

**Report to the CJCC  
Submitted by the CAC**

**April 22, 2015**

The Citizen's Advisory Council (CAC) was established by Lewis and Clark County's Criminal Justice Coordinating Council (CJCC) by virtue of the authority granted to them by the County Commission "to create advisory groups", and in the case of the CAC, create this particular group primarily for the purposes of soliciting citizen input and recommendations as part of the CJCC's responsibility to study and then make improvements to the local criminal justice system so that it achieves the highest levels of public safety and program cost and effectiveness.

To that end the CAC has promulgated the following clear message as a means of defining our role, parameters around our role, and our intended goals for the consumption and education of the citizens of this county.

1. The current detention center has a functional capacity of 54 as designed in 1984, 30 years ago. Our average daily population is above 80 inmates with an additional 20 held in other facilities around the state. The vast majority of people held in our detention center are pretrial detainees, not convicted offenders. To continue to "pile" additional detainees into an already over-crowded facility is no longer feasible or appropriate nor constitutionally permitted. For the safety of the people incarcerated under our care, the safety of the public when decisions to arrest and detain are determined by the capacity of the detention center, and for the staff required to work in such an environment, the status quo is not an option. Currently, L&C County is paying other counties for holding our county jail inmates at a substantial cost to this county.
2. Current Law Enforcement Center is not capable of being expanded to accommodate additional detention needs. HOWEVER, the current detention center provides expansion space for courts and ancillary services (appropriate re-use of facility).
3. The overcrowding of our county jail was the key catalyst that put into motion - and continues to do so - a compelling need to introspectively take a critical and in depth look at how we arrest, process, and handle pre and post trial detainees in this county. A Criminal Justice Coordinating Council was formed of those key officials - elected or otherwise employed in the system - who impact and control the criminal justice system with their respective decisions. (District Judges, Police Chief, Sheriff, Parole Officers, etc.). They in turn created a Citizens Advisory Council which is currently evaluating the needs of the Criminal Justice System and will make recommendations for system improvements. This includes additional services that may help in

streamlining the process from arrest to disposition, mental health diversion and programming, and appropriate supervision for released defendants pending the conclusion of their criminal cases.

4. Consequently, Lewis and Clark County has the opportunity to improve our criminal justice system while making it more cost effective, not simply build a new jail. The effort the County Commission, Sheriff, Criminal Justice Coordinating Council, and Citizen's Advisory Council are evaluating the needs of the entire system to improve public safety for all our residents. One part of the public safety initiative is the construction of a new detention center. Pretrial Diversion Services, mental health, prevention/intervention services, and sentencing options all need to be integrated into a solution for our community needs

Therefore:

After a lengthy and deliberate series of meetings beginning back in September of 2014, and after hearing critical testimony from key participants in the local criminal justice system, The members of the CAC respectfully make the following recommendations to the CJCC for implementation as a means of reforming a system and achieving the goals established for system improvement by the CJCC.

1. The CAC recommends that the Criminal Justice Coordinating Council, the establishment of which was recommended by the National Institute of Corrections in their Jail and Justice Assessment Report dated May of 2011 and subsequently established by the Board of County Commissioners in their Resolution no. 2012-116 dated August 21, 2012, be made a permanent and continual Council whose responsibility it is to advise the Board of County Commissioners on the planning for, management of, and evaluation of this County's criminal justice system.
2. The CAC recommends that the County Attorney annually review statutory requirements contained in current sentencing legislation for both felony and misdemeanor offenses wherein the discretion of the county attorney, the district judge, and or the judge in the court of initial appearance has been eliminated or reduced relative to jail time or sentencing requirements. The purposes of the review is to determine if the County should pursue legislation to eliminate selective requirements, in collaboration with other County jurisdictions, if such requirements, in the opinion of the county attorney, create a negative and unnecessary impact on detention facilities and county program costs.
3. The CAC recommends that the County supports all reasonable efforts to provide additional capability to the State Department of Corrections so that its ability to provide timely and reliable pre-sentence and other documentation needed by this judicial system's courts is substantially enhanced.
4. The CAC recommends that the county support, in collaboration with other county jurisdictions, all efforts to reduce the detention time in county detention facilities

for detainees already sentenced to the DOC but awaiting placement by that same Department.

