

**Department of Corrections
Prison Issues Board
MDOC Central Office
Helena, MT
January 20, 2011**

DOC Director Mike Ferriter, Patrick Smith – Chairman of the Board, Warden Mike Mahoney - MSP, Deputy Warden Bob Paul - MWP, Gayle Lambert – MCE Administrator, Warden Sam Law – CCC, Acting Warden Tom Green – DCCF – via Vision Net.

Cascade County – not here

There is a quorum present.

“In accordance with Montana Code Annotated Section 2-3-103(1), the Board will hold a public comment period. Please note that this open forum period for comment is the public’s opportunity to address the Board on any topic that is within the purview of the Board. While the Board may or may not take action on the issues presented, the Board will listen to comments, may respond to questions, may ask that particular questions or comments be submitted in writing, and may ask that the issue be placed on a subsequent agenda for possible discussion by the Board. The Chairman of the Board will determine the amount of time allotted for public comment.”

“Pursuant to Montana law, the Chairman may decide to hold a meeting or part of a meeting in executive session due to interests of individual privacy, or individual or public safety or security of public facilities, including jails, correctional facilities, private correctional facilities, and prisons, if disclosure of the information may jeopardize the safety of facility personnel, the public, or inmates of a facility.”

The minutes from the last meeting must be approved. DW Bob Paul moved to approve the minutes from the September meeting. Warden Mahoney seconded the motion.

Welcome and Introductions

In addition to the above people, the following were present;
Armando Oropeza, David Vaught, Dale Tunnell, Jan Casarotto, Colleen Ambrose, John Daughterty, Adrienne Landreth, Dan Maloughney, Steve Barry, Lena Havron and Kara Sperle.

On Vision Net – Ira Eakin, Acting Warden Tom Green, Sheriff Anderson, Ron Nodland and John Bartle.

Members of the general public – Barbara Rose, Johanna St. Germain, LaVonne Deschon, Nancy Lair and Jess Lair

Legislative and Management Team Updates – Director Ferriter

We are just getting started with the legislative session. The Department only has SB72. The bill is an explanation of the community corrections program. It will help to clarify our ability to expand the community corrections programs. The bill has already gone through the Senate and was passed unanimously. It will now go to the House of Representatives. The Board of Pardons has been working with Diana Koch and has a bill dealing with their administrative rules. This bill was also passed unanimously through the House and will now go to the Senate. Monday was the beginning of budget hearings. We are looking at a 6% budget increase. This is supported by the Governor’s office. We are also facing a 5% budget cut. This is about an 8.2 million dollar reduction in our budget. There are a couple key things relative to secure care. We are bringing forward the idea of converting MASC back to a secure facility. The Department is happy with MASC, but we know that with our 2% population increase, we need to plan for additional space. A new facility would cost 20 million. We can offer the MASC facility as less costly than building a new one. 77% of MASC offenders go back to the community. We can put out an RFP for MASC. We are also looking for beds for our senior offenders. We think they could be managed outside of the secure perimeter. A huge challenge for community corrections will be to establish a pre-release center in the Flathead valley. The Director reminded the legislators today that Flathead County is the 3rd largest contributor to our corrections system. There are about 1500-1600 offenders from that part of the state.

With the budget reductions, we are looking at losing about 44 FTE’s, treatment beds in community corrections and a loss of beds in Shelby and the county jails.

Sheriff Anderson wanted to say very publicly and forcefully that during this morning's Legislative session, the Director and Patrick Smith did a very good job. They held their ground and we should be very proud.

There were no other questions or comments for the Director.

Division Updates – Warden Mike Mahoney

Warden Mahoney thanked Warden Law with his assistance with the accreditation review for health care. The Warden is optimistic. He thinks we will receive national accreditation for health care at MSP. The Warden thanked Cindy Hiner and Cathy Redfern for all the hard work on the project. He also thanked all of the infirmary staff.

