



Montana Department of Corrections Correctional Signpost

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DOC helps fight floods

Members of the Montana State Prison/Montana Correctional Enterprises fire crew fill sandbags in Deer Lodge. (Photo by Gail Boese)

The dog days of August may seem far from the wet, cool spring that brought day after day of rain. But it wasn't long ago that Cottonwood Creek and the Clark Fork River, which normally slide quietly through Deer Lodge, began to rise.

Fed by melting of record snowpack and persistent spring rain, Cottonwood Creek spilled from its banks and water gushed into the yards, driveways and homes of nearby residents. The Clark Fork threatened to do the same.

The water was about to overrun the best efforts of citizens and emergency services officials. Powell County Sheriff Scott Howard

called for help and the Montana Department of Corrections responded.

Fifteen members of the inmate fire crew from nearby Montana State Prison spent days filling and toting sandbags to create barricades between the rising water and the vulnerable homes. Supervised by Montana Correctional Enterprise staff members Tom Gillibrand and Barney Hedges, the inmates could be seen sloshing through water in their yellow slickers and boots, working alongside local residents to help protect private property.

After three days, the crew had filled and stockpiled 20,000 sandbags.

Meanwhile, the Treasure State Correctional Training Center sent staff with six trainees from the boot camp to lend a hand as well. While that contingent was in town filling and placing sandbags, other trainees were hard at work filling sandbags at the boot camp for transport into town. They filled 2,000 bags within a few hours one morning.

KLXF-TV in Butte sent a reporter to cover the flooding and, specifically, the work of the fire crew. The video showed members piling sandbags on a lawn to create a barrier between the Clark Fork River and a modest blue house sitting just a few yards from the rising water.

"That's when we feel like we're saving lives," Dan Resler, one of the crew members, said of the work he was doing.

"We're nothing but good labor," Kris Hans, another crew member, told the reporter. "If they need us, we'll be here. I've been locked up a long time and I don't get that feeling of community work, so this is the one chance I get to

Inside

Ruling favors DOC.....	3
HR Vision.....	5
Committee starts work.....	8
Warden retires.....	10
Health & Wellness.....	14
P&P Roundup.....	16
Montana innovation.....	19
Roots of Giving.....	25
Administrator's Corner.....	28
Training Times.....	35



**Montana
Department of
Corrections
Mission**

*The Montana
Department of
Corrections enhances
public safety,
promotes positive
behavior in offender
behavior, reintegrates
offenders into the
community and
supports victims of
crime.*



ABOVE: Rows and rows of sandbags filled by the MSP/MCE fire crew await pick up at the fairgrounds in Deer Lodge.

LEFT: Fire crew members filling sandbags at the fairgrounds in Deer Lodge. (Photos by Tom Gillibrand)

Floods

FROM Page 1

realize that.”

For Mrs. George Allen, the owner of the blue house on the bank of the Clark Fork, the help was a relief.

“I’m very appreciative,” she said. “I’m disabled so I’m very thankful they did this. It’s unbelievable that we’ve had this kind of help.”

KECI-TV in Missoula also sent a reporter to do a story on the crew.

Gillibrand told the reporter the goal was simple: “Build up a surplus (of sandbags). That’s the hope, that we can keep saving structures, saving people’s property.”

“It’s definitely satisfying, helping people like that,” Resler told the reporter.

MSP Warden Mike Mahoney said he heard good reports from Deer Lodge residents about the fire crew responding to the emergency. “They have developed a reputation as the hardest-working group on the flood control project,” he said.

Mahoney retiring

Aug. 12 marks the end of an era for the Montana Department of Corrections when Mike Mahoney retires as warden at Montana State Prison. For 16 years, he has been the face of the prison portion of Montana’s correctional system. For nearly 30 years, he has had an influence on corrections in this state.

This edition of the Correctional Signpost contains a feature about the Butte native, beginning on page 10, a personal remembrance of Mahoney on page 22, and an article and photos from a staff event honoring Mahoney on pages 33-34.

District Court finds no violation by Prison Issues Board meetings

Meetings of the Prison Issues Board did not violate the public's right to know, participate or attend the meetings, a district judge has ruled.

The June decision by Judge Kathy Seeley of Helena said the board provides adequate public notice of upcoming meetings, its agendas sufficiently advise citizens of what the members plan to discuss at each meeting and minutes are made available afterward.

Seeley's ruling was a victory for the Department of Corrections in a lawsuit filed by a Montana State Prison inmate and his wife, who claimed they were wrongly denied the opportunity to both attend and participate in the board's meetings.

The board, composed of representatives from the department and contractors operating adult prisons in the state, meets quarterly to discuss and resolve issues related to secure facilities. The department determined in January 2009 that the board meetings were public meetings and began publishing agendas of upcoming meetings and minutes of past meetings on the department website.

Seeley said the public's right to participate in board meetings was not violated because that right applies to government agencies and the board does not meet the definition of a government agency since it cannot make administrative rules, determine contested cases or enter into contracts.

As for the allegation that the public was denied the opportunity to observe the board's deliberations, the court found that was not the case.

Notice of each subsequent meeting is provided on the department's website at least 60 days in advance and the meeting agendas are appropriate, Seeley said. "The court finds that the agendas comport with the plain meaning of the term and provide sufficient information for an interested person to discern the general content and purpose of the meetings."

Similarly, the court rejected the couple's request to void all board meetings held prior to 2009 and their claim that all decisions made during meetings in 2009 be set aside for a variety of reasons. Seeley said she wasn't sure how a court could void "discussions" conducted by the board and that the couple waited too long to ask for such an order.

Fire crew assists Anaconda school

The Montana State Prison fire crew supervised by Montana Correctional Enterprises (MCE) spent some time in summer school during June.

The 10-man team logged three days at Anaconda High School removing some 600 student lockers to make room for new ones to be installed before the 2011-12 school year.

The lockers had been in place since the school opened in 1952 and the crew members found many pictures of students from the 1950s and 1960s that had fallen through the lockers' cracks and crevices over the decades. The photos were turned over to school officials.

Tom Gillibrand, fire crew supervisor, said a co-worker at MCE is friends with Anaconda High Principal Paul Furthmyre and mentioned the fire crew to him. Furthmyre liked the idea of using the men to take out the old to make room for the

new.

Furthmyre said the fire crew helped install new cafeteria tables in the elementary school a couple of years ago and "they did quality work," so using the crew for the locker project was an easy call.

"We expected a big mess afterward, but they even cleaned up their own mess," Furthmyre said. "They're great guys, very polite."

Later this summer, he added, the fire crew will install at the school a new trophy display case built by MCE.

The work at the school is just one example of the fire crew helping area residents. They tackled the locker removal shortly after spending a few weeks filling and placing sandbags to protect property from spring flooding in the Deer Lodge area.

What works in corrections

Retooling offender re-entry

EDITOR'S NOTE: This article was published in the May edition of Corrections.com. Reprinted with permission. It's noteworthy that the philosophy and types of services advanced by the author already exist in Montana.