5. The CAC recommends implementing the recommendations from the **Pretrial Services Subcommittee** of the CAC (attached) as summarized below:
  - a. Detention Center Population Information
    - i. Develop an informational system to track detainees and their legal/pretrial status in a format that allows for continual analysis of those held in our public safety facility
    - ii. Develop a risk assessment tool in order to provide neutral third party verifiable information to assist the parties in advocating for and issuing appropriate conditions of release. The risk assessment tool needs to provide all relevant parties with pertinent information at the time of initial appearance in order to set conditions necessary to protect public safety and ensure the defendant will comply with the Court requirements.
  - b. Establish a Pretrial Services Committee to oversee the development and implementation of a comprehensive pretrial services program. Committee should be comprised of our Justice of the Peace, Municipal Court Judge, District Court, County Attorney, Public (and private) defenders, and Law Enforcement representatives.
6. The CAC recommends implementing the recommendations from the **Specialty Courts Subcommittee** (attached) as summarized below:
  - a. Continue to operate and fund the Drug Court Specialty Court program presided over by Judge James Reynolds as a permanent program of the First Judicial District in Lewis and Clark County.
  - b. Evaluate the feasibility of implementing a new specialty court to address a broad spectrum of offenders with a mental health focus.
7. The CAC recommends implementing the recommendations from the **Mental Health Subcommittee** (attached) as summarized below:
  - a. CIT Training for all law enforcement officers, Detention Officers, 9-1-1 Operators, EMT Responders, Probation/Parole Officers in the catchment area of the Lewis and Clark County Detention Center.
  - b. Ensure continued funding for the Crisis Response Team Therapists.
  - c. Ensure continued funding for a mental health therapist in the public safety facility, and create a case manager position within the facility to collaborate with the therapist and develop transition planning.

- d. Develop relationships with community partners to establish a volunteer base for service delivery in the public safety facility.
  - e. Partner with the Department of Corrections on Re Entry Planning.
8. The CAC recommends implementing the recommendations from the **Jail Standards Subcommittee** (attached) as summarized below:
- a. The Subcommittee recommends that the Lewis & Clark County Criminal Justice Coordinating Council (CJCC) develop and adopt a priori jail standards and operational best practices for the facility and programs of the proposed new Lewis & Clark County Public Safety Facility.
  - b. The Subcommittee recommends that Lewis & Clark County establish a proactive jail standards monitoring program including periodic inspection and mandatory reporting and follow up on identified public safety facility deficiencies in operations or conditions.
  - c. The Subcommittee recommends that Lewis & Clark County develop an on-going public safety facility staff training program based on the jail standards and operational best practices developed and adopted by the CJCC.
  - d. The Subcommittee recommends that the Montana Association of Counties' (MACo) detention center standards be considered as the bare minimum starting point for the development of the Lewis & Clark County CJCC jail standards and operational best practices.
  - e. The Subcommittee recommends that, at a minimum, the Lewis & Clark County CJCC jail standards and operational best practices should address the 14 suggested jail standards categories as contained in the subcommittee report.
9. The CAC recommends implementing the recommendations from the **Early Intervention/Prevention Subcommittee** (attached) as summarized below:
- a. That the CJCC and Lewis and Clark County invest in early risk identification and intervention by providing community resource coordination and referral system management.
  - b. As a significant part of the public safety planning process, the CJCC and Lewis and Clark County should evaluate an investment in support for the Journey Home Crisis Facility, Mental Health Crisis Response Team, Our Place Drop-In Center, and Crisis Intervention Training.

Please be advised that your citizens subcommittee deliberated on these recommendations at their regularly scheduled meeting on April 9<sup>th</sup>, 2015 and adopted a motion to forward these recommendations to the Criminal Justice Coordinating Council at the conclusion of that meeting.

Also, please be advised that the members of this committee are absolutely convinced that if the above recommendations are adopted and the changes to our local criminal justice system are implemented, that the County Commissioners in partnership with a permanent CJCC will be in a continual position, for decades to come, to manage, evaluate, and control the growth of its detention center inmate population so that the goals of both public safety and program and cost effectiveness are realized. The Citizens Advisory Committee challenges the CJCC to provide the necessary leadership to fully implement these recommendations.

Respectfully Submitted this 22<sup>nd</sup> Day of April, 2015:



Curt Chisholm, Chair, Citizens Advisory Council  
Retired Government Employee, Former Director of the Department of Corrections and Human Services.



Marshall Gingery, Chair of the Specialty Courts Task Force  
Retired Manager, National Park Service, U.S. Department of the Interior



Tom Cordingley, Chair of the Intervention Task Force  
Retired Helena Businessman

Dennis Taylor, Chair of the Jail Standards Task Force  
Retired City Manager and Government Employee



Dr. Gary Mihelish, Chair of the Mental Health Task Force  
Retired Dentist and Current member of the National NAMI Board of Directors



John Wilkinson, Chair of the Pretrial Services Task Force  
Retired Administrator at Intermountain  
Retired County Commissioner – Lewis and Clark County

# Subcommittee Reports

## Pretrial Services Subcommittee Recommendations to the Citizen's Advisory Committee

### Pretrial Services Effectiveness in "successfully" diverting detainees

Pretrial Services reduce Jail populations by diverting offenders by assessing the risk of re-offending and failing returning to court. Pretrial Services reduce recidivism (re-arrest)

Based on studies of other counties in the U.S. pretrial diversion rates range from 25-70%. Lewis and Clark County's detention population could be significantly reduced through an effectively planned and administered pretrial service program. Pretrial service participants are selected based on individualized, verifiable risk assessments, and experience successful court appearance and public safety rates exceeding 80%.