Update on construction – Construction is completed on the high side and max at MSP. Cell blocks were being converted to be ADA compliant. The retherm units are now out of the hallway. In max, the isolation cells were updated and the staff break room was moved.

We are trying to do the right thing with our juvenile offenders. They are tough inmates to manage. There are security and programming challenges with these offenders that we do not have with most of our adult population.

There were no questions or comments for the Warden.

Legal Issues and Updates – Colleen Ambrose/Ira Eakin

There are no legal issues to bring up. Colleen wanted to update the PIB on personnel changes in the Bureau. Jan Casarotto is the new paralegal. She has been in her position for two months. As part of her duties, she will be occasionally contacting the facilities. In addition, Colleen said the office at MSP is no longer manned full time. Colleen will be in the office on Mondays. They will eventually hire a legal assistant. Once that person is hired, they will be introduced to the PIB.

There were no questions or comments for Colleen.

Investigations Bureau Update – Dale Tunnell

Power Point Presentation

The Investigations Bureau conducts criminal, civil and administrative investigations for the Department statewide. Dale explained the structure of his department, which besides himself, has three Criminal Investigators and two Investigative Technicians. He explained their priorities and goals.

Dale also introduced David Vaught who will give an Emergency Preparedness Update presentation. He let the Board know what his bureau staff have been doing during the last six weeks and what the goals were for the next several months. There will be some training of people in other divisions.

Patrick Smith asked Dale what level of training he was referring to. Dale was looking at a three day basic course. It would be related to employee misconduct.

Patrick also asked Dale who is responsible for PREA now. Dale said we no longer have a PREA Investigator. Rich Collins used to do this, but now he is just an investigator. Right now, Dale is working with the grievance people in the facilities on what would be referred as a PREA case. They are trying to narrow down and identify legitimate PREA cases.

Patrick said the reporting process is not clear now and needs to be defined. Do we have annual reports or what should be we tracking?

Steve Barry said the Federal Attorney General has not published the final rules.

Warden Law said CCC automatically reports PREA cases as priority one. Warden Law explained how CCC does in-house PREA reporting.

Steve Barry said the question on reporting is that it is independent by facility. There is a questionnaire process. He will have more information by April. One thing they are being challenged with is blending PREA functions with the Investigations Bureau. Steve will keep us posted as we go along.

Warden Mahoney had a PREA incident since Dale took over the Investigations Bureau. He had the Investigators look into it and had it taken care of within 24 hours.

Patrick Smith said he has seen some changes in the Investigations Bureau and they have been good.

Update on Emergency Preparedness – David Vaught

Power Point Presentation

David Vaught gave a power point presentation titled “Homeland Security Exercise Evaluation Program – Corrective Action Program System (CAP)”. The CAP system is a web-based tool that enables Federal, State, and local emergency response and homeland security officials to develop, prioritize, track and analyze corrective actions following exercises or real-world incidents.

*If you would like a copy of the power point presentations, please send your request to Dale Tunnell.

Roundtable Discussion

Warden Sam Law – CCC

The facility recently went through their third reaccreditation. They did very good on the last audit. The facility gets audited about six times a year.

Deputy Warden Bob Paul – MWP

The current population at MWP is 196 and they only 194 beds. Population is the issue now. The IPPO is doing a great job. The control system will be repaired, pending the results of the legislature. They should be able to build the new system and have it flipped in a week. MSU-B now has two classes on site. They have 77 people who want to be involved. MWP is currently. MWP is currently remodeling two classes. This was turned into a Vo-Tech program for the inmates. Habitat for Humanity is involved and provided a Project Manager and instructor.

The old shed from Central Office, an 8x16 shed, was moved to MWP.

MWP recently hired 4 people and are now fully staffed.

David Vaught visited MWP recently, as did the Administrative Techs from the Investigations Bureau. Both visits went very well.

MWP has been having problems with the radios. They are looking at getting an antenna and frequency enhancer.

There was also an issue at the facility with misuse of narcotics. DW Paul will wait until after the public comment period to discuss this.