By Daniel Patrick Downen

This is the fourth in a series of articles entitled "What Works in Corrections." The premise here to create productive dialog and stimulate innovative thinking that explores strategies to address ineffective decision making in this money pit called Corrections. What I'm talking about is change. Change the way we think about our profession and change the way we do it.

"Re-entry involves the use of programs targeted at promoting the effective re-integration of offenders back into communities upon release from prison and jail. Re-entry programming which often involves a comprehensive case management approach, is intended to assist offenders in acquiring the life skills needed to succeed in the community and become law-abiding citizens" (U.S. Dept. of Justice).

'Re-entry programming which often involves a comprehensive case management approach, is intended to assist offenders in acquiring the life skills needed to succeed in the community and become law-abiding citizens.'

Re-entry is an integral component in corrections because it is the vehicle for reducing soaring high rates of recidivism and therefore increasing public safety which provides for the public welfare. This is accomplished when offenders stay out of prison and are employed.

Those who do not recidivate provide cost savings and those employed pay taxes which contributes to the tax base. This is being law-abiding and productive citizen. This is successful re-entry.

The best re-entry models incorporate a two component program (facility and community-based) that consists of three phases.

First, programs the offender receives while incarcerated such as instruction in life skills, anger management, employment/vocational training and cognitive restructuring.

The second phase is community based programs designed to assist in initial re-entry into the community such as housing assistance, finding employment and treatment referrals or educational guidance.

The third-phase programs are implemented long-term to permanently reintegrate the offender into their community.

These services are designed to provide continuation of support with employment, employers and treatment providers for needed follow up. In this phase those who are involved in the offender's re-entry and transition into the community like employers and service providers are must stay connected and should work closely with community case managers or correctional counselors for continuous support and guidance to address problematic issues that will arise.

Phase three greatly determines success or failure. According to the CRS Report for Congress, Offender Re-entry, 2008, researches in the offender re-entry field have found that the best models begin during incarceration and extend throughout the release and reintegration process. It is at this phase where we lack commitment, political will and focus. Failure at this phase is common.

When most offenders return home from prison often they return to poverty, crime and high unemployment areas. They lack treatment services or financial and geographical availability. If they were fortunate enough to receive employment training while incarcerated, they lack understanding and know how to apply their skills to finding and maintaining a job.

In its infancy, parole was designed to address these challenges of offender re-entry. Unfortunately, parole has evolved in most departments as simply a community surveillance arm of DOC and does nothing towards the goal of successful re-entry and recidivism reduction.

One could even make the case that parole agents have a vested interest in violating offenders and returning them to facilities to reduce case numbers and ease their workload.

It is these types of barriers that squelch successful re-entry and increase recidivism rates. Offenders are released with little to no long-term support; released with no one to provide guidance and mentoring through the difficult transition to the community.

They are not afforded any continuation of employment



**By McKenzie Hannan
HR Specialist**



You're getting coffee at the office one morning and you overhear a couple of co-workers discussing another employee.

"Did you hear what happened to Tom?" one asks.

"I don't know exactly what happened," the other says, "but I heard he brought a bottle of whiskey into the prison and along with another staffer, drank the entire bottle within the first hour of their shift. Tom didn't know what to do, so he let all of the inmates out and then passed out drunk on the floor."

"Oh," says the first employee, "that makes sense. I get why he was fired."

This is an fictional exaggeration of how a story can get blown out of proportion. But, when one person tells another person, who tells another person, who tells another person, details get lost or embellished, sometimes unintentionally. It's how rumors spread.

Some might argue that the Department of Corrections should release information about personnel matters to the news media, general public and staff in order to control the information and prevent outlandish and inaccurate stories like these from spreading. Some contend that anyone and everyone should know how and why any public employee is disciplined.

But it's not that simple.

Confidentiality is a big deal in the human resource field. A lot of what we deal with are employee personnel matters, including such things as performance evaluations and disciplinary records.

So why don't we share this type of information? Do we have an obligation to protect the privacy of employees? Do we have a responsibility for full transparency in all we do? Does the public's right to know outweigh an employee's privacy right?

That last question is the key. The Montana Constitution contains two often-conflicting provisions. One establishes the public's right to know what's happening in its government. The other creates an individual's right to privacy.

Article 2, Section 9 of the state constitution states: "*No person shall be deprived of the right to examine documents of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.*"

Article 2, Section 10 of the constitution states: "*The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest.*"

So, what has to be determined first in deciding whether information can be released is whether it involves an individual's right to privacy. How is that decided? The courts have articulated a two-part privacy test: (1) Is there an actual or subjective expectation of privacy and (2) is society willing to recognize that expectation as reasonable?

If a person's privacy right is at stake, then the next step is to determine whether that right outweighs the public's to know. This balancing test usually falls into the lap of a judge.

When it comes to personnel matters, the privacy issue is always a factor. Courts have determined that in such instances, a person has an expectation that his or her personnel information will remain private and that society considers it a reasonable expectation. While information about length of employment, salary and job duties is public, items such as performance appraisals and disciplinary records have privacy protection.

Re-entry

FROM Page 4

assistance, training, counseling or guidance. They are for the most part, left to their own devices.

Why is it we offer such services inside correctional facilities but don't feel it prudent upon re-entry?

There is usually no one to act as a liaison between offender and employers to deal with obvious issues that will arise given the fact that many offenders have very little work experience and subsequently no work ethic. In fact, many employers hesitate to employ offenders as they feel they are left alone in the process of re-entry and will not be able to have easy access to parole agents or correctional counselors to deal with obvious issues and concerns associated with the offender.

Offender employment upon re-entry usually means teaching and indoctrinating the offender with a work ethic that they lack and have not received through proper, early socialization.

This is no short-term task. Helping offenders with criminal backgrounds to find and keep employment is clearly difficult work.

Goodwill Industries believes that until necessary steps are taken to help offenders attain and retain jobs, recidivism will continue to be an escalating problem that weakens families and communities, and stretches corrections budgets to the breaking point.

We as corrections professionals must understand and educate the public at large to the fact helping those offenders whom we can positively impact in re-entry, helps all of us as taxpayers and increases public safety.

Employment is so vital in re-entry because it affords the offender self sufficiency and in turn self value, respect and increased self esteem. One's self image is positive with confidence when they feel they can provide for themselves. Offender employment is key to successful re-entry.

Equally important to employment is addressing offenders thinking processes and levels of moral reasoning — basically, how they think, about their crime or any crime, about victims of crime and empathy.

MRT (Moral Reconciliation Therapy) is one such cognitive restructuring treatment designed to do exactly this. In a recently 20-year recidivism study that compared offenders treated with MRT and those without, the study clearly shows that offenders participation in MRT leads to significantly lower reincarceration rates, lower rearrest rates, and a higher rate of clean records.

MRT, without question, provides offenders with the needed long-term cognitive habilitation necessary for recidivism reduction.

