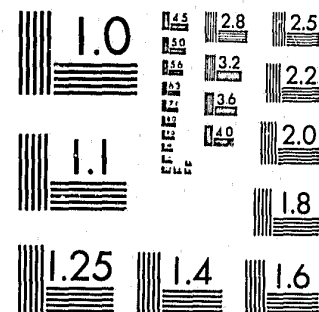


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FACTFINDING TASK FORCE ON CORRECTIONS

FINAL REPORT

A REPORT TO THE
FORTY-EIGHTH LEGISLATURE

February 1983

Montana Legislative Council
State Capitol
Helena, Montana 59620

U.S. Department of Justice
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Senator Mark Etchart

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Senator Jack Haffey

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- With assistance from:

Office of the Legislative Auditor
Office of the Legislative Fiscal Analyst
Legal Services Division, Legislative Council

MONTANA LEGISLATIVE COUNCIL

Robert B. Person, Director of Research

Diana S. Dowling, Executive Director

Senator Pat M. Goodover, Chairman

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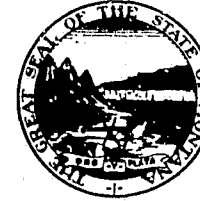
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LETTER OF TRANSMITTAL



The Big Sky Country

MONTANA STATE HOUSE OF REPRESENTATIVES

BOB THOFT
PHONE 777-3177
STEVENSVILLE, MONTANA
59870

COMMITTEES:
APPROPRIATIONS
LABOR AND INDUSTRY
SELECT WATER

February 18, 1983

Members of the 48th Legislature
State Capitol
Helena, MT 59620

RE: Corrections Task Force Final Report

Dear Colleagues:

This report is the result of a very intensive investigation chartered by House Bill 11 of the Second Special Session and conducted over a period of less than six months. We met 12 times as a full committee and held many subcommittee meetings. The committee dealt with the whole spectrum of corrections from suggested legislation pertaining to our court system to probation, parole, sentencing, prisoner classification, housing, and alternatives.

The need for jobs was recognized with recommendations and support for the work done under SB 1, Second Special Session.

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 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.

Members of the 48th Legislature
February 18, 1983
Page Two

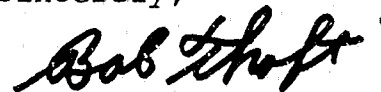
With the work done in the Second Special Session for the minimum security population, the future needs will be in the medium security area. The present prison can be expanded to accommodate this with additional medium security facilities such as Close I and II. This gives an opportunity for the state 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.

The Second Special Session enacted HB 11 because there was a good deal of concern that too many questions lacked satisfactory answers to justify commitment of public money to the major expansion proposed at the prison. Many more questions and answers are needed before the Legislature makes a final decision.

We on the Factfinding Task Force on Corrections were charged to present a plan of action for the Legislature. Our plan along with background information is embodied in this report. I am proud to transmit it to you, my fellow legislators.

My personal thanks to committee members and staff for their dedication and good judgment.

Sincerely,



Representative Robert Thoft, Chairman
Factfinding Task Force on Corrections

RT/hm
Enc.

HOUSE BILL NO. 11
(Second Special Session)

Chapter No. 2

INTRODUCED BY SPILKER, KEYSER,
MOORE, FAGG, MARKS, FABREGA

AN ACT CREATING A FACTFINDING TASK FORCE TO PREPARE RECOMMENDATIONS AND A PLAN OF ACTION TO DEAL WITH MONTANA'S CORRECTIONAL PROBLEMS FOR THE CONSIDERATION OF THE 48TH LEGISLATURE; PROVIDING FOR STAFFING AND USE OF CONSULTANTS BY THE TASK FORCE; APPROPRIATING FUNDS FOR THE TASK FORCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

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 programs 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 protection 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 abuse 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 society in 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 factfinding task force of the Legislature be created to develop a plan of action on corrections for presentation to the 48th Legislature.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Factfinding task force on corrections -- establishment -- organization. (1) There is established an 8-member factfinding task force on corrections.

(2) The task force shall be appointed in the following manner:

(a) The speaker of the house, after consultation with the house majority and minority leaders, shall appoint four members to serve on the task force. No more than two house members of the task force may be from the same party.

(b) The committee on committees of the senate shall appoint four members to serve on the task force. No more than two senate members of the task force may be from the same party.

(3) Task force members shall elect a chairman and vice-chairman.

(4) Task force members are entitled to compensation and expenses as provided in 5-2-302.

Section 2. Task force function. (1) The task force on corrections shall develop a plan of action and recommend policies for consideration by the 48th legislature in order that a comprehensive and coherent correctional policy may be developed for Montana.

(2) In formulating its plan of action and in preparing its recommendations, the task force shall:

(a) solicit wide public participation and hold public hearings on correctional issues;

(b) review the proposals and considerations of past legislative and administration planning and study groups in order to resolve inconsistencies and establish areas of agreement;

(c) utilize outside agencies, individuals, and consultants as the task force considers necessary;

(d) obtain independent cost estimates for any alternative capital projects the task force may recommend;

(e) direct the legislative council to contract, within existing appropriations, with an independent consultant to prepare an estimate for submission to the 48th legislature of the costs of renovating the old territorial Montana state prison in downtown Deer Lodge, Montana; and

(f) in addressing prison physical plant additions, give primary consideration to providing for the segregation of prisoners based upon prisoner attitudes and work assignments to reduce the effects of prejudice against prisoners intent on reformation by hard-core prisoners.

(3) In its review the committee shall:

(a) explore the conditions and problems existing at Montana state prison and within the state's adult corrections programs and the resolution thereof;

(b) suggest appropriation levels for state agencies

and programs necessary to alleviate and adequately address the problems and conditions existing in Montana state prison and within the state's adult corrections program; and

(c) monitor the implementation and results of the actions taken by the second special session, including the prison vocational industries program established in [Senate Bill 1].

Section 3. Use of consultants. The legislative council, upon request from the task force, shall retain such consultants as required by the task force.

Section 4. Task force staff. The legislative council, legislative fiscal analyst, and legislative auditor may provide staffing and assistance to the task force as the task force requires. The legislative council shall assist the task force in preparing its reports and recommendations as provided in Title 5.

Section 5. Appropriation. There is appropriated \$35,000 from the general fund to the legislative council for the purposes of assisting the factfinding task force on corrections as provided in sections 3 and 4.

Section 6. Effective date -- termination. This act is effective on passage and approval and terminates March 1, 1983.

INTRODUCTION

Introduction

This is the final report of the Factfinding Task Force on Corrections. The Task Force was established by House Bill 11 at the Second Special Session of the 47th Legislature in June 1982.

The goal of the Task Force as outlined in House Bill 11 was to develop a comprehensive and coherent correctional policy for Montana and to develop recommendations to implement that policy through adoption of a correctional policy statement, a plan of action, and recommended appropriations levels.

To achieve its goal, the first duty of the Task Force was to develop an estimate of the situation -- to answer the question: "What really is the problem and what is going on in the corrections system today?" To answer this question the Task Force held public hearings, visited corrections activities throughout the state, received reports from staff agencies such as the Office of the Legislative Auditor, reviewed past studies, and conducted many informational meetings.

Because of their importance to the general record of the Task Force, public comments made at a hearing in Deer Lodge on July 21, 1982 are included in this report as Appendix E. Likewise, district judges and others who have been professionally involved with corrections over many years made comments at an August 5, 1982 meeting. Their comments are included as Appendix D.

The report of the Task Force includes a summary of findings and recommendations organized along functional lines and expanded discussions of problem areas dealt with by the Task Force during its study. As is any organization, the organization of the body of this report may be found to be somewhat arbitrary. However, it does reflect the context out of which the recommendations were developed.

With this report, the Task Force hopes to provide recommendations, discussion, and facts that will help the Legislature come to grips with the perennially perplexing problems at Montana State Prison.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Summary of Findings and Recommendations

I. Montana Correctional Policy

A. Findings:

The Task Force found that it was widely perceived among corrections professionals and policymakers 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.

B. Recommendations.

1. The Legislature should enact a bill to define a correctional policy for the State of Montana.

a. Elements of the policy recommended by the Task Force are:

- (1) Protection of society by preventing crime through punishment and rehabilitation of the convicted ought to be the keystone of the state's policy.
- (2) The law must be implemented so as to impress upon each individual his responsibility for obeying the law.
- (3) The state must assure that prosecution and punishment of a criminal offense is certain, timely, and consistent.
- (4) To promote reformation, each person convicted must be dealt with in accordance with his individual characteristics, circumstances, needs, and potentialities.
- (5) Sentences for crimes should be based primarily upon the crime committed, the circumstances under which it was committed, and the criminal history of the offender. Persistent offenders should be removed from society while others

may be treated in the community. Restitution should be an element of punishment whenever possible.

- (6) The state should make available a diversified range of treatment and educational programs available on a voluntary basis to aid in permanent rehabilitation of the offender.
- b. The Task Force requested preparation of a bill (LC 145) that if adopted would implement its recommendation.
2. The Legislature should enact a number of bills to more closely conform Montana's corrections laws to the proposed policy. The bills requested by the Task Force are:
 - a. An act requiring a judge to state his reasons for imposing a sentence. (LC 84)
 - b. An act to provide for staggered terms of the Board of Pardons members. (LC 87)
 - c. An act to provide that voluntary intoxication or drugged condition is not a defense to any criminal offense and cannot negate a mental state that is an element of a criminal offense. (LC 94)
 - d. An act to expand the scope of the state's right to appeal in criminal cases to include an interlocutory appeal and an appeal after acquittal when a resolution of a question of law is important to the administration of justice. (LC 95)
 - e. An act to add to the list of aggravating circumstances in which the death penalty may apply. (LC 96)
 - f. An act to decrease the instances in which an offender is designated as nondangerous. (LC 140)
 - g. An act to submit to the qualified electors of Montana an amendment to Article VII, Section 11 of the Montana

Constitution to require removal of a justice or judge who fails to impose a criminal sentence in the manner prescribed by law. (LC 141)

- h. An act to increase the amount of time that a prisoner must serve before being eligible for parole or being released on parole and to eliminate the 17½ year provision for parole eligibility. (LC 142)
- i. An act to generally revise sentencing laws and provide mandatory sentences for certain offenses. (LC 144)
- j. An act to transfer the powers and duties relating to the supervision of parolees and probationers from the Department of Institutions to the Board of Pardons. (LC 251)
- k. An act to transfer control of the Montana State Prison, the Swan River Youth Forest Camp, the Pine Hills School, the Mountain View School, and the functions of the Division of Corrections from the Department of Institutions to a corrections commission. (LC 252)
- l. An act to provide that a voluntarily induced intoxicated or drugged condition may not be considered an impairment to a defendant's mental capacity for the purpose of providing an exception to mandated sentences or restrictions on deferred imposition and suspended execution of sentences. (LC 417)
3. The Judiciary should use sentencing alternatives, where appropriate, for first time felony offenders, adult or juvenile, in an effort to break the cycle of recidivism.
 - a. These sentencing alternatives should be privately run residential treatment programs designed to remove the first time offender from the environmental situation that may have contributed to

his offense, provide redirection through disciplined training and counseling, and teach individual responsibility and accountability through work and restitution. Costs of these programs should be paid through fees or labor or a combination.

- b. The Task Force encourages the judges of Montana to require all offenders to earn their deferred or suspended sentences by demonstrating a willingness to engage in, and abide by all rules of, a rehabilitation program approved by the court. Failure to complete the program or to live by all rules of the program would constitute grounds for revocation of the deferred or suspended status.
- c. The Valley Industrial Park at Glasgow should be considered for development as a pre-incarceration center in connection with this program.

II. Prison Population - Classification and Projection, Housing

A. Findings.

1. The number one priority at Montana State Prison is the provision of an additional 180 to 200 high security cells.
2. The Task Force found that there are significant problems in the way classification and reclassification are managed at the prison, but that overall figures are valid and reliable enough to be useful for planning purposes.
3. The Task Force found that the prison is significantly overcrowded and that the overcrowding is most significant for higher security inmates -- there are not enough higher security cells for inmates who should be housed in higher security.
4. The population of the prison will continue to grow and the adult male corrections system population may be expected to reach 900 by 1985. Of those 900, 15 percent should be housed in maximum security cells, 50 percent

in medium security cells, and 35 percent in minimum security cells or optional housing away from the prison. When sufficient high security housing is not available, high security inmates will be housed in lower security units, causing control and escape problems.

5. 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.
6. Even at a total system population of 1,300, an adequate minimum security space is available if appropriate housing is obtained for medium and maximum security prisoners.

B. Recommendations.

1. To provide the needed higher security cells, the old Montana State Prison should be renovated as outlined under "Plan C" prepared by architectural consultant Willard Parrish. The estimated capital cost is \$7,895,000. (See Appendix B)
2. No final decision on how to fund additions to the prison should be made until private investment options have been more fully explored. (See Appendix H)
3. The executive must 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 prepared and made available six months prior to the convening of the 49th Legislature.

III. Prison Programs

A. Findings.

1. Inmates at the prison tend to believe idleness more than overcrowding is to blame for tension at the prison. Education, work, and prison industries can serve to combat idleness.
2. A diversified range of treatment and educational programs should be made available to inmates on a voluntary basis in

accordance with the proposed policy statement to aid in the permanent rehabilitation of the prisoners.

3. Renovation of the old prison as recommended would provide 57 to 100 maximum security beds beyond those projected to be immediately needed for maximum security prisoners. These beds provide an opportunity to provide the kind of isolated housing required for specialized drug/alcohol treatment, psychological services, and sex offender therapy.
4. Meaningful work and educational opportunities could be provided through the development of additional prison industries such as were identified in the study done by the Department of Institutions under Senate Bill No. 1 (Second Special Session).

B. Recommendations.

1. To help combat idleness, it is desirable that, as a minimum, each inmate should be involved in a program of work or education five days a week for six hours a day. At the time this recommendation was formulated, it would have required provision of 75 additional work/education positions.
2. The administration's proposal to set aside approximately 36 beds for drug/alcohol, psychological, and sex offender treatment programs should be implemented in the renovated old prison.
3. The renovated old prison should be staffed with program staff as recommended by the consultant, Willard Parrish, with the modifications of the Department of Institutions. (See Appendix B)
4. The Department of Institutions should implement as much as possible of the proposal developed for establishing industries training programs at Montana State Prison pending action by the Legislature. The Department should keep the Legislature informed of progress being made. (See Appendix I)

IV. Better Use of the Prison Ranch

A. Findings.

The Task Force finds that state ownership of a large ranch adjacent to the state prison offers unparalleled opportunity to provide meaningful work experience for inmates, but its mission has been unclear. To fulfill the promise of the ranch, its mission must be clarified and management weaknesses must be rectified.

B. Recommendations.

1. As to mission, the Task Force recommends the following be the mission of the prison ranch:

To provide opportunities for meaningful work experience for the greatest number of prison inmates consistent with security requirements at the prison, while keeping within the approved budget.

Inherent in this mission recommendation is the notion that when there is a choice to be made between a labor intensive means of operation and one that is less so, the more labor intensive means would generally be chosen.

2. The Task Force does not mean to suggest that inefficient or indifferent financial or operational management can be tolerated simply because profit is inappropriate as a primary mission. Therefore, the Task Force recommends the following improvements in ranch management:

- a. The Department of Institutions must insure the presence of a quality management team, including the institutional industries manager, at the ranch at all times.
- b. The Department of Institutions must assure that sufficient authority is delegated to the ranch management team to make decisions and take actions required for a smooth and efficient operation.

accordance with the proposed policy statement to aid in the permanent rehabilitation of the prisoners.

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 - b. The Department of Institutions must assure that sufficient authority is delegated to the ranch management team to make decisions and take actions required for a smooth and efficient operation.

- c. The Department of Institutions is responsible for management at all levels to assure efficient operations and timely procurement of needed supplies and equipment.

V. Women's Correctional Center

A. Findings.

1. The problem of a stigma has no basis in reality as applied to the location of the Women's Correctional Center at Warm Springs.
2. Inmates have found meaningful work and rehabilitation programs at the center and there is promise of more in the communities near the prison.
3. The inmates are adverse to suggestions that the prison be moved.
4. The Department of Institutions supports keeping the women's prison at its present location.

B. Recommendation.

The Task Force recommends that the Women's Correctional Center remain at its present site on the campus at Warm Springs.

VI. Swan River Youth Forest Camp

A. Findings.

The Task Force found that there was some evidence of a "harder" type of inmate being sent to the Swan River facility than had been there in the past. Thus far there has been no serious problem.

B. Recommendations.

1. The Swan River operation should be maintained as it is currently operated.
2. The same type of classification system should continue to be used to insure that the same type of low risk prisoner will be sent to Swan River as has heretofore been the case.

VII. Prerelease Centers

A. Findings.

1. Prerelease centers have proven their worth as effective programs to ease the transition to society for prisoners, to provide safety to the community during the transition, and to provide these opportunities at a lower cost to the state than institutional incarceration.
2. Recent efforts to locate sites for the establishment of new prerelease centers illustrate the difficulty likely to be encountered with people's reluctance to welcome an unknown, perceived threat in their midst. The Task Force finds that supervised prerelease offers a more secure alternative for communities than does the low level of supervision to be expected for a parolee, which is the only practical option. Once placed, community acceptance of well-run programs is bound to increase.

B. Recommendations.

1. The Task Force recommends continued efforts on the part of the state to maintain and expand prerelease programs.
2. Since it is an overriding state interest to establish prerelease programs, and since appropriate residential dwellings must be available to accomplish the goal, the Task Force recommends that the Legislature adopt a statute defining a prerelease center as a community residential facility and declaring such a facility to be appropriate in zones allowing similarly sized multi-family dwellings. A bill to accomplish this was prepared for the Task Force (LC 634).

VIII. Parole and Probation

A. Findings.

1. The Task Force finds that standards for parole supervision provide only minimal supervision, at best.

2. The current caseload is such that parole officers cannot live up to the standards.

B. Recommendations.

1. The Task Force strongly recommends that the Legislature accept the proposal of the executive to increase the parole and probation staff of the Corrections Division by five officers and two half-time support personnel.
2. More intensive parole supervision would be meritorious but no specific recommendation is made.

IX. Long Range-Planning

A. 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 within 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.

B. Recommendation.

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.

X. Drug Testing Facility

A. Findings.

There is a portion of the infirmary building at the new prison that was built by the state with funds provided by the Hoffman-LaRoche pharmaceutical firm. The University of Montana Foundation owns the drug testing portion of the building. There is quite a disparity between what the Foundation wishes to receive (\$434,000) and what the state may be willing to pay to transfer title.

B. Recommendation.

The Task Force recommends purchase of the testing facility for a dollar cost to be negotiated.

MONTANA CORRECTIONAL POLICY

Correctional Policy

Problem 1.

Montana has no clearly stated correctional policy. Section 2(1) of House Bill 11 charged the Task Force to recommend policies for consideration by the 48th Legislature in order that a comprehensive and coherent correctional policy may be developed.

Discussion.

When the Montana Council on Criminal Justice issued its report on corrections in 1976, it flatly stated, "Montana has no correctional philosophy."¹ That may well have been an overstatement, but it certainly recognized a need that remained unfilled as late as early April 1982 when Department of Institutions Director Carroll South indicated that "a unified general statement of direction (philosophy) is needed" for the corrections system.²

A clear policy is important. As the Justice Project report stated, a correctional policy statement's value lies in its ability to explain to both the public and corrections professionals what to expect or strive for in its corrections.

It is also important because a clear statement of policy serves as a benchmark from which progress can be measured and against which statutes and administrative actions can be judged for adequacy.

The Task Force approached the problem from the point of view that a philosophy must be set forth, however difficult it may be to find or define it. The first step was to try to define the current correctional philosophy based on laws and practice.

¹ Montana Council on Criminal Justice Standards and Goals, Montana Justice Project: Corrections Report, (Helena) The State of Montana, 1976, p. 5.

² Minutes, Governor's Prison Alternatives Committee, April 2, 1982, p. 1.

³ Montana Justice Project, op. cit. p. 5.

What is Montana's Correctional Philosophy?

Although Montana does not have a single, comprehensive statement of correctional philosophy, components of a policy statement can be gleaned from a number of sources. Each source relates to the question of overall policy by addressing one or more elements of the corrections system such as sentencing, treatment, prisoners' rights, etc. The following is a brief summary of Montana's correctional policy as expressed in the Montana Constitution, state statutes, Division of Corrections' Charter, and the Montana Criminal Justice Standards and Goals.

Montana Constitution. The state constitution defines the premise upon which all laws concerning punishment for crime must be built. Article II, section 28 provides that these laws "shall be founded on the principles of prevention and reformation." This section also addresses the rights of the convicted. It provides that rights a person loses when convicted of a crime are automatically restored when he has served his sentence. This statement on restoration of rights upon release is repeated in Article XII, section 3(2) under rights of person committed to an institution. This latter section also states that a person in an institution may exercise all rights "except those necessarily suspended as a condition of punishment."

Montana statutes. The state's policy on sentencing is statutorially expressed in section 46-8-101, Montana Code Annotated. This section stresses that "persons convicted of a crime shall be dealt with in accordance with their individual characteristics, circumstances, needs, and potentialities." Dangerous offenders must be "correctively treated in custody for long terms as needed." As an alternative to incarceration, other prisoners may receive probation, suspended sentences, or fines "whenever such disposition appears practicable and not detrimental to the needs of public safety and the welfare of the individual."

Division of Corrections Charter. According to a Charter adopted by the Division of Corrections of the Department of Institutions, the purpose of the division is "to develop and administer an integrated corrections program for adults and juveniles with special emphasis on community supervision whenever possible while providing individualized treatment for each offender requiring institutionalization." Furthermore, adequate security for those incarcerated must be maintained "to protect the offender and prevent further transgressions

against the public." The charter states that the goal of rehabilitation is to facilitate the reintegration of the offender into society and that this goal can best be achieved by relying on private sector services supplemented by public programs. Specific duties of the division include the following:

- Providing supervision and investigatory services to the courts to enable them to use probation to the maximum extent possible;
- Assisting in development of pretrial diversion and bail programs;
- Providing for confinement and rehabilitation of adults in program-oriented correctional facilities;
- Developing community correctional centers and expanding community-based alternatives to incarceration;
- Establishing and implementing progressive staff development and training programs.

Montana Criminal Justice Standards and Goals. The Council on Criminal Justice Standards and Goals, appointed in 1974 to develop a set of standards and goals for improvement of Montana's criminal justice system, recommended that the state adopt a policy defining the mission and goals of corrections. The council recommended that the policy on corrections contain the following premises:

- Correction's first function is to protect the public. Efforts will be emphasized that assure an offender will not return to crime after release from the correctional system.
- The public is protected by a correctional system characterized by concern, diversified programs for individuals and reintegration concepts as well as punitive measures.
- Persons accused of criminal conduct or delinquent behavior, and awaiting trial, should be subjected to the least restraint. This condition should give reasonable assurance that the accused will appear for trial. Confinement should be used only where no other measure is shown to be adequate.

- An offender's correctional program should be the least drastic measure consistent with the offender's needs and public safety. Confinement, which is the most drastic disposition for an offender and the most expensive for the public, should be the last alternative considered.

The above statements share some common themes. If taken together as a loose statement of Montana's correctional philosophy, rehabilitation, not merely punishment, becomes a primary goal of the corrections system. Of equal concern is the protection of society. While incarceration remains an option for treating some offenders, less severe and more flexible alternatives must be available to meet the individualized needs of less dangerous offenders.

The question then arises: If the above were to be codified, how would it look? Perhaps the state's current policy could be stated:

It is the correctional policy of the State of Montana to protect society from crime by preventing crime through:

(a) deterrence effected through expectation of the punishment of restricted rights;

(b) incapacitation effected through placing the convicted under appropriate state supervision; and

(c) reformation of the convicted person's tendency to commit additional crimes.

It is the intent of the Legislature that the laws of the State of Montana governing the sentencing and treatment of the convicted be construed so as to achieve those ends. It is the further intent of the Legislature that correctional programs are established, operated, and maintained by the state to achieve those ends.

A. Findings:

The Task Force found that it was widely perceived among corrections professionals and policymakers 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.

B. Recommendations.

1. The Legislature should enact a bill to define a correctional policy for the State of Montana.

a. Elements of the policy recommended by the Task Force are:

- (1) Protection of society by preventing crime through punishment and rehabilitation of the convicted ought to be the keystone of the state's policy.
- (2) The law must be implemented so as to impress upon each individual his responsibility for obeying the law.
- (3) The state must assure that prosecution and punishment of a criminal offense is certain, timely, and consistent.
- (4) To promote reformation, each person convicted must be dealt with in accordance with his individual characteristics, circumstances, needs, and potentialities.
- (5) Sentences for crimes should be based primarily upon the crime committed, the circumstances under which it was committed, and the criminal history of the offender. Persistent offenders should be removed from society while others may be treated in the community. Restitution should be an element of punishment whenever possible.
- (6) The state should make available a diversified range of treatment and educational programs available on a voluntary basis to aid in permanent rehabilitation of the offender.

- b. The Task Force requested preparation of a bill (LC 145) that if adopted would implement its recommendation.
2. The Legislature should enact a number of bills to more closely conform Montana's corrections laws to the proposed policy. The bills requested by the Task Force are:
- a. An act requiring a judge to state his reasons for imposing a sentence. (LC 84)
- b. An act to provide for staggered terms of the Board of Pardons members. (LC 87)
- c. An act to provide that a voluntary intoxication or drugged condition is not a defense to any criminal offense and cannot negate a mental state that is an element of a criminal offense. (LC 94)
- d. An act to expand the scope of the state's right to appeal in criminal cases to include an interlocutory appeal and an appeal after acquittal when a resolution of a question of law is important to the administration of justice. (LC 95)
- e. An act to add to the list of aggravating circumstances in which the death penalty may apply. (LC 96)
- f. An act to decrease the instances in which an offender is designated as nondangerous. (LC 140)
- g. An act to submit to the qualified electors of Montana an amendment to Article VII, Section 11 of the Montana Constitution to require removal of a justice or judge who fails to impose a criminal sentence in the manner prescribed by law. (LC 141)
- h. An act to increase the amount of time that a prisoner must serve before being eligible for parole or being released on parole and to eliminate the 17½ year

provision for parole eligibility. (LC 142)

- i. An act to generally revise sentencing laws and provide mandatory sentences for certain offenses. (LC 144)
- j. An act to transfer the powers and duties relating to the supervision of parolees and probationers from the Department of Institutions to the Board of Pardons. (LC 251)
- k. An act to transfer control of the Montana State Prison, the Swan River Youth Forest Camp, the Pine Hills School, the Mountain View School, and the functions of the Division of Corrections from the Department of Institutions to a corrections commission. (LC 252)
- l. An act to provide that a voluntarily induced intoxicated or drugged condition may not be considered an impairment to a defendant's mental capacity for the purpose of providing an exception to mandated sentences or restrictions on deferred imposition and suspended execution of sentences. (LC 417)
3. The Judiciary should use sentencing alternatives, where appropriate, for first-time felony offenders, adult or juvenile, in an effort to break the cycle of recidivism.
- a. These sentencing alternatives should be privately run residential treatment programs designed to remove the first-time offender from the environmental situation that may have contributed to his offense, provide redirection through disciplined training and counseling, and teach individual responsibility and accountability through work and restitution. Costs of these programs should be paid through fees or labor or a combination.
- b. The Task Force encourages the judges of Montana to require all offenders to earn their deferred or suspended sentences by

demonstrating a willingness to engage in, and abide by all rules of, a rehabilitation program approved by the court. Failure to complete the program or to live by all rules of the program would constitute grounds for revocation of the deferred or suspended status.

- c. The Valley Industrial Park at Glasgow should be considered for development as a pre-incarceration center in connection with this program. (See Appendix K)

Problem 2.

To assure a coherent policy, statutes and programs implementing the corrections policy must reflect that policy.

Discussion.

Statutes that implement correctional policy govern nearly every aspect of the criminal justice system. The most significant aspects include: (1) those related to the way the individual accused of a crime will be regarded in terms of individual responsibility and the reasons society will recognize to relieve the individual of responsibility for an act; (2) those related to the alternatives available to sentence a person convicted of a crime; and (3) those related to the consistency and predictability of treatment of persons convicted of crime.

Programmatic concerns relate to whether the state provides a sufficient range of rehabilitative and reformatory programs of which a person who is convicted of a crime can avail himself to break out of a criminal pattern of life.

Statute changes were proposed by the Task Force to generally place greater responsibility on the offender for his actions and for choosing his own rehabilitative path. The recommended bills are listed in the recommendation summary of this report.

Program improvements presented to and discussed by the Task Force included improvements in programs aimed at the first-time offender who is placed on probation, programs aimed at the offender with special problems in prison, and improved supervision of the offender placed on parole. Each will be discussed in turn.

Probation.

On September 24, 1982, Mr. Cliff Murphy of Billings presented a proposal for a probation house to house Billings area first offenders. The program would be designed to provide a more controlled environment than probation without disrupting the person's job as imprisonment would do. It was suggested that probation is a commonly imposed sanction for first-offenders, but that subsequent offenses often land the offender in Montana State Prison. It is this cycle of repeat offenses that the probation house is designed to cure. Ultimately a plan was presented showing a proposed \$27.50 a day cost per resident for a combined prerelease center and probation house. There would be 40 beds, 15 of which would be for probationers. The proposed budget is included in Appendix J.

Recommendation. The Task Force made no recommendation.

Parole.

The Task Force learned that the Division of Corrections conducted an 18-month study of probation and parole officer workloads and found that Montana parole officers have about 99 hours a month to meet with and counsel clients. National standards call for 121.3 hours. To rectify this the Division has proposed adding five parole officers and related clerical help.

Recommendation:

The Task Force recommends approval of the additional personnel as proposed by the division. Furthermore, the Task Force found the supervision provided by parole officers would be minimal under even full staffing to meet national standards. More intensive parole supervision would be meritorious, but the Task Force makes no recommendation.

PRISON POPULATION

Overcrowding

Problem.

More people are incarcerated at Montana State Prison than the prison was designed to hold.

Discussion.

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 levels 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 housing needs that didn't seem to be adequately addressed in the executive proposals.¹

An earlier legislative report published in November 1980 had suggested that, "should the prison population increase so as to require additional facilities, careful consideration should be given to residential alternatives outside the prison."² Was overcrowding such that this approach would be useful now? Thus, questions arose that the Task Force had to answer:

1. What is a reasonable outlook for the population at Montana State Prison?
2. What kinds of risk do we face with inmates, i.e., what housing classification can we expect to need?

¹Office of the Legislative Fiscal Analyst, Prison Analysis Special Session - II, (Helena) Legislative Fiscal Analyst, pp. 3 - 14.

²Interim Committee on Corrections Policy and Facility Needs, Report and Recommendations, (Helena) Montana Legislative Council, p. iii.

To answer these questions, the Task Force needed to develop an understanding of the prisoner classification system used at the prison and then develop reasonable projections of housing needs at different levels of security. From these answers, a reasonable estimate of housing needs could be determined so that overcrowding could be relieved appropriately, now and for the reasonable future.

Prisoner Classification Audit

The Task Force received assistance from the Office of the Legislative Auditor in analyzing the inmate classification system, population levels, and profiles of inmates at Montana State Prison. The results of this work were important to the Task Force deliberations. The report is enclosed as Appendix A.

Classification, Population, and Facilities

As a result of the audit and discussions with prison officials, Task Force members concluded that the classification system employed at Montana State Prison is "state of the art". Officials at the prison seem to follow national standards and guidelines in the initial classification of inmates. However, reclassification of inmates may or may not follow the same guidelines. The uncertainty arises because there is little or no documentation as to why inmates are given the reclassification they receive, only that a reclassification was done. (Appendix A)

Prison personnel explained to both legislative audit personnel and Task Force members that reclassification followed the same rigor as initial classification, even though formal documentation was inadequate.

Members of the Task Force concluded that the classification of inmates was accurate enough to be valid and reliable for planning purposes.

The population of inmates under supervision by the Corrections Division of the Department of Institutions has received and continues to receive considerable attention. The attention comes from many quarters, but what appears to cause the greatest concern are the discrepancies in population projections. Indeed, the concern is warranted since the Master Plan published in April 1979 estimated a population high of about 1,050 inmates in 1983 and a low of about 630 inmates in 1990, while department estimates, done only three months later (July 1979), projected a high of about 867

inmates for 1983 and a low of 777 inmates for June 1980.^{3 4}

Another estimate done by Western Analysis, Inc. in December 1979, using basically the same data as the Master Plan and the department's July estimates, projected the population for June 1983 at 733 or about 15 percent less than department estimates and over 30 percent less than the Master Plan estimate.

Projection Comparisons

Date	DOI Est.	Actual	% Diff.	Western Analysis Estimate	Actual	% Diff.
July '80	777	652	-16.0	693	652	-5.9
Jan. '81	796	684	-14.1	NA	684	NA
July '81	814	722	-11.3	707	722	2.1
Jan. '82	826	722	-12.6	NA	722	NA
July '82	840	749	-10.8	721	749	3.9

It is worth noting that for the above dates, department estimates are declining in degree of error. If this trend were to continue, the department projections would be fairly close to the Task Force projection for January 1985, 880 and 884 respectively. After those dates, department estimates would be below actual population.

The Western Analysis estimates, on the other hand, initially were 6 percent over actual population, but only two years later were 4 percent under actual. If this trend were to continue, i.e. average of 3.96 percent error between estimate and actual, the Western Analysis estimate for July 1985 of 760 would be about 90 men short of actual (850). (Western Analysis cautioned that its figures could contain a "distortion

³B. V. Rhay, et. al., Montana Department of Institutions Correction Division Master Plan for Fiscal Years 1980 - 1985, (Helena) Montana Department of Institutions, April 1979.

⁴Ed Hall, et. al., "The Revised Projections (SARM)" Department of Institutions, Corrections Division. (Helena), September 1979.

factor" of ± 20 percent. The author felt this factor could not⁵ be reduced regardless of the method employed.)

A chart of the historical population and various projections is included as Appendix G.

Because of the widely varying risks involved, one not only needs to know the total population to expect in the prison, but also the inmate risk categories. The Task Force studied the maximum security populations of several states and found they ranged from 1.5 percent to 17.6 percent of the prison population.

A Council of State Governments report published in May 1982, provided the most useful guidance:

The Commission on Accreditation for Corrections has assessed the need for various types of facilities, based upon security needs, and has proposed the following guidelines for inmate assignments:

Maximum Security: 15 percent of the prison population, at most, require the highest security level;

Medium Security: about 50 percent of the population should be eligible for this level;

Minimum Security: with adequate classification of inmates, 33 percent can be held in open or minimum security institutions.⁶

As a result of these considerations, the Task Force concluded that it would be reasonable and valid for planning purposes to expect a population in the corrections system of 900 by 1985 and that 15 percent will require maximum security housing; 50 percent medium security housing, and 35 percent minimum

⁵ Western Analysis, Inc., Demographics and Long-Range Public Planning, Part II, (Helena), Western Analysis, Inc., December 1979.

⁶ Council of State Governments, Corrections Issues in the Western States, Council of State Governments, Western Conference, Lexington, Kentucky, May 1982.

security housing.⁷ That breaks down to about 135 maximum security inmates, 450 medium security inmates, and 315 minimum security inmates. With current facilities, there are 35 maximum security units, 192 medium⁸ security units, 318 on-site minimum security units, and 99 off-site minimum security units.

The corrections system population reached 900 on January 18, 1983. Consequently, the above figures are representative more of the current situation than of the future.

There are about 135 maximum security inmates and only 35 maximum security units. There are about 450 medium security inmates and only 192 medium security units, and there are about 315 minimum security inmates and 417 minimum security units. The critical areas are obviously in maximum security where there are 3.85 inmates for every unit, and in medium security there are 2.34 inmates for every unit.

As a result, some 100 maximum security inmates are housed with 216 medium security inmates in 192 medium security cells. That calculates to about five inmates for every three cells or double bunking in 60 percent of the cells.

That leaves about 234 medium security inmates and 216 minimum security inmates occupying 318 minimum security units.

However, since 30 of the on-site units are at the dairy, a clearer picture of the crowding can be presented by omitting 30 units and 30 inmates. Consequently, there are about 420 inmates occupying 288 cells, or three inmates for every two cells, resulting in double bunking in 50 percent of the cells.

As bleak as the overcrowding picture may appear, at the historical rate of prison population growth it will continue to deteriorate.

⁷ Task Force on Corrections Minutes, October 15, 1982, pp. 2, 3.

⁸ (Includes A, B, and C Units and Dairy)

⁹ The 99 inmates living in community corrections facilities and at Swan River are included, as are the units they occupy.

The Task Force recommendation of an additional 195 cells for higher security inmates could accommodate a corrections system population of 1300. Barring a change in historical trends, that population will be reached by 1991, and possibly as early as 1987.

If the 195 units are approved by the Legislature during the current session, they would not be ready for occupancy for between 18 months and two years. By that time, the system population could be between 1000 and 1060 inmates, resulting in a maximum security population between 150 and 160 inmates -- a gain of 15 to 25 inmates. Similarly, it would also add 50 to 80 inmates to the medium security population, and 35 to 55 to the minimum security population.

With those gains, the minimum security situation, assuming no additional facilities are available, would be such that 60 percent of the minimum security cells would be double bunked.

The increase in the medium security population would fill the excess maximum security units available and would have a slight impact on the medium security situation at the prison.

Each successive year would put a minimum of 50 additional inmates into the prison itself. The historical growth rate at the prison indicates that the figure would be closer to 85 inmates by 1985. This increases the crowding problem in medium security by 40 - 45 inmates per year and in minimum security by about 30 inmates per year.

In the final analysis, 195 additional maximum security units may satisfy maximum security needs until about 1990, but perhaps only until 1987. However, the medium security overcrowding problem will worsen significantly over the same period if nothing is done to address the medium security needs.

The minimum security situation will also continue to deteriorate unless minimum security needs are addressed.

By 1990, again assuming current trends will continue, the need will exist for about 800 medium security units and 550 minimum security units. This would require an additional 600 medium security units and an additional 180 minimum security units.

