

**Montana Women's Prison Responses
to Questions from the State-Tribal Relations Committee of the Legislature
January 3, 2014**

1. Please describe your policies governing the use of isolation.

Isolation is not a practice at the Montana Women's Prison. Inmates who commit infractions have disciplinary time, but still have communication with other inmates who may be on the unit and, after 5 days, have day room and can use the phone. Inmates in Administrative Segregation also go outside for recreation, weather permitting. Inmates have frequent contact with staff through meal delivery and rounds by medical and administrative staff.

2. Please describe the purpose and use of "fish rows."

MWP does not have a "fish row." We have an intake process. After an inmate has completed the intake process, they are given a TB test and medical evaluation. If TB is clear, then the inmate is moved to A Pod, in a designated cell area on the unit. Once initial classification and Risk and Needs assessment are done, the inmate is placed on a unit. They may remain on A Pod depending on classification, or go to another unit. During the first two months, inmates also go through an orientation, which covers policies related to discipline, grievances, PREA, communication, medical, etc.

3. Health care policies:

- a. Who determines when an inmate needs health care or medical attention?

Inmates can request medical attention through an *Inmate Medical/Dental Request* form or staff can request medical attention if they observe an inmate to be in need.

- b. If an inmate becomes seriously ill or hospitalized, then is the family contacted?

Yes.

- c. If a prisoner is dying, can he or she be released to the care of their family? Can family members be by their sides if/when they die?

The inmate must meet the criteria for medical parole. The policy is no family while an individual is on inmate status. However, the Warden and Director normally override this in extreme cases. Special arrangement can be made with family.

- d. Does the prison isolate inmates who are infected with HIV, Hepatitis, or any other highly contagious disease?

No, staff members are trained in universal precautions for blood borne infectious disease control and direct inmates in the event blood contaminates occur.

- e. Please comment on cases in which inmates died from illnesses contracted in prison.

None known.

4. Spiritual/Religious ceremonies:

- a. How often do prisoners get to participate in pipe ceremonies, sweats, or smudging?

Frequency is based on availability of volunteers. Currently sweats are done quarterly. One volunteer has been given the rights by her tribe to do a pipe ceremony and does a ceremony quarterly when she is able to commute. Smudging is held weekly, along with traditional arts (mostly beading) and drum group, which are led by contract staff, the chaplain/Indian spiritual leader.

- b. Who recruits outside spiritual leaders to perform ceremonies within the prison?

The chaplain/spiritual leader, DOC American Indian liaison, and volunteers.

- c. Do prison staff receive cultural sensitivity training? If so, please state who receives it and describe the training's content, duration, and frequency.

Cultural sensitivity training is available to all staff. The most recent training was held 8-7-12; 37 correctional officers attended. The training covered religious culture, cultural customs, spirituality, communication styles, and identification of different botanicals.

5. Family deaths:

- a. Is a prisoner allowed to return home for the funeral of a family member?

Yes, when they meet the eligibility criteria, staff is available (cannot create a staff shortage or disrupt the safe and orderly operation of the prison), and expenses are paid prior to transport.

- b. If yes, can the prisoner participate in public cultural ceremonies at the funeral?

No; inmates are expected to maintain a low profile and have limited public contact.

6. If inmates are moved to another facility, then are their families notified?

Yes, the inmate may notify her family after the move is complete. Families may register anonymously with VINE (Victim Information and Notification Everyday, a service operated by Appriss). More information about VINE is available online at <https://www.vinelink.com/vinelink/siteInfoAction.do?siteId=27001>.

7. If inmates disagree with a charge against them regarding conduct in prison, then do they have access to an advocate?

During the disciplinary process, inmates may submit statements of support from witnesses that may be considered by the hearings officer. There is also an appeal process and a grievance process.

8. Re-entry programs:
 - a. Do all inmates go to WATCH and pre-release? Please describe the WATCH program.

No, not all inmates go to WATCH and pre-release.

WATCH Programs: Warm Springs Addictions Treatment and Change (WATCH) programs provide treatment to those convicted of felony drunken driving. WATCH West located at Warm Springs opened in 2002 and has a capacity of 115 male offenders. WATCH East at Glendive started in 2005 and houses up to 50 male and female offenders. Both programs, operated by Community, Counseling and Correctional Services Inc. under contract with the state, offer intensive, six-month residential treatment that is modified to meet the needs and issues of a correctional population.

The program teaches offenders how to live and function while in treatment, home communities and with their families. WATCH West has developed programs to help DUI offenders who face additional treatment and recovery issues related to their offenses. The KNIGHTS program, started in 2007, addresses specific needs of offenders convicted of negligent vehicular homicide while under the influence. The five-bed program has a completion rate of 83.3 percent among its 50 admissions. Only 2.8 percent of those received another drunken-driving conviction.

Since opening, the WATCH programs have a 91 percent completion rate among the more than 2,900 offenders leaving the program. Of those completing WATCH and returning to communities, just 12.3 percent received another DUI.