### Current Lewis and Clark County Detention Population "Snapshot"

Because our county is unable to determine the number, legal status, and location of Lewis and Clark County inmates on an ongoing basis, the LCSO developed a one day "snapshot" of our offender population.

On September 15, 2014 the detention center was responsible for 96 detainees. In addition, twenty one (21) Department of Corrections Inmates (Felony Convictions) Lewis and Clark County inmates were housed in Broadwater, Jefferson & Gallatin County jails due to overcrowding. Nine (9) Lewis and Clark inmates (2 misdemeanor, 7 felony) were housed in the Broadwater jail due to overcrowding @ \$65/day. 30% of all inmates were previously detained. This indicates that 50 of the 96 or 52% of Lewis and Clark County inmates were detained on a pre-sentenced basis.

The 24/7 Program first started regular testing of DUI 2nd violation offenders in 2010. The program is a collaborative effort of the Lewis and Clark County Sheriff's Office, City of Helena Police Department, First Judicial District Court and the Montana Department of Correction Probation and Parole. Instead of incarceration, some offenders are released on their own recognizance as long as they comply with the twice daily alcohol testing. Since its inception, 890 individuals have completed the program successfully with an overall 98.9% success rate. The officer running the program said the program has been an overall success and he would like to see it expanded to allow for inclusion of other alcohol related violations. He believes this would help reduce the amount of domestic violence cases that are a result of alcohol abuse.

Moreover, the recently released "POLICY OPTIONS FOR IMPROVING PUBLIC SAFETY, HOLDING OFFENDERS ACCOUNTABLE, AND CONTAINING CORRECTIONS COSTS IN MONTANA" report from the Pew Foundation projects Montana will run out of prison beds by November 2015, exacerbating the number of Department of Corrections inmates being housed in our detention center.

### Detention Population Information Needs Recommendations

1. Need to develop an information systems to track detainees and their legal/pretrial status
2. Need to develop a "risk assessment" tool. Colorado's Pretrial Assessment tool assesses 12 factors linked to both forms of pretrial misconduct (new charges & failure to appear)

### Establish a Pretrial Services Committee Recommendation

A Pretrial Services Committee would be responsible for overseeing the development and implementation of plans for the pretrial services program. The committee should be comprised, at minimum, of our Justice of the Peace and City Court; District Court; County Attorney; Public and private defenders office and the LCSO Detention staff.

### Pretrial Services Operations Recommendation

Virtually every Pretrial Services program reviewed was developed and operated by the county for the court and jail within its jurisdiction.

Respectfully submitted,  
Pretrial Services Subcommittee

Members: John Wilkinson, Sgt Laurel Bulson, Captain Jason Grimmis, Deputy Brian Merritt, Ray Paige, Anita Roessmann

# **Specialty Courts Subcommittee of the Citizens Advisory Council (CAC)**

## **Final Recommendation**

### **April 9th, 2015**

Committee Members: Marshall Gingery, Leo Dutton, Denny Lenoir, Chuck Amdahl, Greg Strizich, Bill Semenza, Jackie Merritt, Freyja Bell

During the past two CAC sessions we have provided interim progress reports designed to clarify many specific aspects of Specialty Courts including: (1) What is a specialty Court and how does it function? (2) How would a Specialty Court impact our legal system? (3) What are the benefits of a Specialty Court (4) What costs are required to operate and sustain a Specialty Court?

As we have reported to the CAC in prior progress reports, our goal was to determine if another Specialty Court is needed as an integral part of the community's detention strategy. After carefully evaluating the alternatives, the Specialty Courts Subcommittee is in unanimous agreement that a new Specialty Court is necessary for many reasons. In reviewing several studies on the effectiveness of Specialty Courts, the evidence is clear that they meet the public safety objectives of lowering post treatment arrest rates and days of incarceration. Additionally, our research indicates there is a distinct cost advantage with the Specialty Court strategy relative to the Detention Center alternative. All indications from available material are that Specialty Courts can provide substantial economic benefits to the community as a whole stemming from a more productive and law abiding citizen population. A new inclusive Specialty Court is preferred over attempting to expand the community's Drug Court which is currently at full capacity without compromising its effectiveness. The Specialty Court should be designed to meet the specific needs of our community and if related services are located in or adjacent to the new Detention Center then our preference would be to locate the Specialty Court in this same facility for efficiency and effectiveness.