Some projections have indicated a downturn in population at the prison sometime in the future. Such a downturn could indeed occur. Factors affecting prison population are many and seem very unsure of prediction. While waiting for any possible downturn, the problem of overcrowding continues to grow faster than anyone wishes to believe.

Findings.

1. The number one priority at Montana State Prison is the provision of an additional 180 to 200 high security cells.

2. The Task Force found that there are significant problems in the way classification and reclassification is managed at the prison, but that overall figures are valid and reliable enough for planning purposes.

3. The Task Force found that the prison is significantly overcrowded and that the overcrowding is most significant for higher security inmates -- there are not enough higher security cells for inmates who should be housed in higher security.

4. The population of the prison will continue to grow and the adult male corrections systems population may be expected to reach 900 by 1985. Of those 900, 15 percent should be housed in maximum security cells, 50 percent in medium security cells, and 35 percent in minimum security cells or optional housing away from the prison. When sufficient high security housing is not available, high security inmates will be housed in lower security units, causing control and escape problems.

5. Should current growth trends in the system continue, the estimated population of 900 could easily be too low, and, in addition, could exceed 1300 by 1990.

6. Even at a total system population of 1300, adequate minimum security space is available if appropriate housing is obtained for medium and maximum security prisoners.

Recommendations.

1. To provide the needed higher security cells, the old Montana State Prison should be renovated as outlined under "Plan C" prepared by architectural consultant Willard Parrish. The estimated capital cost is \$7,895,000.

2. No final decision on how to fund additions to the prison should be made until private investment options have been more fully explored.
3. The executive must 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 prepared and made available six months prior to the convening of the 49th Legislature.

PRISON PROGRAMS

Idleness

Problem.

There is too much idle time for inmates at Montana State Prison.

Discussion.

During the special session and over the course of the Task Force study, inmates said that idle time at the prison was a major concern.¹ In House Bill 11, which established the Task Force, the Legislature stated its support for actual work experience, vocational and on-the-job training for inmates, and educational opportunities. The Legislature indicated these activities would instill the work ethic in inmates. They also would help to bring a sense of accomplishment to some degree and to reduce the sense of tension resulting from confinement in a crowded prison environment.

The Task Force considered programs in the areas of work, industries, and education as a means of reducing idle time, promoting reformation, and helping to instill a work ethic among inmates. The Task Force adopted the concept that, as a minimum, it is desirable to provide programs to keep inmates occupied six hours a day, five days a week.²

During the work of the Task Force, a subcommittee studied the idleness problem and determined that approximately 500 inmates could be accommodated under the standard adopted with the programs then available at the prison. At that time, 75 additional jobs or educational slots would have had to have been created in order to have provided the minimum recommended level of activity.

The programs, inmates, and needs at the prison as developed by Task Force staff are shown on the following pages. It should be noted that the executive branch recognizes needs for additional program space. When added space needs have been recognized it has been included in the building program proposal, and

¹Task Force Minutes, August 5, 1982, p. 7.

²Task Force Minutes, November 8, 1982, p. 6.

³Task Force Minutes, November 8, 1982, p. 4.

personnel needs would be proposed when program space is available.⁴

Prison Industries Alternatives

A paper prepared for the Task Force contrasted attitudes toward prison industries in other states and highlighted the Virginia system of using convict labor and the new concept of Free Venture enterprises.

Prison Industries in Virginia

A report issued in 1982 by an interim committee of the General Assembly of Virginia stated that of 8,558 prisoners in state correctional institutions 8,355 were considered employable with only 203 unable to work because of medical limitations. At the time of the report, 6,142 prisoners were employed by the Division of Adult Institutional Services and another 401 were involved in work release programs administered by the Division of Youth and Community Services.

About 10 percent of the prisoners are idle each day, and another 10 percent are under-employed. In some cases, three or four prisoners are assigned to a job that an individual could handle.

Only about 20 percent of the total available manpower in the prison system is not working productively.

Prisoners are employed in work programs including prison industries, agriculture, highway labor and construction projects.

In 20 locations at various places in the state, 21 prison industries include furniture manufacturing, clothing, footwear, signs and license plates, dentures, data processing services, printing and laundering. In October 1981, 675 prisoners were employed in these industries. Sales of industries' goods and services in the last fiscal year totaled \$8.9 million and made a net profit of about 13 percent.

By far the largest number of prisoners, 2,031, were employed in maintenance and housekeeping.

Prisoner employment in agribusiness was 525, in food service 1,170, in road work 1,026, in clerical and

⁴Task Force Minutes, November 18, 1982, pp. 11, 12.

support 488, in institutional contract with outside agencies 31, in capital construction 196, and in work release and miscellaneous 458.

Working prisoners receive a base rate of pay of 40 cents per day. From this pay \$25 is accumulated in an account until the prisoner's release, and he can spend the remainder on personal needs in the prison commissary. A bonus for good work can range from 10 to 50 cents per day. During 1980-81, prisoner's bonuses plus other incentive pay averaged \$2.29 per day in addition to the 40 cents daily base rate.

Sale of articles produced by and services provided by prisoners is limited by law to federal, state and local agencies.

In 1981, the Virginia Department of Corrections farmed 9,301 acres at 23 locations with 525 working in operations that yielded \$1.3 million worth of agricultural products. This program produced 65 percent of the commodities needed to feed the inmate and employee population.

Since 1906, the state convict road force has provided laborers for construction of Virginia's highway system. Last year, 26 road camps had 1,026 prisoners working on highway maintenance or construction. The Department of Highways and Transportation pays the Department of Corrections \$12 per prisoner for each day of labor. Ninety percent of this stipend is applied against the cost of the field units and 10 percent is paid to the prisoner. In 1979-80, the payments totaled \$2.1 million. The Department of Highways, however, is not satisfied with convict labor and wants to reduce its allocation of prisoner workers from 1,026 to 650.

In late 1981, convicts were employed on 22 state construction projects, for savings estimated at 25 to 35 percent of total labor costs. During the year, 273 convicts worked on construction.

A work release program established in Virginia in 1968 involved 754 prisoners of whom 375 completed the program and were paroled or discharged. Violation of the rules or escape caused removal of 63 from the program. About \$1.1 million was earned by prisoners on work release, and \$307,995 was retained by the state. As requested by prisoners, \$65,583 was sent to their families. Prisoners were allowed to keep for their own daily expenses \$60 to \$90 after taxes and deductions

every two weeks. The remainder of their earnings was placed in special accounts pending their release.

In concluding its report, the interim committee recommended changes in statute or budget to allow expansion of prisoner work activities.

The Free Venture Program

From its beginning in a proposal solicitation issued by the Law Enforcement Assistance Administration (LEAA), the Free Venture Program progressed through: 1) a survey of seven states' correctional systems and their prison industry operations to find an environment suitable for testing new concepts; 2) development of a "new charter" for state prison industry programs; 3) testing the "new charter" in one institutional setting; and 4) technical assistance to the "host" setting in implementing the model.

Visited during the survey stage were Pennsylvania, Colorado, Minnesota, Illinois, Connecticut, Georgia, and Washington.

Connecticut was chosen to be the "host" state for the study. Relying on the premise that rehabilitation is most effective in the prison setting to the extent that industry in prison parallels its counterpart in the "real world," as restricted by custodial considerations, legislative restraints, and economic conditions, the model sought through economic incentives to provide prisoners with an opportunity to work in a social, psychological and economic environment that would be conducive to permanent rehabilitation.

When the year-long study ended in Connecticut in June 1976, LEAA launched a demonstration project in Connecticut, Minnesota, and Illinois to implement the Free Venture program characterized by these six features:

1. A full work day for prisoners, defined by the correctional employee's work day.
2. A wage based on production with differentiation among workers by skill level where feasible and significantly higher than the typical payment to non-industries prisoners.
3. Productivity standards comparable to "outside" industry, taking into account worker skill levels and extent of automation.

4. Final responsibility for hiring and firing resting with industrial management after screening of the workforce by custodial staff.
5. Shop operations to become self-sufficient to profitable within a reasonable period.
6. Industries coordination with applicable correctional and other agencies assigned the task of placing released prisoners in jobs, to realize to the fullest the benefit of the prisoner's industries work experience.

The three states followed different avenues in implementing the Free Venture Program with varying results. In 1978, four additional demonstration sites were chosen in Colorado, Iowa, South Carolina, and Washington. Additional criteria in these selections were:

- 1) Legal ability to meet the six program requirements, especially regarding prisoner wages.
- 2) Support for Free Venture concept by both state Director of Corrections and Director of Prison Industries.
- 3) Relatively stable prison environment.
- 4) Willingness to innovate in solution of prison industry problems.
- 5) Capability of providing ten percent cash match for the LEAA discretionary funds.

Under the Free Venture Program, the prisoner-worker is expected to report to work promptly each day for a full, uninterrupted day's work. Their productivity standards are comparable to those established for their free world counterparts, and their reward is a realistic wage geared to their level of productivity. Prisoners are held accountable for high quality production, and they are expected to work together cooperatively and to accept the direction of their supervisors. Free Venture is a profit-oriented business housed in a prison environment, and it attempts to attract a workforce with wage incentives and to enforce worker discipline with threats of dismissal. Individual merit determines promotions and salary increases, and paid "vacation" and sick time are accrued. Wages are taxable to the worker.

Readjustment and learning are required of many prisoners to acquire the work habits and interpersonal skills demanded of their free world counterparts, and some offenders are unable to accept these values. For most, however, the Free Venture shop offers an opportunity for meaningful work and for recognition of individual talent and effort.

The Free Venture industry demands large, uninterrupted blocks of the individual worker's time and requires that industrial management control hiring and firing policies and procedures, two factors that demand flexibility from an atmosphere that is generally known for its operational rigidity.

Introduction of an efficient, businesslike industry into a prison may require changes in institutional schedules and, therefore, demand operational flexibility and staff cooperation. Alteration may be necessary in procedures governing prisoner counts, lunch breaks, counseling, education and commissary privileges. Visiting hours may have to be changed so they do not conflict with work schedules.

Examples of Free Venture operations are the activities at Kansas and Minnesota correctional facilities.

At Lansing, Kansas, more than 20 inmates each day travel 2½ miles to Leavenworth to work in a sheet metal factory owned by Zephyr Products, Inc., where they earn wages and learn employable skills.

At Minnesota correctional institutions at Stillwater, Lino Lakes and Shakopee, well over 100 prisoners have been employed by industries taking advantage of a 1974 state law that allows private enterprise to rent available rooms in prisons and hire inmates.

Examples of activities are metal deburring, key punch operating and assembling fishing tackle and dolls on a per piece basis. In a recent year, inmate workers paid about \$20,000 in taxes, and at only one institution contributed \$36,000 toward room and board expenses. Employed inmates also volunteered almost \$50,000 toward family support.

⁵The discussion of Prison Industries Alternatives was taken from the following sources:

Report of the Joint Subcommittee on the Economic Productivity of the Prison Population and on Work

The Department of Institutions was also studying institutional industries and at the final meeting of the Task Force, Sandra Harris, Institutional Industries Manager for the Department of Institutions reported on a recommended training industries program. There would be two components of the program: one would provide an expansion of the existing industry programs and the other would be comprised of the training programs mandated by Senate Bill 1. The recommendations are predicated on the department's proposal to divide the prison into high and low security sides; separate programs would be designed for each component and there would be no transfer of inmates from one security side to the other. The recommendations are also based on the premise that a six-hour work day constitutes full employment. This would necessitate a total of 189 work or training jobs on the low security side; the high security side would need 147 jobs.

The department decided there are three industry programs that can be expanded:

1. The print shop can be expanded because a potentially large market would enable the program to become self-supporting. This program could be placed on the high security side.
2. The department feels there is sufficient production and technical capability that the sign manufacturing program can be expanded. Space will be a critical factor in this expansion. The

Release Programs. Senate Document No. 22, Commonwealth of Virginia, Richmond, 1982.

Prison Industries: Factories with Fences. Sandra C. Young, State Government News, June 1982.

A Guide to Effective Prison Industries, Volume 1, Creating Free Venture Prison Industries: Program Considerations. The American Foundation, Inc., Philadelphia, 1979.

Doing Not-So-Hard Time in Kansas. Thomas O'Toole, Washington Post, Sept. 13, 1981.

Private Industry and the Prisons. Michael W. Fedo, America, Oct. 21, 1978.

sign shop would be compatible with the tag shop operation.

3. A vinyl ring binder manufacturing operation would be operated in conjunction with the print shop.

The proposed expansions would provide 70 - 80 jobs for those prisoners not presently enrolled in any kind of program or job.

The department believes the recommended expansions and additions of programs will call for a 20,000 square foot building for the auto mechanics operation on the low security side and a 10,000 square foot building for the printing operation, the graphic arts, sewing, automotive upholstery, and business skills training programs on the high security side.

The planned meatcutting program would not be new but would be a consolidation of the present training program and the present meat production program. The business skills program will be a classroom setting and an on-the-job training program. The department believes this program could function on both the low and the high security sides.

The heavy equipment operator program would be a training program for taking care of all of the prison ranch heavy equipment and any other heavy equipment used at the prison.

The basic industrial arts program will combine training at entry level skills in a number of areas such as welding, woodworking, metalworking, and some upholstery.

See Appendix I for outline of the proposed programs.

Ms. Harris indicated that there would be sufficient space inside the fence to accommodate new buildings needed for the recommended programs.⁶

Education Programs at Montana State Prison

Overview

According to John Jaksha, Education Director at Montana State Prison, all new inmates take an educational

⁶Task Force Minutes December 17, 1983.

achievement test within the first few weeks of incarceration at the prison. Each inmate has an interview to learn what educational and industrial programs are available.

A 1980 analysis of 300 achievement test scores revealed that the average educational achievement level of inmates was 8.2 years. However, roughly half of the inmates have a high school equivalent when entering the prison. Generally, only about one-third of the inmate population expresses interest in joining the educational programs.

The education department includes elementary and secondary education, vocational training, and college course work. Approximately 300 inmates had participated in those programs in the first nine months of 1982. The education department also offers the G.E.D. (Graduate Equivalency Program) test every three months to the general prison population. Usually about 30 inmates take the G.E.D. test; some have to take it several times before achieving a passing score. So far this year, 58 inmates achieved their G.E.D.

Details on the elements of the education department are offered below.

Elementary and Secondary Education

The academic program has been composed of three teachers who teach courses in adult basic education. The courses offered have been limited by staff funding and the credentials of the teachers. One teacher handles elementary education classes; one teaches high school English and language arts; and one teaches social studies.

House Bill 13 of the Second Special Session authorized the "addition of remedial teaching staff", including: a remedial math/science teacher, a remedial language arts/reading teacher, and a special education teacher.

The appropriation of \$64,332 for FY 83 included \$4,332 for instructional materials. No additional classroom space has been provided, but more may be needed should the expanded program continue.

In September 1982 there were 88 inmates in the academic program. Close security inmates attend classes in the morning and minimum security inmates are scheduled in the afternoon. Under current policy, inmates in the

education programs do not hold other prison jobs. Students do miss classtime for visiting privileges, but this is not a critical problem since most classwork is individualized. Inmates can receive up to 13 hours good time and \$.90 a day if they take at least 15 credits a quarter and attend all scheduled classes.

Vocational Training

The five vocational training programs currently available include: culinary arts, meatcutting, auto mechanics, welding, and electricity.

The teachers are all certified instructors. Thirty-six inmates are currently enrolled in the various classes. The programs have been seriously underfunded, especially in terms of instructional materials and equipment. In all the programs, space limitations prohibit instruction of more than six or seven inmates at one time.

College Program

College coursework for inmates is limited to participation in the telecommunications courses offered through the College of Great Falls. Six inmates were enrolled fall 1982 quarter. The inmates can choose from twelve different courses that can be viewed at different times during the day and evening. Inmates have access to some federal aid for college work but most pay their own way.

Until 1980, inmates were offered courses from the University of Montana (visiting professors) and could use veterans' benefits to cover costs.

Findings.

1. Inmates at the prison tend to believe idleness more than overcrowding is to blame for tension at the prison. Education, work, and prison industries can serve to combat idleness.
2. A diversified range of treatment and educational programs should be made available to inmates on a voluntary basis in accordance with the proposed policy statement to aid in the permanent rehabilitation of the prisoners.
3. Meaningful work and educational opportunities could be provided through the development of additional prison industries such as were

identified in the study done by the Department of Institutions under Senate Bill 1 (Second Special Session).

4. State ownership of a large ranch adjacent to the state prison offers unparalleled opportunity to provide meaningful work experience for inmates.

Recommendations.

1. To help combat idleness, it is desirable that, as a minimum, each inmate should be involved in a program of work or education five days a week for six hours a day. At the time this recommendation was formulated, it would have required provision of 75 additional work/education positions.
2. The Department of Institutions should implement as much as possible of the proposal developed for establishing industries training programs at Montana State Prison pending action by the Legislature. The Department should keep the Legislature informed of progress being made.

PRISON RANCH

Prison Ranch

Problem.

Goals for the prison ranch are unclear.

Discussion.

The bulk of the Montana State Prison ranch was acquired in 1953 with the purchase of the Deer Lodge Farms. The ranch is used to supply the prison and other state institutions or non-profit organizations with agricultural products.¹

In recent years there has been considerable ambivalence on the part of the legislature as to the purpose of the ranch. The general appropriation bill in 1979 said:

The intent of the legislature is to continue operation of the prison ranch on a probationary basis through the 1981 biennium. ... Unless the ranch operation clearly demonstrates that it can operate profitably, the operation should be terminated and the land leased.²

Two years later the general appropriations bill was silent on the question of ranch goals, but the Legislative Fiscal Analyst reported that the "legislature approved the continuance of the ranch to provide employment for inmates."³

The indecision as to whether the ranch should be run for profit or for inmate employment has resulted in confusion and indirection on the part of both critics and managers.

At the August 5 meeting of the Task Force, Director South said that eventually the Legislature is going to have to make a philosophical decision on whether the ranch is to be self-supporting or to employ inmates.

¹ Office of the Legislative Auditor, Montana State Prison: Examination of Financial Statements, Fiscal Years Ended June 30, 1980 and 1981, p. 2.

² Forty-Sixth Legislature, House Bill 483, Laws of Montana 1979.

³ Legislative Fiscal Analyst, Appropriation Report: 1983 Biennium, (Helena, Montana) Office of the Legislative Fiscal Analyst, June 1981, p. 174.

He said the ranch cannot be totally self-supporting if inmates are to be employed. At a later meeting (September 24, 1982) Mr. South said he thought the goals of profit and inmate employment were mutually exclusive and that the ranch would never fulfill the expectations that individual legislators have for it.

According to Mr. South, the ranch is currently being run to turn a profit if possible. He said that if the goal of the ranch is to employ inmates (which it apparently is), then those areas of high concentration of industry should be increased.

Department efforts to find better ways to use the ranch property included the hiring of a research firm in August 1982 to assess the production capabilities of the ranch and make recommendations. In November 1982, Director South reported that he had hired Mr. Ray Bozlee as a consultant to study the ranch operations and to serve as ranch manager under a six-month contract. Mr. Bozlee plans to have completed his recommendations just as the 1983 legislature concludes its business.

Findings.

The Task Force found that state ownership of the Prison Ranch offers unparalleled opportunity to provide meaningful work experience for inmates. To fulfill the premise of the ranch, however, its mission must be clarified and management weaknesses must be rectified.

Recommendations.

As to mission, the Task Force recommends the following for the Prison Ranch:

To provide opportunities for meaningful work experience for the greatest number of prison inmates consistent with security requirements at the prison, while keeping within the approved budget.

Inherent in this mission recommendation is the notion that when there is a choice to be made between a labor intensive means of operation and one that is less so, the more labor intensive means would generally be chosen.

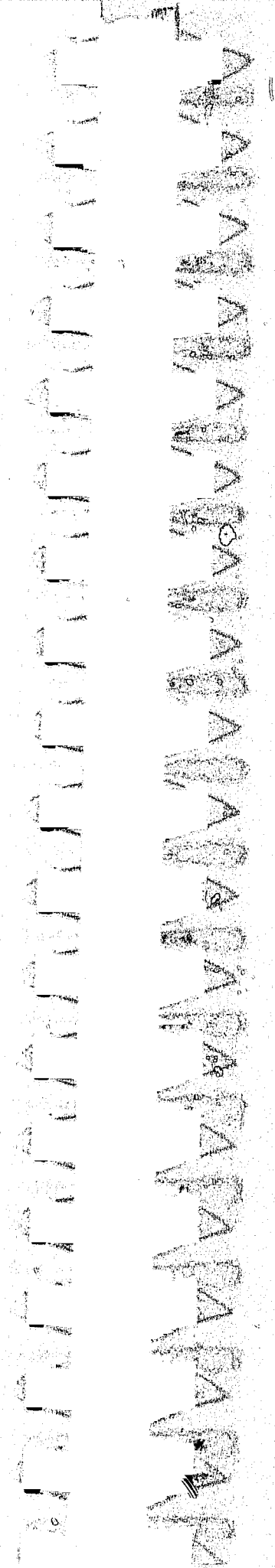
The Task Force does not mean to suggest that inefficient or indifferent financial or operational management can be tolerated simply because profit is inappropriate as a primary mission. Therefore, the Task Force recommends the following improvements in ranch management:

1. The Department of Institutions must insure the presence of a quality management team, including the institutional industries manager, at the ranch at all times.

2. The Department of Institutions must assure that sufficient authority is delegated to the ranch management team to make the decisions and take actions required for a smooth and efficient operation.

3. The Department of Institutions is responsible for management at all levels to assure that adequate planning is performed so as to assure efficient operations and timely procurement of needed supplies and equipment.

⁴Task Force Minutes, November 8, 1982, pp. 6, 7.



SWAN RIVER YOUTH FOREST CAMP

Swan River Youth Forest Camp

Problem.

With the increasing population at Montana State Prison there could be increasing pressure to make less appropriate placements at the Swan River Youth Forest Camp than has been the case in the past.

Discussion.

The Swan River Youth Forest Camp was authorized by the legislature in 1967. The camp is situated on state school trust lands in the midst of the Swan River Forest about 12 miles south of Swan Lake. On June 16, 1966, the Department of State Lands granted to the Department of Institutions a right-of-way easement for the Youth Forest Camp, a tract of land containing 52.22 acres. The easement provides that whenever the land ceases to be used for the purpose granted,¹ the land must revert to the Department of State Lands.

The state forester, in cooperation with the superintendent of the Swan River Camp, develops and carries out an on-the-job work training program which includes the use of forestry tools, tree planting tools, and power and hand woodworking tools. The residents also receive fire suppression training and carpentry training. The youth thin timber, plant trees, build picnic tables, make forest directional signs, construct trails, suppress fires, clear roads, and do maintenance work on the grounds and buildings. The work² program provided by the state forester is year around.

Statutory authority relating to the camp is found in a number of sections throughout the law. The camp is enumerated as a state institution in section 53-1-202, MCA, and it is defined as a "state youth correctional facility" by section 41-5-103(17), MCA. Section 53-30-202 limits the age of persons at the camp to be no older than 21 years of age, but subsection 4 of section 53-30-212 allows the transfer of men no older than 25 to the camp. Other laws allow commitment of a youth directly to the camp by the youth court judge

¹Joint Committee on Finance and Claims, Swan River Youth Forest Camp, (Helena) Montana Legislative Council, December 1973, p. 2.

²Ibid. p. 2.

(41-5-523(2)(b)), transfer of a child to the camp from another institution (53-30-211), and transfer from Montana State Prison of a youth tried as an adult and convicted of certain offenses listed in section 41-5-206(1)(a).

The Task Force learned that the classification committee at Montana State Prison has authority to say who comes to the Swan River Youth Camp rather than the judges.³ From this and other testimony it is evident that only section 53-30-212 or 41-5-206 transfers from Montana State Prison are being used to fill the camp today. One person testified that the population has changed a great deal from what the facility was originally intended to accommodate.⁴ Existing laws have been used to change the camp from a youth facility to an adult facility without further legislative action.

Whether the change in the source and nature of the inmate kept at the Swan River Camp is a problem or not was somewhat in dispute. Superintendent Mohler told the committee that there have been discipline problems due mostly to drugs in the camp rather than more difficult prisoners. Members of the Task Force were concerned that the facility not be changed to allow hard core prisoners because loss of community approval for the camp could result.⁵

Findings.

The Task Force found that there was some evidence of a "harder" type of inmate being sent to the Swan River facility than had been there in the past. Thus far there has been no serious problem.

Recommendations.

1. The Swan River operation should be maintained as it is currently operated.
2. The same type of classification system should continue to be used to insure that the same type of low risk prisoner will be sent to Swan River as has heretofore been the case.

³Task Force Minutes, September 24, 1982.

⁴Task Force Minutes, September 24, 1982

⁵Task Force Minutes, September 24, 1982

WOMEN'S CORRECTIONAL CENTER

Women's Correctional Center

Problem.

Montana's women prisoners have been sent to out-of-state prisons for many years. In the recent biennium, a women's prison was established in a vacant building on state institutional ground at Warm Springs. Should this be the permanent site or should some other site be selected for the Women's Correctional Center.

Discussion.

Women prisoner statistics have reflected those of the men in recent years. Large increases in women prisoners around the country have reduced available positions out-of-state where Montana has sent women prisoners who have required secure housing. As a result, the Department of Institutions and the Legislature found a need to develop housing for women prisoners in state. The Legislature appropriated \$840,000 from the general fund for the 1983 biennium and directed the Department of Institutions to find a site for the facility.

The Department of Institutions ultimately selected an unused building on the grounds of the state institution at Warm Springs for use as the Women's Correctional Center. A number of organizations, including the National Organization for Women, the League of Women Voters, and Church Women United in Montana have taken positions against locating the women's prison permanently at the Warm Springs site.

Findings.

The Task Force visited the Women's Correctional Center on July 21, 1982, and conducted a public hearing on September 13, 1982. An extract of the minutes reporting the findings of the public hearing is included as Appendix F.

The Task Force found specifically that:

1. The problem of a stigma has no basis in reality as applied to the location of the Women's Correctional Center at Warm Springs.

¹Legislative Fiscal Analyst, Appropriations Report: 1983 Biennium, Office of the Legislative Fiscal Analyst, (Helena) June 1981, p. 146.

2. Meaningful work and rehabilitation programs and opportunities have been found by inmates with promise of more in the communities around the prison.

3. The inmates are adverse to suggestions that the center be moved.

4. The Department of Institutions supports keeping the Women's Correctional Center at its present location.

Recommendation.

The Task Force recommends that the Women's Correctional Center remain at its present site on the institutional grounds at Warm Springs.²

DRUG RESEARCH FACILITY

²Task Force Minutes, September 24, 1982, p. 5.

Drug Research Facility

Problem.

The University of Montana Foundation wishes to sell its vacant drug research building to the state for up to an appraised value of \$434,000.

Discussion.

The Task Force became involved in the question of whether the state ought to acquire the vacant drug research portion of the prison infirmary building at the request of Mr. Joseph McElwain. Mr. McElwain, who is a member of a three-member committee of the University of Montana Foundation, appeared at the October 15 meeting of the Task Force and presented an appraisal of the building that indicated a value of \$434,000.

The building was built with funds provided by Hoffman-LaRoche drug company for conducting research under the supervision of the university. The state built the structure, which is a part of the prison infirmary. The University of Montana Foundation has title to the drug-testing portion.¹

Recommendation:

The Task Force recommends purchase of the testing facility for a dollar cost to be negotiated.

¹Task Force Minutes, October 15, 1982, p. 1.

LONG-RANGE PLANNING

CONTINUED

1 OF 3

Long-Range Planning

Problem.

The inability of the Legislative and Executive branches to engage in and implement meaningful long-range planning at Montana State Prison has resulted in chronic space shortages and a constant crisis atmosphere surrounding the prison.

Discussion.

Montana State Prison as we know it today was opened between 1977 and 1979. It replaced the old stone prison in downtown Deer Lodge. A review of efforts to replace the old prison beginning in the late 1950's and continuing until 1973 and events since then are instructive.

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 Council's report, published in December 1958, contained sweeping recommendations for the development of a modern, progressive prison program and physical plant to be developed in accordance with a long-range master plan. The report called for a new prison to be built on the ranch in four phases over a ten-year period. The plan called for housing for inmates as follows:

- 300 minimum security
- 250 medium security
- 200 maximum security
- 200 additional cells as required
- 950 total inmates

An alternate plan to be phased in over a four-year period called for an 850 inmate capacity.

The Legislature received the report and enacted a measure providing for a \$5,000,000 bond issue to finance the 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 state constitution, the measure was referred to the people for their approval.

Following the 1959 session, the prison was the scene of a major riot that resulted in the death of the deputy warden and two inmates. The riot was primarily attributed to personal problems of its leaders, but the poor conditions at the prison were also implicated.

Despite the concern of the Legislature and the problems at the prison, the people did not approve the referendum -- it was defeated at the polls in 1960.

The vote in the decade's first year set the tone for the balance of the decade. In 1964, the education program at the prison 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 the lack of training funds and hence the lack of training provided to prison employees. So deterioration in both the physical plant and the programs at the prison 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 the ranch. According to a report prepared by Hoiland-Zucconi Architects for the Board of Examiners in 1968, the request became part of the 1967-77 Long-Range Building Program for the State of Montana. The 1967 Legislature appropriated preplanning funds to establish specific requirements and construction costs for the project. The immediate objective of the architects' report was to do planning related to a facility for first offenders.

The report noted that some changes in the law would have to be made to allow the facility to be used to house both juvenile and adult first offenders with proper separation being achieved. The report went on to look in rather great detail at the whole question of prison programs and the facilities that would be needed to implement the desired programs. The result was the development of another master plan for construction of a new prison on the ranch. The First Offenders Correctional Facility was to be one of several projects

to be constructed as phase 1 of the implementation of the master plan presented.

The Hoiland-Zucconi master plan called for housing in the new prison as follows:

275 minimum security prisoners to be housed in various buildings

300 close security inmates in three units

15 maximum security inmates

590 total inmates

During the 1969 Legislature, the terminology seems to have changed once more. The Legislature was asked to appropriate \$2.1 million for the construction of a rehabilitation center. The change in the law alluded to above was also sought. The Legislature passed the law authorizing the establishment and operation of an "intensive rehabilitation center" at the prison. The law is still on the books as sections 53-30-107 through 53-30-109. But the appropriation request fared poorly. 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, \$1 million of which was for construction of a new prison facility. By then it was widely recognized that something was going to have to be done at the prison. Quite a bit of money was becoming available in those days to help make streets safe from crime, and the Legislature hoped to get some of that to finance new prison construction. So a \$4 million prison complex was authorized. Of that amount, \$3 million was to come from the federal government and \$1 million from the long-range building program. Should the effort to obtain federal money fail, \$200,000 of the state's million was to go to renovation of the old prison. The effort to obtain federal money and a new prison failed. The federal program was aimed at crime prevention programs more than "bricks and mortar" projects.

In 1973, corrections administrators and editorial writers continued their efforts to have a new prison built. The new state constitution adopted in 1972 reiterated the state's policy of reformation of convicts. The new warden, Roger Crist, advocated

increased programs designed to provide rehabilitation for a prison population that totaled 250 inmates, half of whom were young first offenders between the ages of 18 and 23. Complicating the argument now were admonitions to establish regional corrections facilities rather than concentrating efforts at a central prison. The Legislature moved ahead, however, with an appropriation of \$3.8 million for construction of a new prison.

Late in 1973, architects unveiled plans for a \$10 million prison designed to house 325 inmates. The \$10 million was rejected as too much and the architects were sent back to the drawing board and reappeared in January of 1974 with a \$4.9 million plan. This plan featured a campus-like facility designed in such a way as to make prisoner segregation easy. The Legislature added \$600,000 to the 1973 appropriation with the expectation that the federal government would provide another \$200,000 and construction would be underway. The total legislative authorization at this point, then, was \$4.6 million for what was to become a 334-man prison.

Once the plans were set, prison population began to rise. It rose from a low of about 250 in 1973 to 489 in January of 1977 and 514 in March of the same year. By early 1977, the new prison was nearly ready to open, having cost \$5.7 million and already 180 beds too small. An addition of two 96-man units was approved by the Legislature with an appropriation of \$3.8 million.

The addition was not approved before many of the same questions that had plagued the 1973 session were again raised. Members proposed alternatives to new central prison construction. Proposals were made that yet another master plan be prepared. Later in the biennium, the Law Enforcement Assistance Administration (LEAA) funded the development of a master plan through the Corrections Division at a cost of \$102,000.

By the time the Legislature came to Helena in 1979, the population of the prison, which had been rising relentlessly, was exceeding the design capacity of the newly expanded facility and was threatening to exceed 718, considered the absolute maximum. During the session that year, many alternatives were discussed including pre-release centers and community alternatives. Finally, in the appropriations conference committee, a proposal was adopted to build a facility similar to the Swan River Youth Forest Camp in the Stillwater Forest in northwest Montana. This

facility was to be designed to house 80 prisoners. In addition, the Legislature provided money for an additional 118 beds at the state prison, and a contingency fund for 40 prisoners to be held in either an institutional facility or a community setting. The added beds were justified in part on existing overcrowding and in part on projections being made by the Department of Institutions master planning process that said prison population would peak in 1982 at 1,065.

The 1979 Legislature also became concerned that to meet the state's long-term prison needs the state really had to develop a long-range prison facilities plan. The LEAA funded product did not satisfy this need. An interim committee was designated to study a wide variety of prison policy issues.

As the committee began its work in the summer of 1979, the furor over the Stillwater proposal in northwest Montana was reaching its peak. Caught by surprise at the possibility of a prison facility in their midst, the residents of the Tobacco Valley area clearly made it known that they did not favor the proposal. Faced with the unpopularity of the plan, the Department of Institutions studied their projections carefully and found that the population of the prison would not rise sufficiently to justify the additional 80 beds the Stillwater facility would provide. The project was then scrapped. The appropriation was specific, so it was unavailable to transfer to create beds elsewhere.

Once the Stillwater problem was settled, the committee concentrated on assignments related to sentencing of convicted persons and assumed an oversight role regarding the question of long-range correction policy and facility needs. The department spent the interim working on a correctional needs report that was presented to the committee at its final meeting. The correctional needs report foresaw no need for additional prison construction and the committee concluded that no additional facilities were needed at the prison in the immediate future. Should prison population warrant additional facilities, the committee said residential programs outside the prison should be considered.

At least in part because of the relentless rise in prison population, the program at the new prison has never lived up to the plans set for it. The facility itself was widely heralded as a model facility representative of the most modern thought in the penal

world. The buildings were designed to implement a treatment program for the inmates. It was to be the policy that there would be graduated levels of restriction in the prison so as to encourage responsibility on the part of the inmates. Inmate privacy would be available with adequate security yet maintained. And programs were to be tailored to the needs of different classes of inmates.

But to a large degree, these objectives have not been met. The prison has been occupied by more inmates than the number for which it was designed from the moment it went into service. In addition, the population rose so quickly it outstripped the budget year after year. Warden Crist said in August of 1979 that "treatment services are always the first to be cut. The reason for this is that you must feed, clothe, shelter, provide medical care, and protect people on a priority basis. In short, the sad truth is that the person can live without counseling or recreation, but they cannot live without food". The prison has also had to house inmates who require more security than what has been available. Therefore maximum security inmates are housed in medium security buildings and medium inmates in minimum buildings.

So despite the good intentions of the Legislature and prison planners, the state has fallen short of achieving much of its constitutional goal of reformation and prevention in dealing with convicts.

Prison problems and crime continued to torment the entire United States as the decade of the eighties dawned. Montana, not spared in earlier years, was also not spared here. Riots which had struck in distant states raised concern. In August of 1980, prisoners rioted in the penitentiary of the neighboring state of Idaho. A rising escape rate made the Montana State Prison seem more of an inmate sieve than container. By early 1981, the escape problem had reached significant enough proportions that the citizens of the Deer Lodge area formed the Citizens Protective Association. This was a revival of the organization which had begun in 1957 after the hostage situation and riot that had occurred then.

Against this background, the Department of Institutions submitted its corrections needs plan which called for:

- greater use of prerelease centers and community based programs;

- safety valve legislation similar to that in Oklahoma to reduce prison population when overcrowding becomes too serious;
- increased prison staff;
- a full-time doctor and full-time nurses at the prison;
- a beefed-up education and vocational program at the prison;
- expansion of the Swan River Camp;
- use of the Missoula Life Skills Center as a prerelease rather than post-release facility.

As the 1981 legislative session opened, the problem of prison security seemed to be uppermost. The department requested additional staff, a new prison industries facility, and an improved perimeter fence. No additional facilities to house the prisoners were requested despite the fact that the prison (including Swan River) was at least 150 inmates over design capacity at the time.

The Legislature authorize? funding for the 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 of the prison continued to rise. In March there was a disturbance at the prison and concern increased that security could not be maintained adequately in a facility that held so many more inmates than it was designed to hold. Ultimately the Governor determined that the situation had reached crisis proportions and new facilities would be needed presently. As a result, a special session was called.

The special session of course resulted in, among other things, the assignment of the Task Force to review problems in the entire adult correctional program.

In developing a plan to recommend to the Legislature, the Task Force determined that it should expect a corrections system population of 900 in 1985. Of those 900, 15 percent would require maximum security housing, 50 percent medium security, and 35 percent minimum security housing. When The Parrish Architects completed their contracted study of renovation of the old prison, the firm said it could be renovated to house

192 maximum security prisoners serving a total system population of 1100 to 1300 prisoners. (Appendix B)

The question then arose: When might we expect to see a population that great? Based on some terribly simple projections of recent history, the answer is frightening. A recent update is even more so.

Since the new prison was opened in 1977, the total population there has been increasing at a rate of 8.5 percent annually, compounded. Based on that growth rate and the current system population of 900 (reached on Tuesday, January 18, 1983, two and one-half years sooner than the Task Force had earlier planned), a total system population of 1300 could well be reached between 1987 and 1988.

Another projection uses a growth of 52 inmates a year, the actual average between October 1977 and October 1982. If that average continues, the system population will be reached in 1991, only eight years.

Should the population grow to 1300, housing, especially for medium security inmates, will be woefully inadequate.

Findings.

The Task Force finds that neither the Legislature nor the Executive has engaged in meaningful long-range planning over the past decade. The result has been 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 Task Force believes the state must do better.