“The Department of Justice, Bureau of Justice Statistics has estimated that two-thirds of all released prisoners will

commit new offenses (recidivate) within three years of their release. Many studies have indicated that re-entry initiatives that combine work training and placement with counseling and housing assistance can reduce recidivism rates” (CRS Report for Congress, 2008).

We in corrections and as a branch of criminal justice are mandated to optimize public safety and rehabilitate where possible.

With this said, it is incumbent on us to recommit to our mission. If we are going to achieve what we are entrusted by the public to achieve, we must look at offender re-entry as a long-term aspect of recidivism reduction.

A retooling of re-entry programming is long overdue. Re-entry programming initiated in the facility that does not prove fruitful in terms of successful re-entry is a waste of resources and effort. Correctional counseling, life skills instruction and habilitation cannot stop at the gates.

Offender employment upon re-entry usually means teaching and indoctrinating the offender with a work ethic that they lack and have not received through proper, early socialization.

Programs like MRT and employment training started in correctional facilities must continue long after release. correctional counselor duties must be expanded to include community casework that can work hand in hand with parole agents, offender employers, prospective employers as well as treatment providers.

Substantial resources and commitment should be devoted to re-entry. We must come to understand that successful re-entry is a process and long-term endeavor and strategically plan accordingly.

Re-entry is also individualized to each offender and their specific needs. The duration of re-entry assistance should not be determined by arbitrary program protocols created by bureaucrats, but rather continuous assessment and evaluation of individual needs.

If we are going to take re-entry serious, we should even offer services beyond parole expiration. Remember, recidivism reduction is the goal.

Past failure of re-entry is rooted on its popularity or lack thereof. Before we as a profession can proceed with such a dynamic shift in policy, we must educate tax payers and political policy makers to why retooling re-entry is vital to all of us.

If citizens really understood how reducing recidivism can impact them, then it would be easier for elected offi-

Re-entry

FROM Page 6

cial and appointed corrections department heads to lobby for and attain needed resources.

If all stakeholders could comprehend that helping offenders in re-entry, helps us as society, then such a retooling would be demanded immediately. Public relations are paramount in re-entry strategy development and retooling.

The author has a master's degree in the administration of justice and security from the University of Phoenix and a bachelor's degree in the administration of justice from Southern Illinois University. He has been a juvenile and adult probation officer, intensive supervision program manager and agency supervisor. He is currently a corrections counselor with the Illinois Department of Corrections.

Vision

FROM Page 5

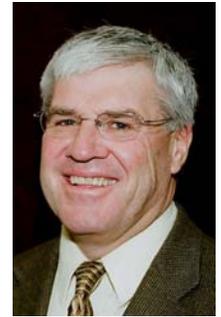
In cases of certain employees holding what the courts have referred to as a high level of public trust, some may dispute a privacy claim and want the information. But the department is obligated to err on the side of caution and decline to provide contested information until a court decides. To do otherwise, would invite legal action by the employee claiming his or her privacy was violated by release of the information.

It puts the department in an awkward position. Refusing to release personnel information can raise eyebrows among staff and the public, allow rumors to proliferate and may prompt a lawsuit by those seeking the information. But disclosing the information – something that cannot be undone – also raises the potential for a court case filed by an employee believing he or she has been wronged.

This need to carefully balance two competing constitutional rights is always a challenge and sometimes makes human resource officials unpopular. But it is our obligation to act cautiously in handling such matters – to avoid making a mistake than cannot be reversed, damaging someone unnecessarily and infringing on a right that deserves to be protected.

From the director

Mr. Penita



I was sitting at my desk the other day working on an employee evaluation and it occurred to me how critical this tool is to the operation of the Department of Corrections.

Yes, they are a lot of work and responsibility. They take time and careful thought to do them right. While some supervisors elsewhere may view annual evaluations as a burden, I believe those in this agency recognize them as an opportunity.

The management has agreed to make a concerted effort to put more emphasis on improving the timeliness of employee evaluations. We understand they are a vital means for supervisors to measure the performance of staff, and employees realize they provide a tool for understanding where they excel, where they have made progress in the past year and where they need to work a little harder.

In fiscal year 2010, about 68 percent of employee evaluations were done on time. The just-completed fiscal year saw the timely completion rate improve to 76 percent.

That's a significant improvement, but I would like to see us do better. I believe 100 percent compliance is not unreasonable.

I often talk about the need for communication within this large agency with employees scattered across the state, and annual employee evaluations are a terrific means of communication between supervisors and employees.

The procedure offers opportunity for a supervisor to review an employee's performance over the past year, a process that often leaves supervisors amazed at what has been accomplished in 12 short months. The evaluation gives employees a great sense of where they stand – no guesswork as to whether the boss is happy with their work – and then requires both parties sit down and talk it out.

Here is the perfect opportunity for supervisor and employee to frankly exchange comments about how work is going, to air concerns, resolve issues, offer praise and criticism where appropriate, and set goals for the coming year.

In the end, employee evaluations are about feedback along a two-way street. The supervisors don't do all the talking; the employees get their say as well.

This system that demands open communication is the heart and soul of teamwork. It is how we assess the past and plan for the future. It is how we move forward together, for the good of the department and the benefit of Montana taxpayers who we serve.

To Law and Justice Committee

Director outlines challenges

Development of additional capacity in Montana's correctional system - both prison and community corrections - and dealing with a \$13 million shortage in funding are among the challenges facing the Department of Corrections in the next two years, Director Mike Ferriter told a legislative committee in June.

At the first meeting of the Law and Justice Interim Committee, Ferriter said his agency also must deal with union contract issues, a growing population of sex offenders, increasing gang-related problems in the prisons, an aging prison population, potential retirements of key corrections officials and aging, deteriorating facilities.

He said the fiscal situation confronting the department is a major concern, particularly as it affects the ability to pay the costs of medical care for inmates when they need to be hospitalized. Being able to hold spending within the available revenue will be difficult, Ferriter added.

"It's probably unlikely that we will be able to avoid a supplemental" appropriation request to the 2013 Legislature, he told the committee.



Shockley

He urged the committee to consider studying the growing issue of sex offenders, for whom finding placement upon release from prison poses a serious dilemma. He also noted that they account for an increasing proportion of prison inmates in Montana. In 2007, sex offenders accounted for 24.7 percent of the inmate population; today, that number is 26.1 percent.

Ferriter suggested lawmakers should consider creation of a sex offender review board that would have the power to divert from prison those sex offenders who violate conditions of their community placements.

The committee did not include sex offenders on its list of study subjects.

“The department over the years has been improving. The department has been moving in the right direction in the last several years.”

Ferriter fielded several questions from committee members.

Rep. Ken Peterson, R-Billings, questioned whether the lower cost of housing inmates at the privately run Crossroads Correctional Center is an indication that the state could save money by making greater use such prisons.