- b. If not, what other “re-entry” programs does the prison operate?

Other reentry programs available to inmates include:

Prerelease centers in Billings, Bozeman, Butte, Great Falls, Helena and Missoula provide space for 809 men and women in FY2012 as they transition from prison to their communities or try to get their lives in order to avoid prison. Because a typical stay in a prerelease center is 200 days, the facilities are able to serve almost 1,700 offenders annually.

The department has contracted with all the prerelease centers to provide a transitional living program, which has capacity to assist 85 male and female offenders in transitioning from a center to the community. The 60-day program is mandatory for those offenders remaining in the same community as the location of the prerelease they are leaving.

The department has also contracted with all the prerelease centers to provide the enhanced supervision program to 108 offenders on probation, parole or conditional release who need additional supervision, and alcohol and drug monitoring.

The **Passages** program is a joint effort of the department and Alternatives Inc., a private, nonprofit corporation, to provide services for female offenders in Billings. Passages includes a prerelease center, assessment and sanction center, and a drug-treatment program for as many as 164 offenders.

Passages Assessment, Sanction, and Revocation Center (ASRC) has 50 beds. Offenders sentenced to the department are evaluated for placement in a community corrections program rather than sent to prison. These offenders have access to mental health and chemical dependency treatment as needed, and as a requirement to be considered for placement in another community program. The center also handles offenders who violate conditions of their community placements and offers them an option to prison. The goal is to help offenders correct their behavior and return to the community without a costly prison stay. About 89 percent of offenders who enter the center are diverted to community-based programs.

Passages Alcohol and Drug Treatment (ADT) program is a 60- to 90-day chemical dependency treatment program with a capacity of 45 female offenders. Five of the beds are for offenders needing additional alcohol and drug treatment after being sanctioned through a disciplinary hearing. Offenders in the program participate in groups dealing with chemical dependency; behavioral therapy and criminal thinking errors; life skills and parenting training; domestic violence; grief counseling; anger management; and victim issues. The Passages prerelease center houses 69 women. The company also operates a prerelease center in Billings for 162 men.

Elkhorn Treatment Center at Boulder has 42 beds and treats women sentenced for criminal possession of dangerous drugs involving methamphetamine use, cocaine or other stimulant use; have a history of failed treatments; and have co-occurring mental illness and or multiple substance abuse. Operated by Boyd Andrew Community Services under contract with the state, Elkhorn is a prison-alternative program providing 270 days of intensive treatment that includes behavioral therapy, parenting, anger management, criminal thinking errors classes, high school courses, self improvement, criminal conduct and substance abuse treatment. Elkhorn graduates continue their transition to the community with placement at a prerelease center for an additional 200 days to complete the 15-month program.

Treasure State Correctional Training Center, or “boot camp,” offers a valuable alternative to prison for some offenders. Offenders must volunteer to participate in the highly disciplined, military-style program that offers 90-120 days of intensive programming in victimology, victim impact, criminal thinking errors, parenting, anger management, substance abuse treatment and academic courses. Reentry efforts have been a new focus at the Deer Lodge program, in conjunction with mandatory aftercare

program at the Great Falls Prerelease Center. The 90- to 120-day aftercare program helps offenders return to the community by providing employment and housing. This additional component of the boot camp program makes it a unique alternative to incarceration and unlike other boot camp programs. After completing the aftercare program, offenders usually are on probation or parole. As part of the reentry process, offenders are encouraged to develop goals for their release and are provided assistance in obtaining appropriate housing, counseling, education, employment and follow-up on any issues that will aid in their reentry to the community. Completion of the program may result in a shortened prison sentence. The 60-bed center works closely with the community and victims of crime. Victim impact panels are conducted to help offenders better understand the effects of their crimes. Work projects such as providing firewood for the disabled and elderly occur on an annual basis. The return rate for those completing the program is about 45 percent. Although that is slightly higher than the state's overall offender return rate of nearly 44 percent, the difference reflects the more challenging nature of the boot camp population. Treasure State can accommodate about 180 offenders annually.

9. What factors do parole boards review when considering an inmate's eligibility for parole?

The following response was provided by Fern Osler-Johnson, executive director of the Montana Board of Pardons and Parole.

Parole eligibility for parole is set out in statute (46-23-201 MCA) and administrative rules (20-25-305). Parole eligibility dates are calculated by the Records Department of the State Prisons. The Parole Board and Inmates are notified once that date is calculated. Inmates become parole eligible when they have served a quarter of the full term of their sentence or 30 years on a life sentence, less jail time credit. Judges do have the ability to restrict parole eligibility should they deem it appropriate, but that must be stated in the judgment. Some examples of restrictions the Board has seen is that parole is restricted until the offender completes a certain program or until they have served a specified amount of time, such as no parole for 5 years. The parole board, as set out in 20-25-305, requires an offender have clear conduct (90 days from a community based program and 120 days of clear conduct in a secure facility). The Board's requirement for clear conduct is to allow an offender an opportunity to prove that he/she can follow the rules and to help ensure facility safety for both inmates and staff. The Board also asks that offenders incarcerated at prison must be classified and have been living in an assigned housing unit for a minimum of 60 days before the offender appear for parole consideration. This is to give the inmate an opportunity to get assessed for appropriate treatment to place them in the best possible position before appearing at their initial hearing to increase their chances of a favorable outcome.