This inclusive Specialty Court would serve a broad spectrum of offenders and have a mental health focus since this is often the common thread among different types of offenders including veterans, drug offenders and others. It is presumed the Specialty Court will require the appointment of a fifth District Court Judge although there may be other viable alternatives.

To implement the proposed Specialty Court we are recommending a committee of stakeholders be assembled for the purpose of determining all available community, state and federal resources, particularly financial, as well as volunteer resources that may serve both Pretrial Diversion efforts as well as Specialty (Treatment) Courts. Uniting stakeholders in this manner will be important in that Specialty Courts only work well when the judicial, law enforcement, prosecution, defense and other professionals work as a team.

The proposed inclusive Specialty Court would provide an important correction to the existing criminal justice system in terms of improving public safety, reducing recidivism and providing a cost effective alternative to incarceration.

Mental Health Committee Draft Report:

CIT Training: All law enforcement officers in the catchment area for the proposed Lewis & Clark County Detention Center should have CIT Training. In this way they may be able to de-escalate crisis situations in the community and avoid the hospital emergency room and the jail. They can inform the booking department they are bring in an individual who appears to have a mental health issue and request that a CRT (Crisis Response Therapist) be available to do an evaluation at the booking so the individual can be diverted to the Journey Home, the Behavioral Health Unit at St. Peter's Hospital or to a qualified mental health professional for treatment. All Detention Officers, 911 Operators, EMT Responders, as well as Probation and Parole Officers should have CIT Training in order to develop necessary de-escalation skills.

We must continue to fund 24/7 Crisis Response Therapists (CRT's) in the community. These therapists must be available at St. Hospital Emergency Room, the Lewis and Clark County Detention Center and they must be available to assist law enforcement officers making evaluations in the field.

Gallatin County Detention Center has two mental health professionals on staff who provide in house mental health evaluations, in facility therapy and transition services back into the community. They also provide support and outpatient services to offenders re-integrating into the community. Lewis & Clark County must contract with the Center for Mental Health or another agency to provide these services.

Gallatin County has 150 volunteers who provide community-based support to offenders while incarcerated, but also on re-entry. We should partner with the Department of Corrections which is developing community tool boxes to enhance re-entry and reduce recidivism. The goal of these tool boxes are to support local initiatives, create re-entry tool boxes that can be customized to the unique issues facing each community. Tool boxes will provide information about best practices in pre-release planning, developing community coordination, addressing victim concerns, and developing resources such as housing, employment, restorative justice programs, and vocational and educational programs. Bozeman has developed and excellent program, Billings has a program and Missoula is actively developing such a program.

Dr. Gary Mihelish, Chairman  
Mental Health Subcommittee

**April 4, 2015**

**To: Curt Chisholm, Chair, Citizen's Advisory Council**

**From: Dennis M. Taylor, Chair, Jail Standards Subcommittee,  
Citizen's Advisory Council**

**Subject: Jail Standards Subcommittee recommendations to the  
Citizen's Advisory Council regarding the proposed new Lewis &  
Clark County Detention Center**

**Recommendation #1: The Subcommittee recommends that the  
Lewis & Clark County Criminal Justice Coordinating Council  
(CJCC) develop and adopt a priori jail standards and  
operational best practices for the facility and programs of the  
proposed new Lewis & Clark County Public Safety Facility.**

**Recommendation #2: The Subcommittee recommends that  
Lewis & Clark County establish a proactive jail standards  
monitoring program including periodic inspection and  
mandatory reporting and follow up on identified public safety  
facility deficiencies in operations or conditions.**

**Recommendation #3: The Subcommittee recommends that  
Lewis & Clark County develop an on-going public safety facility  
staff training program based on the jail standards and  
operational best practices developed and adopted by the  
CJCC.**

**Recommendation #4: The Subcommittee recommends that the  
Montana Association of Counties' (MACo) detention center  
standards be considered as the bare minimum starting point for  
the development of the Lewis & Clark County CJCC jail  
standards and operational best practices.**

**Recommendation #5: The Subcommittee recommends that, at a minimum, the Lewis & Clark County CJCC jail standards and operational best practices should address the following 14 suggested jail standards categories:**

**1. Suicide**

Suicide in county jails has many contributory causes, including mental illness, poor jail conditions, and inadequate staff and procedures at facilities. By actively addressing these three issues, county jails can effectively manage prisoners and decrease the likelihood of suicides within their facilities.