Ferriter said the daily cost at Crossroads is less than at Montana State Prison because Crossroads does not provide medical and mental health care at the same level that is offered at the state prison. Meeting those needs, and the resulting costs, always will be necessary, he said.

Peterson also asked about young offenders in the adult system, a situation that Ferriter said is posing increasing problems because of those young adults' disruptive behavior. The state may have to figure out a new way to deal with those offenders such as developing a devoted facility with specially trained staff, he said.

Committee members also asked questions about the potential retirements among top Montana State Prison officials, the system used to classify new inmates based on risk and need and the continuing need for a prerelease center to serve Northwest Montana.

Sen. Jim Shockley, committee chairman, praised the work of corrections, saying, "The department over the years has been improving. The department has been moving in the right direction in the last several years."

He cited the increasing emphasis on community corrections programs and the success rates for the treatment program for those convicted of a felony drunken driving and a program designed to divert from prison the offenders who violate conditions imposed on them while living in communities.

The 12-member committee will spend the next 14 months studying a variety of subjects, including restorative justice programs and homelessness among some of the inmates released from prison.

Sexual crimes cover a wide spectrum of charges, from Peeping Tom and indecent exposure to raping a child. Yet all of the offenders are mandated to register and are condemned to the sexual offender list.

Sex offender management issues surface in Bozeman

EDITOR'S NOTE: The following article appeared in the June 26 edition of the Bozeman Daily Chronicle. It deals with a subject that is one of the major challenges facing the Department of Corrections. Reprinted with permission.

By Jodi Hausen
Chronicle Staff Writer

Bozeman preschool teacher Constance Dratz didn't realize for a year that the neighbor she claims had ogled her bathing-suit-clad students was a sex offender.

The neighbor, David John Woodfin, had been sentenced to 10 years in a Utah state prison for sexually abusing a child - not the type of person Dratz wanted anywhere near her young students.

And as the law now reads, she could do little about it.

State and federal law requires sexual offenders to register with the state and let authorities know where they are living. That information is published online so people can see if sexual offenders live in their neighborhoods.

Now, Dratz wants a city ordinance on the books that would bar sexual offenders from living near schools.

But as states and cities in the U.S. further restrict sexual offenders, law enforcement and rehabilitation advocates are split on whether society wins or loses.

Local prosecutors and law enforcement agents say the registry is a useful tool for keeping kids safe from people who have shown a tendency to sexually offend.

However, statistics indicate released offenders, particularly those who undergo therapy, are unlikely to commit another sexual crime.

Advocates for rehabilitated offenders contend the registry is an additional sentence that castigates ex-convicts who have served their time and makes it hard for them to re-enter society after leaving prison.

And there are questions about how many residency restrictions states and cities can force upon sexual offenders

before those offenders decide it's better to go underground.

In Woodfin's case, he failed to register with authorities until this spring, way past the time allowed by law.

Instead, he moved out of the apartment near the preschool earlier this month, and now his whereabouts are unknown.

They're not all pedophiles

Not all sexual offenders are the same or should be treated similarly, said Gallatin County Attorney Marty Lambert.

"People need to recognize that sexual intercourse without consent of an 18-year-old with a 15-year-old that, in every other sense of the word, was consensual" is not the same as an adult sexually abusing a child, he said. "The only thing making the (teen's crime) illegal is the statute saying that a person of the age of 15 cannot give consent."

It should be seen entirely differently than a pedophile's crime, which "isn't just a teenage dalliance," Lambert said.

According to state Department of Corrections statistics, pedophiles represent less than 4 percent of the sexual offender population in Montana.

Of 91 sexual offenders on Gallatin County's registry, four are considered to have a high risk to re-offend. Yet only one of those four committed a crime against a child.

Sexual crimes cover a wide spectrum of charges, from Peeping Tom and indecent exposure to raping a child. Yet all of the offenders are mandated to register and are condemned to the sexual offender list.

Level three sex offenders – offenders that judges consider the most likely to re-offend – are required to register for life. Level two offenders must register for 25 years and level ones, viewed as the lowest risk to society, for 10 years.

After fulfilling the registry period and spending a decade or more in the community, offenders may petition a





Spotlight

Mahoney retires after 31 years

By Bob Anez
Communication Director

As Mike Mahoney drove Milwaukee Avenue on this Wednesday morning, he knew his days commuting to Montana State Prison were numbered.

A week later, he announced his decision to retire from his job as warden of the state's largest prison, a post he held for 16 years, and to end 31 years of working for the state.

"It's time for me to move on," he said. "I'm not burned out; I have good days and bad days in this job, like everybody does. It takes a certain personality to work in corrections and working as warden in large facility takes a certain amount of energy and commitment and passion."

An opportunity to stay in corrections while reducing the responsibility and pressure of being the buck-stops-here administrator presented itself when Corrections Corporation of America offered him the job of assistant warden at its Shelby prison, Crossroads Correctional Center.

It was an attractive offer and retirement was doable.

"It's the fact that I have the time in for retirement with the state of Montana and an opportunity for me to have a second career," he said. "I still feel a calling to the corrections field and working in an institutional environment. It comes down to an old adage – it is better to leave five years too early than to stay 15 minutes too long."

Corrections Department Director Mike Ferriter praised Mahoney as someone who "has proven himself one of the most dedicated and hard-working professionals I have met in my many years of working in corrections. He truly has been committed to the department's mission and strived tirelessly for a safe, effective and productive prison operation for staff and inmates alike.

"Mike's departure will be much more far-reaching than the perimeter fence at MSP," Ferriter added. "Mike's positive contributions to the Deer Lodge community, the overall functions of the DOC and the entire criminal justice system in Montana have been very extensive. While replacing Mike will be a challenge, I wish him well in his new position and believe all Montanans should thank him for his years of selfless



Mahoney

FROM Page 10

dedication to public service.”

Mahoney, 57, has worked in corrections for 28 years, including 23 years at Montana State Prison.

A Butte native, he graduated from Butte Central in 1973 and four years later he earned a bachelor’s degree in sociology and social work from Carroll College. He went to work as a licensed addictions counselor for the Southwest Mental Health System in 1977 and three years after that he joined what was then called the Department of Institutions as an alcohol and drug abuse program evaluator.

He became training director for the agency’s Corrections Division three years later and moved to Montana State Prison as an associate warden for classification and treatment in 1988. He became a “bureau warden” five years later and was named warden in 1995.

Mahoney’s retirement is effective Aug. 12. The department hopes to have his successor named as soon as possible after he leaves, but Deputy Warden Ross Swanson will fill in for Mahoney until then. Mahoney begins his new job at the 664-bed Crossroads prison on Sept. 12. The facility houses state and federal inmates.

Mahoney’s time at the Montana State Prison was marked by major developments in the history of corrections in Montana. The prison’s growth from about 850 inmates to nearly 1,500 is only part of the transition that occurred during his era.

He was associate warden when a strike by state employees in the spring of 1991 hit the prison. With correctional officers on the picket lines, Mahoney and other administrators worked 14-hour days to maintain operation of the prison with National Guard troops.