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 1300. Should the current rate of growth continue, this population may be expected within 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.

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 (Maximum, Medium, and Minimum areas) within recommended size limits of 500 or less.

Recommendation.

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.

APPENDICES

Appendix A

Review of the Montana State Prison
Inmate Classification System and
Population Levels

August 1982

The review included in this appendix was requested by the Task Force at its meeting on July 9, 1982. It was presented to the Task Force at its August 5, 1982 meeting.

STATE OF MONTANA
Office of the Legislative Auditor

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ROBERT R. RINGWOOD
LEGISLATIVE AUDITOR

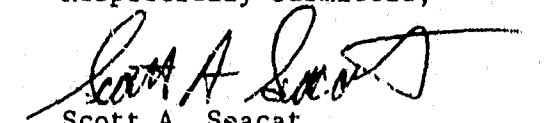
August 5, 1982

JOHN W. NORTHEY
STAFF LEGAL COUNSEL

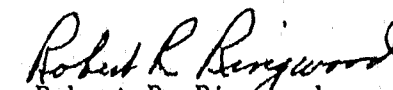
The Legislative Task Force on Corrections:

Attached is our response to your task force's request for information regarding the inmate classification system, population levels, and profiles of inmates at the Montana State Prison. If you have further questions, please contact us.

Respectfully submitted,


Scott A. Seacat
Principal Audit Manager
Performance and Sunset Audits

Approved:


Robert R. Ringwood
Legislative Auditor

SAS/j6b

Attachment

REVIEW OF THE MONTANA STATE PRISON

INMATE CLASSIFICATION SYSTEM AND

POPULATION LEVELS - AUGUST 1982

INTRODUCTION

At the request of the Task Force on Corrections, we selected a sample of inmate files for a review of the inmate classification system. We also analyzed the accuracy of population, classification, and profile information maintained by the prison and by the Department of Institutions in Helena. Finally, we conducted a count of inmates at the prison by classification and by location. The following is a summary of our findings. The last section in this document includes suggestions for possible program improvement.

INITIAL REVIEW

In order to compile prison statistics by inmate location and classification, we contacted Department of Institutions officials in Helena. They provided us with a computer printout which listed each inmate by classification. We analyzed the printout to determine if we could rely on it for accurate information. We compared the printout with inmate files and with active prisoner card files at the prison in Deer Lodge.

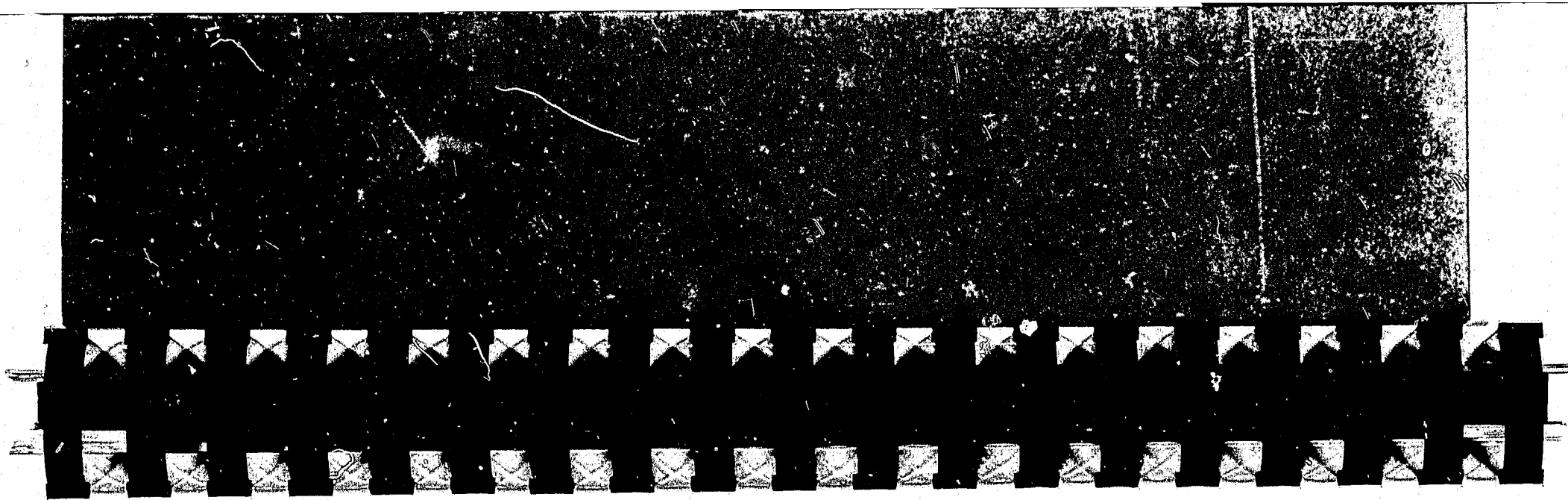
We found that the department's printout was so inaccurate we could not rely upon the information. We found numerous examples where inmates were listed on the printout as being classified in one custody level, yet were actually classified differently according to prison records at Deer Lodge.

We discussed the problems of inaccurate data with department officials in Helena. They noted that the information system was new and in the process of being implemented. They attempted to update the data base and provided us with a revised printout. We still found errors such that we could not rely on the information. Therefore, we manually compiled population and classification statistics.

PRISON POPULATION

On July 21, 1982, we made a count of the prison population based on prison records. The following is a summary of the 840 inmates at the prison and other locations.

The total prison population is constantly changing as inmates arrive at the prison, are transferred to another facility, or complete their sentence. The classification breakdown of inmates also varies from day to day as inmates are shifted from one classification to another for reasons such as punishment for infractions of prison rules, as a reward for good behavior, and for the benefit of the inmate.



MONTANA STATE PRISON POPULATION BY LOCATION AND CLASSIFICATION
AS OF JULY 21, 1982

Location	Classification							Total Inmates
	Maximum I	Maximum II	Close I	Close II	Medium I	Medium II	Minimum	
Maximum building	35	-	-	-	-	-	-	35
Close Unit I	-	22	108 ¹	-	-	-	-	130
Close Unit II	-	-	51 ²	117 ³	-	-	-	168
Unit A	-	-	-	-	121	2	-	123
Unit B	-	-	-	-	1	125	1	127
Unit C	-	-	-	-	-	1	113	114
Infirmery	-	-	-	2	-	-	-	2
Feed Lot	-	-	-	-	-	-	1	1
Vehicle Maintenance Center	-	-	-	-	-	-	1	1
Equipment Maintenance Site	-	-	-	-	-	-	1	1
Dairy	-	-	-	-	-	-	6	6
Tag Plant	-	-	-	-	-	-	1	1
Cow Camp	-	-	-	-	-	-	3	3
Slaughterhouse	-	-	-	-	-	-	1	1
Total Inmates	35	22	159	119	122	128	128	713

MONTANA STATE PRISON
INMATES AT LOCATIONS OTHER THAN THE PRISON
AS OF JULY 21, 1982

Location	Classification							Total Inmates
	Maximum I	Maximum II	Close I	Close II	Medium I	Medium II	Minimum	
On leave for various reasons ⁴	15	-	3	4	1	3	2	28
Work furlough	-	-	-	1	1	1	2	5
Warm Springs State Hospital	6	-	-	-	-	-	-	6
Galen State Hospital	1	-	-	1	-	1	-	3
Swan River Youth Forest Camp	-	-	-	-	-	-	50	50
Community Halfway Group	-	-	-	-	-	-	-	-
Home-Billings	-	-	-	-	-	-	23	23
Life Skills Training Center - Missoula	-	-	-	-	-	-	-	-
Total Inmates	22	0	3	6	2	5	12	127

¹Includes 6 inmates in reception undergoing orientation.

²Includes 22 inmates in reception undergoing orientation and 19 inmates in administrative segregation.

³Includes 33 inmates in administrative segregation.

⁴Includes inmates transferred to prisons in other states, other court jurisdictions, and hospitals.

Source: Compiled by the Office of the Legislative Auditor

INMATE CLASSIFICATION SYSTEM

The prison is presently implementing an interim inmate classification system. The interim classification system differs from the previous system by including more specific criteria to be used in determining an inmate's classification and by the deletion of a time guideline schedule for custody reduction.

The classification criteria under the interim system are:

A. SECURITY

1. Past Behavioral History

- a. Current offense (assaultive, impulsive, situational or property crime).
- b. Criminal history (convictions, institutional adjustments, and probation and parole adjustments).
- c. Public opinion (sensationalism of crime, degree of community outrage).

2. Institutional Adjustment

- a. Escapes (breakouts, sneakouts, and walkaways).
- b. Anti-authority attitudes (Class II rule infractions, poor work performance, rebelliousness, gang orientation).
- c. Substance abuse (alcohol or drug incidents).

3. Legal Constraints

- a. Time remaining to parole or discharge.
- b. Additional charges and/or detainers.
- c. Court instructions and/or designation.

B. PROGRAM

1. Mental/Physical Well Being

- a. Structure/control needs (need for direct supervision).
- b. Medical/Psychological treatment needs.

- c. Educational/vocational training needs.
- d. Protective/isolation/special care needs.

2. Receptiveness to Programming

- a. Attitudes (sincerity, legitimacy).
- b. Amenability (capacity or willingness to profit).
- c. Appropriateness (length of sentence, escape risk).
- d. Availability of resources.

We reviewed the interim classification criteria. The criteria, on the surface, appear to be reasonable and similar to criteria suggested in a correctional classification handbook by the American Correctional Association.

The inmates undergo two weeks of orientation upon arrival at the prison before the initial classification. The initial classification is subjective but generally well documented on an initial classification summary form.

Reclassifications are also subjectively based and generally are done as needed or when requested. Under the interim system, an inmate's classification must be reviewed at least annually.

Our review of a sample of 50 inmate files disclosed that there was not adequate documentation in the inmate files to determine if all the appropriate criteria were considered in the reclassification process. The only documentation usually consists of one paragraph which notes the change and approval of the change. We also found that the paragraph did not consistently include the reason for the change.

Since we were not able to determine if all appropriate criteria were considered during reclassification, it was impossible to determine if classification criteria are consistently applied from inmate to inmate.

INMATE PROFILE

We also reviewed the feasibility of developing a profile of the inmates from prison records. A review of the written and data processing records for the sample of inmates showed that there were discrepancies between the various types of records. Therefore, the accuracy of profiles based on such information would be questionable.

POSSIBLE PROGRAM IMPROVEMENTS

There are a number of program improvements the Department of Institutions can make. The first would be correcting the present data base regarding inmate classifications and background information. The department should train prison officials, counselors, and records personnel as to the need for and potential uses of the information. The department should also emphasize the importance of daily update and verification of changes in the data base. Through correction of present data and verification of future changes, the Department of Institutions could be assured of more accurate and usable information to be used in forecasting prison housing needs and prisoner education and training needs.

The Department of Institutions should require documentation of the review of all reclassification criteria and the reason for reclassification. Through such documentation, there would be more assurance that reclassifications consider all required criteria and are done on a consistent basis.

Appendix B

Evaluation of the Old Montana State Prison in Downtown Deer Lodge

House Bills 11 and 13 of the Second Special Session required the Legislative Council to contract with an independent consultant to prepare an estimate of the costs of renovating the old Montana State Prison. The Council contracted with the Parrish Architects of St. Paul, Minnesota to do this work. Included in this appendix are:

1. The Council's request for proposal
2. The architect's report: The Old Montana State Prison: A Renovation Feasibility Study
3. An extract of the Task Force minutes of December 6, 1982 at which the architect's report is discussed
4. A letter from Willard A Parrish to Representative Robert A. Ellerd supplementing the architect's report
5. The formal response of the Department of Institutions to the architect's report

REQUEST FOR PROPOSAL

Architectural Consultant Study

Background

The Montana Legislature in 1974 responded to seventeen years of efforts by finally authorizing construction of a new prison outside of Deer Lodge, Montana. Plans called for a 334-man prison at a time when the prison population was at about 250 men, the lowest in the twentieth century. Plans also contemplated the abandonment of the old prison, the major facilities of which were built between 1893 and the 1930's, which had long been decried for its obsolescence.

As construction proceeded, the prison population in Montana, as in the rest of the country, began to grow. By 1977, the new prison was ready for occupancy, but it was already 180 beds too small. Consequently, the Legislature authorized construction of two more 96-man units.

Upon completion of these units in 1979, all prisoners were moved to the new facility and the old prison was stripped, abandoned, and ultimately transferred by long-term lease to the City of Deer Lodge for use as an historic attraction.

By January 1981, security had become the main concern at the prison. Yet, as the population continued to grow, overcrowding itself became of grave concern -- enough so that the Governor appointed a lay committee to study the situation and recommend alternatives. This process was interrupted in March 1982 when a disturbance in one of the close security units at the prison caused considerable damage and even more concern. Population in the prison was approaching 700 men.

The Governor decided that the situation had reached crisis proportions and that new facilities to house prisoners would be needed presently. He indicated he would call a special session of the Legislature in June 1982 to deal with the problem.

In preparation for the special session, the administration considered a number of alternatives for housing additional prisoners. Among the options were development of alternative sites in other areas of the state, expanding facilities at the prison itself, and reactivating portions of the old prison.

Part of the analysis done by the administration was a preliminary cost estimate (done in great haste due to the exigencies of the circumstances by the Architecture and Engineering Division of the Department of Administration) of the cost of refurbishing the old prison to house 200 men in a maximum security setting. The cost estimate was over \$6 million and provoked considerable

controversy in Deer Lodge and among legislators as being too high. The inherent logic that renewing an existing facility which served as a prison until recently just must be more economical than building anew was compelling to many members and to their constituents. Because there was a sense among the members that "we just have to be sure we know" what it would really cost, and to be sure the figure estimated was beyond question of being influenced by a prior decision not to use the facility, the Legislature in special session directed the Legislative Council to "contract ... with an independent consultant to prepare an estimate for submission to the 48th legislature of the costs of renovating the old territorial prison in downtown Deer Lodge, Montana" This Request for Proposal seeks that contract.

Scope of Study

This study will consist of three components:

- (a) a peer review of a preliminary cost estimate of a renovation of the old state prison for use as a maximum security facility for 200 inmates;
- (b) development and presentation of a professional opinion as to how best to provide 200 maximum security cells at the old prison for use in conjunction with the existing prison near Deer Lodge; and
- (c) presentation of a professional opinion as to the feasibility of renovating the old prison rather than building a new facility.

As to (a) above, the consultant will be provided with documents prepared by the Architecture and Engineering Division of the Department of Administration of the State of Montana that served as the basis for an estimate of remodeling costs for the old prison. These documents were prepared in the spring of 1982 as part of the evaluation of options of proposals that could be brought before a special legislative session. The purpose of the estimate was to help determine whether it would be worthwhile to pursue the option further.

All cost data on the documents will be obscured and the consultant will reestimate the cost based on his professional techniques, knowledge, and judgment.

As to (b) above, the consultant will present an opinion based on an assessment of building and safety code requirements, federal regulations and guidelines, penal institution construction standards, and other relevant information as to what sort of a capital improvement program would best allow the use of the old prison as a maximum security facility for 200 inmates for use in conjunction with the existing prison near Deer Lodge. The

consultant will provide a preliminary cost estimate of the recommended program.

As to (c) above, the consultant will use the results in (a) and (b) to form an opinion.

Due Date

The final report is due at the Office of the Legislative Council, Room 138, State Capitol, Helena, Montana 59620, NOT LATER THAN 5 p.m., November 18, 1982.

Attachments

Attached hereto are:

- (1) copies of House Bills 11 and 13, Second Special Session, June 1982;
- (2) cost estimate (without amounts) prepared by Montana Department of Administration;
- (3) drawing of old prison present facilities;
- (4) diagram of present prison complex and Governor's proposal for additions thereto.

Selection of Consultant

The members of the Legislative Council will review proposals as they are submitted. The Council may ask for interview with principals.

At a meeting on September 27, 1982, at 10 a.m. in room 139, State Capitol, Helena, the Council will formally review the proposals and select a consultant based on:

- 1. specific expertise
- 2. professional qualifications
- 3. past experience
- 4. estimated cost of study

A contract will be entered into with the consultant after negotiation and agreement on the fee to be charged for the study.

TPA The Parrish Architects
Justice and Security Consultants

1885 University Ave., St. Paul, Minnesota 55104 (612) 645-4545

November 17, 1982

Legislative Council
State of Montana
Room 138
State Capital
Helena, MT 59620

Attn: Diana S. Dowling, Executive Secretary

RE: Renovation Feasibility Study
Old Montana State Prison

Dear Council Members:

On October 5, 1982, The Parrish Architects were directed to proceed with the subject Study in accordance with our Proposal of September 14, 1982. Included herewith are 100 bound copies and 300 unbound copies of the completed document.

I wish, personally, to express my appreciation for the excellent cooperation and assistance received from the Council, Council Staff, Task Force, Department of Administration, Department of Corrections and many other State staff. Their interest and concern has made the conduct of this work a pleasure.

This Study has been of particular interest to us in that many other States are faced with the same dilemma - new or remodeled construction. They will be watching with interest what you do here.

We believe that we have covered the subject matter sufficiently so as to allow appropriate decisions to be made in the near future; however, if questions arise requiring further clarification, we will be pleased to assist in any way. We will, of course, be available for presentations to the Legislature and will attend the Committee meeting on December 6.

Sincerely,

Willard C. Parrish

Willard C. Parrish, AIA
President
THE PARRISH ARCHITECTS

WCP/sk/SltSys/FF

OLD MONTANA STATE PRISON

A RENOVATION FEASIBILITY STUDY

for the

LEGISLATIVE COUNCIL OF THE STATE OF MONTANA

LEGISLATIVE COUNCIL

Senator Pat Goodover, Chairman
Representative John Vincent, Vice Chairman
Senator Carroll Graham
Senator Joe Mazurek
Senator Jesse O'Hara
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TASK FORCE ON CORRECTIONS

Representative Bob Thoft, Chairman
Senator Paul Boylan, Vice Chairman
Representative Michael Keedy
Representative Les Nilson
Representative John Matsko
Senator John Manley
Senator Jack Haffey
Senator Mark Etchart

PREPARED BY

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Greenough, Montana 59836

DATE

November 18, 1982

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SCOPE OF THE STUDY

The focus of this Study is on the feasibility of the State of Montana renovating the Old Montana State Prison at Deer Lodge for use as a Maximum Security facility with a capacity of 200 inmates. Specifically, the following components will be addressed:

- 1 - Development of construction costs for a renovation plan previously proposed by the State Architect's Office.
- 2 - Investigation of alternative plans for renovation with project costs therefor.
- 3 - Investigation of the feasibility of any plan of renovation.
- 4 - Recommendations.

It is not within the scope of this Study to investigate and recommend on all possible solutions to the need for additional male adult inmate capacity. It is inevitable, however, that the results of this Study will be compared to other possible solutions. Therefore, with the understanding that "feasibility" is a relative term, we will make use of limited comparisons.

With the knowledge that this Study will be reviewed by some persons not thoroughly familiar with recent conditions, we are including sufficient background information to provide the continuity necessary for clarity.

EXISTING CONDITIONS

RECENT LEGISLATIVE ACTION

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:

- 1 - Establishment of the Task Force on Corrections to develop a plan of action and recommend policies to the Legislature.
- 2 - Establishment of an Industries Training Program for inmates.
- 3 - Provisions for housing outside of security perimeter for minimum security inmates working in agriculture.
- 4 - Provision for expanding prerelease center use.
- 5 - Retaining a consultant to prepare cost estimates for the renovation of the Old State Prison.
- 6 - 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 overcrowding.

OLD MONTANA STATE PRISON

CONDITION OF FACILITIES

All physical facilities at the Old Prison have been inspected and evaluated by our Structural, Electrical, Mechanical and Architectural personnel. Our findings are presented below. The questions of building design, use of space and engineering systems, as they apply to future use, are discussed in another section of this Study.

In very general terms, the buildings being considered for remodeling are in generally good structural condition and would require little work of a

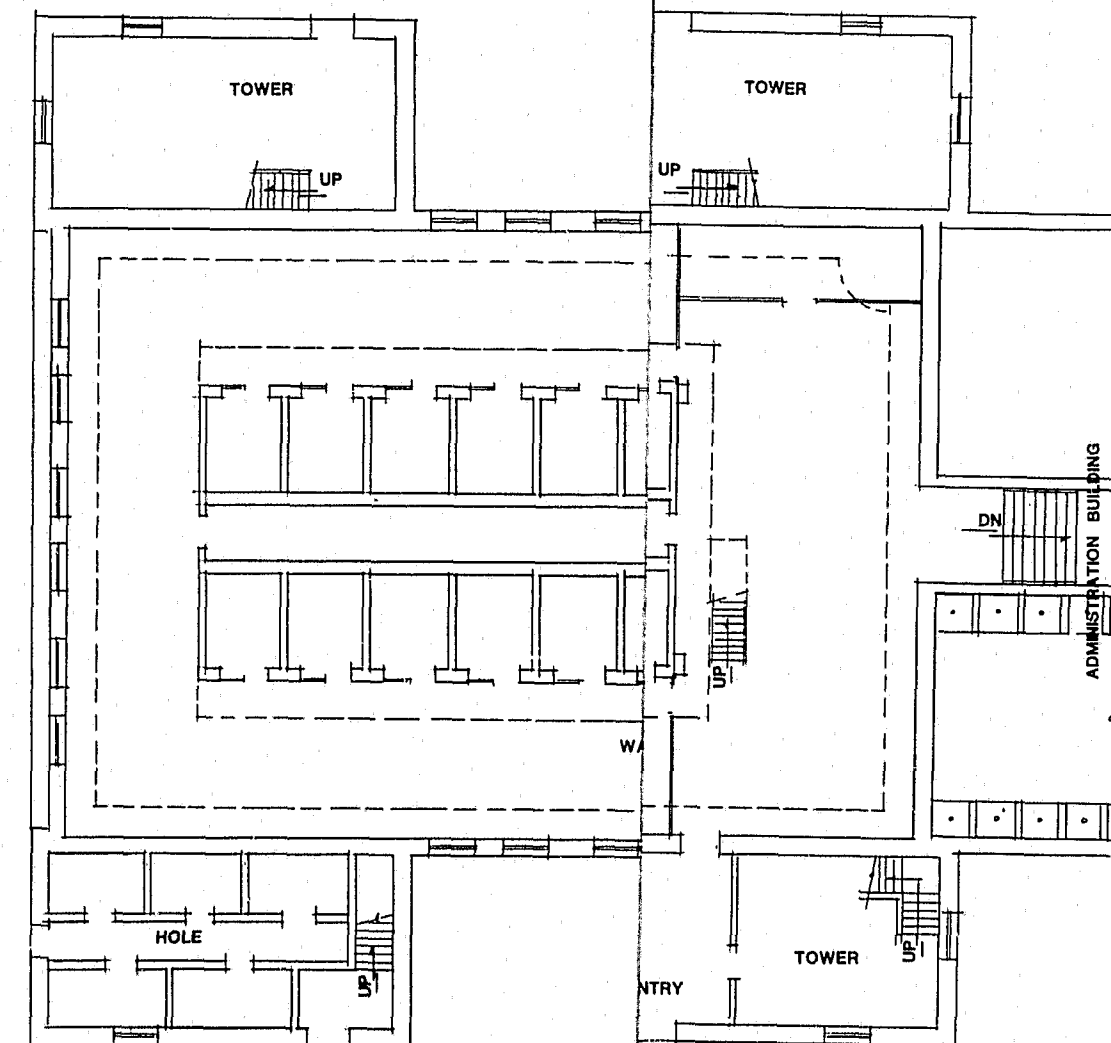
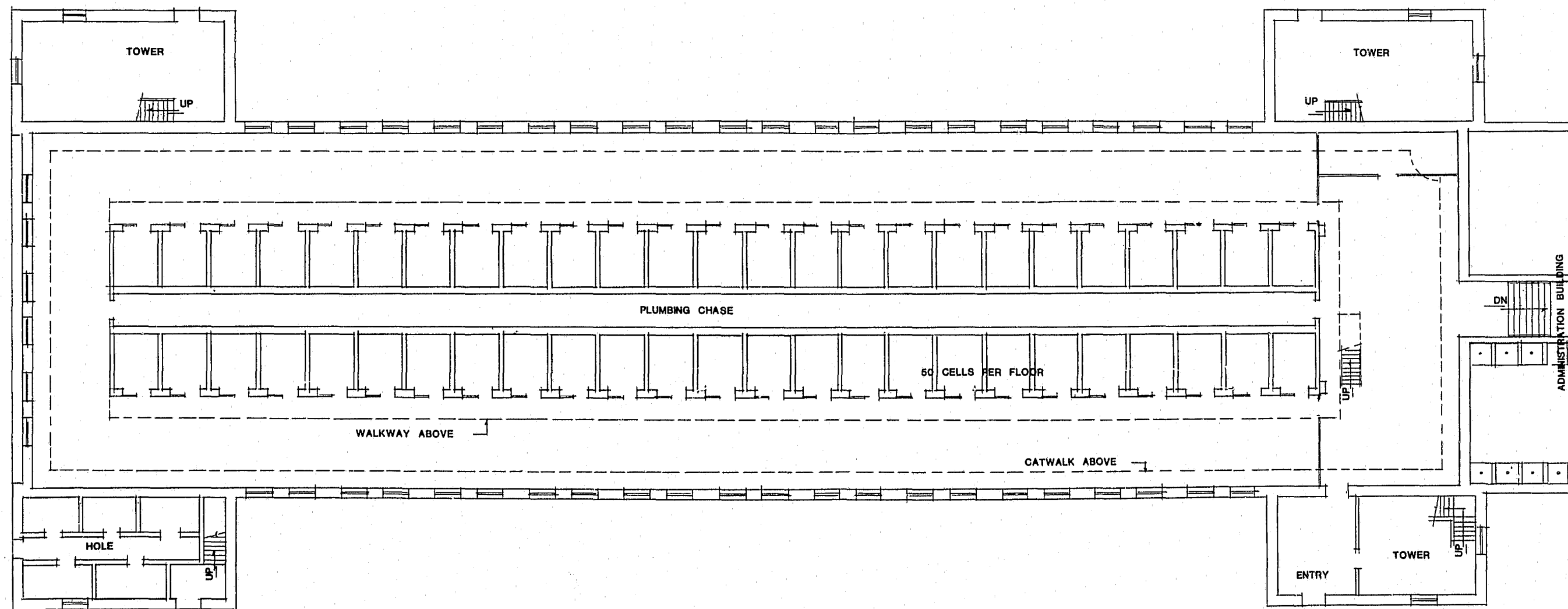


PLATE A

The Parrish Architects



OLD MONTANA STATE PRISON
EXISTING CELL HOUSE
FIRST FLOOR

3 UPPER LEVELS SIMILAR

SCALE 1/16" = 1'-0"



PLATE A

purely structural nature. Mechanically and electrically, they are in extremely poor condition and would generally require complete redesign and replacement of all systems. Architecturally, they are in various states of disrepair with many problems being amplified by a lack of heat and ventilation and no maintenance for several years. An energy audit would show the buildings to be extremely inefficient.

Specific comments on some of the more important aspects of each building are as follows:

Cell House (1912)

Heating and ventilating systems are completely inadequate and noncompliant with codes. Plumbing systems must be replaced, except for the vertical stacks in the plumbing chase. Electrical system must be completely replaced.

The center cell section is structurally independent of the exterior walls. All these walls are load bearing; therefore, the cells are not capable of modification in size. The cell front mechanisms are in generally good working order and, with minimal replacements, could be reused. To meet codes, an additional stair and exit is required on the North end of the cell block and a fire separation is needed at the Administrative Building.

Generally, a large amount of refurbishing will be required to restore the building to usable condition. There is evidence of water damage to the roof and parapets.

Administration Building (1918)

Structurally, the building is in reasonably good condition. The exterior walls only, are load bearing, making it reasonable to totally remodel both floors, if desired.

Generally, the same comments on the condition of Mechanical, Electrical and General Construction, as made on the Cell House, apply to this building.

Hospital Building (1935)

This building is in relatively good condition, structurally, but, as is the case with the other buildings, will need almost complete replacement of mechanical and electrical systems as well as extensive renovation of general construction.

The isolation cells located in the building are substandard in size and equipment and should be replaced.

Theatre (1919)

This building was almost a total loss in the fire of 1975. A temporary roof has been constructed for some protection. As it stands, the building walls are structurally unsound due to the lack of structural bracing at the top of the walls.

Boiler Room (1912)

The Boiler Room has suffered extensive fire damage and should be entirely replaced if the mechanical system is to be reactivated in its present form.

Site Conditions

The perimeter stone wall (1893) is generally in fair condition, but has suffered some moisture damage. Extensive repointing and repairs to the walkway will need to be made.

The Guard Posts and Gate House (1893-1912) are in poor condition and will require extensive remodeling and some rebuilding in all categories.

It is not possible to be certain as to the condition and usability of all underground utilities; however, it is reasonable to assume that most can be reused with general repairs being made.

PREVIOUS RENOVATION COST ESTIMATES

In April, 1982, the State Architect's office was asked to provide cost estimates for the renovation of the Old Prison at Deer Lodge. On April 30, these figures were provided, which, we understand, approximated \$6,200,000.

Following are excerpts from the State Architect's memorandum of April 30, 1982, defining the scope and extent of the work proposed:

"Attached, is our estimate for the renovation of the old prison at Deer Lodge into a close-security unit for 200 inmates.

The estimates are based on a permanent facility and, consequently, reflect a total rehabilitation. This would include a new boiler plant; new heat distribution system; new ventilation system; new plumbing,

pipng and fixtures; new electrical wiring and fixtures; updating to meet all codes including a fire sprinkler system in each cell; new windows with insulating glass; sandblasting; patching and painting all existing buildings; a new kitchen and food service (which could be either in the old theatre building or a new metal building); a new metal building for a gym; and general rehabilitation of all guard towers and other support areas. The hospital building would include sick bay with six (6) beds of which two (2) would be in isolation rooms. Also, in that building would be a maintenance shop and six (6) maximum security cells. The old max behind the wall would not be used. The estimate includes all fixed equipment, such as the kitchen equipment and cell bunks, but no moveable equipment, such as dining room tables and chairs. It also does not include any repayments or reimbursements that may have to be made to acquire the old prison from the Deer Lodge County Commissioners, such as money for improvements made by them or damages due to the loss of the source of revenue to the county."

A very short time was allowed to prepare this estimate, making it impractical to investigate alternative planning and alternative rehabilitative approaches.

CURRENT RENOVATION COST ESTIMATES

As a part of this study, we have been asked to provide our independent cost estimates based on the same scope of work as that used by the State Architect's office. It must be understood that the scope of the work, as defined above, is extremely general and that our interpretation of material use, methods and extent of construction would differ to some extent from that envisioned by the State Architect's office. Indeed, it would be most extraordinary if there were not significant differences in the two figures.

All of the facilities at the Old Prison were thoroughly examined by our Structural, Mechanical and Electrical Engineers as well as our Architects. We then compiled our cost estimates based primarily on the same categories of construction as listed by the State Architect's office, with minor modifications.

Our cost estimates for the total rehabilitation of the Old Prison, using the same criteria as the State Architect's office, are as follows:

1. Cell House (Remodel)	\$ 2,183,000
2. Administration (Remodel)	989,000
3. Hospital (Remodel)	545,000
4. Food Service (New)	557,000
5. Gymnasium (New)	462,000
6. Heating Plant (New)	513,000
7. Site Work and Utilities	<u>897,000</u>
Subtotal	\$ 6,146,000
8. Energy Retrofit of Buildings	<u>181,000</u>
Total	\$ 6,327,000

These figures include Architect's fees at 10% and 11% and contingencies of 10% for new and 15% for remodeled construction. They do not include the cost of moveable furnishings.

These figures represent the costs that we would expect to encounter if the project were bid in 1982. Since the project could be bid, at the earliest, one year hence, we must consider a probable inflationary raise of 7%, resulting in a total cost to the State of \$6,770,000.

When the cost of one year's inflation (7%) is added to the State Architect's Figures, those figures are about 3% low. We would regard this difference as minor, particularly for remodeling projects involving many unknowns.

NEW MONTANA STATE PRISON

The New Prison at Deer Lodge, was opened in 1977 with a capacity of 373. It was 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 accom-

modated 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 housing.

Many of the service facilities have been overtaxed by having to serve numbers in excess of design capacity. This is particularly true of Food Service, for which a modest addition has already been funded; however, virtually all other services are at or near capacity and cannot continue to serve adequately, particularly in the face of increasing numbers of inmates.

Staffing at the Prison was recently increased by 47 to a total of 308. The total staff budget for 1983 is approximately \$6,567,000, not including fringe benefits. The projected per diem bed cost for FY 1983 is \$35.00, including fringe benefits but not including amortization of building costs.

In recent weeks, two proposals have been prepared by the State Architect's Office contemplating additions to the New Prison. One is for a self-contained 190 man, close security unit and a food cart addition to the Kitchen, priced at \$10,591,000. The other is for a 192 man close security housing unit and additions to kitchen, dining hall and gymnasium and a new administration, library, education and visitor's building, priced at \$10,747,000.

It is very evident that a serious problem exists at this facility. The overcrowding provides many possibilities for lawsuits against the State and it sets the stage for security problems. The former has not yet occurred, but is inevitable. The latter has been experienced in the form of escapes, assaults and other serious incidents.

PRISON STANDARDS

In the past fifteen years, we have seen the emergence of various Jail and Prison Standards stemming from the Civil Rights movement, pressures of

special interest groups and, very often, developed and defined by our Judicial Systems. The most widely regarded standards applying to the nations' prison systems are those authored by the American Corrections Association and the Department of Justice. Both standards are quite similar in their major provisions and the American Bar and American Medical Associations have contributed significantly to both.

The standards are constantly undergoing changes, most of which are the result of Court decisions. Provisions that may have been permissible five years ago are not acceptable today. There is, however, a significant difference in the way in which standards for physical facilities are applied to new and to existing facilities. Court decisions in the past several years have tended to suggest that the violation of a single standard may not be cause for unfavorable actions against an institution but will be considered in the context of the total facility. This would be particularly applicable in the case of older facilities that are undergoing renovation.

It should also be understood that compliance with a particular set of standards is not a guarantee against liability, as some have discovered. It is also a well established fact that the lack of funds is never a successful defense against lawsuits.

Units of government frequently wonder how far they must go to be in reasonable compliance with the standards so to avoid being an unsuccessful defendant in Court. There is no reliable answer to this question, short of learning it in Court. What seems to be the most reliable course of action is that of making the most sincere effort (not necessarily the most expensive) to comply with the basic intent of the standards - protecting the basic constitutional rights of inmates. Following are excerpts from the Department of Justice Standards:

"In assessing institutions in terms of the guarantees of the Constitution, the courts often have paid particular attention to aspects of physical plant, such as cell size, number of inmates per cell or room, lighting, noise levels, sanitary facilities, day space, and exercise and recreation areas. The courts have not found deficiencies in any of these, alone, to be the basis for an adverse ruling, but have

reviewed specific conditions and practices in the context of the facility as a whole. . . We offer these standards as guidelines that would be useful both for planning new facilities and for assessing existing ones. We recognize, however, that for existing facilities to comply with all of the applicable standards in this section may in many instances require time and resources for major construction and renovation, well beyond what would be needed to comply with standards in other sections. Where large expenditures would be necessary to renovate facilities in order fully to comply with the square footage requirements of these standards, we expect that the results to be achieved would be balanced against the costs of achieving them. It is not our intention to require major expenditures for renovations to correct only minor deviations from the standards, where the costs would be excessive when the changes to be made are placed in the context of the conditions in the institution as a whole."

It is quite evident to those familiar with the Old Prison that it has never been in reasonable compliance with today's standards and bears little resemblance to today's contemporary facilities. That, however, is to be expected of a seventy year old prison. To illustrate the present lack of compliance with the principal standards, we cite below selected Department of Justice standards and compare them to present conditions.

<u>Federal Standards (DOJ)</u>	<u>Existing Conditions</u>
2.02 All cells . . . rated for single occupancy house only one inmate.	Most cells equipped with 2 bunks.
2.04 . . .Where an inmate is required to spend more than 10 hours per day in the room or cell there are at least . . . 80 square feet...	55 square feet per cell.
2.05 In long term institutions, there is one inmate per cell or room.	Most cells equipped with 2 bunks.
2.06 There is a separate day room for each cell block or detention room cluster. This day space is not a corridor in front of the rooms or cells.	See 2.28.

Federal Standards

- 2.07 . . . The populations of each housing unit does not exceed its rated capacity (capacities consistent with standards) relating to square footage, sanitary fixtures and other relevant aspects of physical plant.
- 2.08 All housing units and activity areas provide, at a minimum:
- Lighting - 30 foot candles
 - Heating and ventilating systems in accord with ASHRAE
 - Acoustics - 65.70 db daytime
 - Toilets, showers, wash basins, drinking fountains, not and cold water accessible to all inmates . . .
 - Natural light (suggesting cells on outside walls)
- 2.14 Staff offices are readily accessible to inmates and a minimum of physical barriers separate inmates from staff.
- 2.20 Adequate space is provided for conducting programs for inmates
- 2.21 Adequate indoor and outdoor space is provided for inmate exercise. (Gymnasium preferred)
- 2.22 Handicapped inmates are housed in a manner which provides for their safety and security. . . . (also access to all other facilities).
- 2.28 There are day rooms large enough to accommodate 8 to 16 inmates adjacent to each cell block or room cluster. The room has a minimum . . . of 35 square feet per bed -- not including corridor in front of cells . . . The day room is separate and distinct from the sleeping area but immediately adjacent to and accessible from it.

Existing Conditions

See 2.28. Standards are mandating small, manageable unit - not a single block with 200 cells.

- Not in compliance
- Not in compliance
- Not in compliance
- Not in compliance
- Minimal
- Not accessible
- Minimal
- No such Facilities
- No such facilities

One cell block of 200.
To comply would require removal of all cells and the addition of four floors of new construction.

Federal Standards

- 2.29 Special purpose cells shall have:
- One inmate
 - 80 sq. ft. floor space
 - Bed
 - Toilet, wash basin and drinking fountain fixtures.

Existing Conditions

No acceptable cells.