Steve Barry – Staff Services Division Administrator

There were some problems with frequencies with radios. We have to accentuate the band width. We are looking at getting these issues addressed.

Steve was not sure if everyone had met Adrienne Landreth. She has taken the MDOC policy position.

Patrick Smith said there are quite a few policies the PIB will need to work on with Adrienne. This will be addressed at the next meeting.

Acting Warden Tom Green - DCCF

Tom Green wanted to thank everyone for all the work they do during the Legislative Session. They are just trying to keep everything flowing in Glendive.

Armando Oropeza – Compliance

Armando said there is nothing new to report.

Dale Tunnell – Investigations Unit

The inmate telephone system is coming on board. It should be up by the 15th of February. Then at MWP soon after that. Patrick Smith said that for Glendive, when the facilities current contract expires, they should be able to hook right up to the new system and contract if they want. Great Falls and Shelby will also be able to hook up with the system if they desire. Dale Tunnell said the system was originally designed to be used by investigators. The system is very technologically advanced and also more reasonable priced for the inmates and their families.

John Daugherty – Information Technology (IT)

We finally got the new access to OMIS working. It is called E-pass and will save us money. Pat has a monitor and someone at each facility that will help test this new access system.

Visiting piece of OMIS – John is working with MWP and should be able to move along. Random UA is also the same thing. IT is just working on connectivity first. Gayle Lambert and her staff have been working on the RFP for the MP3 players. It is in the final stages of the process so we can send out the RFP. There can also be an electronic messaging component. At some point, we may want to add this in. The message could be printed off or viewed on the MP3 Player.

Dan Maloughney - MASC

MASC is running full. In December, the sex offender therapist resigned. They have been working on a contract with another therapist. There has been some turmoil about what is going to happen with MASC. They have been up and running and successful for eight years and this is largely due to staff.

Gayle Lambert - MCE

The last grant with MWP was a collaboration to offer post secondary programs to the re-entry program. It will have a job coach and parole officers. The re-entry program in the Billings area is called the Billings Area Re-Entry Task Force (BARTF)

Gayle appreciates the Director's support during the session.

Pat Smith was very impressed with the involvement of the local community in the BARTF.

Warden Mike Mahoney - MSP

The Warden thanked Adrienne for going to NEO and giving a presentation. The new inmate banking system is through Montana Interactive.

Lena Havron said the new inmate banking system has had 146 transactions so far. The average is about \$75 per transaction. There have been some kinks, but they are just minor.

Warden Mahoney said the program started at MSP, but he was not sure if they were ready to add the other facilities yet. This is a nice benefit to have.

Patrick Smith said the only caveat he has is with getting the OMIS access up and going first. He has been in contact with the new sheriff in Cascade County and he is willing to be on board with the canteen and inmate banking. There are just a couple kinks before we can have all facilities added to the program. IT needs to have the OMIS visiting module finished first and then have everyone able to access OMIS.

Warden Mahoney said he got a call from a member of the public. An individual called with an information request and left voice mail and never heard anything back. Even if you don't have the information, you should acknowledge the call, even if only to direct them to the Departments information officers or proper staff.

IWF Account Updates, Requests, Funding Reviews and New Business – Lena Havron/Kara Sperle Handout

Lena passed out an IWF Funds Recap. She will send a copy to Great Falls and Glendive. She is still working on the global fund. They are trying to do something constructive with the facilities for re-entry of offenders. Each facility should look at their balances and if there is a problem or you have questions, call Lena.

Kara said the Legislators have been looking at the numbers being held in these accounts.

IWF Requests

CCC – None

MWP – None

DCCF – Tom Green said DCCF does not have a request for this meeting, but will for the next.

MSP – MSP is finishing up the high side construction. There will also be an elevator in the Rothe Building. Warden Mahoney asked for \$19,356 for low side library shelving. This was not in the construction budget. He has signatures of review from the inmate representatives for this proposal.