The strike and its aftermath taught Mahoney about the importance of maintaining effective labor-management relations.

“There was a lot of tension during the strike and, coming back (afterward), there was an effort to work through any hard feelings and eliminate



them between management and the bargaining unit,” he said. “I learned to be very diligent in your relationship with those on the other side of the table.”

Mahoney still was associate warden a few months later when a riot occurred in the maximum-security unit at the prison. Inmates killed five fellow prisoners during the five-hour riot.

Mahoney said that event was a turning point in how the public, particularly legislators, viewed Montana’s prison system.

“The department had put a major emphasis on living within the budget,” he recalled. “In that era the warden was told to live with it when it came to budget shortages.”

This approach to funding operations resulted in inadequate resources for training, staffing, equipment and overtime, Mahoney said. “The warden was trying to run a

prison that was understaffed, and wages for correctional officers were dismal at best. Those were some of the factors that came back to haunt the institution and contributed to the eruption of the riot.”

The event, with the violence and brutality of the murders, also had a profound personal impact on people, Mahoney added.

“Everybody was different after that. You saw and experienced a lot of things that changed you.”



Management

FROM Page 9

judge to remove the requirement. But granting those requests are not popular decisions for elected judges to make.

The chicken or egg theory

About 34 percent of Montana's current prisoners were convicted of sexual crimes, according to statistics compiled by Blair Hopkins, a therapist who treats sexual offenders in the state prison. Of those, more than 90 percent are undergoing or are waiting to begin intensive sexual offender treatment.

Of released sexual offenders who have completed Montana's prison-based therapy program, about 2 percent committed another sexual crime, according to Hopkins' statistics. The national average for untreated offenders is about 20 percent.

Public safety officials tout registration as a means of keeping communities safe. But it isn't the solution, a Bozeman sexual offender therapist said.

"Registration gives people a false sense of security because (those registered) are not the ones who are offending," said Fred Lemons, who initiated the prison-based treatment program in 1980. "Ninety percent of the time it's a family member, acquaintance or neighbor - someone with an established relationship" with the victim.

The registry "creates a false sense of security and a false sense of fear and targets family members of offenders as well," he said. "I think the idea is good, but I think if we limited it to high-risk offenders, then it's going to be more helpful."

The register does seem to have one definite effect.

Statistics show that 25 percent of treated offenders and 49 percent of untreated offenders land back in prison — often for not registering as a sexual offender or another parole violation.

But police and prosecutors maintain the registry is a good way to keep tabs on the most reviled of offenders.

"You could argue that offenders don't re-offend because people are watching them," Lambert said. "Isn't it better that we know where they are and that they are following their treatment, rather than not have any supervisory authority over them?"

The registry is important, Bozeman Police Lt. Rich McLane agreed.

"It lets everyone know this is someone who did something wrong," he said. "It lets the public know that we know where they're at and it will keep a large percentage of offenders honest because they know they're being watched, and they don't want to go back to prison.

"If David Woodfin (Dratz's neighbor) was truly trying to live an honest life and had registered, he would have been able to do anything any other citizen of Bozeman could do," McLane said.

Yet even those tasked with upholding the law recognize the registry's shortcomings.

"It would not be in the best interest of the public and it would be unsafe and irresponsible to think the sexual offender registry is going to keep everyone safe," McLane said. "Because they all had to offend first before they were registered."

"It's kind of like the chicken and the egg theory," said Robert Vanuka, the Bozeman police detective who oversees the city's registry. "Which came first? They're on the registry (now), but they weren't on the registry when they committed the crime."

And many sexual crimes go unreported, victim advocates say.

Victims blame themselves or are too ashamed to report

'You could argue that offenders don't re-offend because people are watching them, Isn't it better that we know where they are and that they are following their treatment, rather than not have any supervisory authority over them?'

***-Marty Lambert
Gallatin County Attorney***

the crime. They don't want to live through the trauma of medical examinations, police questioning and reliving the incident through court testimony. Some may be too young to comprehend that what happened to them is a crime.

McLane and Vanuka said educating children and reporting suspicious activity is the key to preventing the crimes.

If a sexual crime is suspected, parents need to stress to children it's not their fault, Vanuka said. Parents need to foster an environment that builds trust and communication.

"If something just doesn't seem right or someone sees something suspicious, we want them to call us," McLane added.

Dratz's neighbor

Had Woodfin registered after he had moved into his apartment at 1715 W. Kagy Blvd., next to Dratz's Yellow-

Management

FROM Page 12

stone Montessori Academy, there may not have been a \$75,000 warrant issued for his arrest.

But he didn't register within the 10 days mandated by law. Now he's on the lam.

Woodfin, convicted in Utah in 1994 of two counts of sexually abusing a child, spent 10 years in prison and successfully completed his sentence. But he was still required to register as a sexual offender when he moved to Bozeman last summer. He failed to do so until this spring.

Shortly after police told Woodfin he needed to register, he left Bozeman, possibly the state.

'It (further restrictions) will drive them underground. It will make them elude the registration requirement. I don't believe it's the complete solution.'

*-Lt. Rich McLane
Bozeman Police*

If, as Dratz contends, Woodfin was eyeing her young students, a state law that takes effect in October could resolve the issue.

The law allows police to charge someone previously convicted of a sexual crime with predatory loitering if they dawdle near schools, parks, playgrounds and similar places.

Despite the new statute, Dratz said she intends to pursue a law restricting where sexual offenders can live.

If Bozeman commissioners pass such an ordinance, it will be the first of its kind in Montana.

Sending them underground

But laws such as the one Dratz proposes are not the cure-all many hope for and, in fact, often end up doing more harm than good, authorities said.

Miami's restrictive laws, for example, leave few legal places for sexual offenders to live, relegating more than 70 of them to live in a makeshift tent city beneath a Biscayne Bay bridge.

Placing further restrictions on offenders could cause many to disregard the registry law, McLane said.

"It will drive them underground," he said. "It will make them elude the registration requirement. I don't believe it's the complete solution."

Save for a handful of pedophiles, Lemons said he is concerned that a broad-based law would shackle many of his clients.

"I think you can't put a blanket on every sex offender," he said. "But I would be worried if I had a high-level, predatory-type pedophile living next door to a school. The problem is when you throw out that net and just use the term 'sex offender' and look at them as all the same. I think you're going to put requirements on people who don't need that."

Even Dratz acknowledges the failings of a potential law.

A 2,000-foot limit around schools would make it impossible for offenders to find a place to live in Bozeman, she said. It would force them to move outside the city, thereby making it difficult for law enforcement to keep track of them.

But that doesn't mean she's not going to pursue it.

"When a sexual offense is committed, an offender pays the price to the society but not to the victim," Dratz said. "The harm to the victim is lifelong and often extends to her family and children."

A new law is not about "just waking up a sexual offender and saying move out," she said. "It's saying, 'Yoo hoo, women are just not going to put up with this anymore in our society. It's causing too much generational and societal harm.'"