LEGAL IMPLICATIONS

Whether or not we approve of Standards, they are a fact of life that we must learn to live with.

Standards have become the single greatest concern for a large number of prison administrators and state governments. Every penal facility in the country has, does or will feel the effects of standards either by voluntary compliance or by court action. To illustrate current conditions, the following are excerpts from the Correction Digest of March 12, 1982:

ACLU CITES OVERCROWDING AS "MOST SERIOUS PRISON PROBLEM"

U.S. Society: "Low Level Of Civilization"

The American Civil Liberties Union (ACLU) released a report on March 8 demonstrating that the U.S. is "facing a crisis in its prisons due to serious overcrowding."

Studies on prison problems conducted since the 1972 Attica uprising reveal that the root cause of most prison disturbances, as well as the current crisis in corrections, is overcrowding, ACLU National Prison Project Director Alvin J. Bronstein stated.

Twenty-eight states the District of Columbia, Puerto Rico, and the Virgin Islands are operating prisons under court orders because of violations of the constitutional rights of prisoners, according to the report. Each of these orders has been issued in connection with total conditions of confinement and/or overcrowding which resulted in prisoners being subject to cruel and unusual punishment in violation of the Eight Amendment to the U.S. Constitution.

"Low Level of Civilization . . ."

In addition, legal challenges to major prisons are presently pending in nine other states and there are challenges pending in eight states

in which there are already court orders dealing with one or more institutions, Bronstein said.

"Once again, our annual survey shows the low level of civilization of our society when more than half of our states have been found to be violating the most fundamental of our constitutional rights, the right to be free from cruel and unusual punishment," Bronstein added.

The National Prison Project does not, however, support construction of additional prison space as a simple answer to the overcrowding problem, Bronstein said. Instead, it urges the formulation of a national, long-range criminal justice policy which would include, among other things, probation, community service sentencing, and victim restitution as alternative forms of punishment.

The report also disclosed the following:

- ° Sweeping court-ordered changes in entire state prison systems throughout the country have been mandated in Rhode Island, Alabama, Arkansas, Florida, Mississippi, Oklahoma, Kentucky, Louisiana, New Mexico, and Texas.
- ° As a result of overcrowding and/or constitutional conditions in their major institutions, 18 other states, including Virginia and Maryland, are presently under court order.
- ° Constitutional challenges to prison conditions are pending in Illinois, California, Kentucky, Maine, Indiana, Massachusetts, Michigan, Nevada, Ohio, Tennessee, Virginia, West Virginia, North Carolina, South Carolina, Washington, and Wisconsin.
- ° District of Columbia jails are also under a court order relating to overcrowding and the conditions of confinement.

This emphasizes several points. First, Montana is far from alone in its problems with overcrowding and secondly, Montana is fortunate in not experiencing this type of litigation up to this point. It is likely, even if some litigation should commence in the near future, that the State will not experience problems if it can show that it is taking steps to relieve overcrowding by constructing additional constitutional facilities or by developing alternatives to incarceration.

RENOVATION ALTERNATIVES

PRISON POPULATION PROJECTIONS

A recent publication by 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
834	864	876	875	878	849	811	797	785

It is interesting to note that the figure for 1982 is, apparently, remarkably close to the actual figure. It is also significant that only one of the projections, S.A.R.M. (Simulated Admission and Release Model), is reasonably close to these averages through 1985. 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.

There are many reasons to believe that incarceration will continue to escalate. Just a few of them are:

Economic Recession

Joblessness and mobility are leading causes of criminal activity. High levels of unemployment will be with us for some years after the economic picture begins to improve.

Public Opinion

In recent years, there has been an increasingly strong undercurrent of public opinion towards "lock 'em up and throw away the key." This attitude is eventually mirrored by the Courts in less probation and longer sentences.

Statutes

We understand that the State may be considering some degree of mandatory sentencing and tightening of parole procedures. If approved, this will lead to more incarceration.

STANDARDS PRIORITIES

In the previous section on Prison Standards, we have outlined most of the significant standards applying to facility design. These are principals that should be followed in designing facilities, whether new or remodeled. In remodeling, it is seldom possible to comply with each and every standard due to the constraints of a given perimeter, shape, space or other static condition. In such cases, we must establish priorities. What are the most important considerations? Should we sacrifice capacity to obtain larger cells? Should we complicate staff supervision to provide inmates more privacy? Should we sacrifice employee facilities to gain space for an educational program?

Any number of decisions must be made in remodeling projects. This case is no exception. We believe that many of these questions should be resolved by looking at the frequency of lawsuits brought in the respective areas. Based on this premise, we suggest that the priority list be established in the following order:

- 1 - Single cell occupancy.
- 2 - Cell area of 80 square feet.
- 3 - Small, manageable units - maximum 24 man.
- 4 - Dayroom for each unit - 35 square feet per man minimum.
- 5 - Positive, direct staff supervision of housing areas.
- 6 - Medical facilities adequate to provide for routine and minor emergency care.
- 7 - Adequate recreation and exercise program - both passive and active.
- 8 - Treatment programs - clinical, counseling, social services.
- 9 - Rehabilitative programs - educational, occupational.
- 10 - Industrial programs.

In a maximum security facility, emphasis will be placed in different areas than would be the case in a medium or minimum security facility. We will accommodate the most difficult security and disciplinary cases in the system. At the same time, because of overcrowding at the New Prison and the constantly increasing population of the State Penal system, we will expect to have many inmates who, for administrative reasons, have been classified "maximum security", but who do not present significant security or disciplinary problems. This facility will have varying needs for security, safety, supervision and opportunities for treatment and rehabilitation.

The courts do not differentiate between "maximum" or "minimum" security classifications so far as inmates' personal rights and access to programs are concerned. The fact that we are dealing with a maximum security facility in this case does not justify the arbitrary elimination of any provisions of the Standards. Administrative decisions, based on security or disciplinary matters, may, of course, determine the manner in which facilities are used or in which cases use is denied.

BASIC RENOVATION CONCERNS

Before looking at the various alternatives for renovation, it is well to consider some of the general problems inherent in renovation projects and also certain problems specifically applicable to the Old Prison:

1. We are dealing with extensive renovation of buildings that are from 45 to 70 years of age. As any architect or contractor knows, such projects are fraught with problems that cannot possibly be anticipated at the outset. Typically, such projects exceed budgets by substantial amounts regardless of the care with which the budgets are prepared.
2. We are working with buildings with established perimeters and forms. We must shape the design of spaces to fit these limita-

tions, both vertical and horizontal. We do not have the freedom that would be present in the design of a new facility with adequate space. This inevitably results in compromise and, in many cases, a design inferior to that obtainable in new construction.

3. In this instance we are dealing with a building of historic significance. If it is to be renovated, both the exterior and interior may be somewhat altered to best facilitate its use. Many persons may object to this and oppose use of the Prison on this basis.
4. The State has abandoned this facility and in 1980 leased it to the City of Deer Lodge for 25 years. The buildings outside the walls now house the Towe Antique Ford Collection and Gift Shop. The Prison, itself, is a part of this operation, with conducted tours being a popular tourist attraction. It is to be expected that local residents will tend to be in opposition to disturbing this commercial venture, preferring more construction at the New Prison.

PLAN "A"

Plan A is the plan for which the State Architect's office provided cost figures in April, 1982. While the scope is not entirely specific, its basic intent seems to be to restore the Prison to the same plan condition as it was before being vacated. The scope of the work is outlined on Page 4. Generally, the following is contemplated:

Cell House: See Plate A

This building would not be changed architecturally in any way except for provisions for exits and fire separations. The cells would not be changed. The building would be renovated with new windows, roofing and painting. New mechanical and electrical systems would be provided and various maintenance items would be undertaken.

Administration Building:

The work on this building would be very similar to that on the Cell House. Since the building would be utilized substantially as it was previously, many partitions would remain as they are. Since no plan was developed for this building, other than the existing condition, we have not included the floor plan herein.

Hospital Building:

This building would house the hospital, segregation cells and maintenance function. Extensive renovation would be done to improve the facility of the building. Again, no plan has been provided for this area.

Gymnasium and Food Service Buildings:

Separate steel buildings would be constructed for these functions as was previously the case.

Boiler Plant:

A new Plant would be constructed.

Site Work:

Extensive repairs would be made on Guard Towers and new distribution systems provided for utilities. Outdoor recreation facilities would be provided.

COSTS

The costs of Plan A, corrected for bidding in late 1983 are:

Cell House (Remodel)	\$ 2,336,000	(27,720 S.F.)
Administration (Remodel)	1,058,000	(19,772 S.F.)
Hospital (Remodel)	583,000	(5,200 S.F.)
Food Service (New)	596,000	(8,750 S.F.)
Gymnasium (New)	494,000	(8,400 S.F.)
Heating Plant (New)	549,000	(1,500 S.F.)
Site Work and Utilities	960,000	
Energy Retrofit	194,000	
	<u>\$ 6,770,000</u>	<u>(71,342 S.F.)</u>

Cost per bed = \$33,850

Cost per square foot = \$ 94.90

These costs do not include moveable furnishings.

DISCUSSION

We cannot recommend the adoption of Plan A. We believe that there are serious drawbacks that could make its implementation most unfortunate for the State. The most singularly significant drawback is the absence of compliance with Standards regarding the living areas. As we have previously stated, the courts have held that a substandard size cell may not, in itself, be held a violation of rights if the facility as a whole provides other appropriate spaces and services; however, these decisions have been applied to relatively new facilities that have been under continuous operation. This case is decidedly different. There is the definite implication that the State is deliberately ignoring standards by reopening a previously abandoned substandard facility when new facilities or more extensive remodeling of the Old Prison could have provided a compliant facility.

The concept of Plan A appears to have contemplated remodeling all spaces within the wall excluding the Theatre, and providing approximately the same amount of space that was being utilized by a population of some 500 inmates when it was abandoned. With a proposed population of 200, this would suggest the probability of extravagance of space. We believe this to be the case.

This plan also contemplates occupying the entire area within the main walls. This would appear to make it far more difficult to allow the Towe operation to remain in its present location, further complicating the State's negotiations for return of the facility.

In short, the result of this plan would be a substandard facility, extravagant of spaces and cost. At a per bed cost of under \$34,000, it seems to be a bargain. We believe it to be a poor investment and strongly recommend against its adoption.

PLAN "B"

This plan represents the least expensive method of renovating facilities. It makes the most extensive use of existing facilities, requiring no new buildings to be constructed. It is a combination of Plan A and Plan C (to follow). The scope of the work is as follows:

Cell House: See Plate A

The Cell House would be renovated in the same manner as Plan A.

Administration Building: See Plates D and E.

The building would be extensively remodeled, similar to Plan C except that the connection to the Cell House on the Lower Level would be retained along with the existing Shower Room. This would result in some spaces being smaller than shown on Plate D. Boiler Plant, Hospital, Food Service, Recreation and Exercise would be accommodated in this building.

Site Plan:

The recreation yard would be terminated by a fence north of the Theatre, as shown on Plate B, allowing the Towe operation to continue.

In essence, this Plan eliminates the construction of new buildings for Boiler, Food Service and Gymnasium and substitutes a more extensive remodeling of the Administration Building. It also eliminates the remodeling of the Hospital Building.

COSTS

The costs of Plan B, corrected for bidding in late 1983 are:

Cell House (Remodel)	\$ 2,336,000	(27,720 S.F.)
Administration Building (Remodel)	1,453,000	(19,772 S.F.)
Physical Plant Equipment	342,000	
Sitework	672,000	
	<u>\$ 4,803,000</u>	<u>(47,492 S.F.)</u>

Cost per bed = \$24,000

Cost per square foot = \$ 101.10

These costs do not include moveable furnishings.

DISCUSSION

This plan retains the substandard Cell House but provides a more practical approach in all other ways. Its bed cost of \$23,900 is exceptionally low. While we would prefer Plan B over Plan A as a far better investment, we cannot recommend the adoption of this plan in that it still retains the Cell House in its present state of design - a condition that is certain to result in future litigation for the State.

PLAN "C"

Plan C has evolved as the result of searching for the most practical way in which to provide a constitutional facility while maintaining satisfactory cost efficiency. The plan contemplates the following elements:

Cell House: (See Plates C and F)

The interior cell tiers would be demolished. New Cell Blocks would be constructed, providing 8 - 24 man blocks on two principal levels. Each block would be double decked and would have its own Day Room. Standard capacity would be 192 beds. A new stair and elevator tower would be constructed at the center of the unit, providing the main access to and from the building. Control centers on both floors would be located in the center corridor. The corridor provides access to the perimeter guard corridor.

Cell construction would be reinforced concrete block walls and concrete floor systems. We have investigated the use of prefabricated steel cells and have conferred with designers and potential manufacturers thereof. This being a new field, there is not yet enough cost information available to enable a competent comparison to be made to conventional construction. We do know that prefabrication can save a significant amount of construction time. We suggest that this option be left open pending further cost information.

Each of the two West Towers would be provided with emergency stairways and two isolation cells, making a total of 8 isolation cells in the building. It is not contemplated that the two Eastern Towers would be developed for any specific purpose; however, some alternative uses, such as storage, could be found.

Generally, the same scope of renovation to the shell of the building would be performed as for Plan A.

An alternative, at substantial added cost, would be the construction of four floors, providing 16 - 12 man cell blocks.

Administration Building: See Plates D and E.

The interior of this building will be demolished and completely rebuilt, providing the following facilities:

Lower Level

Kitchen
Dining
Recreation
Exercise
Chapel
Library
Crafts
Boiler Plant
Laundry
Storage
Maintenance

Upper Level

Administration
Infirmary (6 beds)
Secure Visiting
Contact Visiting
Social Services
Clinical Services
Counseling
Voc-Ed Classrooms
Security Staff Offices & Services
Main Control

Connecting Concourse: See Plate F.

A new concourse, connecting the Cell House and both levels of the Administration Building would be constructed. This will allow inmates access to all facilities under cover, providing improved security and supervision.

Site Plan: See Plate B.

A new opaque fence would be constructed North of the Theatre and a new vehicle sallyport and Guard Tower would be constructed at the west end of that fence. This would permit the Tower operation to continue as at present and would also allow the future renovation of the Theatre for community use.

Hospital Building:

The West end of the Hospital Building would be used for maintenance and storage purposes. It is intended that the balance of the building be developed in the future as an Industries building, possibly as an inmate project.

COSTS

The costs of Plan C, corrected for bidding in late 1983 are:

Cell House (Remodel & Tower)	\$ 5,193,000	(36,372 S.F.)
Administration (Remodel)	1,453,000	(19,772 S.F.)
Concourse (New)	235,000	(3,028 S.F.)
Physical Plant Equipment	342,000	
Sitework	672,000	
	<u>\$ 7,895,000</u>	<u>(59,172 S.F.)</u>

Cost per bed = \$41,100
Cost per square foot = \$ 133.40

These figures do not include moveable furnishings.

STAFF PLAN

It is to be expected that smaller detention facilities will be less efficient in terms of staff/inmate ratio than larger facilities when comparable services are provided. The present ratio of 308 staff to approximately 730 inmates at the New Prison equals 1 staff to 2.37 inmates. The anticipated staff plan for the Old Prison has a less efficient ratio (192/93 = 2.06) and would utilize some staff and services at the New Prison. This might be the equivalent of 3 positions, reducing the ratio to 2.0.

The proposed staff plan for Plan C, together with notations of those staff services that would be provided for this facility from the New Prison, is as follows:

ADMINISTRATION		SERVICES BY MSP	
Administrator	1	Warden would continue to be	
Admin. Ass't. & Planner	1	Chief Administrator.	
Secretary	1	Intake processing and	
Accounts & Property Clerk	1	quarantine services.	
Records & Mail Clerk	1	Accounting, payroll, personnel	
Switchboard & Receptionist	1	and staff training.	
	6		

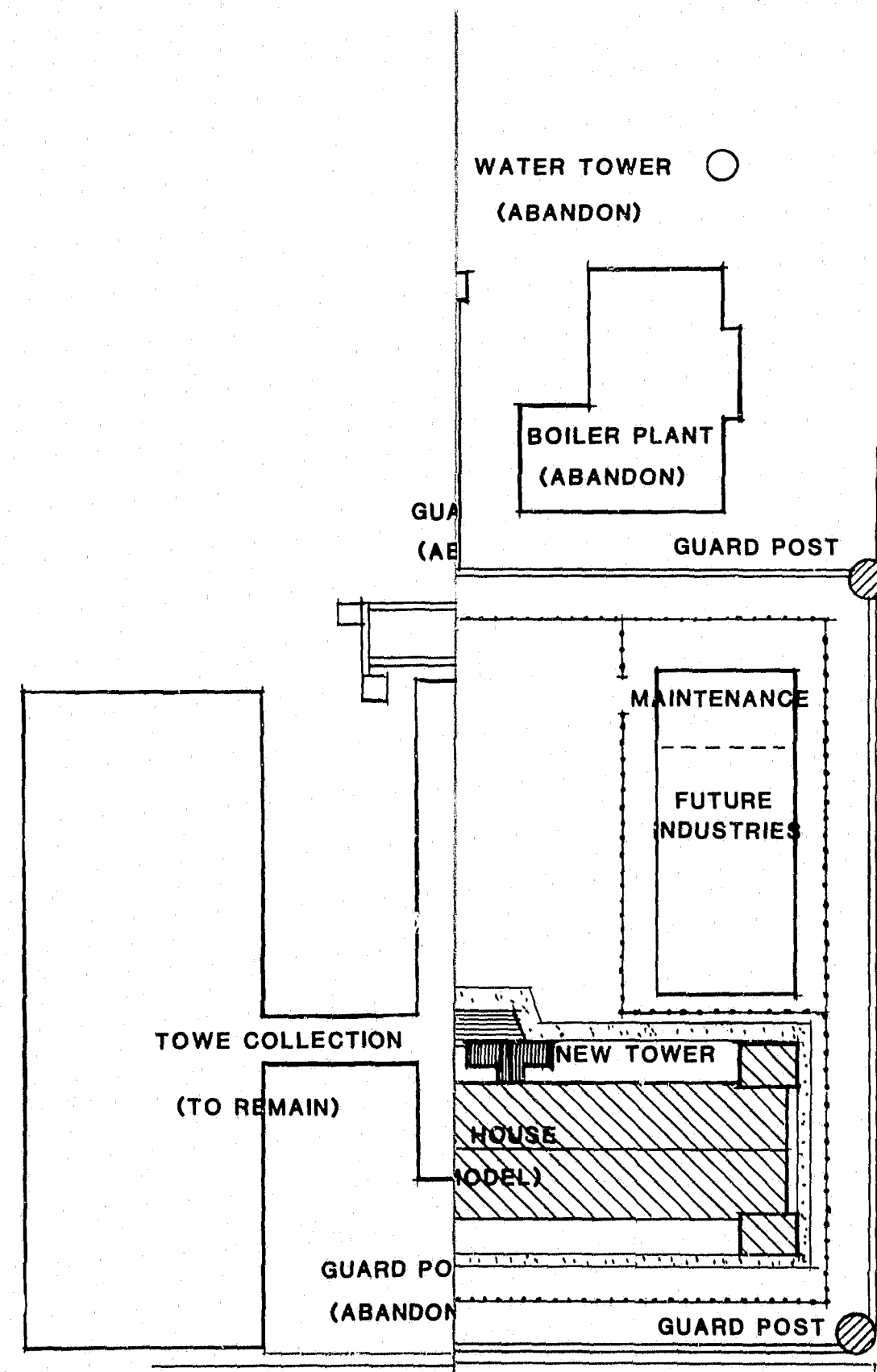
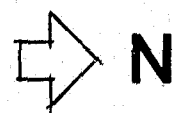
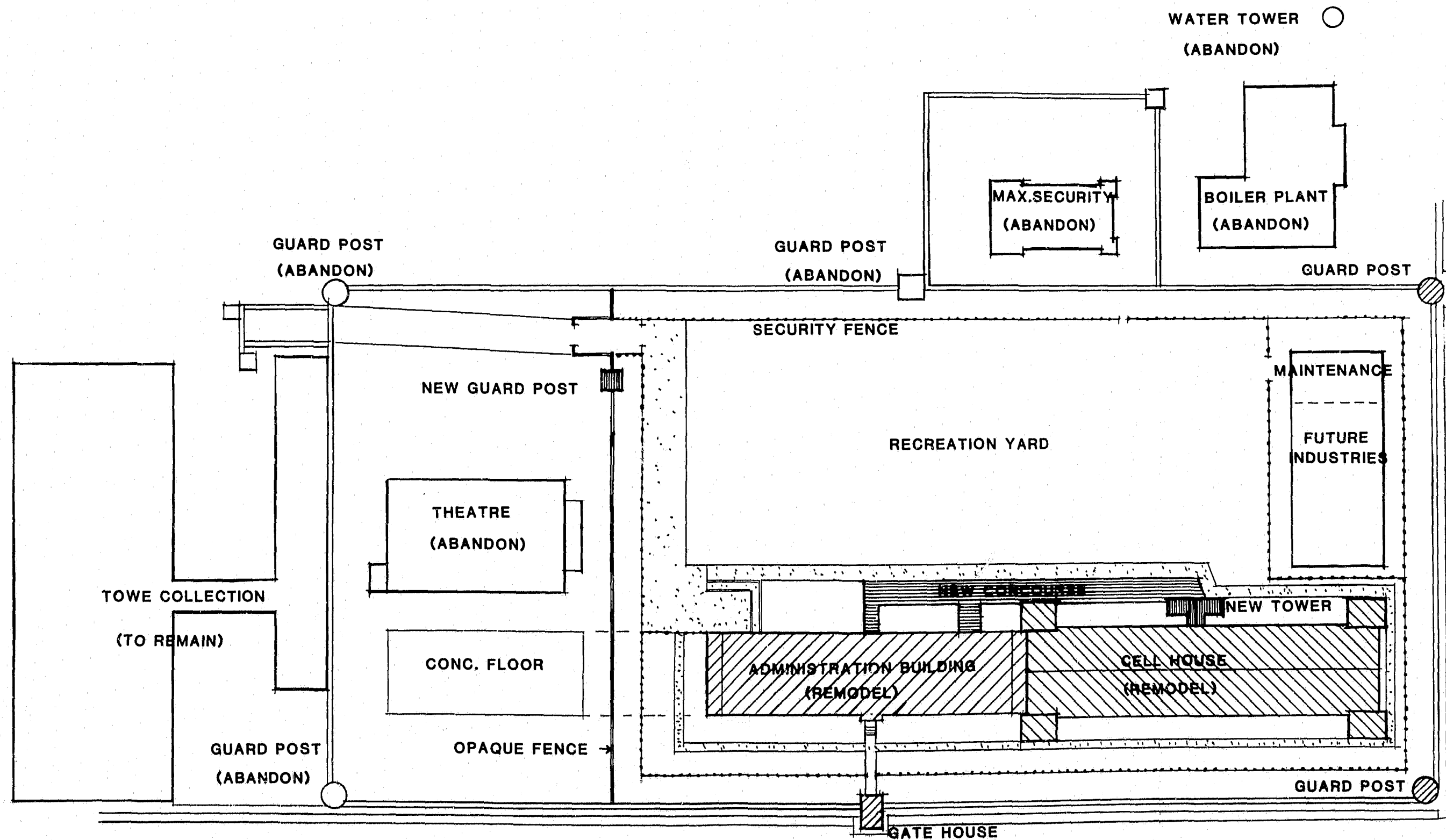


PLATE B



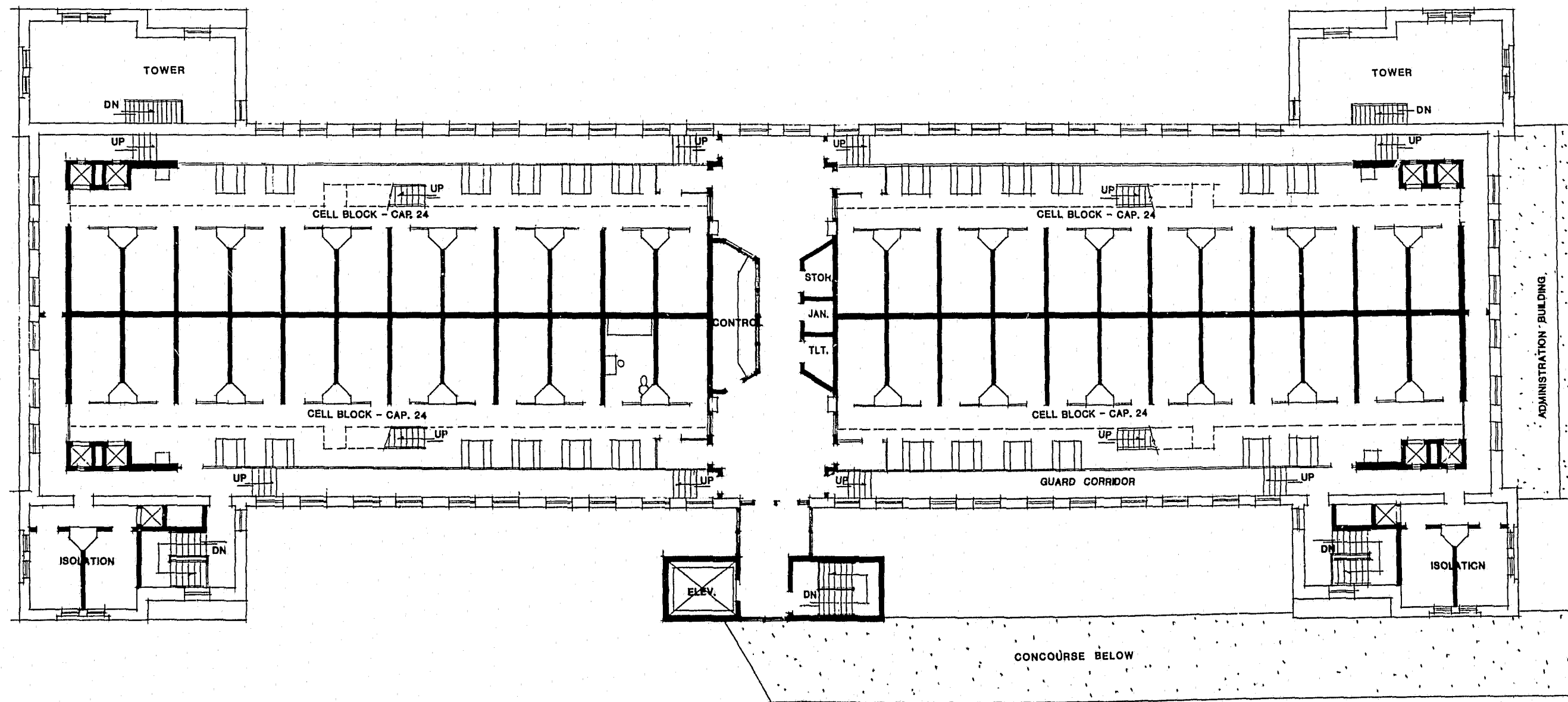
OLD MONTANA STATE PRISON SITE PLAN

SCALE 1" : 60'-0"

PLAN "C"

PLATE B

The Parrish Architects

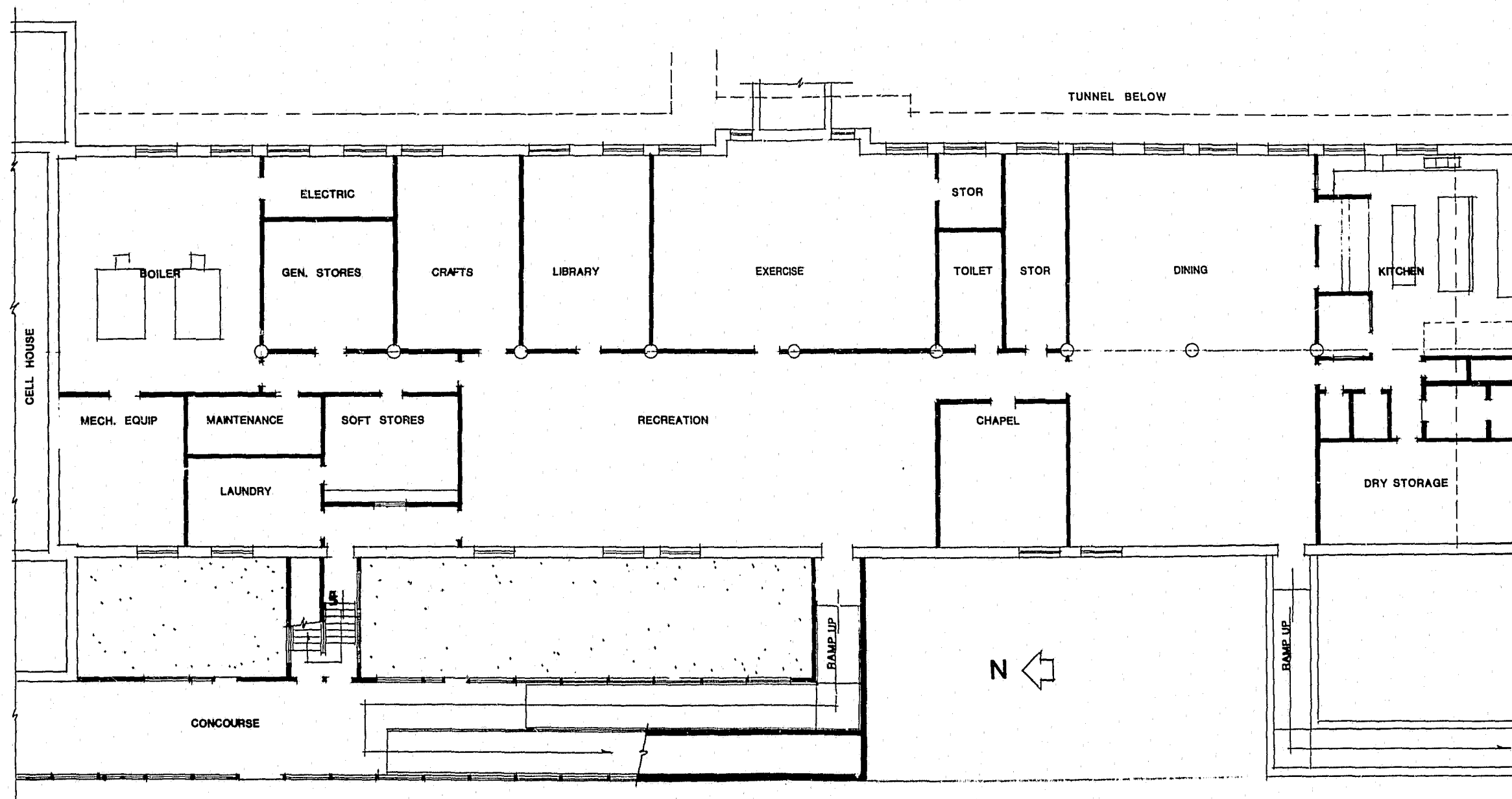


CELL HOUSE
UPPER LEVEL
LOWER LEVEL SIMILAR
SCALE 1/16" : 1'-0"

PLAN "C"



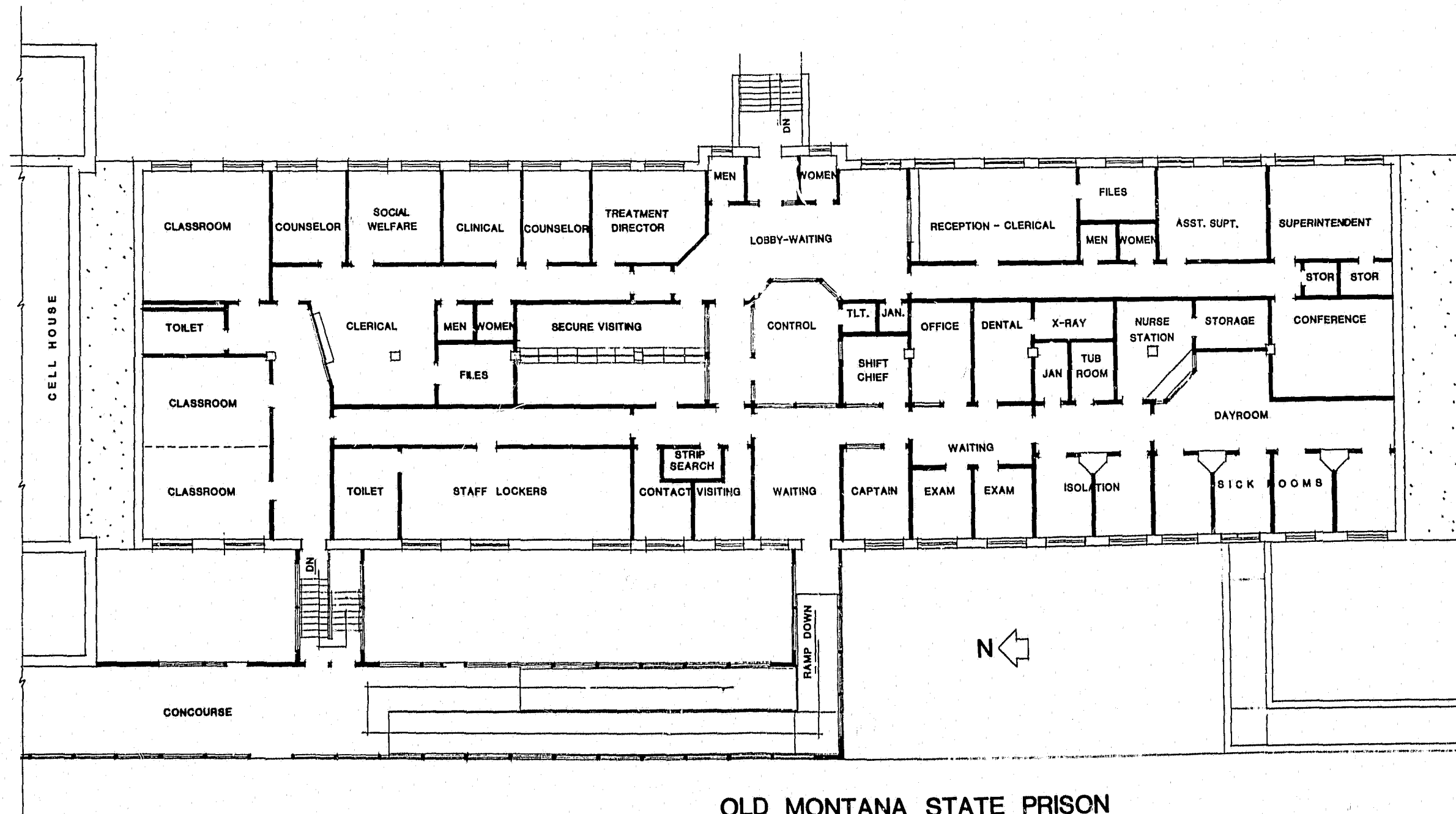
PLATE C



OLD MONTANA STATE PRISON
ADMINISTRATION BUILDING PLAN "C"
LOWER LEVEL

SCALE 1/16" : 1' 0"

PLATE D

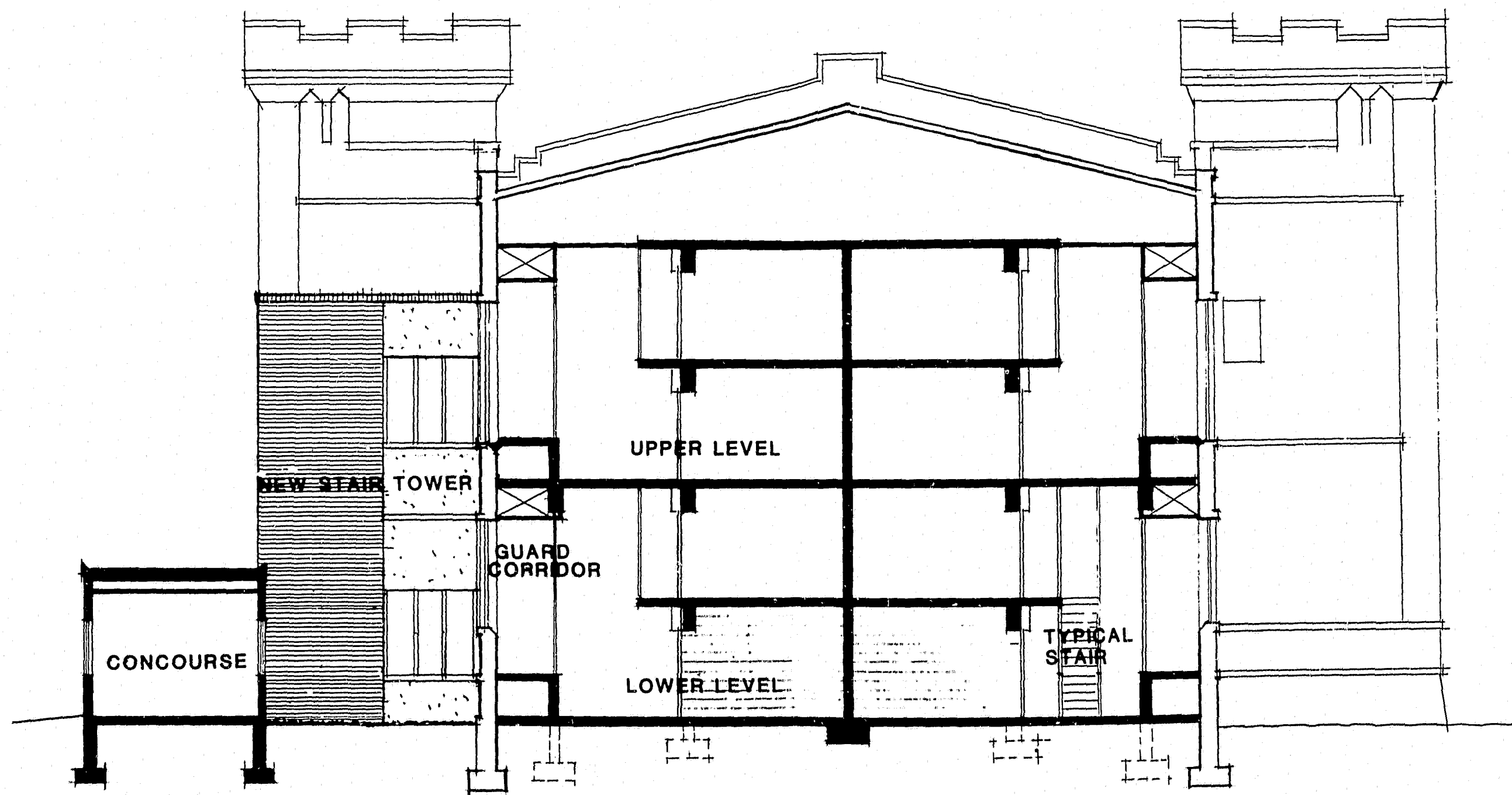


OLD MONTANA STATE PRISON
ADMINISTRATION BUILDING PLAN "C"
UPPER LEVEL

SCALE 1/16" = 1'-0"

PLATE E

The Parrish Architects
Consultants



OLD MONTANA STATE PRISON
CELL HOUSE SECTION

PLAN "C"

SCALE 1/4" : 1'-0"

PLATE F

SUPPORT SERVICES		
Ass't. Plant Supt.	1	Special maintenance trades.
Maintenance Worker	1	
Custodial Worker	1	Warehousing and stores.
Groundskeeper	1	
Inmate Crew Supv.	1	
Food Service Manager	1	
Cooks	<u>3</u>	
	9	

TREATMENT SERVICES		
Director	1	Psychiatric services, drug and alcohol counseling.
Clinical Services Supr.	1	
Social Worker	1	
Social Services Supr.	1	
Counselors	2	
Education Director	1	
Teachers	1½	
Librarian	½	
Secretarial Pool	2	
Recreation Supr.	1	
Recr. Instructor	1½	
Chaplain	½	
Infirmery Supv.	1	
Nurse	3	
L.P.N.	5	
Clerk	<u>1</u>	
	24	

SECURITY		
(5 men per 24 hr. post)		
Captain	1	
Shift Supervisor	5	
Clerk	1	

Corr. Sergeant - Housing	5	
Corr. Officer - Housing	15	4 posts
Corr. Officer - Towers	15	
Corr. Officer - Yard/Gate	5	4 posts
Corr. Officer - Control	5	
Corr. Officer - Visiting	2	
	<u>54</u>	
Total Staff	93	

OPERATING COSTS

Following are the yearly costs of operation that would be expected for 1983, if the facility were in operation:

<u>Bond Retirement</u>		
\$7,900,000 @ 9.5% - 20 years =		\$ 883,700
<u>Staff</u>		
96 personnel =		2,046,900
Fringe benefits - 23.9%		489,200
<u>Food Service</u>		
At \$3.00 per day/per bed =		210,200
<u>Utilities, Maintenance & Supplies</u>		
62,000 s.f. at \$1.85 =		<u>114,700</u>
Yearly Cost =	\$	3,744,700
Daily Bed Cost =	\$	53.40
Daily Bed Cost, excluding bond retirement	\$	40.80

The cost of Bond Retirement would tend to be a fixed cost, while all other costs would be subject to inflation.