- Jails must implement a suicide prevention and intervention program that is approved by a health authority and reviewed by the facility or program administrator. (MACo and ACA)
  - Includes intake, screening, identifying and supervising suicide prone prisoners.
  - All supervisory staff must be trained annually.
- Jails must identify suicidal prisoners and intervene appropriately. (NCCHC)
  - Continuously observe acutely suicidal prisoners and check on non-acutely suicidal prisoners at least every 15 minutes at irregular variable.
  - House suicidal prisoners in suicide resistant room and develop strategies and services to address the underlying reasons for suicidal ideation.
- Jails must provide reasonable care to prevent suicide if they know or should know of a prisoner's risk of suicide. The jail is liable for a suicide if the jail officer's act or omission constituted the cause of the suicide. (Case Law – Montana Supreme Court)

**2. Solitary Confinement**

Solitary confinement can have disastrous consequences in county jails, especially when forced upon vulnerable inmates or generally overused.

- Prisoners with mental illness should be excluded from solitary confinement. (NCCHC, APA, ABA, NAMI, and ACA)
- Jails must establish written policy and procedure governing administrative segregation. (MACo)
- Segregated prisoners must have approximately the same living conditions of the general population, including health care services,

daily exercise, access to mail and legal services, and ability to converse and be observed by staff members.

### **3. Staff**

Adequate staffing in county jails is crucial to the efficient and legal operation of the facilities.

- Jails must retain a sufficient number of adequately trained staff to ensure prisoner safety and provide adequate care. (Case Law – U.S. District Courts)
- Jail staff must be familiar with the facility's policies and operations. (MACo and ACA)
  - Jails must be staffed 24 hours a day with staff that are able to perform all functions relating to prisoner security, custody, and supervision.
  - Jails that house females must have a female employee present at all times.
- Jails must have a PREA coordinator and a zero-tolerance policy towards sexual assault (PREA)

### **4. Medical Care**

Prisoners have a right to essential medical, dental and mental health services.

- Prisoners are entitled to adequate medical, dental and mental health services and attention as needed to treat both short-term and long-term illnesses. (MACo and ACA)
- Prisoners are entitled to receive timely and adequate health care services from trained, licensed and accredited health care professionals. (MACo and ACA)
  - Provision of health care services and support, patient care and treatment, detoxification, medications and other pharmaceuticals and counseling must be constitutional adequate.
  - Prisoners must have timely access to routine, specialty and emergency care. (Case law—U.S District Courts)
- Prisoners must be screened, assessed and have a health appraisal.
  - Jails must maintain prisoner medical records including individual health record and/or treatment plan.
- Pregnant prisoners must receive obstetrical services and proper prenatal care.

- Jails must have written policies and procedures for the proper provision of medical, dental and mental health services. (NCCHC)

## 5. Overcrowding

Overcrowding is a troubling corrections issue experienced at all levels of the criminal justice system and substantially causes many inauspicious jail conditions that violate standards and open up counties and administrators to significant liability.

- Prisoners must have 35 feet of “unencumbered” floor space per prisoner in both single and multiple occupancy cells, which increases to 70 square feet if prisoners are confined ten hours a day (MACo and ACA)
  - Jails that utilize dormitories must provide prisoners with at least 50 square feet of floor space per prisoner. If more than four people are sleeping in one area, sleeping partitions are required.
- Prisoners must have access to toilets and washbasins 24 hours a day (MACo)
- Overcrowding accompanied by unsanitary and dangerous conditions is unconstitutional. (Case Law – U.S. District Courts)
  - Forcing a prisoner to use a floor mattress for “anything other than brief emergency circumstances,” or more than a few days, or without regard to the length on confinement is unconstitutional.

## 6. Exercises, Fresh Air, and Sunlight

Allowing prisoners to exercise and providing them exposure to fresh air and sunlight are absolutely vital for a model county jail. Restricting exercise or exposure to the outside violates both established standards and the constitution and will likely exacerbate other problems prisoners are experiencing.

- Prisoners must have access to exercise and recreation outside of their cell at least one hour every day. (MACo and ACA)
  - Jails must provide an indoor exercise area when weather precludes outdoor exercise and must provide prisoners with appropriate clothing during inclement weather.
  - Segregated prisoners must have access to both outdoor and enclosed exercise areas.
- Courts require that jails provide some form of “regular outdoor exercise” because it is “extremely important to psychological and physical well-being” and long-term deprivation of outdoor exercise

can constitute cruel and unusual punishment. (Case Law – U.S. District Courts)

- o Only allowing prisoners into a room with a grated window or an open roof in lieu of a true outdoor facility is inadequate.

## **7. Natural Light and Lighting Schedules**

Allowing prisoners access to natural light and managing reasonable lighting schedules within the prisons promotes a healthier prison population and protects the jail from liability of violating prisoner's eight amendment rights

- All rooms and cells in newly constructed or renovated jails must provide prisoners with access to natural light and the lighting throughout the detention center is "sufficient for the tasks performed." (MACo and ACA)
  - o If a prisoner in general population is confined to a cell for ten or more hours a day, they must have access to natural light by means of a window of at least three square feet.
  - o In newly constructed facilities, even prisoners who spend less than ten hours a day in their cell must have the same access to natural light as mentioned above.
- Adequate light is an "indispensable aspect" of housing prisoners and is required by the Eighth Amendment. (Case Law – U.S. District Courts)
  - o Prisoner must be able to read from their bunk.
  - o Constant illumination of light can be unconstitutional, especially if is alleged or proven to interfere with sleep.