Dratz said she'll probably seek a 500-foot limit but, like police, stresses that education is critical.

"I want more families to be aware of this issue and to see more education," she said. "Children need to be trained, and parents need to know how to talk with their children about it."

Dratz says she plans to organize classes for parents. Meanwhile, Bozeman commissioners tasked City Attorney Greg Sullivan with researching the issue with the possibility of drafting an ordinance.

Given the volatile nature of the subject, that won't be easy, Lambert said.

"It's an emotional issue that draws lots of passion," he said. "But when people consider how to address it, it needs to be done calmly and dispassionately."



Lambert

Health & Wellness



By April Grady

Motivational Mantras: I will be running in the South Dakota Leading Ladies Marathon later this month. A 26.2-mile effort usually requires many energy-driven mantras to reach the finish line. A mantra (“instrument for thinking” in Sanskrit) is like an Investment In Excellence affirmation but shorter, so it is easier to remember when you are so tired you can’t remember your own name. A powerful mantra, like “make it or break it” or “be fierce, think power,” can divert your mind from thoughts of discomfort and reinforcing the pain. An effective mantra can be useful in any day-to-day activity, from improving Monday-morning lethargy (“I make a difference”) to being successful on a healthy diet (“fruit = strength, Fritos = stupor”). Discover your own mantra, full of positive, powerful, strong action words, which will muscle you through your own various challenges, and allow you to find out you are tougher than you thought.



Back to School Crusade: Montana childhood obesity numbers are fairly low when compared with other states around the nation. Currently, in 2011, Montana ranks 42nd with a childhood obesity rate of 11.8 percent (healthyamericans.org). Yet, the State of Montana School Wellness Policy Implementation Guide notes:

- 63 percent of youth do not get the recommended number of fruit servings per day.

- 78 percent do not get the recommended number of vegetable servings per day.
- In Montana, only 17 percent of youth reported eating the recommended five servings of fruits and vegetables daily.
- Only 10 percent of teen girls and 30 percent of teen boys get adequate daily calcium (opi.mt.gov/WellnessInActionGuide. 2007).

School foods programs have been improving by adding fresh salad bars and healthy food choices. However, if your child is anything like mine, she will be reaching for a corn dog over a turkey burger, chocolate milk over plain 1% milk, and ignore the presence of the salad and fruit bar altogether. One solution is to pack healthy lunches for your children that include adequate items from all food groups.

Pita-Butter and Jelly (parenting.com)

Spread reduced fat cream cheese on whole-wheat pita bread or a toasted whole wheat bagel. Top with jelly, honey or try cinnamon apple butter for an apple pie taste.

Serve with:

Hard-boiled egg (If your child hates the yolk, serve two servings of egg whites instead.)
Squeezable yogurt tube
Grapes

Pineapple Kabobs (justthefactsbaby.com)

4 fresh pineapple chunks (½-inch pieces)
2 ounces colby jack marble cheese cubes (½-inch pieces)
2 ounces deli ham (¼-inch slice, cut into 1-inch squares)
toothpicks

Assemble mini-kabobs on a toothpick alternating one ham square, one pineapple chunk, one ham square, and a cheese cube.

Serve with:

Frozen blueberries (will thaw by lunchtime)
Snap peas
Olives

Wellness

FROM Page 14



KidFit:

- Children and adolescents age 6 and older need at least an hour a day of physical activity. Most of the hour should be either moderate or vigorous aerobic activity.
- Most healthy adults need at least 150 minutes a week of moderate aerobic activity, such as brisk walking or swimming, or 75 minutes a week of vigorous aerobic activity, such as running.
- Play catch, get the whole family involved in a game of tag or have a jump-rope contest. Try classic movement games such as Simon Says or Red Light, Green Light. If you don't remember the rules, make up your own!
- Limit TV to one or two hours a day and, for a better night's sleep, no screen time in the hour before bed. To make it easier, don't put a television in your child's bedroom, don't watch television while you're eating dinner, and restrict computers and other electronic gadgets to a family area.
- Set aside time each day for physical activity. Get up early with your child to walk the dog or take a walk together after dinner.
- Let your child choose an activity of the day or week. Batting cages, bowling and neighborhood play areas all count. What matters is that you're doing something active. (MayoClinic.com)

School Year Stress Management:

One of the greatest contributors to stress is over-commitment. Families are pulled in multiple directions by varying activities. The school year brings more commitments and, the more activities there are, the more refined the balancing act becomes. The following tips will help make life easier, more streamlined, and relieve your family of the constant rush hour feeling.

- Follow routines and schedules, such as getting up at the same time and leaving at the same time daily. Create a pattern/routine get home, do your homework, 30 minutes to watch TV/play game/read, dinner, take a bath, quiet time, bedtime
- Set your priorities and adjust as needed; they can change monthly, weekly, daily
- Keep a to-do list, things that need to be done, including time for yourself
- The goal is to get it done, not make it perfect
- Have a family/household meeting to communicate each other's goals and needs for the current timeframe (once a month?)
- Likewise for the family time, set aside 30 minutes each day that everyone is focused on doing something together ... anything at all (more4kids.info)



Back to School Gadgets:

A few nifty products to help parents and students glide through the upcoming school year

- **MomAgenda Day Planner** (<http://www.momagenda.com/products.cfm?cID=32>) Family-focused planners with refillable spiral notebooks. All of the families activities at your fingertips.
- **Magna Card magnetic locker wallpaper** at Amazon.com, lets kids express their uniqueness without the permanence of graffiti.
- **Planet Box lunch boxes** are made out of food-grade stainless steel do not have the dangerous chemicals found in some plastics, have separate sections for sandwiches, fruit, veggies and snacks, and save landfills from thousands of plastic baggies. "Lunch transportation for the green generation" (<http://www.planetbox.com/index.html>).
- A high-quality, well-fitting **backpack** will survive the entire year saving money in the long run. Land's End has many designs and colors for around \$30 and can be personalized with names or initials. (landsend.com)

Regional Roundup



Items in the roundup are contributed by the regional probation and parole staffs.

Region 2

The region held its second annual regional shoot at the Logan Gun Range. Probation and Parole Officer Chuck Juhnke changed the course up a bit. The four shooters, two on each team, were tasked with knocking five pins off their table. The winning team was the first team to topple all five pins. It wasn't enough to just knock over the a pin; it had to hit the dirt. The double elimination had officers concentrating on sight picture, accuracy and working together as a team. For a second year in a row, Bud Walsh ruled the range. He and his partner, Sarah Reil, shot their way to the No. 1 spot, earning the coveted "Golden Pin." Reil works out of the Helena office and recently joined us from Billings where she used to work for Alternatives Inc. as a case manager. It was very impressive to see these two mow down their pins. A special thanks goes out to Juhnke for coordinating the shoot and Bozeman Officer Art Gonzalez for taking care of the day's activities, including gathering all the materials, keeping track of the brackets and keeping the shoot moving. Our three firearm's instructors, Juhnke, Walsh and Landon Lamb, kept a tight and safe range. Thanks guys.