DISCUSSION

This Plan has many advantages over Plan A and B, among which are the following:

Standards

The facility conforms to standards insofar as is reasonably possible. The 24 man Cell Blocks are somewhat larger than desirable but would not constitute a serious problem.

Segregation

Eight separate units provide ample opportunity for separation of inmate classifications.

As a matter of interest, a Task Force function is to "...give primary consideration to providing for the segregation of prisoners"

Handicapped

Handicapped inmates can be accommodated and can have access to all facilities by way of elevator and ramps to various levels.

Cell Blocks

Cells are 80 square feet. The presence of Day Rooms allow a large degree of flexibility in the use of programmatic facilities.

Isolation

The location of the Isolation Cells in the Cell House is staff efficient.

Food Service

Food service can be either in Dining Room or in Cell Blocks.

Inmate Traffic

All inmate movement is within the buildings, improving security and efficiency.

Staff Supervision

Perimeter Guard Corridors and appropriately located Control Centers provide for greatly improved staff supervision. All cells are immediately visible from the corridor.

Future Industries

The present Hospital Building can be developed as an Industries Building as an inmate project.

Towle Collection

The Towle operation could remain as it presently exists.

Programmatic Services

A wide range of programmatic spaces and services are available. The facilities are adequate for a prison of this size.

While there are many obvious advantages to this type of building program, there are inherent disadvantages that would appear in any renovation plan at this location, including:

Expandability

For all practical purposes, this Facility would not be expandable beyond its initial capacity. The adjunct services would not be capable of providing for increased capacity. The yard area is minimal at present. There is simply no room to expand.

On the other hand, if this were to be regarded, ultimately, as a facility to house Maximum Security inmates, exclusively, for a growing State penal system, it could perform that function for a system of 1100 to 1300 inmates. In this context, its location away from the New Prison could become an asset and its higher cost of operation could be justified.

Self Sufficiency

Because of the relatively small size of the Prison and the proximity of the New Prison, it is most practical to make use of certain specialized staff and services of the New Prison; however, this somewhat reduces the flexibility and accessibility to all services at the Old Prison.

Cost of Operation

Due to the relatively small population of the Prison, staffing is bound to be less efficient than in a larger facility. In this instance, the same requirement for perimeter security exists as for 500 men. The treatment staff ratio is also high due to the need for certain minimal capabilities. With the cost of staff being the highest single cost of operation, it is evident

that the total cost of operation will be higher than a larger facility would experience. In this instance, staff represents about 85% of the cost of operation, excluding bond retirement. On this basis we estimate that operational costs would be 16% higher (\$406,000 in 1983) than if the expansion took place at the New Prison.

ANALYSIS OF PLANS

The preceeding development and discussion of Plan A, B and C leave little doubt as to the most appropriate approach to renovation of the Old Prison, if that is to be undertaken. Plans A and B, while less expensive, are poor investments and would only be a source of future litigation and other problems to the State. Plan C, while it leaves some things to be desired, is, on the whole, an acceptable approach from the point of view of design, programmatic capability and constitutionality.

We feel strongly that Plan C, or a similar type of planning, is the only acceptable approach if the State determines to renovate the Old Prison.

CONSTRUCTION AT NEW PRISON

As previously mentioned, it is not within the scope of this Study to investigate all aspects of possible construction at the New Prison. It is appropriate, however, to mention several aspects of it that appear to bear directly upon a decision as to the advisability of renovating the Old Prison:

1. The abundance of space at the New Prison places virtually no restriction on design, enabling more functional solutions to facility planning.
2. While we cannot foresee precisely how a facility would be staffed, it would tend to be more efficient at the New Prison, resulting in substantial savings over a period of years.

3. Although many authorities tend to discourage prisons with capacities in excess of 500 inmates, we would not regard this as a mandate. We do, however, believe that the State should set a limit somewhere under 1000.
4. In considering the increasing prison population and the current degree of overcrowding at the New Prison, it is almost certain that, at the time of occupancy of the renovated Old Prison, a substantial number of inmates will remain at the New Prison in substandard housing, leaving the State back in the same dilemma.

OTHER ALTERNATIVES

During the course of this Study, the third alternative that often receives discussion and support is the construction of a new prison in the eastern part of Montana. It is evident that this would have certain advantages, particularly due to the large size of Montana and travel times involved in transporting prisoners and the difficulty of access for some visitors.

The additional expense, however, of a new prison, would be considerable and should be carefully considered for cost effectiveness.

An alternative that could be made available after this current expansion, not involving construction, is the provision of more alternatives to incarceration at the State Prison. Several states have, and more are considering, revising statutes to permit sentences of up to two years to be served in County jails. Supervised alternative residences for non-violent offenders might be considered. In either of these cases, the per diem cost to the State would probably not be lowered, but the cost of constantly building new facilities might be saved.

RENOVATION FEASIBILITY

To investigate the feasibility of Plan C, we will consider separate categories, as follows:

Standards Compliance - FEASIBLE

Though not totally compliant with the intent and the letter of the Standards (no gymnasium-cell block capacity) we would regard it as in substantial compliance, certainly to the extent that the State would not be vulnerable to successful court actions.

Construction and Design - FEASIBLE

We believe that the present construction, coupled with extensive renovation and a good maintenance program will provide another 40 to 50 years of useful life for the facility.

The restrictions placed on Cell Block design by the building perimeter leave something to be desired; however, taken as a whole, the design of the facility works well.

Security - FEASIBLE

Security would be excellent. Perimeter security would be substantially as it was previously. Interior security would be improved due to the use of small inmate units, improved guard corridors and electronic assists.

Cost of Construction - FEASIBLE

The cost per bed of \$41,000 is well below the cost of new prison construction and apparently, below the costs of providing new facilities at the New Prison.

Cost of Operation - marginally FEASIBLE

As previously discussed, the cost of staff due to the limited size of the facility is excessive. Other than staff, operational costs should approximate those of the New Prison.

Taken as a whole, we would regard the project as feasible, but would give it a grade of C minus.

RECOMMENDATIONS

We have presented what we believe to be the most pertinent factors to be considered in reaching a decision as to whether renovation should be undertaken. On the basis of these facts, we have concluded that renovation, if undertaken in an appropriate manner, is feasible within the limitations described. There will be divergent opinions as to the order of priority items in arriving at this decision - design, initial costs, long term operational costs, space limitations, etc. How one ranks these issues, will, to a large degree, determine one's preference between renovation and new construction. In our opinion, whether to renovate the Old Prison or construct additional facilities at the New Prison is a very close judgement call requiring a high degree of impartiality and objectivity. The question seems to be - can we justify the short term savings against long term operational costs and the uncertainty of future inmate population? We are compelled, in view of the history of recent years and strong prevailing opinion in Corrections, to believe that further capacity will be required in addition to the 192 now being considered and that the State's best interest may be served by confining all additions to the New Prison. We, therefore, offer the following recommendations for consideration:

- 1 - THE STATE SHOULD CAREFULLY WEIGH THE PROBABILITY OF FURTHER CAPACITY REQUIREMENTS BEYOND THE CONTEMPLATED EXPANSION AND ESTABLISH CONTINGENCY PLANS THEREFOR.
- 2 - THE STATE SHOULD THOROUGHLY INVESTIGATE ALL POSSIBLE ALTERNATIVES THAT WILL RESULT IN DECREASING SECURE CONFINEMENT IN THE STATE PRISON SYSTEM.
- 3 - IF INITIAL COST OF FACILITIES IS TO BE THE PRINCIPAL FACTOR IN SELECTING THE PRESENT PRISON EXPANSION PLAN, WE RECOMMEND RENOVATION OF THE OLD STATE PRISON.
- 4 - IF THE OLD STATE PRISON IS TO BE RENOVATED, WE STRONGLY RECOMMEND THAT IT BE ACCOMPLISHED IN ACCORDANCE WITH PLAN "C", WITH ALL EFFORTS MADE TO COMPLY WITH RECOGNIZED NATIONAL STANDARDS.

Extract from Minutes of December 6, 1982 Meeting of Task Force on Corrections

Chairman Thoft asked Will Parrish to respond to the Department's presentation. Because a considerable amount of interest has been expressed in this portion of the minutes, the following is a verbatim transcription.

Will Parrish: I would like to start by explaining how I arrived at the staffing pattern that was presented in the study. To begin with, I was looking at what I considered more or less minimum staffing patterns. I think that the department's further study of that tends to bear that out. When I put this together I deliberately did not consult with the department because I felt that we should have something to compare with. The only thing I did have was the department's present staffing pattern. I've gone over the department's recommendations and its very difficult to take exception to what they have developed. There are a couple of positions that I had anticipated might be in the category of existing staff from the new prison that had been included on here. Of course, the principal difference is in the security staff. It's very hard to take exception to this. I do believe that there are ways that it might be reduced somewhat, and particularly with regard to perimeter security. It depends a great deal on what electronic aids could be developed. So I would think that maybe the department's figure of 73.7 might be reduced slightly. It would have to be studied at some length, and I certainly do not have any major criticism.

Chairman Thoft asked Mr. Parrish a partially inaudible question regarding Mr. Parrish's opinion on whether it would be "a good thing to rehabilitate the Old Prison and move 190 higher risk prisoners from the present institution from the standpoint of rehabilitation and security".

Will Parrish: In my opinion, I feel that the more separation the better, and some of the problems have been pointed out this morning. Even though you are completely physically separated you still don't eliminate all of the problems, but I think we were talking there more in terms of purely security matters. In terms of rehabilitation, that of course depends almost entirely on the programs you have. I do feel that that end is assisted by a physical separation. That is one advantage that larger states have. They have to separate by necessity but they also do so by degree of security. As long as the facilities are kept to a manageable size this probably does assist to a large degree in better rehabilitation programs. So I think the answer to your question is, "Yes, there's a lot to be said for the physical separation."

Chairman Thoft: Is it traditional that it takes a higher staffing pattern in maximum security than in minimum?

Will Parrish: Yes, it is, and of course the physical size of the facility has a great deal to do with it. Obviously the smaller it is the higher ratio you are going to have.

Chairman Thoft: The proposal to build at the present site could present that same problem of size when we're talking about 192 beds at either place. Do you think the administration has addressed the ratio of higher staffing rate in maximum as they should?

Will Parrish: Yes, I believe so. And of course their figures do bear this out to a large extent. The staffing for the divided compound -- yes that does bear that out.

Chairman Thoft: A concern of mine, and obviously Carroll's, is that if we have said we can get by with this staffing pattern, and then when we get it built come back and ask for more, everybody's mad, but we get it.

Will Parrish: This staffing pattern is developed in accordance with today's practices and I think we can anticipate that it is quite adequate.

Senator Haffey: Mr. Parrish, after reading through your report a couple of times and trying to look at the whole report in context, and every message that you gave us, I reached some conclusions that are just unavoidable, but I want to see if I'm reaching the same conclusions you're reaching on the whole report. When it comes to summarizing the feasibility of Plan C, which is the only plan that you think is at all worth considering for the Old Territorial Prison, you give it a C- as a grade. When I read that, that jumped out and I said, "Well, right, that's in the report. I didn't know he'd come to a grade on it." There are specific things that support that throughout the report. What kind of a grade would you give, given the conclusions you've reached about prison population expectations from your experience around the country, what kind of grade would you give to the concept of doing what we need to do now as a state out at the new prison site rather than at the Old Territorial Prison, and from what we've learned from our discussions.

Will Parrish: That's a very provocative question. When I put that statement in the study, that C-, I kind of agonized over that for some time and tried to perhaps word it a little differently, but it seemed as though that illustrated the point that I was trying to make. I think that certainly there are very definite advantages to building at the new prison which I have

pointed out. At the same time, the disadvantages are ... the real advantage that one could point out of building away from the new prison would be really two things: the reduction of the total number of inmates at one facility, which is desirable; and secondly, the improved physical separation of simply distance, which does have some advantages, which has been definitely pointed out. I suppose overall I would have to assign construction at the new prison a bit higher grade -- perhaps like a B -.

Senator Haffey: When you do that, when you say that it's that comparison of a B- to a C-, you're saying that something is preferable to construction of facilities at the new prison. If we've addressed, and you've cautioned us as everybody has, that we have to address the whole spectrum of corrections, and prerelease, and alternative sentencing -- if we've addressed all that, and construction of facilities is still necessary for humane treatment of inmates as well as for standards of associations like Department of Justice, and as well as court's addressing the matter, then if we've done it all that, is the B-your grade?

Will Parrish: I guess what I really have in the back of my mind is that I'm trying to consider what would be the most ideal option, let's say if money and staffing and some of those problems were removed from consideration, then in that case I think the ideal would be to go to another location and build a completely new facility. Of course, the likelihood of that happening is very small, but that would be the ideal thing to do. To that I would assign an A.

Senator Haffey: Because of ...?

Will Parrish: Well, to achieve whatever benefits there may be -- we can look at each one of these proposals and say that each one of them has some certain drawbacks (several words inaudible).

Senator Haffey: So is that from an architectural constraint standpoint that ...?

Will Parrish: No, I'm not looking at it architecturally -- I'm trying to look at it from a correctional point of view.

Senator Haffey: Mr. Chairman, if I could just finish one question here. The conclusion that I reach is that the whole report read in context says, "From the choices available to the State of Montana that you have become aware of, and when considering all the factors that should be considered, including initial construction costs, ongoing operating costs, etc., I get the sense that just as you've assigned the grades of B- and C-, not to dwell on those too much, that you think it would be most

prudent for the state to do the expansion at the new prison." Am I correct?

Will Parrish: Well, that's the conclusion I have arrived at looking at the facts. There are, however, possibly some other considerations, most of which I think I have pointed out. But the compelling factor involved in that decision was the necessity for possible standards. I had to look at that and, as we've been talking, the original cost to the state over any timeframe we choose -- the time factor.

TPA The Parrish Architects
Justice and Security Consultants

1885 University Ave., St. Paul, Minnesota 55104 (612) 645-4545

DECEMBER 13, 1982

REPRESENTATIVE ROBERT A. ELLERD
% LEGISLATIVE COUNCIL
ROOM 138
STATE CAPITOL
HELENA, MT 59620

RE: OLD MONTANA STATE PRISON
RENOVATION FEASIBILITY STUDY

DEAR REPRESENTATIVE ELLERD:

I ENJOYED RECEIVING YOUR TELEPHONE CALL THIS MORNING AND DISCUSSING THE CONTINUED INTEREST OF YOURSELF AND OTHERS IN THE RENOVATION OF THE OLD PRISON. I WOULD LIKE TO SUMMARIZE MY COMMENTS OF THIS MORNING SO THAT THE COMMITTEE CAN MAKE APPROPRIATE USE THEREOF.

ON PAGE 26 OF THE STUDY, THE QUESTION OF EXPANDABILITY IS DEALT WITH RATHER TERSELY - "FOR ALL PRACTICAL PURPOSES, THIS FACILITY WOULD NOT BE EXPANDABLE BEYOND ITS INITIAL CAPACITY." THIS INITIAL CAPACITY WAS ASSUMED TO BE NO MORE THAN 200. THAT STATEMENT WAS BASED ON THE FOLLOWING PREMISES:

- 1 - LACK OF ADEQUATE EXTERIOR SPACE (YARD AREA) WITHIN THE PERIMETER WALLS WHEN COMPARED TO CURRENT RECOGNIZED PRACTICES OF PENAL DESIGN.
- 2 - INABILITY OF THE ADMINISTRATION BUILDING TO ADEQUATELY SUPPORT THE PROGRAMMATIC, ADMINISTRATIVE AND SERVICE FUNCTIONS REQUIRED BY EXPANSION.
- 3 - PROBABLE INTERFERENCE WITH THE TOWE OPERATION WHICH, DUE TO LEGAL PROBLEMS, COULD PROHIBIT ANY PROJECT FROM PROCEEDING.

THESE OBJECTIONS TO EXPANSION ARE PRIMARILY LEGAL AND PROGRAMMATIC. ON THE OTHER HAND, WE WOULD AGREE THAT FROM A PHYSICAL, TECHNICAL AND ENGINEERING POINT OF VIEW, THE FACILITY COULD BE EXPANDABLE. IN ORDER TO PROVIDE FOR THIS, THE FOLLOWING CONDITIONS WOULD HAVE TO BE MET:

- 1 - THE EXPANSION WOULD MOST LIKELY TAKE PLACE TO THE SOUTH OF THE ADMINISTRATION BUILDING REQUIRING ALL OF THE ENCLOSED COMPOUND AREA TO THE SOUTH WALL. THIS BRINGS THE QUESTION OF THE TOWE OPERATION INTO SHARPER FOCUS AND, AS A PRACTICAL MATTER, WOULD ALSO REQUIRE REMOVAL OF THE THEATRE.

- 2 - DOUBLING THE NUMBER OF INMATES WOULD BE EXPECTED TO RESULT IN AN INCREASE OF ADMINISTRATIVE, PROGRAM AND SERVICE FACILITIES BY AT LEAST 70%, PARTICULARLY CONSIDERING THAT THE ADDED INMATES WOULD TEND TO BE OF LESS SECURE CLASSIFICATION.
- 3 - A SOMEWHAT LARGER INITIAL INVESTMENT WOULD HAVE TO BE MADE (\$1,000,000 PLUS) IN ORDER TO PROVIDE THE POTENTIAL FOR PRACTICAL FUTURE EXPANSION.
- 4 - INITIAL PLANNING WOULD HAVE TO INCLUDE THE TOTAL FUTURE DEVELOPMENT IN ORDER TO ALLOW THE PRACTICAL MODIFICATIONS IN FACILITIES AND SYSTEMS (FROM PLAN C) THAT WOULD BE REQUIRED. THE POSSIBLE EXTENSION OF THE YARD AREA TO THE WEST SHOULD BE EXPLORED.

FOR SOME YEARS THE PRISON HELD OVER 800 INMATES. THIS WAS ACCOMPLISHED WITH TWO MAIN CELLHOUSES, DOUBLE BUNKING, FEW PROGRAMMATIC SPACES AND NO STANDARDS. FROM A PHYSICAL POINT OF VIEW THE EXISTING PERIMETER COULD AGAIN ACCOMMODATE TWO CELLHOUSES BUT WITH 380 TO 400 INMATES, SINGLE BUNKED. WE WOULD ALSO HAVE TO PROVIDE VASTLY IMPROVED ADJUNCT FACILITIES AND CAPABILITIES OVER AND ABOVE THE SITUATION OF PRIOR YEARS. WITH THIS INCREASED NUMBER OF INMATES, STAFFING WOULD UNDOUBTEDLY BECOME MORE EFFICIENT.

I HOPE THE FOREGOING PROVIDES MORE INFORMATION PERTAINING TO THE POSSIBILITIES OF FUTURE EXPANSION. IT CAN BE DONE, BUT WHETHER THE STATE PENAL SYSTEM WOULD BE ENHANCED THEREBY WILL BE OPEN TO DEBATE.

WITH THE RECENT ADVANCEMENT OF THE STONE PROPOSAL WHICH, IT APPEARS, WOULD RESULT IN GREAT FINANCIAL ADVANTAGE TO THE STATE, I WOULD REFER YOU TO RECOMMENDATION #3 ON PAGE 30. THE PHRASE, "INITIAL COST OF FACILITIES" WAS USED; HOWEVER, I BELIEVE IT WOULD BE QUITE REASONABLE TO EXPAND IT TO INCLUDE, "OR THE SIGNIFICANT TOTAL OVERALL COST OF CONSTRUCTION AND OPERATION."

IF I CAN BE OF ANY FURTHER ASSISTANCE PENDING MY NEXT TRIP TO MONTANA, PLEASE DO NOT HESITATE TO CALL ME.

SINCERELY,

Willard C. Parrish, Jr.

WILLARD C. PARRISH, JR. AIA
PRESIDENT
THE PARRISH ARCHITECTS

WCP/vb

This portion of Appendix B presents the formal response of the Department of Institutions to the Parrish Report. The report was presented to the Task Force at its December 6, 1982 meeting. Attachment B was revised to correct typographical errors in the original.

Three separate proposals are described in this report; 1) a renovated territorial prison; 2) a 192 cell self-contained unit, adjacent to the existing prison; 3) a 192 cell addition to the existing prison, including two new support buildings and a division of the existing compound.

If the territorial prison were to be renovated for the purpose of housing 192 high risk inmates, the state would essentially be operating two prisons physically separated by five miles. This physical separation would necessitate duplication in the areas of administration and support services as indicated in attachment A. A separate kitchen, infirmary and canteen would be required at each prison. Warehouse facilities would be maintained at the existing prison, necessitating the transporting of inventory to the territorial prison.

This physical separation would also reduce the level of productivity for those staff who would assume duties at both institutions, due to over-the-road time; time which would not be available for assigned duties. Gasoline consumption would increase as a result of increased staff travel and inmate transportation.

Each of the options for 192 cell additions to the existing prison would utilize existing kitchen, infirmary, canteen, and warehouse services. Non-labor operational costs should be approximately the same for each of these on-site additions.

STAFFING

We have been as objective as possible in our staff recommendations, realizing that staff costs comprise a major portion of a correctional facility's operational budget. Staffing levels recommended here are based on our best judgment and could change minimally depending on the configuration of the proposed buildings and actual operational experience.

Attachment A shows four distinct staffing patterns; 1) staffing as recommended by the Parrish report, 2) the department's modification of the staffing levels recommended by the Parrish report*, 3) the department's recommended staffing level for a 192 cell addition to the existing prison, including two new support buildings, and a division of the existing compound, and, 4) a 192 cell self-contained unit constructed adjacent to the existing prison.

Staffing for the 192 cell self-contained unit is less than that required for an expanded/divided compound due to the following:

1. No yard activities in the self-contained unit.
2. One guard tower rather than two.
3. Very limited recreation.

* (Our modifications to the Parrish Report staffing level were discussed with Mr. Parrish on November 24.)

A larger reduction in existing security staff would be achieved by operating an expanded, divided prison than would be achieved by either utilizing the territorial prison or operating a self-contained unit adjacent to the existing prison. Each of the three proposals would allow a reduction of 9.6 existing security FTE in Close I and Maximum Security; but an expanded prison compound which is securely divided would allow a further reduction of 8 FTE in Units A, B and C and a 1.6 FTE reduction in the visiting room.

Expanding and dividing the existing compound would totally isolate 384 higher risk inmates from the lower risk inmates housed in Units A, B and C, while the renovated territorial prison or a self-contained 192 cell Unit would only isolate 192 higher risk inmates from the population of A, B and C. Additionally, 384 higher risk inmates would have separate visitation and dining areas in an expanded, divided compound; but the 192 higher risk inmates remaining inside the compound of the existing prison with either of the other two options would share the same dining, visiting, and other program facilities with the population of Units A, B and C.

OPERATIONAL COSTS

We have assumed that bonds would be retired in 20 years. Bonding required would be approximately 7.9 million for renovation of the territorial prison and 11.5 million for expansion and division of the existing prison. A separate bond retirement schedule has not been developed for the 192 cell self-contained unit because the initial cost is approximately the same as that of the expansion and division of the existing prison. Bond retirement costs over the 20 year

period would be 7.2 million less for the renovation of the territorial prison than would bond retirement costs for the expansion and division of the existing prison. (See attachment B).

Operational cost comparisons (Attachment C) show that 1983 annualized operating costs for the operation of the territorial prison in combination with the existing prison are \$676,616* more than are the operational costs for an expanded, divided prison. Combined per day cost for the two separate facilities would be \$42.58* versus a \$40.02* per day cost for an expanded, divided prison for fiscal year 1983 based on an average daily population of 725.

We have assumed the life expectancy of each facility to be 40 years and have projected costs over that period. We have also assumed that inflation will continue. Should inflation continue at 4% per year, the combined operational cost for the two separate facilities the last year of the 40 year period would be \$3,248,433 greater than the operational cost of an expanded, divided prison.

Total cumulative operational costs over the 40 year period, when the 7.2 million difference in bond retirement costs is considered, would be \$59,676,616 more for the two separate facilities than for an expanded, divided prison.

* does not include bond retirement costs

SUMMARY

In summary, we believe, as we did during the special session that, in the long-term, an expanded facility will save general fund money when compared to operating two separate facilities at different locations.

The fact that the territorial prison can not be expanded beyond 192 cells is a factor that must be considered, given the uncertainty of inmate population projections. In fact, the Parrish Report states "We are compelled, in view of the history of recent years and strong prevailing opinion in corrections, to believe that further capacity will be required in addition to the 192 now being considered and that the State's best interest may be served by confining all additions to the New Prison."

CONTINUED

2 OF 3

ATTACHMENT A
STAFFING

	Parrish Recommendation	Parrish Recommendation Modified by Dept	192 Man Housing Unit, divided compound and Two Support Bldgs.	192 Man Self Contained Unit Adjacent to Exist. Prison
<u>ADMINISTRATION</u>				
Administrator	1	1	1	1
Admin. Asst.	1	0	0	0
Secretary	1	1	0	0
Accts.&Property Clerk	1	1	0	0
Records & Mail Clerk	1	1	0	0
Switchboard/Recept	1	1	0	0
Disciplinary Clerk	0	1	0	0
	6	6	1	1
<u>SUPPORT SERVICES</u>				
Asst.Plant Supt.	1	1	0	0
Maint. Worker	1	2	2	2
Custodial Worker	1	0	0	0
Store & Warehouse Mgr	0	1	0	0
Groundskeeper	1	0	0	0
Inmate Crew Superv.	1	0	0	0
Food Service Manager	1	1	0	0
Cooks	3	3.2	0	0
	9	8.2	2	2
<u>TREATMENT SERVICES</u>				
Director	1	1	0	0
Clinical Serv Superv	1	0	0	0
Social Worker	1	2	3	3
Social Serv Superv	1	0	0	0
Counselors	2	0	0	0
Psychologist	0	1	1	1
Education Director	1	1	0	0
Teachers	1.5	1.5	1	1
Librarian	.5	.5	.5	0
Secretarial Pool	2	1	1	1
Recreation Supervisor	1	0	0	0
Recreation	1.5	2	3	1
Chaplain	.5	.5	0	0
Infirmery Supervisor	1	0	0	0
Nurse R.N.	3 (2*)	3.2 (2*)	0	0
L.P.N.	5 (3*)	4.8 (3*)	3.2	3.2
Medical Records Clerk	1	1	0	0
	24	19.5	12.7	10.2

* 7-day shifts

	Parrish Recommendation	Parrish Recommendation Modified by Dept	192 Man Housing Unit, divided compound and Two Support Bldgs.	192 Man Se Contained Un Adjacent to Exist. Pris
<u>SECURITY</u>				
Captain	1	1	0	0
Lieutenant	5 (3*)	4.8 (3*)	1.6 (1*)	1.6 (1*)
Clerk	1	1.1 (1**)	0	0
Sergeant	5 (38*)	4.8 (3*)	8 (5*)	8 (5*)
C.Officer-Housing	15 (9*)	19.2 (12*)	35.2 (22*)	35.2 (2*)
C.Officer-Tower	15 (9*)	14.4 (9*)	9.6 (6*)	4.8 (3*)
C.Officer-Yard/Gate	5 (3*)	4.8 (3*)	0	0
C.Officer-Control	5 (3*)	4.8 (3*)	3.2 (2*)	3.2 (2*)
C.Officer-Visiting	2 (2**)	3.2 (2*)	3.2 (2*)	3.2 (2*)
C.Officer-Yard	0	4.8 (3*)	4.8 (3*)	0
C.Officer-Recreation and Dining	0	3.2 (2*)	3.2 (2*)	0
C.Officer-Sally Port	0	1.1 (1**)	1.6 (1*)	1.6 (1*)
C.Officer-Transportation	0	2.2 (2**)	2.2 (2**)	2.2 (2**)
C.Officer-Escort	0	1.1 (1**)	0	0
C.Officer-Infirmery	0	3.2 (2*)	0	0
	54	73.7	72.6	59.8
3 Aggregate Positions	3			
TOTAL	96	107.4	88.3	73
Reassign Present Custody Staff	9.6	9.6	19.2	9.6
Net increase	86.4	97.8	69.1	63.4

* 7 - day posts
** 5 - day posts

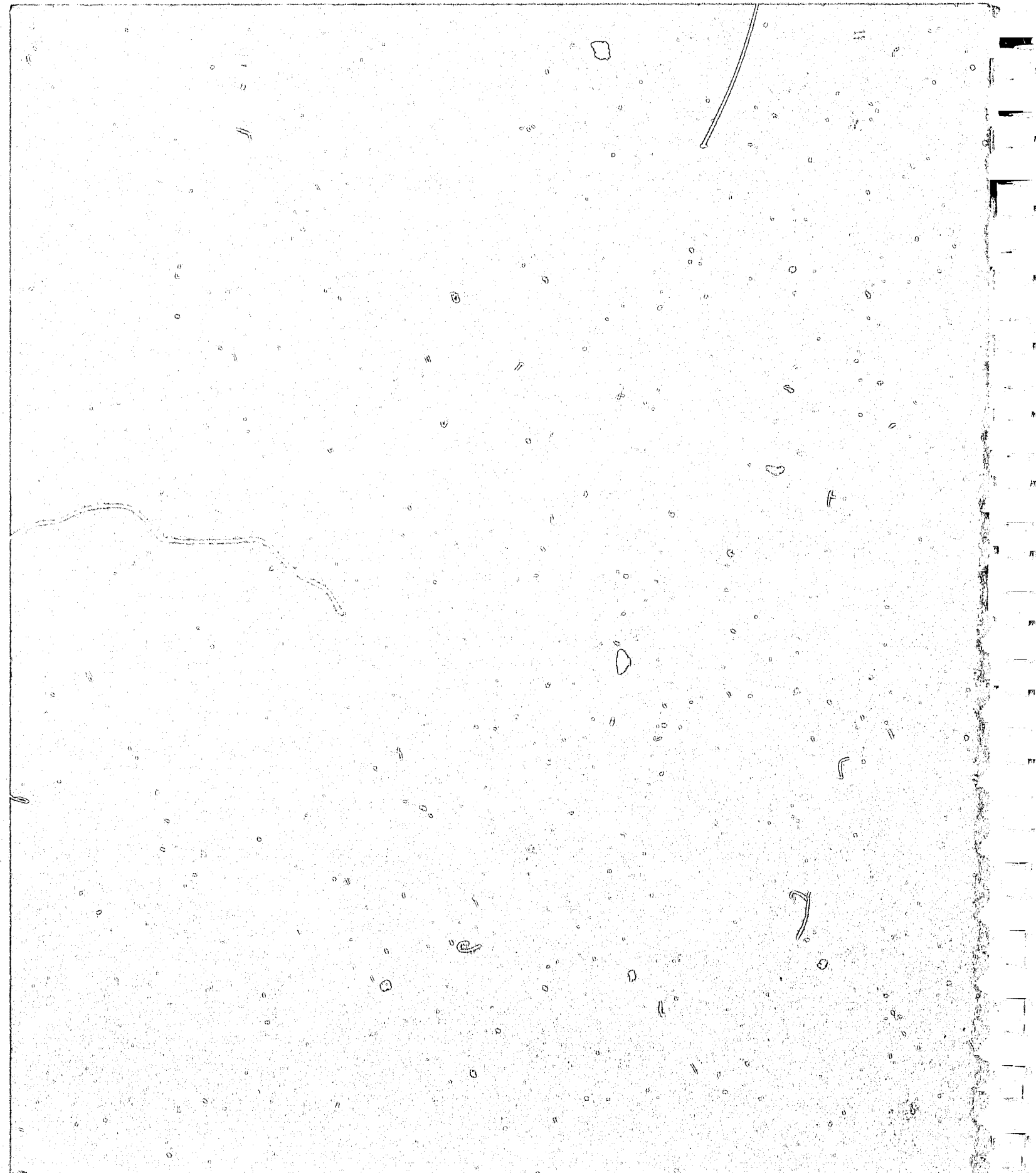
ATTACHMENT B

Bond Issue Costs
Level Principle Retirement

1984	7,900,000	750,500	11,500,000	1,092,500
1985	7,505,000	712,975	10,925,000	1,037,875
1986	7,220,000	675,450	10,350,000	983,250
1987	6,715,000	637,925	9,775,000	928,625
1988	6,320,000	600,400	9,200,000	874,000
1989	5,925,000	562,875	8,625,000	819,375
1990	5,330,000	525,350	8,050,000	764,750
1991	5,135,000	487,825	7,475,000	710,125
1992	4,740,000	450,300	6,900,000	655,500
1993	4,345,000	412,775	6,325,000	600,875
1994	3,950,000	375,250	5,750,000	546,250
1995	3,555,000	337,725	5,175,000	491,625
1996	3,160,000	300,200	4,600,000	437,000
1997	2,765,000	262,675	4,025,000	382,375
1998	2,370,000	225,150	3,450,000	327,750
1999	1,975,000	187,625	2,875,000	273,125
2000	1,580,000	150,100	2,300,000	218,500
2001	1,185,000	112,575	1,725,000	163,875
2002	790,000	75,050	1,150,000	109,250
2003	395,000	37,525	575,000	54,625
Totals Interest		7,880,250		11,471,250
Principle		7,900,000		11,500,000
Total Cost		1,578,250	7,191,000	22,971,250

ATTACHMENT C

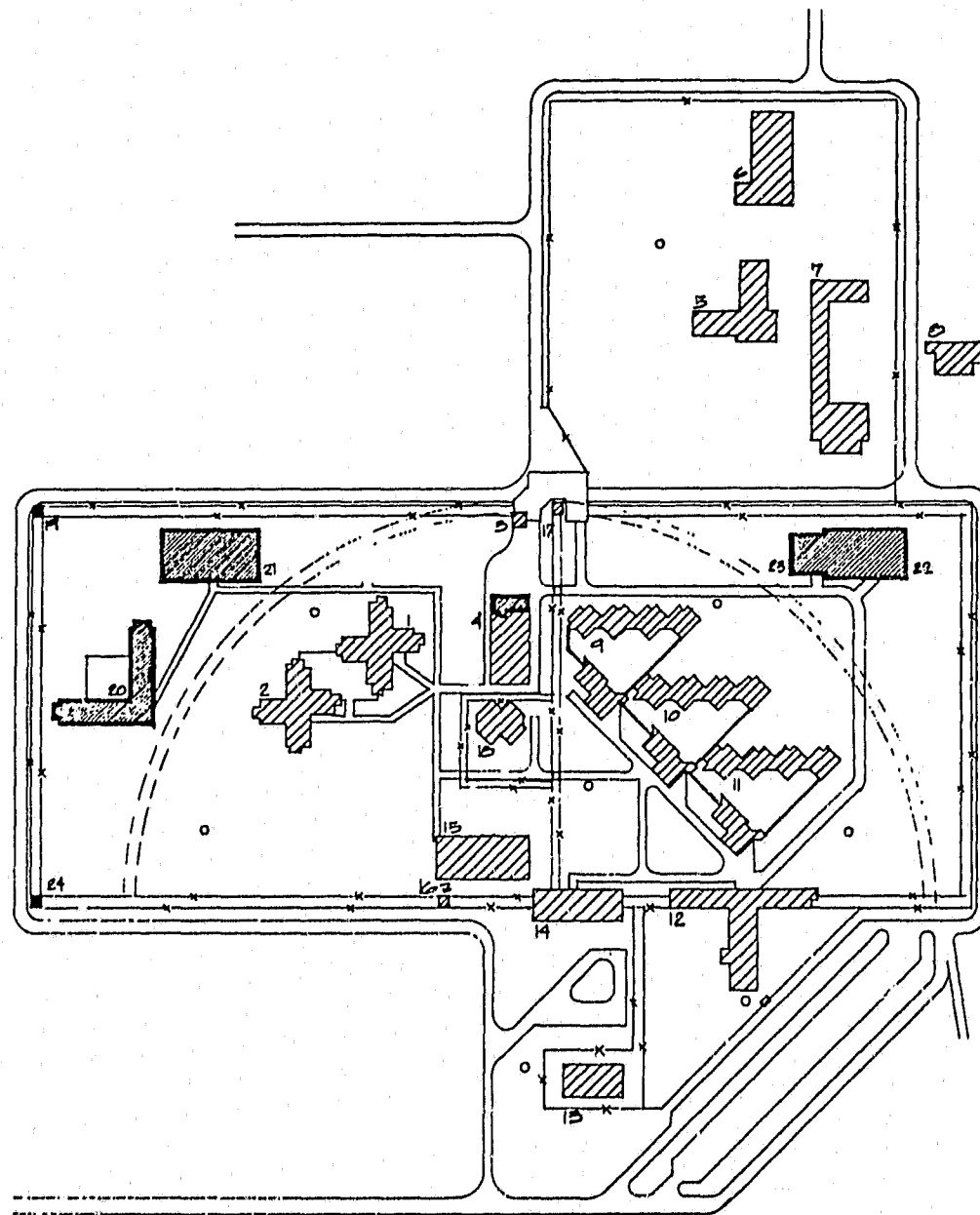
	1983 Zero Base Montana State Prison Budget	Parrish Recommendation as modified by the Department	Total	1983 Zero Montana State Prison Budget	192 Cell Expansion/Divi- sion at Existing Prison	Total	1983 Zero Base Montana State Prison Budget	192 Cell Self Contained Unit	Total
Personal Services	\$ 6,753,248	\$2,054,170	\$8,807,418	\$ 6,753,248	\$1,441,716	\$8,194,964	\$6,753,248	\$1,316,922	\$8,070,170
Contracted Services	338,735	8,757	347,492	338,735	7,654	346,389	338,735	7,654	346,389
Supplies & Materials	1,109,465	58,057	1,167,522	1,109,465	33,636	1,143,101	1,109,465	33,636	1,143,101
Communications	57,566	15,720	73,286	57,566	5,400	62,966	57,566	5,400	62,966
Travel	18,049	969	19,018	18,049	451	18,500	18,049	451	18,500
Rent	19,079	8,508	27,587	19,079	-	19,079	19,079	-	19,079
Utilities	350,073	106,260	456,333	350,073	98,400	448,473	350,073	98,400	448,473
Repairs & Maintenance	160,762	36,924	197,686	160,762	26,866	187,628	160,762	26,866	187,628
Other Expenditures	168,108	3,671	171,779	168,108	2,297	170,405	168,108	2,297	170,405
1983 Zero Base Operational Budget	\$ 8,975,085			\$ 8,975,085			\$ 8,975,085		
1983 Annualized Operational Cost for Option		\$ 2,293,036			\$ 1,616,420			\$ 1,491,626	
1983 Annualized Operational Cost for System			\$ 11,268,121			\$ 10,591,505			\$ 10,462,252
Annual Operational Cost at the end of 40 years with 4% Inflation			\$ 54,098,249			\$ 50,849,800			\$ 50,251,100



Appendix C

Schematic of Expansion Proposed at Montana State Prison

The schematic included here was presented during the Second Special Session to illustrate how the proposed 120-man close security expansion might be accomplished. A later schematic for a 192-man expansion showed two buildings in place of the one labelled "20" on this drawing. At the final meeting of the Task Force, the Director of the Department of Institutions mentioned the possibility of placing towers 19 and 24 further north and extending the fence should further future expansion be anticipated.



