease centers are often at their best potential. He expressed concern that there has been no per diem increase for prerelease centers from the legislature to match inflationary costs. The DOC has given the prerelease centers a per diem increase of approximately 1.2%, but is about half the rate of inflation. He is asking for a 4% increase each of the two years of the biennium. That will bring the centers closer to inflation costs. This will keep prerelease centers competitive with other prisons and public security forces. He distributed Exhibit 12 and 13, which show the increase in Men's Prerelease Per Diem and the Comparison of the Rate of Inflation with Increases in PRC Per Diem.

[EXHIBIT\(jch10a12\)](#)

[EXHIBIT\(jch10a13\)](#)

***{Tape: 3; Side: A; Approx. Time Counter: 26.6 - 30.5; Comments:
Mike Ruppert, CEO of Boyd Andrews Community Service}***

Mike Ruppert, CEO of Boyd Andrews Community Services that owns and operates the Helena Prerelease Center, outlined the hidden fiscal benefits of prerelease centers. These prisoners, because they have one foot in the community, can pay fees and begin paying restitution. The inmates pay 20% of rent out of their own pocket and they collect wages that can then be used to pay restitution. Prerelease inmates pay out approximately \$4,181,000 statewide every year between rent, restitution, income tax, medical, and family payments.

{Tape: 3; Side: B; Approx. Time Counter: 0 - 1.4; Comments: Linda Stoll, Missoula County}

Linda Stoll, Missoula County, informed the committee that the per diem rates at Missoula County have stayed the same since FY04. These rates do not reflect the cost of service. These have cost the residents of Missoula a direct property tax. She added that she is working with SEN. ELLIOT on a legislative reimbursement formula.

{Tape: 3; Side: B; Approx. Time Counter: 1.4 - 5.2; Comments: Paul Cory, Administrator Great Falls Prerelease Center}

Paul Cory, Administrator of the Great Falls Prerelease Center, spoke to the committee about increased costs for prerelease centers. One such cost is utility costs, which is approximately 16% over the last four years for Great Falls. Business insurance has increased dramatically, approximately 92% since FY01. Food, gas, and insurance costs have also risen. Prerelease centers have cut costs, but they are looking for an increase in the per diem rates to catch up to these rising costs.

{Tape: 3; Side: B; Approx. Time Counter: 5.3 - 15; Comments: Mike Thatcher, Community Counseling and Correctional Services, Inc.}

Mike Thatcher, Community Counseling and Correctional Services, Inc. (CCCS, Inc.) from Butte, Montana, shares the concerns with others on the rising costs of health insurance. In response to concerns about walk-aways, random counts and Urinary Analyses (UAs) are the only way of checking inmates. Ultimately, walk-aways are unpredictable.

He then spoke about two programs which CCSC, Inc., administrates. These programs are outlined in Exhibits 14 and 15. Exhibit 14 shows statistics related to populations served and retention rates of the Connections Program within the CCD. He stated the biggest complaint about the program is the inaccessibility, due to the small number of offenders that can be in the program at one time. Exhibit 15 outlines information and data relating to the WATCH Program. This program has been running for three years, and since has reported 68% of offenders remain rearrest free. He reported there has never been an escape and never a dirty UA.

This program is saving the state by paying \$51.45 a day for six months instead of 13 months in prison. The program also saves in medical costs because there is a contracted doctor and registered nurses on sight that are treating patients who are suffering from

physical ailments relative to alcoholism. He concluded by asking for continued support and consideration for additional funding to support this important program.

EXHIBIT(jch10a14)

EXHIBIT(jch10a15)

***{Tape: 3; Side: B; Approx. Time Counter: 15.2 - 17.5; Comments:
Mona Jamison, Helena attorney and lobbyist}***

Mona Jamison, Helena attorney representing Great Falls Prerelease Services and Boyd Andrew Community Services, emphasized that prerelease centers are a good "bang for the buck" and are good public policy. They should have the resources to serve as many eligible prisoners are possible. There has been no per diem increase in eight years, averaging \$41 a day. The prerelease center provides more community safety and training for the offenders. She is asking for a \$4 per day increase. The community will be rewarded with a more cost-efficient and safe prison system.

D.J. Lynch, Butte Prerelease Center, reiterated that health insurance has significantly increased, and that a 4% increase is only \$2 a day.

Charles Brooks, Billings Prerelease Center, recapitulated that prerelease centers are the finest programs in the correctional system. He urged the committee to seriously consider the requests of these centers.

Discussion:

SEN. SCHMIDT asked Mr. Thatcher about the \$24,000 a year paid to the WATCH doctor, stating that he must be retired. **Mr. Thatcher** replied that he has been lucky in finding a doctor that will be on call 24-7. He added that the data in Exhibit 15 is through December, so it will be different from those given by the department.

SEN. SCHMIDT inquired about word of a special treatment program in Bozeman. **Mr. Ferriter** responded the only current addition Bozeman is 20 additional prerelease beds.

The meeting was followed by a tour of the Helena Prerelease Center from 11:00 A.M. to 12:45 P.M.

ADJOURNMENT

Adjournment: 12:45 A.M.

REP. TIM CALLAHAN, Chairman

SHANNON SCOW, Secretary

TC/ss

Additional Exhibits:

EXHIBIT ([jch10aad0.PDF](#))