Melissa Lesmeister was named to Lewis and Clark County's Crisis Intervention Stress Management Team. She will represent Helena probation and parole in critical incidents that call for crisis intervention and stress management. This is a nice fit for Lesmeister as she has a strong background in mental health, coming for Helena's Center of Mental Health. Melissa has the lion's share of the Helena officers' mental health cases. Congratulations on this appointment.

The Bozeman and Livingston offices have been short-staffed for quite some time and we are in the process of hiring. During this stressful time, each office has performed admirably. Officers and administrative-support staff have stepped it up to help out. Livingston Probation Officer Technician Vicki Fay has done a remarkable job keeping that office afloat. Bozeman's intensive supervision team, Jamie Disney and Heather Moore, pitched in to help out there. Bozeman Supervisor Stacey Pace has dedicated a significant portion of her work week to seeing offenders and helping out. Thanks all!

Butte Officer Karley Kump is the proud mother of a seven-pound, 10½ ounces, 20¾- inch baby girl. Quinn Aubree Kump, mom and dad are doing great.

Region 3

The region welcomes Jeremy Lizotte, who recently joined the team in Lewistown. He comes from Missoula where he was employed by the Missoula Prerelease Center. Lizotte is a University of Montana graduate with a bachelor's degree in sociology. We also congratulate Mike Barthel in the Havre office. He was promoted to supervisor as a probation and parole officer II. In recognition of Community Corrections Officer's Week, the Great Falls office held a school-supply drive to help the Rescue Mission collect school items for needy children in the community. Other offices in the region held food drives for their local food pantries. We are hoping that these drives will be a huge success.



Billings probation and parole staff with shaved heads

Region 4

Regional staff members supported one of their own in early August, by wearing pink and having their heads shaved in honor of officer Jennifer Welling who is battling breast cancer. Ten staffers participated in shaving heads, another highlighted her hair and "Pink-ed" it up and a few

others shortened their hair. Welling is a very strong and inspiring woman and regional staff was happy to support her in such a light-hearted, yet meaningful manner. Lots of laughter and great food make for a great day. Even Ira Eakin, DOC staff attorney, got a shave.

The regional office celebrated probation and parole appreciation week with a barbecue, thanks to Allan Maust, head chef at Passages, and Doug Dewitz, sous chef. They prepared a wonderful meal of hamburgers, hot dogs, bratwursts, chicken and some great summer salads and desserts. Our management team and Billings businesses donated some great raffle prizes. It was a nice break from all of the daily duties. We greatly appreciate all of our officers, as well as those across the state, and we hope our small token of appreciation demonstrates as much.



Region 4 employee of the quarter Karri Eik with supervisor Chris Evans.

The new regional employee of the quarter is Officer Karri Eik. She is always upbeat and willing to assist co-workers with transports, field checks and covering court appearances. The award includes a special parking space, a gift certificate and three months off from filling in for absent officers.

Region 5

The last two months have been a busy time at the regional office in Kalispell. With the retirement of Regional Administrator Tom Forsyth and PO II Ed Duelfer, there were openings at the top. Scott Brotnov transferred from Region 3 to be one of the new supervisors. Brotnov has worked for the department since July 2002. In January 2006, he was promoted to the PO II position in Region 3 where he was responsible for the Hi-Line offices of Cut Bank, Shelby and Havre. Brotnov brings a wealth of experience, including a background in law enforcement. He is the new leader of the Kalispell ISP team. Brotnov said the one thing he will miss the most in moving to Flathead County is the weekly Cut Bank-to-Havre drives.

The third member of the Kalispell P&P leadership team was named in late July. Officer David Dowell was promoted to the vacant PO II position after a grueling selection process. The selection team wished it had three openings because all of the candidates are valuable team mem-

bers in Kalispell and would be a great asset to the team. Dowell is a seven-year employee of the DOC. He started off as a probation and officer in the Polson office. In 2009, Dowell transferred to the Kalispell office. He will carry on the Kalispell office tradition of developing outstanding leaders, including Duelfer and new Regional Administrator Dave Castro.

The newest face in the Kalispell office is Officer Jody McLeod. She also is a transplant from the other side of the mountains, moving here in May from Havre after working in the Hill County Youth Court system. Jody has stepped in, picked up a caseload and is carrying it like a veteran. We are happy that we were able to find such an outstanding candidate.

Region 6

The region hosted Melanee Emmett from the Billings office who presented her training on computer field searches. The search program is primarily for sex offender supervision, but can also be useful for detecting gang and drug involvement by offenders. The training was very well presented and all who attended agreed that it was enlightening and useful.

Staffers volunteer for youth camp

Tommy Pinsonneault, juvenile parole officer in Missoula, recently participated in the 46th annual Law Enforcement Youth Camp at Seeley Lake.

The camp is offered at no charge to about 70 Missoula County youths ages 10 and 11. Activities included land and water Olympics, a peanut carnival, a visit from the local Seeley Lake Fire Department, an awards ceremony complete with skits, a “Deal or No Deal” game for cabin points, daily fishing, swimming and kayaking opportunities and a great arts-and-crafts cabin.

The cabin was run by Linda Dougherty (formerly Navarro) of the Missoula Assessment and Sanction Center. This was her first year, and she did a great job and looked like she might have had some fun herself. She was a welcome addition to the camp crew and her efforts were greatly appreciated.

This was Pinsonneault’s 22nd year of participating in the program, as he took over as assistant director for the camp. The camp staff thanks the Department of Corrections for its support of the program every year.

'From a political standpoint, some might say we have gone from worst to first. It took a lot of time to get a good team lined up and meet all the standards.'

Mahoney

FROM Page 11

Likewise, it created resolve among the prison management and staff. "A number of staff vowed that we will see this thing through and show there are good people associated with the institution, that it was not as shoddily run an operation as portrayed to the public at the time," he said. "We were dedicated to making improvements and proving to the public that we do run a good facility."

In 1995, Mahoney, just months away from being named warden, helped plan Montana's first execution in about 50 years. The effort required a significant amount of research and preparation as officials learned all they could about the lethal injection process to ensure they could properly carry out the court order as required by law.

"It was an emotional whirlwind," he recalled. "But at the end of the day, when you read statutory authority, there is one individual (the warden) responsible to carry out the order of the court and that's a huge responsibility.

"I was very proud of the staff and their professionalism, their diligence for their assignments, the preparation, the planning. They were very reverent, very responsible and the consummate professionals."

By the mid-1990s, the Legislature recognized the need for a significant increase in prison capacity in Montana. At the time, more than 200 inmates were housed in other states' prisons, and elected officials recognized the state had to do something to accommodate the existing offender population and future growth.

The result was the addition of three regional prisons and the Shelby prison, with combined capacity of about 940. That nearly doubled the number of prison beds in the state. The idea of the regional prisons – developed in conjunction with counties also needing new jails – came from Utah and addressed the need for this state of 147,000 square miles to have geographic distribution of its prisons.