Warden Law moved to approve this request. DW Paul seconded the motion. All were in favor, none opposed. Cascade was absent.

Warden Mahoney also has a recreation department request. They need to refinish the gym floors and re-rubberize the mats in the weight training areas. It is \$31,375 to have the people come in and refinish the gym floors. The equipment gets used hard. It is cheaper to refinish than have to replace floors. It is 31,375 per floor, so he is requesting two gym floors. The total would be \$62,750. He has signatures of review from the inmate representatives for this proposal.

Gayle Lambert moved to approve this request. Tom Green seconded the motion. All were in favor, none opposed. Cascade was absent.

Both IWF requests were given to Lena Havron.

Lena said the next PIB meeting should be in April, and everyone needs to start working on annual IWF budgets with their inmates. They are still working on the Inmate Pay Policy.

Pat will ask to bring Gary Willems in about bringing large proposals to the group, so we know the process about large ticket items. We may want to adjust the policy to a \$5000 cap for review and approval at this board. Gary Willems will be asked to be on the next agenda to clarify and make sure we are contracting things out like we are supposed to.

Warden Mahoney said we were going to put together a sub-committee to look at the STEPS Program. The Warden and Lena can come up with a plan. He will need a representative from each facility. Pat will put this on the next agenda so we can begin setting up this committee.

Public Comment Period

Patrick Smith asked that each person step up to the podium for their comments.

Barbara Rose

It has come to her attention that this is how your policy is carried out by staff. The issue is the Inmate Hair Policy. There are exceptions based on sincere religious beliefs and that an inmate must declare a religion. Barbara read from the minutes from the last PIB meeting. Mr. Britt (inmate) was put in the hole at MSP for violating this policy. His hair is just barely bigger than her pen. He was told by Hess to cut his hair. He also spoke with Steyh. The inmate was threatened and harassed by staff. This is officer misconduct. Most men don't have a voice like hers.

The Visitor Policy is online. It says when you can go and visit. It does not say what you can and cannot wear. It does not have information people need to know. At MSP in particular, there is one officer to check people in. She suggested the officers let people know prior to getting to the metal detector what the policy states about what they can wear in order to speed up the intake process at visiting.

The inmate IWF reps. There is one high side and low side IWF rep. Can an inmate on the low side talk to someone in the other units? How is the rep for the low side supposed to represent the whole low side when he cannot talk to the entire population?

Patrick Smith had additional comments that were sent from Barbara Rose to his email. He will attach these to the minutes.

Johanna St. Germain

Johanna had an issue with visiting. She lives in Darby and her husband is housed in Cascade County. She has limited income and it is a hardship to travel that far. She has to put in a week in advance for a contact visit. When she gets there, the visit gets cancelled. She does not understand why there are inmates that are from those areas that could be housed in those facilities. She called Mr. Smith's office and spoke with someone in his department regarding her visiting problems. She was threatened that he could be shipped farther away. She has put in for a contact visit three times and the visit was cancelled. There was no call about being cancelled. She claimed this has happened to a couple from Miles City also. Her husband has been shipped around. She asked that when visits are cancelled, if she could be notified.

LaVonne Deschon

LaVonne's brother has issues with the shoes there (MSP). He got hurt many years ago. He has very small feet. She has called the prison many times and only once has someone returned her call. She has also sent several things, but the inmate did not get the money. They are playing games with the inmates and this is not right.

No other comments were made. The public comment period was closed.

Warden Mahoney stated he will research the items under MSP control. He will assign people for response.

Patrick Smith said we need to set up a time for the next meeting. We will wait until the Legislative Session has ended. The next meeting will be tentatively scheduled for April 26th at the Cascade County Regional Detention/Corrections Facility. Mr. Smith will contact the facility to see if they can accommodate the meeting on that date.

The Chairman has determined that the individuals or topics next coming under discussion at this meeting involve individual rights of privacy or safety and security issues which outweigh the public's right to know. Therefore, the Chairman has decided to hold this part of the meeting in closed session.