Proposed expansion for 120 men.

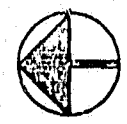
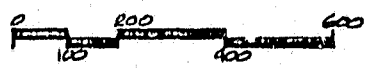
Submitted at Special Session, June 1982

LEGEND

- 1. CLOSE SECURITY HOUSING #1
- 2. CLOSE SECURITY HOUSING #2
- 3. PERIMETER GUARD STATION
- 4. FOOD SERVICE & ADDITIONAL KITCHEN
- 5. INDUSTRIAL MANUFACTURING
- 6. INDUSTRIES, AUTO LICENSE FACTORY & PRISON MAINTENANCE SHOP
- 7. VOCATIONAL EDUCATION AND AUTOMOTIVE REPAIR FACILITY
- 8. FARM MACHINERY REPAIR FACILITY
- 9. MINIMUM SECURITY HOUSING
- 10. MINIMUM/MEDIUM SECURITY HOUSING
- 11. MEDIUM SECURITY HOUSING
- 12. ADMINISTRATION / VISITING
- 13. INFIRMARY / UNIVERSITY OF MONTANA DRUG RESEARCH FACILITY
- 14. MAXIMUM SECURITY HOUSING
- 15. GYMNASIUM
- 16. GUARD TOWER
- 17. GUARD TOWER
- 18. CHAPEL
- 19. FUTURE GUARD TOWER
- 20. FUTURE CLOSE SECURITY HOUSING
- 21. FUTURE MEDIUM VISITING EDUCATION & ADMIN. BUILDING
- 22. FUTURE GYMNASIUM & MUSIC
- 23. FUTURE DINING
- 24. FUTURE GUARD TOWER
- 0 NEW LIGHT FIXES

MONTANA STATE PRISON
CLOSE SECURITY EXPANSION

DEER LODGE MONTANA



Appendix D

Comments of Professionals

This appendix includes comments of
corrections authorities presented at the
August 5, 1982 meeting of the Task Force.

Extract from Minutes of August 6, 1982 Minutes of
Task Force on Corrections

Comments from District Judges

District Judges Nat Allen and James M. Salansky had been invited to address the Committee but were unable to attend the meeting. Their written testimony was read into the record by Bob Person.

District Judge Leonard Langen

Judge Langen stressed the following points:

- The minimum yearly cost in the United States of "warehousing" a prisoner is \$17,000 and in some states runs as high as \$40,000, which doesn't include the cost of building the facility. It has been estimated that it costs \$80,000 to house a prisoner in Montana State Prison, and an additional \$17,000 yearly to provide his "keep". These expenditures do not seem to be providing favorable results.
- Certain hard core prisoners must be warehoused. This would be about 10% of the total prison population. Rehabilitation programs should be provided for the other 90% of the prisoners.
- It is often difficult to determine who should be classified a hard core criminal. Usually a third-time offender would be classified as "hard core", but often the offenses are not serious enough to warrant the expenditure of warehousing costs.
- An alternative to prison as a form of punishment needs to be established for the nondangerous offender whose crimes are usually drug- and alcohol-related. A profile of a nondangerous offender would be characterized as a "loser" with low self esteem, who has never held a steady job, who has been addicted to drugs or alcohol from about twelve years of age and who has lived an unstructured life. Prison will usually not deter him from committing more crimes when he is released. A very large percentage of the inmates of Montana State Prison fit this description.
- Nondangerous offenders could be jailed at night and perform public service chores during the day.
- The state should bear the cost of incarcerating prisoners.
- Prisoners should be required to work. Many of the prisoners may possess talents that could provide some small industries in the prison.
- The prison will have to be expanded to provide facilities for the hard core prisoners, and criteria will have to be established to determine who should be classified as a hard core prisoners.

- Small mobile camps of house trailers could be established for nondangerous offenders. The camps could be moved around to different areas of the state where work needs to be done.

Judge Joseph Gary

Judge Gary said he agreed with all of Judge Langen's remarks and provided additional testimony as follows:

- Serving on the Sentence Review Board has enabled him to become much more aware of the whole question of sentencing.
- Some criminals should never be released from prison because there is something basically wrong with them that can never be corrected. Those prisoners must be warehoused.
- The Life Skills Center in Billings has been very successful in its rehabilitation efforts. This is primarily because the inmates learn self-respect because they are taught job skills and can become self-supporting upon release.

John Wilkinson, Former Chairman of the Prison Alternatives Committee

Mr. Wilkinson stated that the now-disbanded Prison Alternatives Committee hoped to address the development of community corrections on a broad scale to answer such questions as:

- Should community corrections be state-run or private, non-profit?
- Where should they be located, what size should they be, and how should they be initiated?
- Should an appropriation bill contain triggers to provide alternatives when Montana State Prison's population reaches a certain level?
- What factors should influence probation or parole?

The committee also considered:

- Restitution to victims of crime.
- Development of a corrections philosophy for the state.
- Methods of furthering public awareness of the corrections issue.

Mr. Wilkinson said the committee had hoped to consider the whole issue of sentencing but did not have the opportunity before it was disbanded. He said the committee passed several motions

establishing the following recommendations, all of which were adopted by the special session of the legislature:

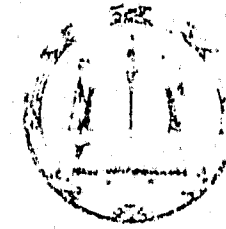
- Establishment of two pre-release centers.
- Increase in staffing at the prison, including the possibility of increasing clinical services.
- Re-institution of the 45-day evaluation period. (The legislature did not adopt this recommendation.)
- Conversion of the dairy barn for additional housing of prisoners.
- Increase in appropriations for the state prison to provide additional personnel and support services.

Mr. Wilkinson said he hopes the Task Force will carry on the work begun by the Prison Alternatives Committee.

Representative Budd Gould, District 98, Missoula, and Former Member of Prison Alternatives Committee

Representative Gould made the following recommendations:

- The Task Force should visit the Swan River Youth Camp and then recommend to the legislature that it establish another such facility.
- A packet of prefiled bills should be ready before the session convenes and the leadership should be encouraged to get these bills introduced very early in the session.
- A pre-release center could be established in the Helena area to provide continuity of an auto mechanics program provided at the prison. The automobiles in the state motor pool could be maintained in this program.
- A broadened pre-release program could cut down on the number of prisoners who return following release.



Eighteenth Judicial District

July 26, 1982

W. W. LESSLEY
DISTRICT JUDGE

CHRISTINE LIVELY
COURT REPORTER

Mr. Robert B. Person
Director, Research Division
Montana Legislative Council
State Capitol
Helena, Montana 59620

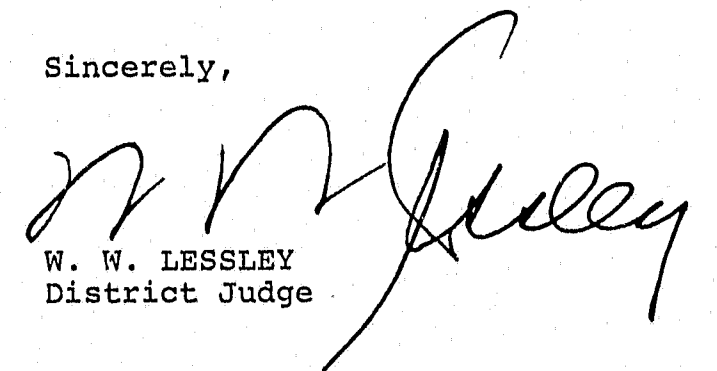
Dear Mr. Person:

I wish that I could accept your invitation on the Corrections Task Force. I realize that it's most important and you are concerned.

I have to allocate my time and my time is every extra minute spent with the water courts and will continue that way until I finally join as a full time water judge in January.

I wish you well.

Sincerely,



W. W. LESSLEY
District Judge

WWL:pk

CHAMBERS OF
Judge Fourteenth Judicial District

Meagher, Wheatland, Golden Valley and Musselshell Counties

CHAMBERS AT
ROUNDUP, MONTANA 59072
PHONE 323-1701

DON W. LARSEN, Court Reporter

NAT ALLEN, Judge

August 2, 1982

Montana Legislative Council
Corrections Task Force
State Capitol
Helena, Montana 59620

Gentlemen:

I thank you for the honor of the invitation to address the Task Force on the adult corrections system.

In my opinion, the way to stop crime is for swift punishment to be inflicted. Sometimes it is difficult to make it swift, but the punishment ought to be certain. Warnings, and even half-way houses are not punishment. A prison is.

I believe the prison now holds 420 inmates with a single room each. It should be doubled in size. The great fault of prisons is they are too crowded. The complaints the Courts listen to are just, where there are crowded conditions.

It seems absurd to me to say that you cannot afford to build a prison large enough for 1 per cent of the people in Montana, when you have a fifty million dollar surplus staring you in the face.

Very truly yours,


Nat Allen
District Judge

NA/dl



Eleventh Judicial District

FLATHEAD COUNTY

JAMES M. SALANSKY
DISTRICT JUDGE

ROBERT T. NIEBOER
COURT REPORTER

August 3, 1982

Mr. Robert Person
Legislative Council
Capitol Station
Helena, MT 59620

RE: Corrections Task Force Meeting
Room 104, Capitol Bldg.
August 5, 1982

Dear Committee Members:

I regret that I am unable to appear before you in person. I have made no personal observations as to crowding or what may have caused the riot, but as a Judge who by law is required to incarcerate felons for rehabilitative rather than punitive reasons, I look with disbelief at the lack of rehabilitative education, counseling, therapy or treatment at the State Prison. I understand that A.A. is represented there as an organization but I further understand that there is no formal chemical dependency education or counseling. When one considers that 75% of the inmates may have alcohol or drug problems, this omission seems beyond belief.

It has been my impression that only a small fraction of the inmates are able to take advantage of certain vocational skills offered at the prison; some others are used at "make-work" type jobs, such as pushing brooms, etc. It is my opinion that good hard, physical work is psychologically and physically rewarding, that it is therapeutic in nature and generally contributes to a good self-image. The exhaustive nature of it allows the worker to relax and sleep well. However, sitting or standing around all day results in constant brooding, anger, resentment, and negative feelings in general, very counter-productive to rehabilitation.

Isn't it possible for most of the inmate population to help produce their own fresh vegetables in some outdoor area

August 3, 1982
Mr. Robert Person
Continued - Page 2

that can be surrounded with suitable security? I believe the State of Texas has a comprehensive program of this kind. The result can be a triple effect contributing to the general health and psychological well-being of the inmates while reducing food costs, and providing higher-quality food.

Our Judgments recite the language of the statute "at hard labor", but apparently there is a total absence of labor at the prison. There must be other work programs that can be put into effect without conflicting with trade unions. We all know that many public entities are doing without things because their budget won't allow for their private purchase.

With a general fund surplus of 50 million dollars or thereabouts we should be able to do more than pay lip service to the term "rehabilitation". I hope this letter assists you in identifying the problems and effecting solutions.

Sincerely,

James M. Salansky
James M. Salansky,
District Judge

JMS:cjn

State of Montana



District Court
First Judicial District
Helena, Montana 59601

Gordon R. Bennett
District Judge

August 10, 1982

RECEIVED
AUG 11 1982
MONTANA LEGISLATIVE
COUNCIL

Veter G. Meloy
District Judge

Mr. Robert Person,
Director, Research Division
Montana Legislative Council
State Capitol
Helena, Mt., 59620

Dear Mr. Person:

In response to your letter of July 22, 1982, I am sorry that due to the press of work I was unable to attend the meeting of the Task Force on August 5th.

Belatedly I am offering my observation as to the correction problems.

The statutes now governing the criminal proceedings, are in my judgment, fair and equitable and allow the needed flexibility in application to achieve fairness in the myriad of factual circumstances attendant on the individual cases.

The authority of the legislature should be directed toward the societal problems before the commission of the crime and after the commission. I think it is well documented that the causes of crime stem from the family environment of the individual, the economic conditions, broken homes and the like. I find that the moral attitudes of parenting could and should provide the relief from criminal activity. How the legislature reaches this area certainly is a problem but I think more emphasis could be given to this area.

More legislative emphasis should be placed on the problems of the individuals after the commission of the offense. The legislative philosophy, and rightly so, is now designed toward rehabilitation, but is there a "follow through" on this philosophy. Punishment is an element of course, but that punishment should be designed to accord the individual with stimulus to abide by the laws, rather than simple "warehousing."

Mr. Robert Person
August 10, 1982

Page Two.

To summarize I think the legislative activities should be directed to a much greater extent to the causes of crime and the rehabilitation of offenders. I realize that my conclusions can be characterized by the phrase "easier said than done" but if the problems are to be solved, the legislature has the society "go ahead" to enact programs which will aid the solution of the problems.

Yours truly,

Peter G. Meloy
Peter G. Meloy
District Judge

PGM/hb

County of Yellowstone

BILLINGS, MONTANA 59101

COUNTY ATTORNEY'S OFFICE, YELLOWSTONE COUNTY COURTHOUSE, ROOM 508
HAROLD F. HANSEN, COUNTY ATTORNEY

(406) 252-5181 ext. 230

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- ☐ Civil Division
- ☐ Deferred Prosecution

- ☐ Victim/Witness Assistance
- ☐ Child Support Enforcement
- ☐ Criminal Investigation Division - 245-6625



August 3, 1982

RECEIVED

AUG 4 - 1982

**MONTANA LEGISLATIVE
COUNCIL**

Bob Person
Director of Research
Montana Legislative Council
State Capitol
Helena, Montana 59620

Re: Views from a Former Member of the Prison Alternatives
Committee

Dear Bob:

I will not speculate on any recommendation the committee might have made had we considered the physical facilities option.

Considering the diversity among the committee members, I believe it was quite significant that we reached a full consensus on two major items:

1. A fully funded and staffed adult parole and probation system;
2. A state-wide re-entry program.

During my years as County Attorney, I have become absolutely convinced that the single most important and essential component of the justice system is adult parole and probation. The executive has never identified this as a high priority, nor has the legislature been willing to recognize the need.

Several years ago, at a corrections meeting, I said, "Adult parole and probation officers are the cornerstone of a viable and credible corrections system." It is this recourse that allows a wider range of alternative sentences and a more liberal parole policy. Here in Yellowstone County, each parole and probation officer has a case load in excess of 100 persons. It is pure fantasy to suggest they can really provide much in the way of supervision.


We simply cannot develop cost effective alternative sentencing

programs and give the public reasonable assurance of safety unless the parole and probation recourse is expanded. I believe this statement would be supported by virtually every trial judge, prosecutor, and defense lawyer in Montana. Unfortunately, we have never been able to convince either the Department of Institutions or the legislature. In my opinion, unless this is done, no other program or expenditure of money will be very effective.

Having said that, I regret to tell you that due to a prior commitment, I cannot attend the meeting on the 5th. I do appreciate the invitation.

I am enclosing a copy of a rather disorganized paper I wrote prior to the special session, and a copy of some notes I had made in the distant past. Please understand that the opinions do not represent anyone other than myself.

Yours very truly,


Harold F. Hanser
County Attorney

HFH/jr

Enc.

Submitted by Harold Hanser

THE FINE ART, OR LACK THEREOF,
IN PROJECTING PRISON POPULATIONS

How much and what kind of incarceration facilities will always be a catch 22 situation. The legislature always demands that the administration furnish projections of the prison population, and the administration (and sometimes the legislature itself) goes through a ritual which culminates in numbers of cells required in 1990 or some other date.

There is much breast beating, when it is finally determined, that these scientifically-produced numbers are wrong.

Who goes to prison and for how long is more a function of social values and available resources than any other element. To illustrate:

1. Obviously, jail population bears some relationship to population, but it is in no way a mathematical ratio. It is probably impossible to accurately factor "population" into prison requirements. For example, in 1930 the Montana State Prison population was 600+; in 1950, 300+; and now 700+.
2. The overall condition of the economy will directly affect the number and kinds of crime as well as the ability to parole inmates to a job.
3. How will the legislature, at any given time, define punishment? (Punishment is the socially-imposed deterrent to criminal conduct.) Thus, legislative-prescribed maximum and minimum sentences, parole eligibility, good time, and what conduct is defined as criminal and designated as felony or misdemeanor will directly impact prison populations.
4. Recourse allocation by the legislature and local government for maximum, medium, and minimum security; re-entry programs, alternatives to incarceration, number of judges, prosecutors and police.
5. How, at any given time, the larger social unit views the criminality of certain conduct and what involvement is expected of the criminal law to deter this conduct. For example, the increased awareness surrounding sexual crimes; drug use, particularly drugs and driving; and what the social unit views as appropriate punishment for the various types of criminal conduct. How the legislature, the administration, and judges perceive community attitude is ultimately reflected in some way in legislation, recourse allocation and sentences.

In the final analysis, it is the legislature who sorts out and

determines the official public policy of the state. The system will then conform to the recourse allocation.

We sometimes overlook the basic fact that the first purpose of the criminal law is to protect society. In general, the public perception is that the justice system is not doing a very good job in this area. Their frustration is often translated into demands for longer or mandatory sentencing and a reduction, if not the elimination, of parole or probation.

The key to fulfilling the objective of public safety is the ability to develop and implement a reasonably reliable and objective method to determine the "risk potential" of each offender.

1. This risk factor must be the determinative factor in setting bond rather than the standard in existing law.
2. It must be a major consideration in sentencing.
3. It must be evaluated on a continuing basis to determine release potential.

If we are going to have appropriate sentencing and operate both community-based programs and prisons in a constructive manner, we must have the ability to rather accurately determine the needs of the offenders. It is then equally important to develop recourses, both community-based and prison-based, to meet at least the minimal needs of the offenders.

Both community-based and prison corrections must operate in the most cost-effective manner consistent with the overall objectives. Thus, we should provide security in direct proportion to risk. Because cost bears a direct relation to level of security, it becomes essential that only high-risk offenders are placed in maximum security facilities. If the public can be assured that the high-risk offender will be secure, they will be far more understanding of a low-risk walk-away from a less secure, cost effective facility or program.

Every corrections component funded by public dollars (community-based or prison) should be structured to maximize the ability to offset the cost by requiring the offender to engage in productive work.

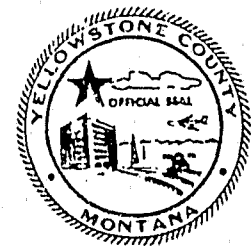
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☒ Criminal Investigation Division - 245-6625



May 4, 1982

The Montana criminal justice system is a system in name only. From an organizational viewpoint, it is comprised of loosely interfacing components. There is no one single policy maker. In fact, the components are quite independent, and it is rather remarkable that it works at all.

A stranger would have to conclude it just grew like "Topsy." The Montana legislature should be the focal point for consistency--but it is not. Special interest persuasion has had more impact than logic.

The executive branch, either from "political risk" or simply the lack of a larger perspective, has historically been more crisis reactors than planners.

Executive reorganization added an organization handicap by creating a Department of Justice under the Attorney General. This insured that the state's responsibility for the justice system (excluding courts) would always be highly politicized and divided among the legislature, the Governor, and Attorney General.

One would think that someday someone would address the basic question of the most logical and responsible rolls for the state and local governments to play and then assign game players on the same basis.

Of course, if that were done, it would also require a determination of who pays. The "who pays" is probably the crunch because traditionally no one really wants to pay. At least from this aspect, there has been consistency. No component of the system, either at state or local level, has been adequately funded to fully discharge the duties assigned to them.

And so we now come to another crisis. One that has political red flags going up all over the place. Neither political party is going to hang up a "no vacancy" sign at the Crow Bar Inn. And so, after the requisite political rhetoric, additional prison space will be provided.

No one really expects the administration or the legislature to address the larger "system" in a crisis environment. It would be a first if even the total adult corrections component was considered rather than just the number of prison beds. There is, I believe, a shared concern that unless the special session looks at the total corrections package, they will go home content in the knowledge they have the problem under control. If this scenario happens, it will be extremely difficult to have the other critical correction's needs adequately addressed in the regular session.

Most pit people, judges, prosecutors, and defense attorneys have a negative perception of the state prison. In general, its best function is viewed as a warehouse.

As a result of this perception, many felony offenders, rather than going to the state prison, have been given county jail times and/or placed on probation. There are two facts someone ought to be concerned about:

1. Because of county jail problems, pit people will have to rethink the local jail option with the result that more offenders will be sentenced to the state prison.
2. The adult parole and probation recourse has been and is now inadequate to properly supervise their ever expanding case load. (The cornerstone of a viable corrections system is the adult parole and probation function.)

Punishment is the only deterrent available to society through the criminal justice system. There are those who do not believe that statement. I will not address their position because real life is too traumatized by those who freely choose to rape, pillage, and plunder their fellow man.

For those who accept the concept of punishment, there is a wide divergence of opinion. Reasonable people acting in good faith can and do adopt positions that are substantially different. I believe it is absolutely essential that all persons in a leadership role have a firm philosophical position.

I say that because it is this articulated philosophy that ultimately directs the recourses of money and people. When there is a failure of political leadership, the results are a scattered, fragmented, and often contradictory allocation of recourses.

The flag wavers of today are those who claim the words "punishment" and "jail" are synonymous. They clearly have the floor. They are the patent medicine men who have a simple cure for a most complex problem. It seems to matter little that this cockneyish breast beating can't possibly work. Polititions in general are unwilling to speak out with a voice of reason.

A thousand years from now historians will still be debating the cause of crime and violence in America. Just because the answer to that question is so elusive, it should not prevent us from adopting reasonable policies for dealing with those convicted of criminal offenses.

A wise man once said, "If a hammer is the only tool you have, you will treat every problem like a nail." A jail should be only one tool in a corrections system.

I have come to believe:

1. A state prison should hold two generally distinct types of offenders:
 - (a) The high social risk who, by the nature of the crime or his persistence in violating the law, is removed from the social unit for a long period of time. The programs for this type of offender should relate to whatever it is that produces this utter disregard for person or property.
 - (b) The low-risk offender who will serve a relatively short period of time. Many of these offenders will have chemical addiction problems and few, if any, job skills. The prison must have programs to address these skills. Because this group of offenders will rather quickly return to society, it seems important that in addition to punishing them, we should also insure that they accept responsibility for their conduct and are drug free and have a positive work attitude with some additional skills.

Once a person is incarcerated, a new range of problems is created. When the offender has a family, the impact on them must be considered. In low income situations, there must be Social Rehabilitation Service involvement. Unless the offender has an extended family that can provide support, a reentry program is essential. This almost nonexistent recourse must be viewed as a genuine failure in Montana.

With the exception of the Alpha House in Billings, reentry becomes the responsibility of an understaffed adult parole and probation recourse. There is simply no basis in reason or logic why Montana does not develop (1) a statewide reentry system, and (2) an adequately staffed parole and probation recourse. The failure to provide these essential elements insures a high failure rate which further victimizes society and increases the burden on lockups.

We have always believed that the state would assume responsibility for convicted felony offenders and local government for misdemeanor offenders. In real life, it has not worked out that way. The perception which I believe is quite close to fact, that the state by operating an inadequate prison system, has resulted in too many felony offenders being placed in an inadequate probation system, and/or serving county jail sentences with the result of overcrowding these facilities. Credible community-based programs for low-risk felony offenders funded by the state must be developed as an alternative to incarceration. The scope of these programs is limited only by our imagination and ingenuity. These programs offer the best opportunity to achieve the punishment, reduce prison population, avoid reentry problems, family problems, and restore the offender to a law-abiding person. They become low cost as compared to prison because the offender shares in the operational expense. I believe we do not have this recourse because Montana has never had the political leadership, either in the legislature or the executive, to promote it. The pit people will adjust to available recourses, good or bad. It is being a bit naive to believe that because this adjustment has been made that the system is working well.

I would hope the special session would grab the bull by the horns and deal with the larger adult corrections component.

1. When the existing state prison was built, its size was based on faulty projections. Even if all other corrections recourses were fully funded, we need additional prison space.
2. Notwithstanding local opposition, some of this space must be developed by expanding the low-risk offender programs like the proposed Stillwater Youth Camp.
3. Behavior and work programs must be developed in the prison. This suggests a distinct separation between maximum and medium security risk offenders.
4. I believe the existing prison complex was overly optimistic by trying to combine the total risk population in one facility. The expanded space, whether new construction or utilization of existing facilities, should correct this rather fatal defect. Probably the best use of the existing prison is for medium and minimum security inmates. A new facility would be developed for maximum security risks.
5. From a long-term operation cost, new construction at the existing site will be more cost effective. If Montana does not intend to develop any meaningful jail programs, then it doesn't make any difference where the additional warehouse space is developed.
6. The farm and ranch operation should be expanded. Get a Montana cowboy to run it. This is the best recourse available to develop work habits and sense of self worth. Those in the administration who keep wanting to do away with it should be bound, gaged, and thrown to the wolves. Here again is an attitude problem.
7. Parole and probation should be expended and funded so the excellent people we now have can do their job. A refusal to meet this need will insure a continued failure with any prison expansion, deferred or suspended sentences, or community-based programs. The paradox is that in the last four years, I have not talked to a legislator or an administration official who disagreed with this proposition--yet nothing changes.

8. Develop a state-wide reentry program. In the rural areas, this will probably be handled through an expanded parole and probation department. In urban areas, it will be facilities, either state operated or community operated as the Alpha House. My own bias is that government never does anything really well over an extended period of time, so I would encourage community-run centers.
9. Develop statewide, state funded alternative to incarceration programs.
10. Expand the young low-risk offender penal programs like Swan River Youth Camp.
11. Take some political risk and have the state buy a few more tools than a hammer. Who knows, we just might build a functional corrections building.

The bottom line is really two things: a rather firm sense of direction, and a commitment to increased funding at state level for the total corrections package. I am enough of a realist to know that we will never have enough recourse for the need. I am also enough of a realist to know that unless we provide a wider range of credible corrections options to better meet the demand for punishment, protection, and offender programs, we will continue to demand more "law and order" because we will perpetuate the revolving door corrections policy of today.

Very truly yours,

HAROLD F. HANSER
County Attorney

HFH/mb

Appendix E

Public Hearing -- Deer Lodge, Montana

This appendix reflects the findings of the public hearing held in Deer Lodge, Montana on July 21, 1982.

SENATE MEMBERS
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JOSEPH P. MAZUREK
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DIRECTOR, ACCOUNTING DIVISION
ROBERT C. PYFER
DIRECTOR, LEGAL SERVICES

Minutes

TASK FORCE ON CORRECTIONS

Second Meeting
Community Center

July 21, 1982
Deer Lodge, Montana

The Task Force on Corrections held a public hearing to receive testimony regarding the prison from interested persons from Deer Lodge and the surrounding area.

Chairman Thoft called the meeting to order at 10:15 a.m. and the roll was called. All members of the committee were present. Legislative Council staff members in attendance were Bob Person, Director of Research, Lois Menzies and Paul Verdon, staff researchers, and Helen MacPherson, secretary.

Chairman Thoft invited testimony from anyone in attendance and the following is an outline of main points of testimony presented and questions and answers exchanged between Committee members and those testifying.

Ted Mizner - Powell County Attorney

- He has been Powell County Attorney for 4 years, was Deputy County Attorney for 1 year, and has defended inmates by court appointment. Prosecutes all prison cases.
- Overcrowding and the lack of manpower are the main problems at the prison. The hiring of 47 new officers by the legislature during the special session should help to alleviate these problems.
- The theory of the operation of the prison -- a responsible living concept, which rewards good inmate conduct and punishes bad inmate conduct -- cannot be carried out at the prison because of overcrowding, which results in a lack of maximum security units to punish bad conduct.
- Because of the overcrowded conditions at the prison, maximum security prisoners are being sent to the Swan River Youth

Camp, which was originally intended for young, non-violent offenders.

- The results of overcrowding is reflected in the crimes occurring at the prison -- 81 felonies have been committed at the new prison, which represents a large increase, and there has also been a large increase in the number of escapes and in the number of violent crimes such as assaults and stabbings, and homosexual activity.
- In the unit in which the March disturbance occurred, there are only three guards for approximately 160 prisoners, which results in the prisoners being in control of that unit.
- Increased maximum security units would result in the prison returning to the theory of operation the prison was designed for -- punishment of bad inmates and reward for good inmates.

Senator Manley stated that it was his recollection that prisoners sent to Swan River were to be subject to thorough screening to prevent violent offenders from being sent to that facility. Mr. Mizner said Senator Manley's recollection is correct but that Swan River was originally designed for 45 inmates and approximately 72 were there during the special session. The overcrowding at the prison has lead to a liberalization of the screening process and many escapes occur from Swan River because non-violent prisoners' lives are threatened by the violent inmates. Senator Manley said that in 1975 or 1977 legislation was defeated which would have liberalized and expanded the Swan River facility, and yet it seems that is being done in contradiction to the legislature's wishes.

Representative Matsko asked if the 81 felonies Mr. Mizner mentioned were prosecuted. Mr. Mizner said the 81 were prosecuted but that there are many that are not prosecuted. It is difficult to secure officer witnesses and it is almost impossible to prosecute a crime if the only witnesses are inmates. The 81 prosecutions represents perhaps 50% of the felonies committed.

Representative Thoft asked which classification of prisoners commits the largest number of felonies. Mr. Mizner said it would be difficult to determine this -- often maximum and close security inmates get to prisoners in medium and minimum security and put pressure on them to commit felonies -- but he said that it is the higher security (close and maximum) prisoners who commit the most felonies.

Senator Haffey asked Mr. Mizner if "higher security" is the same as "maximum security" and Mr. Mizner said it is.

Representative Matsko said he is concerned about statements that maximum security prisoners have been moved into less secure units because of lack of space in maximum security units, which seems

to indicate that the administration at the prison is managing the space by availability of beds rather than by the degree of security a prisoner should have. Mr. Mizner agreed that this is true and stated that many violent prisoners do not fulfill their time in maximum security because the space is needed for incoming maximum security prisoners.

Senator Manley asked Mr. Mizner whether government regulations for minimum floor space for prisoners also apply to maximum security prisoners. He said it is his understanding that in the federal prison system the government regulations for such things as minimum floor space, library and gym privileges, do not apply to the maximum security prisoners. Mr. Mizner said that that same theory is applied at Montana State Prison -- privileges are removed or added according to a prisoner's behavior and that there are many less privileges such as visitation time, library and recreation facilities allowed the maximum security prisoners.

Stan Smith, Deer Lodge Physician

- He expressed concern that prison may be moved to Glasgow.
- It is difficult to find physicians who will work in a prison atmosphere.
- Traditionally, physicians in Deer Lodge have provided medical care for the inmates. There is now an economic factor involved in that Powell County hospital has a declining patient load and depends on patients from the prison in order to remain in operation.
- It would be much more expensive to provide medical care to prisoners in a facility in Glasgow because of Glasgow's much more remote location than Deer Lodge. The prison now can draw on the services of specialists from Missoula and Butte.
- The security risk would be heightened if prisoners had to be transported from Glasgow to Billings.
- There is already a state hospital complex at Warm Springs and Galen. Between five and ten percent of the prison population need some type of crisis intervention in a year's time. Intensive psychiatric care can be provided at the state hospital. A new psychiatric unit would have to be set up at Glasgow, which would be very expensive.
- Galen hospital provides a detoxification program.
- A number of prisoners are chronically ill, and while they don't require acute hospital care, they need constant nursing care and this care can't be provided by the prison infirmary. These prisoners can now be cared for at Galen, but Glasgow would have no place to care for them.

- At the last Citizen's Protective meeting there seemed to be a feeling that the citizens do not want the prison in to remain in Deer Lodge. This is an incorrect premise upon which to act. Most of the citizens of Deer Lodge have come to accept the prison as an integral part of the community, but the people would like the deficiencies in the security system corrected.

Representative Thoft asked Dr. Smith how the citizens would react if the prison ranch and other industries are expanded, with the result that some of the minimum security prisoners will be out of the confines of the prison and the influence of the hard core prisoners much of the time. Dr. Smith said if the distinction is properly drawn between hard-core and minimum-security-type inmates, the citizens would have no problem with the minimum security prisoners being out of the confines of the prison, even though this could cause more escapes; it is the maximum security prisoners that the citizens are afraid of.

Representative Thoft asked Dr. Smith if he sees many alcohol and drug problems among the inmates and Dr. Smith said there is a problem with drugs but he thinks the problem is less now than it was a few years ago.

Representative Matsko asked if treating the inmates at the hospital in Deer Lodge creates a risk to other hospital patients or to the staff of the hospital. Dr. Smith said there were two unsuccessful escape attempts from the hospital. Dangerous offenders are kept in ankle and wrist bracelets which are connected to the hospital bed, and the county has just installed two security units in the hospital, mostly for the peace of mind of the other patients.

Kermit Daniels, Deer Lodge City Attorney

- He has been closely associated with the prison and its problems since 1946.
- He emphasized that the community will not accept more escapes of any kind of prisoner, maximum or minimum security; the committee nor anyone else could find a community that would tolerate that situation. A minimum security prisoner can become very dangerous if he escapes and is cornered.
- If the legislature appropriates sufficient money to create a prison staff that has a high morale, that considers its work at the prison as careers, and that provides proper supervision of the prisoners, there will be many fewer escapes.
- Training programs for the prison staff fall into disarray because the personnel changeover is so high.

- The staff is subjected to unbelievable abuse from maximum security prisoners and it is unlikely that anyone would take that kind of abuse for the low wages the guards are paid. The staff should be paid sufficient salary to instill in them a degree of professionalism equal to that of the Montana highway patrolmen.

Senator Boylan asked Mr. Daniels if he thinks the new facility is functional and Mr. Daniels replied that it was a case of the legislature trying to get the most for its dollar, and while it got a fairly good bargain, there was not enough money to provide for a greatly-needed maximum security unit. Senator Boylan asked Mr. Daniels if he thought the prison ranch could be made functional to provide therapy and work for the prisoners. Mr. Daniels said the prison ranch could be utilized much more than it is and that since the idleness of the prisoners is creating so many problems, the ranch operation should be expanded. One valuable function it could be used for is to instill some self-discipline in the prisoners, which would help them find and keep jobs when they are released.

Representative Matsko asked Mr. Daniels how the ranch can be utilized more fully without providing the potential for more escapes. Mr. Daniels said it would simply take more supervisory personnel to provide more security.

Senator Haffey asked Mr. Daniels if he means "higher security" when he says "maximum security" and Mr. Daniels said "yes". He added that over the years the type of prisoner has changed and there needs to be more units for maximum security.

Representative Thoft said that economically it is not possible to provide enough guards to prevent every escape. Mr. Daniels said that of course there will be escapes, but the staff must be large enough to provide closer supervision than there has been in the last few years.