Factors that the parole board reviews for consideration of parole or granting a parole are similarly set out by statute and administrative rules. MCA 46-23-202 and Admin Rule 20.25.401 states the hearing panel shall consider all available and pertinent information regarding the prisoner, including: the circumstances of the offense; the prisoner's previous social history and criminal record; the prisoner's conduct, employment, programming completed and/or recommended, classification and attitude in prison; the reports of any physical, psychological, and mental evaluations that have been

made; and any written or oral statements from criminal justice authorities or any other interested person or the interested person's legal representative, including written or oral statements from a victim regarding the effects of the crime on the victim. A victim's statement may also include but is not limited to the circumstances surrounding the crime, the manner in which the crime was committed, and the victim's opinion as to whether the prisoner should be paroled. The Board as set forth in Admin Rule 20.25.306, further considers the offenders proposed release plan that includes the living situation, employment or suitable means of support, proposed treatment programs, proposed budget for payment of court ordered obligations.

It is also important to note that the initial hearing before the board is a personal interview with the inmate. The inmate is given the opportunity to speak on their own behalf and present any additional information that the offender wishes the Board to consider. This additional information can be either written or oral. This is an opportunity for the offender to assure the Board that they are willing to fulfill the obligations of a being a law abiding citizen, that they can be released without detriment to himself/herself or to the community, and that their release is in the best interests of society. Admin rule 20.25.505(2) sets forth items that the Parole Board members may also consider such as: the offender's maturity, stability, sense of responsibility and development of traits and behaviors which increase the likelihood the offender will conform his/her behaviors to the requirements of law; the adequacy of the offender's release plan; the offender's ability and readiness to assume obligations and undertake responsibilities; the offender's education and training; the offender's family status and whether the offender has relatives who display an interest or whether the offender has other close and constructive associations in the community; the offender's employment history, occupational skills, and the stability of the offender's past employment; the types of residence, neighborhood or community in which the offender plans to live; the offender's past use of chemicals (including alcohol), and past habitual and/or abusive use of such chemicals; the offender's mental and/or physical makeup; the offender's prior criminal record, including the nature and circumstances of the offense, date of offense and frequency of previous offenses;(k) the offender's attitude toward law and authority; the offender's conduct in the institution, including particularly whether the offender has taken advantage of opportunities for treatment, and whether the offender is clear of major disciplinary reports prior to the hearing; the offender's behavior and attitude during any previous experience of supervision and the recency of such experience; any statement of the victim or victims of the offense; whether parole at this time would diminish the seriousness of the offense; and) any and all other factors which the hearing panel determines to be relevant.

In summary, the Parole Board looks at any and all information provided to them that will ensure the success of the offender in the community while still giving due diligence to public safety. The Administrative Rules concerning parole eligibility and parole consideration can be found on the Board of Pardons and Parole website at bopp.mt.gov. There is also a link to the Montana Code Annotated also on the Parole Board's website.

Additionally the Board's requirement for clear conduct is to allow an offender an opportunity to prove that he/she can follow the rules and to help ensure facility safety for both inmates and staff.

10. There are concerns that the various prison phone and calling card systems are of variable quality and expense. Have you heard this and if so what remedies are at hand?

MWP has not heard of the problems mentioned. The women's prison does not house women in other locations. The phone provider is Telmate LLC.

All of the facilities operated by the Montana Dept. of Corrections utilize a single inmate phone system that charges a single rate for all calls: there is no difference between the prices of local and long distance calls. We acquired the current system in January 2011 in order to update our system to current technologies and to reduce the cost of calls to inmates and their families. The current price of calls is \$0.24 connect fee plus \$0.12 per minute, which totals \$3.84 for a 30-minute call.

The price of the call pays for all equipment, infrastructure and the cost of the actual telephone call. The contractor pays a commission on the phone charges which directly funds the Inmate Welfare Fund. That fund is used exclusively for the benefit of inmates and, among other things, pays for inmate cable television, recreational equipment and provides funds for indigent inmates within the facilities and upon release.

The Department has no control over the inmate phone systems provided by other entities, such as the regional county facilities or privately operated prisons.

11. To what do you attribute the disproportionate number of Indians within the corrections system?

The Department of Corrections does not determine who is committed to prison or to its custody – that is determined by Montana's courts.

There are many complex and inter-related factors that could contribute to the disproportionate number of American Indians within the corrections system, including poverty and a lack of economic opportunity, substance abuse and addiction, and historic trauma and child abuse.