## **8. Sanitation and Plumbing**

Inadequate sanitation and plumbing cause major problems in many of Montana's jails.

- Jails must be clean, in good repair, and control all vermin and pests. (MACo and ACA)
  - o Jails must provide a potable water supply to prisoners and assure compliance with local laws and regulations.
  - o Prisoners must be given articles (toilet paper, sanitary napkins, etc.) and service necessary for maintaining personal hygiene, including access to showers, toilets, and washbasins that function properly and have temperature controlled water available 24 hours a day.

- Jails must provide one toilet for every 12 male prisoners and one for every eight females.
- The Eighth Amendment requires a sanitary environment for every prisoner and requires proper cleaning of detention facilities and adequate garbage disposal. (Case Law – U.S. District Courts)
  - Jails must maintain adequate and operable plumbing that does not risk conveying waterborne disease or vermin infestations.
  - Jails must provide adequately functioning toilets and prisoners must have constant access to them.
  - Jails are more likely to impute liability if plumbing inadequacies subject prisoners to close proximity to human waste, even if it is for a short period of time.

## **9. Laundry and Clothing**

Prisoners in county jail have a constitutional right to adequate clothing and laundry services.

- Failure to provide necessary clothing is a deprivation of a basic need and thus constitutes cruel and unusual punishment. (Case Law – U.S. Supreme Court)
- Jails must have written policy, procedure, and practice that provide for the issue of suitable clothing to all inmates, which includes shirts, blouses, dresses, trousers, skirts, belts, undergarments, slippers, socks, coats, jackets, and headwear. (ACA)
  - Civilian attire should be available in limited quantities for leisure, visiting, work release, and furloughs.
  - Jails must provide indigent defendants with civilian clothes for criminal trials.
- Prisoners must be provided with “suitable [and] clean” bedding and linens that are exchanged and laundered at least weekly. (ACA and MACo)
  - Blankets must be laundered at least monthly and reissued for every new prisoner.
- Prisoners are entitled to clean laundry, maintained with adequate laundry facilities with clothing being exchanged and laundered at least weekly. (MACo)

## **10. Visitation**

Prisoners have a right to visitation while incarcerated, including rights to visit with legal counsel, family, and minors in controlled circumstances.

- Jails must have a written policy governing visits and make special arrangements when a visit cannot “reasonably coincide” with regular hours. (MACo)
- Jails may only limit the number of visitors and length of visits as limited by the detention center’s schedules, space, and personnel constraints; any policies that deny visits or requires visitors to be searched must be defined in writing. (ACA)
- Jails may not sweepingly prohibit visitation by minors or same-sex visitations or displays of affection. (Case Law – U.S. District Courts)
- Prisoners have a constitutionally and statutorily protected right to communicate with legal counsel and clergy. (Case Law – U.S. Supreme Court, U.S. District Courts, Montana Code Annotated)
- Jails may not permanently revoke a prisoners visitation rights or allow visiting in an arbitrary or discriminatory manner. (Case Law – U.S. Supreme Court and Montana Supreme Court)

## 11. Mail and Phone Communications

Prisoners have a right to mail and phone communications. Jails must respect prisoners’ right to privacy in many of these communications.

- Jails must have written policies that govern prisoner communication. (ACA and MACo)
  - Prisoners have a right to send and receive mail from courts, counsel, and officials of confining authority; detention center officials may not censor letters or punish prisoners who criticize prison conditions or personnel. (ACA and MACo)
- Prisoners have a First Amendment right to communicate by both mail and phone. (Case Law – U.S. District Courts)
  - Mail to and from attorneys, courts, paralegals, and legal organizations may not be read in the course of detention center routines, as the right to such correspondence is constitutionally protected.
  - Prisoners must know when mail is rejected and receive a “reasonable opportunity to protest” and refer a complaint to someone other than the censor.
  - Privileged mail may be searched for contraband, but only in the presence of the prisoner.
  - If a prisoner is indigent, the jail must provide him or her with pen and paper to draft legal documents and funds for both notary services and stamps.
- Reasonable price rates.

## 12. Law Library Access

Jails must provide prisoners with consistent access to a law library and other legal materials.