William Speck, Deer Lodge City Councilman

- He said he agreed with Mr. Daniels' statements.
- Maximum security at the prison is a joke.
- From a taxpayer's standpoint is it hard to understand why, if the Governor has confidence in the administration of the different institutions, there has to be such a large Department of Institutions.

Charleine Staffanson, Deer Lodge

- She is the wife of pharmacist who services the Montana State Prison infirmary.
- Several years ago it was found that the infirmary at the

prison was illegal because it did not employ a registered pharmacist. Now three pharmacists from Deer Lodge service the prison on a part-time basis; a facility at Glasgow would have difficulty in providing pharmacists.

Jack Henkle, President of Deer Lodge Chamber of Commerce

- The chamber's attitude toward the prison is favorable and the economy of Deer Lodge needs the prison.
- The people of Deer Lodge have become accustomed to the prison and have accepted having the prison in the community, and as taxpayers feel it would not be economical to move the prison to another location.
- The chamber is concerned about the lack of security at the prison. Over half of the escapes have been from close security and this is of great concern to the community.

Senator Boylan said the possibility is still being considered of renovating the old prison and asked Mr. Henkle what the feeling of the community would be toward such renovation. Mr. Henkle said it would be a "last resort" compromise -- acceptable if there is no other alternative.

Bud Campbell, Director of Citizens Protective Association, Deer Lodge Valley

- The Citizens Protective Association was formed many years ago when escapes and overcrowding and other problems at the prison were threatening the safety of people in the Deer Lodge valley and in the Deer Lodge community. The association disbanded when the problems were solved; however, last year the association felt it was necessary to reorganize because of the large number of escapes -- in one year more than 30 inmates escaped into the community.
- Prior to the reorganization of the Citizens Protective Association the administration of the prison was very lax in informing the public when an escape had occurred and it was not uncommon for citizens to be awakened in the middle of the night by authorities searching for an escapee.
- The Citizens Protective Association established a telephone alert system which made it possible for the Association to notify valley residents within twenty minutes of an escape.
- The association, through working with officials and employees at the prison, became more and more aware of the problems of overcrowding at the prison and of the need of a maximum security facility. The members of the association and the prison personnel want a safe environment in which to live and work.

- The prison now is a minimum to medium security prison.
- The best long-term solution is to build a maximum security unit at the prison, using the existing administration and medical services, which would save many tax dollars. The unit should be built to accommodate the 200-plus hard-core criminals. The medium and minimum security units could then function more efficiently as rehabilitative facilities and the citizens, inmates, and staff would have improved security.
- The Citizens Protective Association is, and always has been, in favor of keeping the prison in the Deer Lodge valley.

Mr. Campbell was asked if the administration at the prison is notifying the association more promptly now and Mr. Campbell said the situation has improved a great deal and the association was notified immediately of the last two escapes.

Representative Thoft said that if the state builds a maximum security facility to segregate the hard-core criminals and then expands the prison industries program, no doubt some classification mistakes will be made and escapes will occur. Mr. Campbell said the citizens' main concern is the lack of a maximum security unit to prevent the escape of hard-core prisoners.

Ed Yelsa, Attorney from Anaconda

Mr. Yelsa introduced two witnesses, whom he referred to as "clients".

Paul Hultgren, Correctional Officer at Montana State Prison

- He has been employed at the prison for almost four years and has worked all the guard posts but has worked mainly in the main control area or library.
- He gave detailed testimony regarding an escape last October in which he was taken prisoner and held captive at knifepoint in the prison for forty minutes. He escaped and attempted to thwart the escape but experienced some difficulty in getting help. The prison administration had three days' notice that the escape would be attempted but took no measures to avoid it. The prisoners who held him captive were not punished for the aggravated assault and kidnapping committed on him.
- Three years previously, he had warned the prison administration of a planned escape and had difficulty in convincing anyone that he knew what he was talking about. He did eventually get them to believe him and the escape was thwarted.
- He has made many recommendations for stricter security measures but has met with little success in getting them

adopted.

- Inmates get more consideration than officers, and in many instances, actually run the prison. "Security out there is nil", he said.
- He submitted documents, including a letter of commendation from Prison Warden Hank Risley, for the committee's review.
- Prisoners are not in prison because they broke the rules -- they are in prison because they didn't have the ability to reason. They didn't realize the consequences of their behavior.
- Criminals should have to make restitution to their victims.
- He strongly recommended an incentive program for inmates.

Representative Thoft asked Mr. Hultgren if more training of the guards would be beneficial. Mr. Hultgren replied that "the guards don't give a damn. All they want to do is sit ... for eight hours and get their check." He said the officers have no authority.

Representative Matsko asked Mr. Hultgren if he could supply the committee with his specific security recommendations, the date they were made, and what action was taken. Representative Keedy said he would also be interested in this information. Mr. Hultgren said he would provide the committee with a report.

Representative Thoft said he is getting the impression that the inmates are running the institution. Mr. Hultgren said that they are and that there is absolutely no respect for authority at the prison.

Representative Matsko asked if when a privilege is denied if that denial can be countermanded by a higher authority. Mr. Hultgren said this is very common. He said favoritism is also common between guards and prisoners.

Senator Manley asked what would happen if an attempt were made to reverse these trends and Mr. Hultgren said there would be serious repercussions. Senator Manley asked Mr. Hultgren what his strongest recommendations would be and Mr. Hultgren said a few months ago he made the following recommendations: 1) Use the old prison for maximum security; 2) if a prisoner doesn't conform in the new prison, return him to the old one; establish half-way houses on the prison's 30,000 acres and institute vocational training in them.

Senator Haffey said there are prisoners who belong in minimum security and some who belong in close security, and asked Mr. Hultgren if he believes some of the close security inmates should be placed in Unit D. Mr. Hultgren said the classification

program must be set up on a fair basis and the inmates should have to work to improve their classification.

Representative Thoft asked Mr. Hultgren how large a maximum security unit is needed. Mr. Hultgren said he thinks it should be large enough to accommodate 100 - 150 inmates. Representative Thoft asked if the maximum security prisoners are separated from the other prisoners at the present time; Mr. Hultgren said they are and that they are fed in their cells.

Representative Matsko asked if the close security inmates are segregated from the medium and minimum security inmates at all phases of their imprisonment and Mr. Hultgren said "not at all phases". Representative Matsko asked if during the times of intermingling, such as recreation time and self-help classes, there have been any instances to apply pressure on the medium and minimum inmates by the close security inmates. Mr. Hultgren said this always occurs whenever there is an opportunity. He said sometimes prisoners have to be put under protective custody and there have been up to 100 protective custody inmates at one time.

The meeting was recessed for a lunch break at 12:00 noon and was reconvened at 1:30 p.m.

Senator Etchart asked Mr. Hultgren if the prison went to single occupancy of the cells in the close units, would it be possible to renovate those units to a maximum security unit. Mr. Hultgren said a portion of Close 1 is being used for Maximum 2, and if it could be renovated so that the doors could be completely controlled by the guards, it could work.

Representative Nilson asked Mr. Hultgren if he calls Close 1 and 2 a medium security facility the way it is set up now and Mr. Hultgren said it would fall someplace between medium and minimum. He said there is a problem with control of closing the doors.

Senator Boylan asked Mr. Hultgren if he thinks the classification system is adequate and if maximum security prisoners are actually in maximum security, or is the classification system so lax that no one is sure of who should be where. Mr. Hultgren said he does not sit on the classification board and therefore his expertise could be open to question, but that he doesn't believe there is anything to rehabilitation and that he believes more in "remotivation in the proper direction". He continued that often he sees prisoners in A Unit, and he believes they should have remained in maximum for a long time. He said that is often a result of guards making deals with prisoners. Senator Boylan asked Mr. Hultgren if he feels that the classification system could be updated. Mr. Hultgren said anytime a man doing 100 years is put in a minimum security unit with a man doing 10 years, "you're asking for trouble".

Representative Thoft asked how many visitations per week are allowed. Mr. Hultgren said the number can be changed for a

prisoner who is causing trouble, but that it is set at five. Representative Thoft asked if Mr. Hultgren feels visitations are overdone and Mr. Hultgren answered "definitely". He said personal contact is "too heavy" and that he has recommended many changes for the visiting area.

Representative Matsko asked if visitors can remain the whole visiting period and Mr. Hultgren said they can. He said he sees this as another weak spot in the visiting program.

Representative Thoft asked Mr. Hultgren if he believes there should be less visiting and if week-end visiting should be reserved for those who work during the week. Mr. Hultgren said he believes the close security inmates should visit in the afternoon and units A, B, and C -- usually the outside workers -- should have the evening visiting hours.

Senator Manley asked if the afternoon visits interfere with the working schedule of the inmates and Mr. Hultgren said they do, "very definitely".

Bill Ebert, Police Officer, City of Deer Lodge

- He has been on the Deer Lodge police force for five years.
- He gave detailed testimony on his involvement last October when three inmates escaped from the prison, taking two hostages with them.
- The escape was of great concern to the community because the inmates came into the town of Deer Lodge and he knew he would be unable to get help for twenty minutes or more. He was very concerned that the convicts would barricade themselves and take hostages from among the townspeople. The convicts were eventually captured and the hostages were not harmed.
- An escape should be announced as soon as it happens rather than after a search of several hours. The townspeople need to be warned as soon as possible. Warnings have been received earlier the last few months.
- Search dogs should be available in Deer Lodge; now it is necessary to get the dogs from Boulder.
- It would not be a good idea to install a valley-wide alarm system because it could cause panic among the citizens.
- His main concern is that with the lack of security at the prison, lives of Deer Lodge townspeople are being put in jeopardy.

Ernest Hartley, Museum Director of Towe Antique Ford Collection and Powell County Museum and Arts Foundation.

- He expressed concern that the old prison is being considered for renovation as a maximum security unit because it is now being used as a museum and has an important economic impact on the community.
- The Committee should know that the Department of Institutions has signed a lease on the old prison with the City of Deer Lodge and the City turned over full responsibility and liability for running of the old prison to the local non-profit historical society -- the Powell County Museum and Arts Foundation.
- The Foundation has made an investment of approximately \$200,000 to renovate and refurbish the old prison as a museum.

Senator Manley asked if Mr. Hartley is contemplating legal action because of the lease. Mr. Hartley said if the state attempted to break the lease without the cooperation of the Foundation he would hope there would be some recourse because of the \$200,000 renovation investment that has been made. Senator Manley asked if the \$200,000 was a grant and Mr. Hartley said the money came from a combination of sources.

Warren Wagner, President, Montana State Prison Chapter of MPEA

- The main concern of his organization is to increase maximum security at the prison in order to overcome the problems of overcrowding and difficulty in disciplining the inmates. Many more disciplinary cells are needed than the four that are available now.
- Maximum security unit should be separate from other units.
- Stronger fences and more guard towers are needed.
- Also needed are larger gym and kitchen areas.
- A psychiatric unit is needed in Close II unit.
- More counsellors are needed throughout the prison. If more counsellors were available, fewer guards would be necessary.
- Strongly supports expansion of the prison ranch and prison industries.

Senator Boylan suggested that Mr. Hartley's organization assist the Task Force in implementation of programs to cut down on idle time of the inmates.

Senator Etchart asked Mr. Hartley what the union's position would be if a business were established within the prison to manufacture products for resale on the commercial market, assuming it was noncompetitive with any other industry in the State of

Montana. Mr. Hartley said his organization would not object as long as the enterprise did not cut into the time of the correctional staff or do away with jobs of his members. He said his organization is made up strictly of Montana Public Employees -- state employees -- and is not a trade union. Senator Etchart asked if the trade unions did not agree with such a business proposition if Mr. Hartley would feel bound to go along with the union's position. Mr. Hartley said he would refer the question to his executive director, Tom Schneider of Helena.

Senator Manley asked if it would be better to establish a vo-tech center on the ranch land so that the inmates could learn a trade such as plumbing, rather than how to work on a ranch or farm. Mr. Wagner said some inmates are learning trades now. Senator Manley asked why those trade programs aren't being expanded and Mr. Hartley said he is not in a position to answer that question -- that that is up to the Corrections Division.

G. W. Neihart, Citizen of Deer Lodge

- He has recently retired from law enforcement after 33 years. He has a bachelor's degree in social science and has done graduate work in criminal justice.
- The Legislature doesn't seem to take part in setting policy for administration of the prison, especially when it is being asked to appropriate money to carry out policy.
- There should be expansion of prison industries and vo-tech programs, but right now there is an impasse and it is impossible to make the inmates work. A lot of time is spent in the gym and library, but not many inmates are working.
- The Legislature is wasting its time attacking the exclusionary rule; the time would be better spent finding out how to make the inmates work.
- A prison industries program should be instituted regardless of what the unions want.

Senator Manley said that at the Committee's first meeting the Committee was informed that it should not become involved in policymaking regarding the administration of the prison, and he said this annoyed him. Mr. Neihart said the Committee should set guidelines, not policy.

Lloyd Mizner, Citizen of Deer Lodge

- He has been a lifelong citizen of Deer Lodge and the prison is a way of life for the community.
- The management of the prison has been good but the prison is too small -- that is the only problem.

Representative Joe Brand, Deer Lodge

- He has resided in Deer Lodge since 1936.
- His wife's family was closely involved with administration of the prison for many years, which gave him a good background on prison matters.
- There have been vast changes in the prison system over the years, both in the legislative process and the judicial system. There now seems to be much greater freedom for the inmates and this has resulted in problems for the community.
- During his tenure in the Legislature, since 1967, the Legislature has not been responsible for these vast changes. Department heads are asked to submit an appropriation bill for the department's needs, then the state budget director pares down the requested appropriation, and then the legislative committees decide where the budget will be spent. Many times the department heads then have to readjust their planning to fit the appropriations and many times it doesn't cover the needs of the department.
- There is big problem with education of the prisoners because there is such a big turnover in personnel.
- Prison salaries do not compete with those in private industry. Standards can never be raised until the salaries are raised.
- The Legislature was at fault when it decreed that the prison ranch had to make a profit.
- The Governor tried to go in the right direction with his plan, but when the administration's hands are tied by legislation, there is nothing they can do.
- He has submitted legislation three times to do away with the Department of Institutions. The institutions should be answerable to the Board of Examiners, which is made up of the Governor, the Secretary of State, the Attorney General, and the Superintendent of Public Instruction.
- The prison is in serious need of a maximum security unit.
- There is always a lot of rhetoric about getting tough with prisoners but there is also a lot of fear about getting sued if you are tough on prisoners.
- Everyone seems to talk about guidelines for prisoner treatment but no one seems to come up with any guidelines. The State of Montana has no written policy.
- The system is fragmented by scattering the correctional

facilities throughout the state and this costs the taxpayers more money.

Representative Nilson asked Representative Brand if he believes a statement of correctional policy should be an act of the Legislature or of the administration of the prison. Representative Brand said he has been unsuccessful in getting a statement from the prison people and he doesn't like to see the Legislature taking over these duties that belong to experts in the penal system.

Senator Boylan said the Legislature got "taken down the primrose path" in what it got for the money spent on the new prison. He said that probably the Legislature should be blamed for not having better prison facilities. He said the ranch has gotten larger and larger but hasn't solved any problems. Representative Brand said the original intention for the ranch was good but the political process took over; it could still become a viable operation. He said the Legislature turned down the installation of an irrigation system at the ranch, which was a mistake. He maintained that the prisoners do want to work but programs and incentives are not provided.

John Price, Bozeman, Former Prisoner

- He has a lot of direct knowledge of the prison system as he spent 8 1/2 months as an inmate and wants to contradict many ideas that are being talked about.
- He is writing a book containing material that "outsiders" could never know about.
- Something has to be done about the very serious problem of overcrowding at the prison. More riots will occur unless the state adopts a firm policy for its prisons.
- Legislators don't want to talk about the prison, but it is their job to keep citizens safe from escaped prisoners.
- Anyone can be hired "on the spot" as a guard. There are no requirements for guards.

Chairman Thoft said Mr. Price's testimony was becoming repetitious and the Committee is crowded for time but would listen if he had new remarks to offer. Mr. Price said he did "get a little carried away". He said the testimony the Committee has heard so far "doesn't even scratch the surface". Chairman Thoft invited further testimony from those present if their remarks were not repetitious. No more testimony was offered.

Senator Haffey was approached by two people before the lunch break and they requested that the Committee be asked the following questions at the afternoon portion of the meeting. They were unable to be present at the afternoon session.

1. In the March 21 riot, how many people were involved, and of those, how many are being charged with committing a felony offense?

2. How well are the good time records maintained? Is there a clear trail so that each prisoner knows how much good time he has accumulated and can he be made aware of that when he asks?

3. Is medical care available?

4. Are there empty cells in maximum security?

5. Why can't there be technical training made available for people who are in the prison for less than 23 months?

6. Why do inmate items have to be purchased through the canteen?

Senator Haffey suggested that the staff of the Legislative Council direct these questions to the proper person so that answers will be provided.

Senator Boylan said today's meeting has not fulfilled his expectations. He said he appreciated the input from concerned citizens and others but had thought the primary reason for today's hearing would be to take testimony from prisoners, ranch foremen, and guards. He said he feels "the squash has been put on and I don't appreciate it". He said he would like to know why the prisoners and others weren't made available today. Bob Person replied that as far as the inmates are concerned, he had discussed the matter of their testimony with Chairman Thoft, Senator Manley, and the prison administration and it was decided that a public hearing would probably not be the best forum in which the prisoners could express their views, partly because of lack of time to make proper arrangements, the problem of security, and also because it was felt the prisoners may not be too candid in such a forum. The alternative was put forth to hold a visit within the prison and tentative plans were made for such a visit by one of the subcommittees on August 4, the day before the next Committee meeting.

A recess was called at 3:00 p.m. and the meeting reconvened at 3:20 p.m.

Bob Person presented some remarks on the upcoming NCSL meeting. None of the Committee members planned to attend. Mr. Person said he plans to bring back for the Committee's review some tapes of a session on how other states are dealing with overcrowding in prisons. Representative Matsko suggested that Mr. Person also bring back any available packets of proposed legislation.

Senator Haffey requested that Bob Person get from Warden Risley the name of one contact person in the National Institute of

Corrections, and also one contact person in other correctional associations who could provide names of experts in the field of corrections and penology. Senator Haffey thought the Committee may wish to have an expert, professional evaluation on the whole question of prisoner classification.

Next Meeting Date - August 5

Bob Person discussed a list of people who will be invited to address the Committee at its next meeting. Among those listed were four district judges and the members of the now-terminated Prison Alternatives Committee. John Wilkinson, Chairman of the Prison Alternative Committee, told Mr. Person that the group hadn't made any formal recommendations because they had not had the opportunity to complete their work. Senator Boylan MOVED that Mr. Wilkinson and other members of the Prison Alternative Committee be invited to address the Committee at the August 5 meeting. Representative Keedy said he would like to invite members to present written statements if they are unable to attend. He suggested that they be made welcome but that no mention be made of paying expenses of attending.

Representative Keedy said he was surprised and disappointed that the Director of the Department of Institutions saw fit to disband the Prison Alternatives Committee. He said it was never his understanding that the creation of the Corrections Task Force was the Legislature's attempt to supplant the work of the Prison Alternative Committee. Representative Thoft said that even before the Task Force was appointed, he was told that the Alternatives Committee was defunct.

Senator Haffey suggested that Senator Boylan's motion include in the letter of invitation a request that each member of the Prison Alternatives Committee furnish the Task Force with a written statement of his thoughts and hopes for the Alternatives Committee. The motion passed unanimously.

Discussion ensued regarding which district judges to invite and it was decided to invite Judges W. W. Lessley, Peter Meloy, and Nat Allen. Senators Manley and Haffey suggested that Judge Boyd be invited because he handles most of the felonies that occur at the prison.

Chairman Thoft said the August 5th meeting will be devoted to the industries program at the prison.

Visit to Women's Correctional Center

Following the hearing the Committee travelled to the Women's Correctional Center at Warm Springs and Director Stephen MacAskill conducted a tour of the facility. The present number of inmates is 24, it will soon go to 26, and the facility can accommodate approximately 50 women. Mr. MacAskill said 24 - 25

is a comfortable number to work with and that at maximum capacity of 50, many programs would have to be sacrificed.

Following the tour the Committee visited with several of the inmates. The women were questioned by Committee members regarding statements by some organizations that there is a "stigma" attached to the prisoners because they are kept at the Warm Springs facility. The women vehemently denied that they feel stigmatized in any way and made many statements in favor of the women's correctional facility and its administration. The only complaints they voiced were a lack of supervision on the second floor, which prevents them from being in their rooms during the day, and a lack of jobs.

The visit at the Women's Correction Center ended at approximately 5:30 p.m.

Appendix G

Population at Montana State Prison

The chart in this appendix shows the population history at Montana State Prison for this century compiled from a variety of sources. It also shows projections that have been made from time-to-time. The chart was prepared originally for a Briefing Session held for the Legislature just before the Second Special Session. It was updated for this report in January 1983.

Extract from Minutes of September 13, 1982 Meeting of
Task Force on Corrections

Hearing on Women's Correctional Center

National Organization for Women (NOW)

Pat Harper, member of the national organization of NOW and a member of the organizing committee for Montana NOW, stated that Montana NOW wishes to go on record as favoring an urban area for the incarceration of Montana's women prisoners. A copy of NOW's statement is attached.

Senator Boylan asked Ms. Harper if her organization had interviewed residents of the women's prison facility at Warm Springs, and remarked that the residents there who were interviewed by the committee were happy with that institution and its administration and did not want to move. Ms. Harper responded that she herself has not interviewed women in the Warm Springs facility but that her research was done with residents of the Life Skills Center in Billings. She said those women feel their experience at the center has been very positive, and that the recidivism rate there is very low. She urged that the Life Skills Center in Billings be looked at as the model for the establishment of a new women's prison facility.

Senator Keedy questioned Ms. Harper about her statement that there are no women in the top administrative positions in the Department of Institutions. She responded that the national organization is not claiming sex discrimination within the Department, but rather is drawing attention to the fact that women are not in positions that could bring a woman's perspective to prison facilities for women.

Senator Haffey asked if NOW has considered the services that are available in the relatively close urban areas of Butte and Anaconda. Ms. Harper said she does not know if that has been considered.

Representative Thoft stated that it has to be considered that the Life Skills Center is something prisoners graduate to from Warm Springs. Ms. Harper stated that often women end up in Warm Springs for crimes like writing bad checks, when they should be sent to a facility like the Life Skills Center for such crimes.

Senator Manley said it is important to remember that the women are being sent to prison -- that they have committed a crime. He said he doesn't grasp the reasoning of placing the women in a "home setting" when they've been sentenced to prison. Ms. Harper said what NOW is questioning is sentencing a woman to a prison environment when her crime is not one against property or people. Senator Haffey asked if NOW has done a study of what kinds of crimes have been committed by those women now incarcerated at the

Warm Springs facility. Ms. Harper responded that the Montana Criminal Justice Coalition has conducted such a study.

League of Women Voters (LVW)

Margaret Davis, President, Montana chapter, said the League has adopted a position on several issues regarding the women's prison, but that today she will present only the League's position on the location of the facility. She said the LVW is opposed to permanently establishing the women's prison at Warm Springs, and their opposition is partly because it is felt that the decisions on the location of state institutions are not fully participated in by the people of Montana. She said those decisions are arrived at outside the legislative process. She also said the League is concerned about availability of staff and the rehabilitation, and other services that would be available for the population at the present location.

Church Women United in Montana

LaVern Kohl, President, presented written testimony on this organization's opposition to the women's prison being permanently located in Warm Springs. (Copy of testimony attached.)

Administrator and Residents, Women's Correctional Center, Warm Springs

Steve McAskill, Administrator, testified that he feels very strongly that resources for rehabilitation, employment, staff, and other services are available at the present facility and that it would be difficult to find a site that would provide the same number of programs but also provide some of the advantages that the present site affords. He stated that several programs are planned but not yet implemented because the facility was just established in May of this year. The first priority was getting the facility in shape, and then routines had to be established and the staff trained. More residents were placed there than was anticipated. Jobs within the facility were started, then jobs on the grounds. Seven women are now working on the grounds and there is a possibility that more jobs can be found. He said the most of the jobs do not provide vocational training, but they do provide meaningful work experience, which is one of the primary needs of the residents. Other jobs, such as secretarial work, do provide vocational training.

Mr. McAskill said the jobs are mainly filled by medium security residents, and that if the facility were placed in a more urban area it would be extremely difficult to find jobs within the community for such inmates. He said the next phase of the job placement program is to find jobs within the communities of Anaconda and Butte for minimum security residents. The target date for this program is October 1, but the tight economic situation in Butte and Anaconda makes it difficult to find jobs.

In the educational program, a half-time teacher is employed to teach courses that would result in a G.E.D. diploma. Mr. McAskill said the teacher has been conferring with administrators of the Kootenai-Salish Community College in an effort to provide credit for college level courses to be taught at the prison by instructors from the college. Also administrators of the adult education program in Anaconda have expressed interest in providing instruction for the women. Minimum security residents would be allowed to go into town for these classes, and instructors would come to the prison to teach the medium security prisoners. Minimum security prisoners have visited Fairmont Hot Springs, the old prison at Deer Lodge, and there is a possibility that they will be attending concerts in Butte and Anaconda. Anaconda has offered the use of all of its recreational facilities to minimum security prisoners and additional recreational programs such as formation of a basketball team are planned. Arts and crafts programs, utilizing volunteers as teachers, will be implemented this fall.

Mr. McAskill stated that the location of the women's prison within the larger institution of Warm Springs State Hospital offers the opportunity for many programs and resources that would not otherwise be available.

A psychiatrist and a psychologist are retained on a contract basis and they each spend four hours a week at the facility. Alcohol and drug programs in Anaconda are providing services to the women prisoners on a weekly basis. In-house programs are also available. The medical program has experienced difficulties but the needs are being met adequately. Mr. McAskill said he knows of no instance where symptoms were overlooked or of a woman being denied medical care. He said the women are taken to Butte if a specialist is needed. Hospitalization usually is at Deer Lodge because that facility is more to treating prisoners.

He summed up his testimony by stating that it would be difficult to find a location with as many resources as the Warm Springs facility has to offer.

Testimony from Residents of the Women's Correctional Center

Three women residents at the Women's Correctional Center who are members of the Residents' Advisory Council testified and generally expressed satisfaction with the institution and its administration. The main points of their testimony follow:

- They feel very little stigma from being at the Warm Springs institution, and the feeling of the prison population as a whole is about half and half in favor/against having the women's prison at Warm Springs.
- They are not completely satisfied with the medical care they receive. The staff at Warm Springs is accustomed to dealing with mental patients who are not able to communicate well,

and the women prisoners find themselves being treated as though they can't express themselves well.

- Some of the prisoners have had some trouble receiving proper treatment at the hospital at Galen because that facility is geared to treat alcoholics, not women offenders. The medications that are allowed to be dispensed at Galen do not always fit the ailments of the women prisoners.
- They do not feel Warm Springs is an isolated area. They have a chance to go the Deer Lodge, Butte, and Anaconda for educational and recreational programs and do not feel the prison should be moved.
- There are adequate motel facilities nearby the prison for visitors to stay.
- A move to another location would be difficult because achievements toward advancement in status attained at the present facility would not be counted at another facility. The present population of the women's prison is somewhat split on this issue.
- Those who want to move have a particular need to secure full-time employment, or are sincerely looking at the prospects for rehabilitation and feel they would do better if the prison were located near a college.
- More money should be available to transport the residents to recreational and educational programs in Butte, Anaconda, or Deer Lodge.
- In order to qualify for good time a prisoner has to have a good education program in progress. Vehicles should be provided so the residents have access to good educational programs.

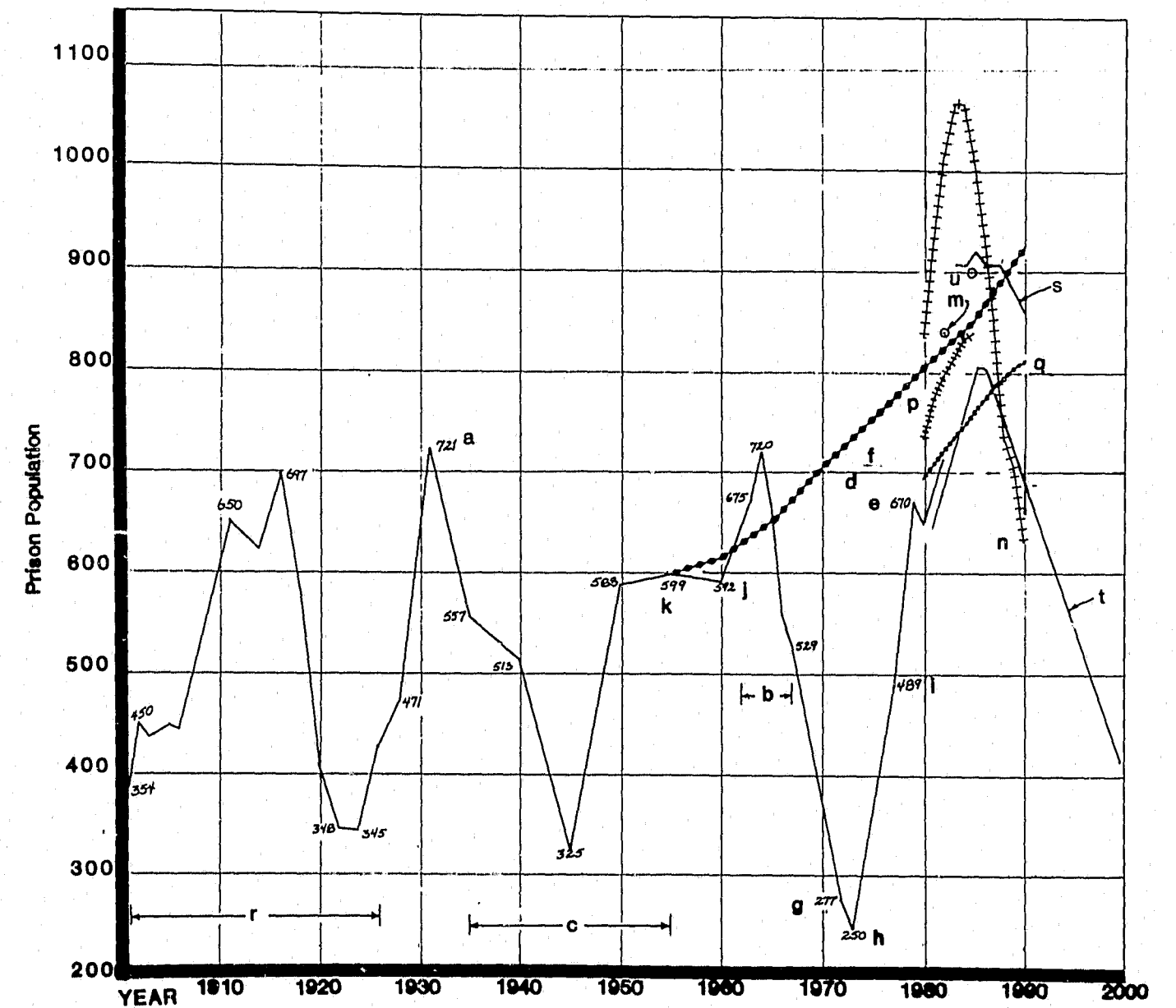
Carroll South said he thinks the taxpayers will be against paying the tuition for higher education for prisoners when it is difficult for the taxpayers to pay for their children's education. One of the prisoners stated that she and others intend to work and save the money for taking college level courses.

Appendix F

Public Hearing on Women's Correctional Center

This appendix includes the portion of the minutes of the September 13, 1982 meeting that reflects the public hearing on the Women's Correctional Center.

MONTANA STATE PRISON POPULATION 20TH CENTURY



LEGEND

- Actual Population
- Leg. Cncl. Report #1 projections
- +++ Master Plan projection 1979
- ++++ DOI revision of 'n'
- Western Analysis rev. of 'n'

SOURCES

- a-Holland et. a. p. 15
- b-Ibid p. 17
- c-Leg. Council Report #1 p. 48
- d-Leg. Council Corrections Report 1980 p. 13
- e-Warden Crist 8/23/79 p. 3
- f-Dan Russell, Admin. Corr. Division June 1982
- g-Great Falls Tribune 12/10/71 p. 20
- h-Great Falls Tribune 1/24/73 p. 20
- i-Great Falls Tribune 1/5/77 p. 19
- j-Legislative Council Report #1 projections
- k-Montana State Prison pamphlet 1956
- m-Dan Russell op.cit., total system population
- n-Master Plan Projection 1979
- p-Dept. of Institutions Revisions of 'n'
- q-Western Analysis revision of 'n'
- r-Prison Annual Reports
- s-1982 Age Ratio Study
- t-Clearinghouse Study
- u-Task Force 1985 System Population Estimate

Appendix H

Private Funding of Prison Construction

During the course of its study, the Task Force received a proposal for private funding of prison construction at Montana State Prison. The proposal was presented by Mr. Neil A. Stone of the Julien J. Studley Corporation of Los Angeles. This appendix includes:

1. The original proposal
2. An analysis of the proposal by the Legislative Auditor
3. An analysis by the Department of Administration
4. Mr. Stone's response to the analyses

JULIEN J. STUDLEY, INC.

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WASHINGTON
WASHINGTON SUBURBAN

HOUSTON
LOS ANGELES

DIRECTORS
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DAVID S. RASPLER
HOWARD SADOWSKI

DONALD SCHNABEL
MAURICE H. SOLOMON
PETER M. SPEIER
JULIEN J. STUDLEY

December 13, 1982

State Representative Bob Thoft, Chairman:
Task Force on Corrections
State of Montana
RR 3 Box 1520
Stevensville, Montana 59870

Dear Chairman Thoft:

Thank you and members of the State of Montana's Task Force On Corrections for the opportunity to appear before the Task Force last Monday, December 6th. I also appreciate the tour of both the Old Montana State Territorial Prison and the existing State Prison. Copies of this letter are being sent to all Task Force members and Mr. Carroll South, Director: Department of Institutions; Mr. Robert Person, Director: Research, Montana Legislative Council; and Mr. William Gosnell, Office of Budget and Program Planning.

At the December 6th meeting, I indicated that the State of Montana could save significant monies should it allow a maximum security prison to be built, owned, financed privately and leased to the State rather than the State issuing bonds for such development. This savings would occur should the State choose to have a new facility built at the current State Prison or should it choose to create a new facility through rehabilitation of the Old Territorial Prison.

Enclosed is a graph indicating rent payments, investment return and net return for each of forty (40) years of a sale-leaseback scenario. There are several assumptions utilized in these calculations, they are:

* inflation rate of four (4%) percent - note: in our prior presentation we used a six (6%) percent inflation rate which resulted in lesser savings to the State. We have herein used four (4%) percent as that was the projection utilized by the Department of Institutions in their presentation at the December 6th meeting.

* rent payments are calculated as compounded annually with increases payable solely each five (5) years; as example:

year 1 - \$960,000
year 2 - \$998,000
year 3 - \$1,038,336
year 4 - \$1,079,869
year 5 - \$1,123,064
year 6 - \$1,167,986

Payments in years one (1) through five (5) are to be made in the amount of \$960,000 solely; in years six (6) through ten (10) payments are made in the amount of \$1,167,986 annually.

* the base year rent (i.e.: \$960,000) provides a twelve (12%) percent return (cash on cash) to the investor

* as the State of Montana would minimally commit itself to \$8,000,000 in bond indebtedness, such funds must be considered as obligated State expense; thus return on such monies must be reviewed for purposes of analyzing various State fiscal alternatives

* a twelve (12%) percent rate of return (i.e. interest on initial investment) has been utilized in this analysis -- note: only interest for the individual year is identified; if instead principal and accumulated interest were indicated then in year fifteen (15) instead of annual interest of \$4,188,953, the cumulative amount would be \$39,096,898.

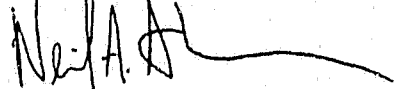
In summary, this method would provide the State of Montana savings of \$156,226,964 (cumulative rent cost subtracted from interest only) during a thirty (30) year lease and savings during a forty (40) year lease of \$572,367,190. These savings would occur in either a new construction or rehabilitation program. It should, however, be considered, as we indicated in our appearance before your committee, that due to special tax advantages available to private investors should they rehabilitate the Old State Territorial Prison, significantly greater savings could be generated to the State of Montana through reduced rental payments.

Please be aware that the projected savings do not include tax revenue which would be paid should the facility be privately rather than publicly owned. Revenue during the first taxable year, if privately owned, is projected to the County as:

* County	\$37,279
* General School	\$28,318
* High School	\$16,268
* Special Districts	\$15,510
Total	\$97,375

I look forward to appearing before the committee again on Friday, December 17 to address any questions you may have regarding this matter.

Sincerely,



Neil A. Stone

NAS/ks
enclosure

Year	Rent Payments Compounded @ 4% Annually Payable Each 5 Years	Return On Investment of \$8,000,000 @ 12% Annual Return	Return Minus Rent @ 4% Compound
1	\$960,000	\$ 0.00	-\$960,000
2	\$960,000	\$960,000	\$0.00
3	\$960,000	\$1,075,200	\$115,200
4	\$960,000	\$1,204,224	\$224,224
5	\$960,000	\$1,348,731	\$338,731
6	\$1,167,986	\$1,510,578	\$342,592
7	\$1,167,986	\$1,691,848	\$523,862
8	\$1,167,986	\$1,894,870	\$726,884
9	\$1,167,986	\$2,122,254	\$954,268
10	\$1,167,986	\$2,376,925	\$1,208,939
11	\$1,421,034	\$2,662,156	\$1,241,122
12	\$1,421,034	\$2,981,614	\$1,560,580
13	\$1,421,034	\$3,339,408	\$1,918,374
14	\$1,421,034	\$3,740,137	\$2,319,103
15	\$1,421,034	\$4,188,953	\$2,767,919
16	\$1,728,905	\$4,691,628	\$2,962,723
17	\$1,728,905	\$5,254,623	\$3,525,718
18	\$1,728,905	\$5,885,178	\$4,156,273
19	\$1,728,905	\$6,591,339	\$4,862,434
20	\$1,728,905	\$7,382,368	\$5,653,463
21	\$2,103,477	\$8,268,251	\$6,164,774
22	\$2,103,477	\$9,260,441	\$7,156,964
23	\$2,103,477	\$10,371,694	\$8,268,217
24	\$2,103,477	\$11,616,298	\$9,512,821

JULIEN J. STUDLEY, INC.
10850 WILSHIRE BLVD., LOS ANGELES, CALIF. 90024

STATE OF MONTANA
Office of the Legislative Auditor
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STATE CAPITOL
HELENA, MONTANA 59620
406/449-3122

MONTANA LEGISLATIVE
COUNCIL
DEPUTY LEGISLATIVE AUDITORS:
JAMES H. GILLET
FINANCIAL/COMPLIANCE
AND CONTRACTED AUDITS
SCOTT A. SEACAT
PERFORMANCE/SUNSET AUDITS
STAFF LEGAL COUNSEL
JOHN W. NORTHEY



ROBERT R. RINGWOOD
LEGISLATIVE AUDITOR

January 7, 1983

Neil A. Stone
Julien J. Studley, Inc.
10850 Wilshire Boulevard
Los Angeles, California 90024

Dear Mr. Stone:

At the request of the Montana Legislative Task Force on Corrections, the Montana Office of the Legislative Auditor has analyzed your December 13, 1982 letter proposing private financing of a prison facility through a sale-leaseback scenario.

Our initial analysis of your proposal raised the following concerns:

1. On page three of your December 13, 1982 letter, column three, you assume that a benefit to the state would be the interest earned on \$8,000,000 bonded indebtedness. We believe such a benefit is not available because the state is prohibited by federal law from issuing tax-free bonds for the purpose of earning interest only.
2. Although in column two on page three you consider rent to be a state expense, the analysis fails to take into account the state's loss of interest (opportunity costs) on the lease payments.
3. There was no indication of who would be responsible for facility maintenance costs and repairs.

We compared the cash flow of your proposal with the cash flows for two bonding options. For purposes of analysis, we used a 20 year life for the project.

Year	Rent Payments Compounded @ 4% Annually Payable Each 5 Years	Return On Investment of \$8,000,000 @ 12% Annual Return	Return Minus Rent @ 4% Compound
25	\$2,103,477	\$13,010,254	\$10,906,777
26	\$2,559,202	\$14,571,483	\$12,012,281
27	\$2,559,202	\$16,320,062	\$13,760,860
28	\$2,559,202	\$18,278,469	\$15,719,267
29	\$2,559,202	\$20,471,886	\$17,912,684
30	\$2,559,202	\$22,928,512	\$20,369,310
31	\$3,113,660	\$25,679,933	\$22,566,273
32	\$3,113,660	\$28,761,526	\$25,647,866
33	\$3,113,660	\$32,212,908	\$29,099,248
34	\$3,113,660	\$36,078,457	\$32,964,797
35	\$3,113,660	\$40,407,872	\$37,294,212
36	\$3,788,244	\$45,256,817	\$41,468,573
37	\$3,788,244	\$50,687,635	\$46,899,391
38	\$3,788,244	\$56,770,151	\$52,981,907
39	\$3,788,244	\$63,582,569	\$59,794,325
40	\$3,788,244	\$71,212,478	\$67,424,234
Cumulative Total:			
30			\$156,226,364
40			\$572,367,190

CASH FLOW ANALYSIS

<u>Alternatives</u>	<u>Total 20 Year Cash Flow</u>
\$8 Million Bond Issue, ¹ Fixed Interest	\$16,165,000
\$8 Million Bond Issue, ² Variable Interest	\$19,062,882
Julien Studley Proposal, ³ Sale-Leaseback	\$26,389,625

¹ See Attachment 1

² See Attachment 2

³ Sum of Lease Payments

Independent of our analysis, the Montana Department of Administration also analyzed the cash flows of two alternatives. Their analysis is included as Attachment 3.

We also used a computer program to analyze the present values of the discounted cash flows of the alternatives taking into account the state's opportunity costs. We used a cost of capital of 12 percent in the following chart. The bonding analysis includes opportunity costs associated with bond retirement, semi-annual interest payments, and issuance costs. The sale-lease back analysis includes the opportunity costs associated with loss of interest on lease payments.

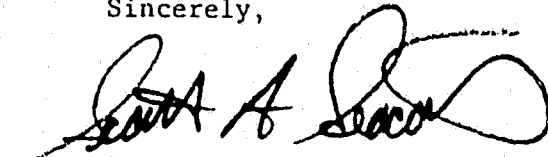
PRESENT VALUE ANALYSIS

<u>Alternatives</u>	<u>Present Value Costs</u>
\$8 Million Bond Issue, Fixed Interest	\$18,286,180
\$8 Million Bond Issue, Variable Interest	\$17,775,680
Julien Studley Proposal, Sale-Leaseback	\$22,066,240

Neil A. Stone
January 7, 1983
Page 3

Based upon our analysis we conclude that either bonding alternative would be preferable to the sale-leaseback option as proposed in your December 13, 1982 letter. If you have any questions concerning our analysis, please feel free to contact me.

Sincerely,



Scott A. Seacat
Deputy Legislative Auditor

SAS/mcd

cc: Members, Legislative Task Force on Corrections
Robert Person, Legislative Council
Morris Brusett, Department of Administration
Representative Robert Ellerd

Attachment 1

CASH OUTLAY

\$8 MILLION BOND ISSUE

Bond interest @ 9.5% payable
semi-annually, 20-year fixed
retirement, paid annually at
year-end

<u>Year</u>	<u>Beginning Balance</u>	<u>Principal Retirement</u>	<u>Annual Interest</u>	<u>Issuance Expense</u>	<u>Total Cash Outlay</u>
1	\$8,000,000	\$ 400,000	\$ 760,000	\$185,000	\$ 1,345,000
2	7,600,000	400,000	722,000		1,122,000
3	7,200,000	400,000	684,000		1,084,000
4	6,800,000	400,000	646,000		1,046,000
5	6,400,000	400,000	608,000		1,008,000
6	6,000,000	400,000	570,000		970,000
7	5,600,000	400,000	532,000		932,000
8	5,200,000	400,000	494,000		894,000
9	4,800,000	400,000	456,000		856,000
10	4,400,000	400,000	418,000		818,000
11	4,000,000	400,000	380,000		780,000
12	3,600,000	400,000	342,000		742,000
13	3,200,000	400,000	304,000		704,000
14	2,800,000	400,000	266,000		666,000
15	2,400,000	400,000	228,000		628,000
16	2,000,000	400,000	190,000		590,000
17	1,600,000	400,000	152,000		552,000
18	1,200,000	400,000	114,000		514,000
19	800,000	400,000	76,000		476,000
20	400,000	400,000	38,000		438,000
		<u>\$8,000,000</u>	<u>\$7,980,000</u>	<u>\$185,000</u>	<u>\$16,165,000</u>

Source: Compiled by the Office of the Legislative Auditor

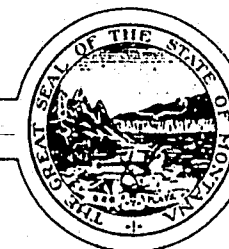
CASH OUTLAY\$8 MILLION BOND ISSUE

Bond interest variable
20 year variable retirement

Year	Principal Retirement	Coupon	January 1 Interest	July 1 Interest	Issuance Expense	Total
1	\$ 160,000	6.750%	\$ 391,187	\$ 391,187	\$185,000	\$ 1,127,375
2	175,000	7.000%	385,787	385,787		946,575
3	185,000	7.500%	379,662	379,662		944,325
4	195,000	7.750%	372,725	372,725		940,450
5	215,000	8.000%	365,169	365,169		945,338
6	230,000	8.350%	356,569	356,569		943,138
7	250,000	8.700%	346,966	346,966		943,932
8	275,000	9.000%	336,091	336,091		947,182
9	285,000	9.250%	323,716	323,716		942,432
10	325,000	9.500%	310,072	310,072		845,145
11	355,000	9.750%	294,635	294,635		944,270
12	385,000	10.000%	277,329	277,329		939,658
13	430,000	10.150%	258,079	258,079		945,158
14	470,000	10.300%	236,256	236,256		942,512
15	520,000	10.350%	212,051	212,051		944,102
16	575,000	10.400%	165,141	165,141		945,282
17	685,000	10.450%	155,241	155,241		454,482
18	700,000	10.500%	122,062	122,062		844,125
19	770,000	10.500%	85,312	85,312		940,625
20	855,000	10.500%	44,887	44,887		944,775
	<u>\$8,000,000</u>		<u>\$5,438,841</u>	<u>\$5,438,841</u>	<u>\$185,000</u>	<u>\$19,062,882</u>

Source: Compiled by the Office of the Legislative Auditor based upon an exhibit prepared by Dain Bosworth, Inc., Denver

DEPARTMENT OF ADMINISTRATION
DIRECTOR'S OFFICE



TED SCHWINDEN, GOVERNOR

MITCHELL BUILDING

STATE OF MONTANA

(406) 449-2032

HELENA, MONTANA 59620

December 30, 1982

Bob Person
Legislative Council
State of Montana
State Capitol
Helena, MT

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MONTANA LEGISLATIVE AUDITOR

Dear Bob:

Enclosed is the analysis of lease payments versus bonding cost for an eight million dollar state prison renovation and/or construction program. For comparative analysis purposes, we added two columns to page three of Mr. Studley's study. My department used this analysis in testimony before a legislative task force on the prison problem.

The following is a list of assumptions we used in the comparison:

1. A 9½% interest rate was used - which is conservative. The state may obtain 9% or less financing under current conditions.
2. A twenty-year term was used because that's the time frame the department anticipates for the issue.
3. An even annual principal retirement was used because the overall effect in actual dollar terms is less than an even annual principal and interest payment.
4. present value considerations were not considered. However, the Legislative Auditor's Office did make a present value calculation. Actual dollar comparisons were used in order to have uniformity of comparison and to utilize the consultant's actual figures.

Bob Person
December 30, 1982
Page Two

5. No impact on general tax revenues was considered using the lease method.

6. We did, however, correct addition errors in the consultant's proposal.

If you have any further questions, please contact me.

Sincerely,

Morris
MORRIS L. BRUSETT
Director

Enclosure

mac
cc: Scott Seacat ✓
Office of Legislative Auditor

JULIEN J. STUDLEY, INC.
10880 WILSHIRE BLVD. LOS ANGELES, CALIF 90024
Col. 4 Col. 5

Year	Col. 1 Rent Payments Compounded @ 4% Annually Payable Each 5 Years	Col. 2 Return On Investment of \$8,000,000 @ 12% Annual Return	Col. 3 Return Minus Rent @ 4% Compound	Col. 4 \$8 Million Bond Issue @ 9 1/2%.. 20 Years Level Principal Retirement	Col. 5 Difference Between Lease and Bonds (Col. 1 Minus Col. 4)
1	\$960,000	\$ 0.00	-\$960,000	\$ 1,160,000	\$(200,000)
2	\$960,000	\$960,000	\$0.00	1,122,000	(162,000)
3	\$960,000	\$1,075,200	\$115,200	1,084,000	(124,000)
4	\$960,000	\$1,204,224	^{244,224} \$224,224	1,046,000	(86,000)
5	\$960,000	\$1,348,731	^{388,731} \$338,731	1,008,000	(48,000)
6	\$1,167,986	\$1,510,578	\$342,592	970,000	197,986
7	\$1,167,986	\$1,691,848	\$523,862	932,000	235,986
8	\$1,167,986	\$1,894,870	\$726,884	894,000	273,986
9	\$1,167,986	\$2,122,254	\$954,268	856,000	311,986
10	\$1,167,986	\$2,376,925	\$1,208,939	818,000	349,986
11	\$1,421,034	\$2,662,156	\$1,241,122	780,000	641,034
12	\$1,421,034	\$2,981,614	\$1,560,580	742,000	679,034
13	\$1,421,034	\$3,339,408	\$1,918,374	704,000	717,034
14	\$1,421,034	\$3,740,137	\$2,319,103	666,000	755,034
15	\$1,421,034	\$4,188,953	\$2,767,919	628,000	793,034
16	\$1,728,905	\$4,691,628	\$2,962,723	590,000	1,138,905
17	\$1,728,905	\$5,254,623	\$3,525,718	552,000	1,176,905
18	\$1,728,905	\$5,885,178	\$4,156,273	514,000	1,214,905
19	\$1,728,905	\$6,591,339	\$4,862,434	476,000	1,252,905
20	\$1,728,905	\$7,382,368	\$5,653,463	438,000	1,290,905
21	<u>\$26,389,625</u> \$2,103,477	<u>\$60,902,034</u> \$8,268,251	<u>\$34,512,409</u> \$6,164,774	<u>\$15,980,000</u>	<u>\$ 10,409,625</u>
22	\$2,103,477	\$9,260,441	\$7,156,964		
23	\$2,103,477	\$10,371,694	\$8,268,217		
24	\$2,103,477	\$11,616,298	\$9,512,821		

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Year	Col. 1 Rent Payments Compounded @ 4% Annually Payable Each 5 Years	Col. 2 Return On Investment of \$8,000,000 @ 12% Annual Return	Col. 3 Return Minus Rent @ 4% Compound	Col. 4 \$8 Million Bond Issue @ 9 1/2% 20 Years Level Principal Retirement	Col. 5 Difference Between Lease and Bonds (Col. 1 Minus Col. 4)
1	\$960,000	\$ 0.00	-\$960,000	\$ 1,160,000	\$(200,000)
2	\$960,000	\$960,000	\$0.00	1,122,000	(162,000)
3	\$960,000	\$1,075,200	\$115,200	1,084,000	(124,000)
4	\$960,000	\$1,204,224	^{244,324} \$224,224	1,046,000	(86,000)
5	\$960,000	\$1,348,731	^{388,731} \$338,731	1,008,000	(48,000)
6	\$1,167,986	\$1,510,578	\$342,592	970,000	197,986
7	\$1,167,986	\$1,691,848	\$523,862	932,000	235,986
8	\$1,167,986	\$1,894,870	\$726,884	894,000	273,986
9	\$1,167,986	\$2,122,254	\$954,268	856,000	311,986
10	\$1,167,986	\$2,376,925	\$1,208,939	818,000	349,986
11	\$1,421,034	\$2,662,156	\$1,241,122	780,000	641,034
12	\$1,421,034	\$2,981,614	\$1,560,580	742,000	679,034
13	\$1,421,034	\$3,339,408	\$1,918,374	704,000	717,034
14	\$1,421,034	\$3,740,137	\$2,319,103	666,000	755,034
15	\$1,421,034	\$4,183,953	\$2,767,919	628,000	793,034
16	\$1,728,905	\$4,691,628	\$2,962,723	590,000	1,138,905
17	\$1,728,905	\$5,254,623	\$3,525,718	552,000	1,176,905
18	\$1,728,905	\$5,885,178	\$4,156,273	514,000	1,214,905
19	\$1,728,905	\$6,591,339	\$4,862,434	476,000	1,252,905
20	\$1,728,905	\$7,382,368	\$5,653,463	438,000	1,290,905
21	<u>\$26,389,625</u> \$2,103,477	<u>\$60,902,034</u> \$8,268,251	<u>\$34,512,409</u> \$6,164,774	<u>\$15,980,000</u>	<u>\$ 10,409,625</u>
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January 12, 1983

Representative Bob Thoft
Chairman
Task Force On Corrections
State of Montana
State Capitol-Montana and Sixth Avenues
Helena, Montana 59620

Dear Representative Thoft:

Based upon our prior meeting on December 6, 1982, with the Montana State Task Force On Corrections; discussions with yourself and other Task Force Members; review of materials prepared by the Parish Architects and Montana State Director of Institutions, Mr. Carroll South; it is our conclusion that the State of Montana should explore various financing alternatives so as to determine the method which minimizes State expense for development of new or remodeled maximum security prison facilities. Our previous discussions have not attempted to address all the questions which would be reviewed in such a study. That analysis would examine:

- o future and present value financing cost of an addition to the "New Prison (opened 1977)" by sale of State of Montana General Obligation Bonds
- o financing cost, future and present value, for rehabilitation of the Old Montana Territorial Prison by sale of State of Montana General Obligation Bonds
- o lease payments by the State should a new facility be built or rehabilitated by the private sector through private sector financing
- o buy-back provisions and cost to the State for purchase of privately owned/privately financed maximum security facilities
- o tax revenue generated to the State and local taxing agencies through private ownership
- o marketability of the Old Montana Territorial Prison for use other than as a penal institution
- o maximization of revenue to the Towe Antique Ford Collection through development of an adjacent commemorative museum of the Old Montana Territorial Prison and rehabilitation for maximum security of the prison and generation therefrom of local revenues

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Our firm, Julien J. Studley, Inc., proposes to conduct such an analysis. We have performed similar studies. We are the largest national real estate consulting and brokerage firm specializing exclusively in commercial building and leasing. As a result of our expertise, our work has been featured and we are often quoted in major real estate and financial publications, such as Barrons, Real Estate Weekly, The Wall Street Journal, and Los Angeles Magazine.

Julien J. Studley, Inc. has recently provided financial and market analysis of the largest proposed public and private sector developments in the Western United States:

- o comparison and evaluation of various market financing methods (including government bonds and private lending - public and private ownership) for development of a 700,000+/- square foot office complex for the Development of Administration and Transportation and Public Facilities, State of Alaska
- o market analysis for Bunker Hill Associates' California Plaza, which when completed, will include 3,500,000 square feet of office space, 750 residential condominiums, hotel, twelve theatre cineplex, and the new Los Angeles Museum of Contemporary Art

Cost for such a study, including financial comparisons for the various alternatives outlined above: \$125,000 flat fee (30% - \$37,500 non-refundable retainer - balance upon submittal). Reproduction, architectural and attorney costs are not included within the flat fee. A contract for these services would be entered with an exclusive agreement to represent the State in preparation of bid competition should the State determine, following analysis through the study, to solicit private bids for development or rehabilitation of maximum security prison facilities.

We request that the Task Force On Corrections request appropriation from the Montana Legislation for the study and contract outlined above. We look forward to further discussing this matter with the Task Force on Friday, January 21. Thus, we are enclosing copies for all Task Force members; Robert Person, Legislative Council; Mr. Scott A. Seacat, Deputy Legislative Auditor and Mr. South.

Sincerely,

Neil A. Stone

NAS/nlt
enclosure

Appendix I

Existing and Proposed Program Opportunities

Senate Bill 1 of the Second Special Session established a new industries training program at Montana State Prison to provide on-the-job training and work experience for prison inmates. The first part of this appendix contains a listing of prison industries proposed in December 1982 by the Department of Institutions to carry out this program.

The second part of this appendix contains an analysis of program opportunities at Montana State Prison. It provides a basis for analysis as to how much additional work and educational opportunity needs to be provided to keep inmates minimally occupied.



PRISON INDUSTRIES TRAINING PROGRAM DEVELOPMENT

A. High Security Proposals

Training Program	Skill Acquisition	Number of Trainees	Labor Market	Start-up Costs	Product/Market	Benefits	Annual Cost per Trainee	Staff Needs
1. Baking	<ul style="list-style-type: none">• Yeast Bread and rolls• Sweet pastries• Quantity production of yeast goods• Cakes and sweet goods• Decorative Skills• Ingredient planning and ordering• Product quality control• Daily production planning	6 slots in 6 month training program (12 slots annually)	modest demand offering wages over \$3.85 per hour, career potential	<ul style="list-style-type: none">• Commercial Mixer• Instructional equipment• Cool racks and pans• Estimated start-up \$7,500	Institutional market	<ul style="list-style-type: none">• Modest spaces needs for training• Modest equipment needs• Employment potential in higher wage occupation• Space available in voc. kitchen	\$2,166 (FTE + \$2,000 in instructional supplies)	1 Instructor, Grade 13 (Salary + Benefits) = \$24,000
2. Horticulture	<ul style="list-style-type: none">• Soil preparation• Planting• Environmental control, (heat, water, lighting, fertilizer)• Species care• Use of pesticides• Thinning start plants• Shrub care• Preparing plants for shipping and delivery• Harvesting produce for customer delivery• Product storage	15 trainees in 6 month training program	poor demand, seasonal, offering wages under \$3.85 per hour	<ul style="list-style-type: none">• Greenhouse, \$8,000• Benches, electrical hook-up and water line \$1,000• Transportation - \$500• Seed, fertilizer, and pest control - \$2,500• Estimated start-up \$13,000	<ul style="list-style-type: none">• \$70,000+ worth of produce was purchased by Deer Lodge valley Institutions in FY 1982;• Bedding productions for gardening and landscaping	<ul style="list-style-type: none">• Good predictable institutional market• Transportation to Deer Lodge valley market good• Good income potential/or cost savings• Subsistence skills learned• Pleasant work surroundings• Labor intensive• Employers may be receptive to hiring ex-felons• Low training cost	\$910 (FTE + \$500 in instructional supplies \$2,500 Utilities \$250 containers & packaging)	1 Instructor, Grade 13 (Salary + Benefits) = \$24,000
3. Sewing and Auto Upholstery	<ul style="list-style-type: none">• Machine operation• Machine maintenance• Simple straight stitching• Binding edges• Seam joining, gathering and/or hemming• Sewing decorative trim• Measures materials• Tacks cardboard padding• Cuts fabric to specific dimensions• Replaces and ties cushion springs• Use of glue	20 trainee slots in 6 month program (40 trainees annually)	limited demand for this level of experience at minimum wage	<ul style="list-style-type: none">• Construction of high securities industries and training building is requested• 6 sewing machines \$7,000• Multi-stitch machine \$4,800• Layout & cutting tables - \$600• Cutting Tools - \$800• Grommet - \$2,500• Estimated start-up - \$15,700	A variety of sewn goods for institutional market, e.g. clothing, draperies, mattress covers, laundry bags, auto upholstery to state vehicles	<ul style="list-style-type: none">• Labor intensive• Preparation for work experience in industry's upholstery shop• Low training costs	\$675 (1 FTE + \$5K unrecoverable materials cost)	1 Instructor, Grade 12 (Salary + Benefits) = \$22,000

PRISON INDUSTRIES TRAINING PROGRAM DEVELOPMENT

A. High Security Proposals

Training Program	Skill Acquisition	Number of Trainees	Labor Market	Start-up Costs	Product/Market	Benefits	Annual Cost per Trainee	Staff Needs
4. Printing Graphic Arts	<ul style="list-style-type: none"> Layout, setup of boards and fixtures Use of stencils, and tracings Produces material for copy Typesetting Operation of press Use of chemical solutions Use of negatives and negative development Use of paints and screen frames Direct plate and photo offsetting Cleans presses Use of blueprints Examination of printed products Production of materials to order specification 	<ul style="list-style-type: none"> 16 trainee slots in 12 month program Upgrading training provided to production workers in printing and ring binding (8) 	Good demand in small shop production at wages above \$3.85 per hour	<ul style="list-style-type: none"> Sinks - \$1,000 Lighting - \$1,000 Processor - \$1,800 Utility Table \$250 Cabinets - \$500 Camera - \$5,000 Typesetter - \$10,950 Light Table - \$2,500 Layout/Pasting - \$1,500 Headliner Folds - \$1,700 Incidental 1 time only materials - \$3,500 Total start-up costs - \$29,700 	Graphics, and layout for print shop, sign shop and ring binders	<ul style="list-style-type: none"> Employability with modestly good wages High esteem occupation offering opportunities for advancement Provides qualitative expansion services to printing and sign shop Work experience available in industries program Potential earn back from sales 	\$1,733 - \$1,130 (FTE + \$2,000 training supplies)	1 Instructor/Supervisor - Grade 13 (Salary + Benefits) = \$24,000

B. Low Security Proposal

1. Automotive Mechanics	<ul style="list-style-type: none"> Vehicles Repair Ignition System Brake System Suspension Front End Exhaust System Differential Assembly Clutch Assembly Fuel Systems Electrical Systems Cooling Systems Transmissions Standard Automatic Engine Overhaul 	<ul style="list-style-type: none"> 40 slots in 12 month training program Specialty and advanced training will be offered to a limited number of trainees for a second year 	Good for well qualified mechanic specialist, ag mechanic, upholsterer	<ul style="list-style-type: none"> Construction of auto repair center is requested; Auto Reconditioning - \$3,000 Tune-up Equipment - \$8,750 Engine Rebuilding \$16,610 Hand Tools - \$5,000 Auto Body - \$15,000 Wheel Alignment - \$29,000 Hoist - \$25,000 2 Lifts - \$25,000 Compressor - \$7,000 	<ul style="list-style-type: none"> Maintenance and repair of Dept. of Institutions equipment Rebuilding state surplus vehicles 	<ul style="list-style-type: none"> Employability potential Good work experience at MSP Transfer of existing FTE's to program Potential earn back from sale of service 	\$2,375 (FTE + instructional materials - \$2,000; and training supplies - \$1,000)	4 Staff 1 Grade 14 3 Grade 12 (Salary + Benefits) = \$93,350
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PRISON INDUSTRIES TRAINING PROGRAM DEVELOPMENT

II. Low Security Proposals

Training Program	Skill Acquisition	Number of Trainees	Labor Market	Start-up Costs	Product/Market	Benefits	Annual Cost per Trainee	Staff Needs
Automobile Mechanics continued	Tune-ups Problem Diagnosis Maintenance on Agricultural/Heavy Equipment - Diesel Engine Repair - Auto Body Repair Metal Work Welding Metal Refinishing Body and Frame Alignment Glass Work Trim and Accessory			- Overhead lube system - \$8,500 Estimated start-up - \$142,775				
2 Meat Cutting	Kill floor activities Carcass dressing and cleaning Skinning and splitting carcass Break into quarters Identification of cuts Retail cutting Meat Grading Use of power equipment Safety Salvage Products Grinding and blending of meats Production of seasoned meats, use of brinds and smoking technique Smoke room production Preparing products for customer delivery Meat Inspection	8 training slots in 6 month program (16 trainees annually)	Modest demand in higher wage career	Equipment transfer Training Manuals Hand Tools Estimated Cost - \$2,000	Beef, Pork and processed meats to meet needs of Institutions	- Employability good for well qualified meat cutter - High esteem occupation	\$1,675 (FTE + training supplies of \$800)	Existing FTE could assume reorganized program Grade 13 (Salary + Benefits) = \$26,000

PRISON INDUSTRIES TRAINING PROGRAM DEVELOPMENT

B. Low Security Proposals

Training Program	Skill Acquisition	Number of Trainees	Labor Market	Start-up Costs	Product/Market	Benefits	Annual Cost per Trainee	Staff Needs
3 Business Skills	<ul style="list-style-type: none">• Typing• Telephone Use• Filing/Cross referencing• Operation of business machines• Business math• Posting recorders to ledgers from invoices, memos and checks• Recording journal entries• Bookkeeping transactions• Preparation of statements• Receptionist skills/working with and through others• Monitor flow of production• Systemize data for recording and processing• Receiving orders from customers• Marketing products• Inventory management• Data entry	16 trainees for 6 months 30 annually • Additional training services to be provided to 6 - 8 inmates holding positions in related field who need up-grading	<ul style="list-style-type: none">• Promising outlook in both public and private sectors• Wages above \$3.85 per hour• Well qualified bookkeepers are in demand	1 Word processor \$2,209 6 Office model electric typewriters - \$6,600 Tables and chairs - \$500 Filing cabinet - \$100 7 Business calculators - \$700 Estimated total cost - \$10,000	Service to Ranch and Industries	<ul style="list-style-type: none">• Employability• Opportunities for advancement exist in career• Good transferability of skills to several areas• Work experience opportunities at MSP• Low training costs	\$850 (1 FTE + \$1,500 instructional and consumable supplies)	1 Instructor, Grade 13 (Salary + Benefits) = \$24,000
4 Heavy Equipment Operator	<ul style="list-style-type: none">• Operation of several large trucks and equipment• Productive operation of equipment• Care and maintenance of equipment	12 slots in 12 week program (12 annually)	<ul style="list-style-type: none">• Affected by recession at this time; future coal development should create demand	None anticipated	Services will be provided by MSP & Industries & Ranch, e.g. logging and road work	<ul style="list-style-type: none">• Training for positions at MSP & Industries & Ranch• Transferability of skill to other employment areas• Training area available at Ranch	\$2,100 to \$2,583	1 FTE at Grade 13 or contract service \$26,000 - \$1,000

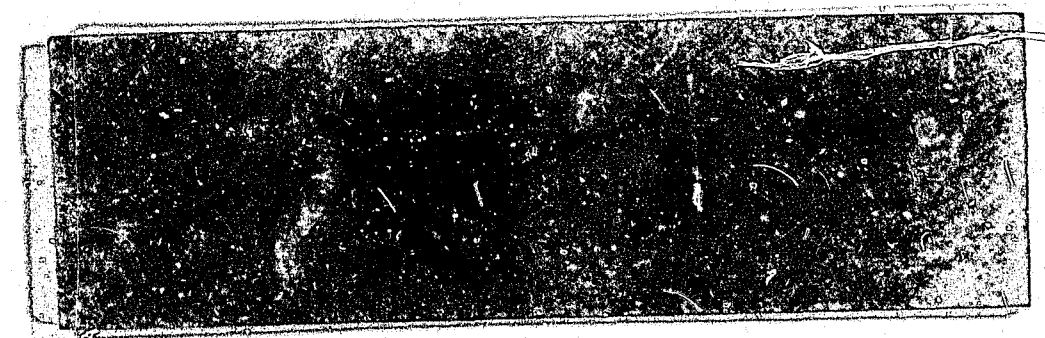
PRISON INDUSTRIES TRAINING PROGRAM DEVELOPMENT

D. Low Security Proposals

Training Program	Skill Acquisition	Number of Trainees	Labor Market	Start-up Costs	Product/Market	Benefits	Annual Cost per Trainee	Staff Needs
5. Industrial Arts	<ul style="list-style-type: none"> Vestibule training in the areas of wood products, welding and metal furniture assembly Woodworking machine operation Material layout Blueprint reading Finishing techniques Assembly Gas welding Arc welding Position Welds Cutting and Forms Fabrication Equipment operation Metal finishing Small engine repair Operation and maintenance of sewing machine 	16 trainees	Weak market, Entry level positions paying \$3.85 (recession impacted)	Equipment: A. Sewing Mach. \$1,500 Hand Tools - \$ 320 B. Table Saw - \$1,500 Radial Saw - \$600 Band Saw - \$600 Power Tools - \$2,000 C. Paint Area - \$500 Brushes & Masks - \$200 D. Micrometer - \$500 Torque Wrench - \$150 Value Grinder - \$970 Ring & Spring Compressor - \$500 Hand Tools - \$440 TOTAL - \$9,780	<ul style="list-style-type: none"> Metal furniture miscellaneous metal products Small engine repair for institutions Furniture components 	<ul style="list-style-type: none"> Training preparation for work at Industries or in maintenance Potential income earn back from product sales 	\$1,733 Staff and instructional supplies of \$2,000	1 FTE Grade 13 (Salary + Benefits) = \$24,000

(As of November 1982)			
<u>Programs</u>	<u>Inmates Involved</u> (Current) + Options	<u>Facility/Program</u> <u>Needs</u> (Current) + Options	<u>Comments/Rationale</u>
<u>Academics</u>			
(Elem., high) (school, special) (ed., college)	(90 Close and Med/Min enrolled @ 2-3 hr.) Option: 120-130 Close Med/Min enrolled @ 4-6 hr.	(7 classrooms) Separate facilities for Close and Med/Min.	Close and Med/Min now attend at different times. Some staff can serve both facilities. More coursework/less idle time.
<u>Vo-ed</u>			
(Auto mech.) (electronics,) (welding, meat) (cutting)	(55 Med/Min 2-3 hrs) Option: 4-6 hrs. of activity. Option: Some Close inmates	(Space limits enroll- ment to under 8 at a time in most programs.) Need to double fence work area. Separate classtime from Med/Min	Coordinate vo-ed with skills needed to enter industries program but keep some current pro- grams (auto mech.) with with better supplies and more meaningful work. Some vo-ed opportunities could reduce idle time and increase opportuni- ties for self-improvement.
<u>Industries</u>			
(Printing,) (upholstery,) (timber;) (furniture)	(38 Med/Min @ 8 hr.) Option: Could double shift to utilize more inmates.	(Adequate facility) Option: Coordinate w/vo-ed and find new industries and markets.	Program could continue to be available to only Med/ Min as an incentive. If area is double fenced, some Close inmates could participate on separate shift.
(Tag & sign) (plant)	(18 Med/Min @ under 8 hr.)	Sign plant could seek more government markets (FW&P).	
(Ranch + Dairy,) (EMS, Slaughter-) (house)	(65 Med/Min) Total varies with work.	Jobs lost if ranch is leased. Garden will need workers.	Available only to lowest risk inmates.

CONTINUED



<u>Programs</u>	<u>Inmates Involved</u> (Current) + Options	<u>Facility/Program</u> <u>Needs</u> (Current) + Options	<u>Comments/Rationale</u>
<u>Other Work</u>			
(Program aides)	96 @ various hr/wk	190 unassigned	More facilities would mean more housekeeping jobs; more kitchen help if dining is segregated.
(Housekeeping by unit.)	63 @ 1250 hr/wk (2.8)	-110 custody prohibits	
(Other areas)	15 @ 352 hr/wk (3.4)	- 10 request no work	
(Maint. dept.)	110 @ 3265 (6 hr 5-day)	70 no assignments available	
(Kitchen)	100 @ 4000 hr/wk (4-8 hr)	+ 33 kitchen reduction	
	384 assigned	103 assignments needed	
Kitchen reduction	- 33 to 67 @ 1820 hr/wk		
	351 possible assignments		
<u>Recreation</u>			
(Visiting, gym,)	(Available to all but	Option: Separate gym,	Less idle time.
(library, music)	Max. Max inmates	library, and visiting	Less chance of intimidation and contraband exchange.
(outdoor exercise)	get outdoor exercise.)	for Close inmates.	
<u>Psychological Services</u>			
(Therapy groups,)	(Group activity avail-	Will lose the classroom	
(chemical dependency & sex)	able to all but Max.)	space once used; need	
(offender programs,)	(Max limited to	space for group therapy.	
(individual)	individual counseling.)		
(counseling.)			

Appendix J

Probation House Budget

COMMUNITY HALLOWAY GROUP HOME, INC.
SAMPLE BUDGET
FOR A MULTIPURPOSE COMMUNITY BASED CORRECTIONAL FACILITY

Description

A 40 bed unit providing community adjustment services to pre-release (@25), probationary (@10) and paroled (@5) clients. Facility is to be located in Billings, Montana.,

Services to Clients:

1. Twenty-four hour supervision,
2. Life adjustment, counseling,
3. Alcohol and drug treatment,
4. Financial counseling,
5. Employment placement,
6. Room and Board,
7. Live out counseling available for an additional twenty probationers and parolees.

Services to Community/State:

1. Provides means to keep appropriate individuals out of Montana State Prison, and provides for early release for others.
2. Provides an economical alternative to incarceration based on the services provided.
3. Encourages solution of crime-related problems within the geographical area in which they occur.
4. Places responsibility for making life decisions on the resident, not the State with appropriate safeguards to insure community safety.
5. Permits residents to pay part of costs for housing, restitution, family support, medical and clothing expenses.

Underlying Premise:

Assuming Yellowstone County has an offender population large enough to support this facility, it will allow for the establishment of a second pre-release center during FY 83 using funds currently appropriated. By increasing the services offered (probation, parole, out client) a greater impact can be had on the prison populations and the cost/client can be significantly reduced.

ANNUAL BUDGET

Personnel Services:

1	Unit Supervisor		20,000
5	Case Managers	16,500	82,500
8	Resident Supervisors	12,000	96,000
1	Group Counselor(Drug/Alcohol)		17,000
.5	Job Development Counselor		8,500
1	Food Services Coordinator		14,000
1	Secretary/Receptionist		12,000
.5	Maintenance		5,000
.5	Bookkeeper		7,000
			<u>262,000</u>
	Benefits ----		<u>40,000</u>
			<u>302,000</u>

Personnel Services - continued

Contracted Services:	16,000
Supplies and Materials/includes food	48,836
Communications	6,000
Travel	2,000
Rent (facility)	40,000
Utilities	8,000
Repairs and Maintenance	2,500
Vehicles	9,317
Recreation	3,000
	<u>153,653</u>
TOTAL NON-PERSONNEL	<u>437,653</u>
GRAND TOTAL	<u>43,000</u>
ADMINISTRATIVE OVERHEAD (.10)	480,653

Estimated Income:

Residents Payments 5.00X40X365	73,000
Grants Contributions Donations	10,000
State Per Diem Payments	<u>397,653</u>
	480,653

40 Bed Multipurpose Facility
Average Daily Cost Per Resident (State) @ 27.50

25 Bed Pre-Release Facility
Average Daily Cost Per Resident (State) @32.15 - 35.00

Appendix K

Pre-incarceration Proposal
Valley Industrial Park

Glasgow, Montana
October 14, 1982

Mr. Bob Thoft, Chairman
Legislative Task Force Comm. On Prisons

SUBJECT: Letter of Intent

At the last meeting of the Board of Directors of Valley Industrial Park, the Chairman received approval for a letter of intent to be delivered to your Committee concerning the establishment of a pre-incarceration center at Valley Industrial Park, a facility owned by Valley County.

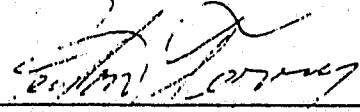
In accordance therewith, Valley Industrial Park either has available, can furnish, and under proper conditions can provide a center for two hundred or more participants.

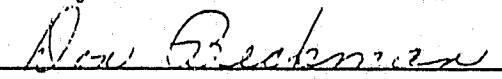
Valley Industrial Park has available at present:

- A. Over \$1,000,000.00 in cash reserve.
- B. Adequate buildings and facilities to house, feed, shelter and provide vocational training.
- C. The capability to organize a staff for medical, educational and vocational needs of residents.
- D. The capability to manage a complete turn-key operation.

All of the above are conceptual and would be subject to detail analysis and of course, final approval of the Valley County Board of County Commissioners.

We sincerely thank you for your consideration!


Feyton Terry, Chairman
Valley Industrial Board of Directors


Don Beckman, Manager Consultant

END