- All prisoners must have access to library services and a qualified staff member must coordinate and supervise the library services. (ACA and MACo).
  - Jails must have written policies that provide prisoners with reasonable access to legal materials.
  - Prisoners are required to have reasonable access to paper and other supplies or services that are related to legal matters.
- Jails must provide adequate law libraries or legal assistance to a prisoner, which includes providing prisoners the capability of bringing challenges to sentences or conditions of confinements before the courts. (Case Law – U.S. Supreme Court)
  - A law library alone does not provide adequate legal access to prisoners who are illiterate, poorly educated, or non-English speaking. If prisoners are segregated from the general population are denied access from the library, they must receive additional assistance from a legally trained person or be provided legal materials.

## 13. Food

Jails are responsible for adequately feeding prisoners. This obligation goes beyond a simple requirement of providing any food, but specifically substantive food that complies with nutritional and religious dietary restrictions.

- Montana jails must provide prisoners with “necessary food.” (Montana Code Annotated)
- A nutritionist or dietician must review jails’ dietary allowances annually to assure they comply with the nutritional needs of appropriate age groups of prisoners. (ACA and MACo)
- Food is a basic necessity that is protected by the Eighth Amendment; the deprivation of food, even for a brief time can constitute cruel and unusual punishment (Case Law – U.S. Supreme Court and U.S. District Courts)
  - Jails are obliged to maintain prisoner health and a diet causing “notable weight loss and mildly diminished health is unconstitutional.

- Ignoring or not taking seriously prisoner's unique dietary needs is a Constitutional violation.
- Food service staff must conduct quarterly evaluations to verify adherence to the daily serving requirements. (NCCHC)
  - Therapeutic and special diets approved by a local dietician or facility administrator must be followed.
  - Jails must maintain records of all meals served and the results of semi-annual sanitation inspections by a qualified health officer.
  - Jails must serve three meals, including two hot, every 24 hours, with no more than 14 hours between dinner and breakfast.
  - Food should never be withheld from prisoners for disciplinary reasons.
- Food is a basic necessity

## **14. Grievance Procedures**

In order to maintain a properly functioning jail, administrators need to be responsive to the complaints of prisoners in the jail to both improve inadequate conditions and maintain rapport and respect among the prisoner population.

- Jails must provide prisoners with a grievance procedure that includes at least one level of appeal. (ACA, NCCHC, and MACo)
- Prisoner grievances filed through an official procedure are constitutionally protected by the First Amendment, which also protects prisoners from retaliation stemming from exercising their freedom of speech through grievance procedures. (Case Law – U.S. Supreme Court and U.S. District Courts)
- In order to bring a federal claim regarding confinement, prisoners must exhaust the grievance procedure in their jail. In order to exhaust the grievance procedure, they must be able to appeal. Jails must make grievance processes, including appeal forms, approachable for all prisoners, which would allow them to exhaust internal grievance procedures and not procedurally barring their claims in federal court.

## **Standards Terminology and Sources**

Montana Association of Counties – (MACo)

American Correctional Association – (ACA)

National Commission on Correctional Health Care – (NCCHC)

Other standards determined by U.S. District Courts, the Montana Supreme Court, or the United States Supreme Court – (Case Law)

**RECOMMEDATION #1:** The Early Intervention/Prevention Subcommittee recommends to the CAC/CJCC that Lewis and Clark County invest in early risk identification and intervention by providing community resource coordination and referral system management.

- County would partner to provide coordination of the Early Childhood Coalition and management of the Consented Referral System. (\$40 K/year from levy)

*Facts and Benefits:*

The Centers for Disease Control and Prevention (CDC) estimates **\$124 billion** in lifetime costs associated with child maltreatment between loss of productivity, health care, special education, child welfare, and the criminal justice system.

If we invest in high-quality early care and education, early intervention, and prevention, then ...

- Mothers receive adequate health care and nutrition and are in a safe and stable environment;
- Families receive parent coaching or training to promote early health and support of child's development;
- High-quality early care and education lay a foundation for language and learning, social skills, and success;
- Disparities in cognitive and social development are identified early, referrals to early intervention occur, and children receive necessary support to enter kindergarten ready;
- Children are less likely to commit a violent crime;
- Children attain higher academic achievement;
- Children are more likely to graduate high school and attend college;
- Children are better prepared to compete in the workforce and are more likely to secure a well-paying job.

... which result in lower health care costs; lower special education costs; lower criminal justice costs; more productive workforce; and healthy communities. A great return-on-investment (ROI)

***How do we get there?***

1. ***Early Childhood Coalition of the Greater Helena Area:*** With a focus on the whole child, over 25 partners promote community collaboration to network resources and streamline services in support of the health, safety, care and education for children ages 0-8 and their families in the greater Helena area.

Goal 1: Build, sustain and improve an early childhood system and infrastructure.

Goal 2: Develop and implement messaging and marketing to promote a focus on early childhood.

Goal 3: Promote investments that support the well-being of our youngest children.

Goal 4: Increase access and use of screening, prevention, early intervention services for young children.

Goal 5: Improve the understanding of and support for high-quality early care and educational for all.

*Coalitions are powerful because they "coordinate leadership and financing of programs; align standards, and ensure accountability across the fields of health, mental health, home visiting, early care and learning, early intervention, and child welfare. [Coalition] work is a complex endeavor, but one that leads to more timely and targeted services that will ultimately save taxpayers money and contribute to a school-ready, career-ready workforce. There are several key strategies ... collaborative planning and systems building; identification, screening, and referral; professional development; quality improvement; and evaluation" (Zero to Three Policy Center, 2014).*

2. ***Helena Consented Referral System:***

- Secure web-based system that allows agencies to send and receive referrals.
- Brings agencies together under a single information sharing agreement and Release of Information.
- Ensures families are connected to the services they need.
- Encourages coordination of care between multiple agencies working with a family.
- Provides data about referral outcomes that help communities improve service delivery.

*"In business, we rarely have the luxury of making an investment decision with as much evidence as we have to support the economic value of investing in early childhood development and education...Put bluntly, in my terms, they are a financial no-brainer. The only question is 'how strong is the ROI?' The answer: Two or three or more to one."—John Pepper, former CEO, Proctor & Gamble*

**Page #2****RECOMMENDATION #2: The Early Intervention/Prevention Subcommittee recommends to the CAC/CJCC that Lewis and Clark County invest in support for the Journey Home Crisis Facility, Mental Health Crisis Response Team, Our Place Drop-In Center, and Crisis Intervention Training.**

**Stabilization funding for Journey Home** – As our community restructures crisis care, this facility is intended to be the central point for making appropriate therapeutic placement and diversion decisions. Appropriate treatment and diversion from incarceration will save lives as well as significant time and money. The Journey Home doors must remain open and staff must remain available to care for an unknown demand for services to people suffering from a mental health crisis. The current state funding provides for reimbursement for services rendered but unless the facility has close to full occupancy each and every day there will likely be an operational shortfall. If our community is serious about treating those suffering through a mental health crisis in a compassionate and community-based facility, we will need to provide some base level of support for the facility. (\$80K/year from levy)

**CRT (Crisis Response Team)** – this program is essential to identify people in mental health crisis and is currently supported 100% by the County general fund. To ensure this program continues, the operational levy needs to include base support for this function.

**Drop-In Center Base Funding**– Our Place remains open as a peer-managed and peer supported respite and socialization facility for anyone to access. While we currently have a grant that covers the basic costs of operation, the facility does not generate any significant revenues to expand service offerings or enhance the experience of Our Place participants. It is also unclear whether ongoing funding for this type of facility will be provided by the State of Montana. If our community believes this type of un-reimbursable programming is essential in providing a safe place for people to congregate and to help reduce the need for crisis services, we will need to invest in ensuring the doors remain open. Our Place operates on roughly \$60,000 per year. (\$20K/year from levy)

**Crisis Intervention Training Policy** – a policy statement from the Commission and Sheriff that a fully implemented and updated Crisis Intervention Training curriculum will be provided to all applicable parties (law enforcement, detention, probation, pretrial, CRT, Journey Home, Drop In Center, other) is required. While we have the building blocks for full implementation of CIT training, the roll-out needs to continue. No funding required.

**Early Intervention Information:**

- In light of the growing body of research, we now know that the better and more cost-effective place to stop the “cradle to prison pipeline” is as close to the beginning of that pipeline as possible. Early intervention prevents the onset of delinquent behavior and supports the development of a youth’s assets and resilience. Osher, Quinn, Poirier, & Rutherford, 2003
- Investments in early childhood education lead to large economic savings. The Child-Parent Center program has served 100,000 Chicago kids and will prevent an estimated 13,000 violent juvenile crimes. It is saving taxpayers, victims, and participants over \$7 for every \$1 invested, without counting pain and suffering from crimes. A study released by Vanderbilt University estimates that the potential benefits in saving a high-risk youth from becoming a typical career criminal are between \$1 and \$1.3 million. Cohen, Mark, The Monetary Value of Saving a High Risk Youth (1995).
- Law enforcement is united in its support of early childhood education as a strategy for crime prevention. In a recent survey conducted by George Mason University, when police chiefs were asked to rate various strategies “on their value as a crime prevention tool,” high quality early learning and care was given the highest rating for effectiveness by three to ten times more chiefs than such alternatives as trying more juveniles as adults, building more juvenile detention facilities, or installing more metal detectors in schools. Nearly 9 out of 10 police chiefs said that America could greatly reduce crime by expanding quality child care programs. FIGHT CRIME: INVEST IN KIDS. (1999). “Poll of Police Chiefs” conducted by George Mason University Professors S. D. Mastrofski and S. Keeter,” Washington, DC.