Looking back, Mahoney said one of his proudest accomplishments was obtaining National Commission on Correctional Health Care accreditation for the medical services at Montana State Prison, a milestone reached in late June.

"We had been criticized post-riot for our medical care system," he said. "From a political standpoint, some might say we have gone from worst to first. It took a lot of time to get a good team lined up and meet all the standards."

Mahoney's greatest disappointment is the failure to fully resolve a lawsuit filed following the riot that challenged the adequacy of health care at the prison. Although the only remaining issue is disability access, he said he had hoped to conclude the case on his watch.

The three executions he has overseen were the most difficult part of his job. "There's an ominous responsibility associ-



Corrections.com notes Montana innovations

EDITOR'S NOTE: The following article was published by the Corrections.com online magazine as part of its coverage of innovation in correctional programs across the country.

**By Bob Anez
Communication Director**

The recent national recession has prompted corrections systems to look at ways to reduce their prison populations as a way to save money, relieve overcrowding or both. They have developed or expanded treatment and other diversion programs, tinkered with sentencing laws, or released large numbers voluntarily or under court orders.

The Montana Department of Corrections has avoided those dilemmas due to careful planning, innovative policies and foresight that have their roots in the past decade.

While Montana's prison population is small compared to that in many more-populous states, the average daily population of about 2,550 inmates is significant for a state with less than 1 million residents.

In 2006, the department's projections anticipated the prison population would increase 47.7 percent by 2011. The actual change turned out to be a 0.3 percent decrease. Two years later, the department projected prison growth of 12 percent between 2008 and 2011, but the actual increase was about half of that – 6.4 percent.

So what happened to head off projected growth?

In 2005, the state embarked on an ambitious effort to turn the tide. A new governor, legislators and corrections officials recognized that the state could not afford the social and financial cost of constantly expanding the prison system to accommodate more and more inmates. The state had tried to build its way out of the problem in the 1990s, adding four new prisons that expanded the system by almost two-thirds. Once again, the cells were full.

Gov. Brian Schweitzer, elected in 2004, supported proposals designed to expand community corrections alternatives to incarceration. He and corrections officials reasoned that development of myriad options to address the individualized needs of offenders would do more in the long run to control the prison population than building more cells. Providing sufficient treatment for offenders' addictions and offering programs to address mental health problems would have a greater chance of getting to the roots of recidivism than mere incarceration, they concluded.

The state already had a 3-year-old program to treat those convicted of felony drunken driving that had trouble meeting the demand. Located in western Montana, the program was expanded with a second facility to serve the eastern part of a state that is more 500 miles across. The WATCH (Warm Springs Addictions Treatment and Change) program has a 92 percent success rate.

The department launched a new program in 2005 designed to divert from prison those offenders who violated conditions of their community placement. The START (Sanction, Treatment, Assessment, Revocation and Transition) program serves as a wake-up call for offenders, offering treatment and counseling to get them back on track and back to the community rather than placed in a prison cell. The most recent three-year recidivism rate for offenders released from START is 22 percent.

Sparked by concerns over epidemic-level methamphetamine use in the state, lawmakers in 2005 approved funding for development of a meth treatment program. The result was two

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Innovations

FROM Page 19

treatment centers, one for men and another for women, that have evolved into programs that deal with meth and other severe drug addictions that have proven resistant to other treatment efforts. After three years of operation, the programs have seen just 1 percent of graduates go to prison.

Since 2004, Montana has increased the population in six prerelease centers (called halfway houses or re-entry centers in some other states) by 41 percent, to more than 800 offenders. These programs not only provide services to offenders transitioning to communities from prison, but also offer a sentencing option for courts.

The department, with the support from the governor and legislators, also has expanded the number of probation and parole officers by 27 percent since 2004. Two-thirds of all offenders under department supervision are probationers or parolees and 80 percent of all offenders are managed outside of prison.

With the help of a federal grant, the state added eight specialized probation and parole officers in early 2010 with a goal of reducing recidivism among two high-risk populations: Native American offenders and offenders facing the dual challenges of drug addiction and mental health problems. Initial results show the revocation rate among the specialized Native American caseload declined 45 percent and the rate among those with co-occurring disorders was down 20 percent.

Between 2004 and 2010, Montana expanded its various community corrections programs by rates ranging from 15 percent to 131 percent. At the same time, the male prison population grew just 5 percent and the female prison population dropped 13 percent.

Overall, Montana's recidivism rate of 37.6 percent is lower than the national average of 40 percent found in 2010 survey by the Association of State Correctional Administrators.

A 2011 report by the Pew Center for the States showed Montana's recidivism rate for

new crimes is the lowest in the country and that Montana had the nation's second slowest -growing recidivism rate in the nation when comparing offenders released in 1999 to those released in 2004.

"We try to be innovative and imaginative in our approach to corrections, looking to create a system that recognizes a one-size-fits-all approach is less-effective than one that focuses resources on addressing the varied individual needs of offenders," says Corrections Director Mike Ferriter. "With the support of the governor, legislators and Montana citizens, we think we have done that and the results show its working."

Although most of the new correctional programs were started in the past decade, one major step was taken 18 years ago when the Legislature gave judges the option of sentencing offenders to the Department of Corrections for it to decide on placement in an appropriate program or facility. This "DOC commitment" provision in sentencing law was based on the theory that, in some instances, correctional professionals are in the best position to determine placement of offenders.

The provision, believed to be unique in the country, has had increasing success in helping to control the prison population. In 2001, about 52 percent of such "DOC commits" went to prison. Ten years later, less than 23 percent were placed in prison.

Since before statehood, Montana corrections officials have recognized the value of providing work-skill programs in prison. Montana Correctional Enterprises, a division of the department, carries on that philosophy in the 21st century. The success of its programs is evident in the status of offenders after leaving prison. The recidivism rate among those involved in industry programs more than a year is about 29 percent, compared with 38.4 percent for offenders not participating.

While Montana hasn't found a magic wand for stopping growth of the prison population, it has found a philosophy and programs that appear to have stemmed the tide and prevented razor wire from dotting the landscape under the state's Big Sky.

'We try to be innovative and imaginative in our approach to corrections, looking to create a system that recognizes a one-size-fits-all approach is less-effective than one that focuses resources on addressing the varied individual needs of offenders.'

Important tool for corrections professionals

Understanding Indian culture

By Myrna Kuka
DOC American Indian Liaison

About one out of every six offenders under supervision of the Montana Department of Corrections is a Native American and that's more than double their representation in the state's population as a whole.

With such a large minority in the corrections system, it's critical for those working in the profession to understand the cultural diversity created by the presence of American Indian offenders, as the department and its employees provide services and programs. This understanding is referred to as "cultural competence" – the ability to function effectively in the context of cultural differences.

Providers of correctional services can use this guide to ensure the five elements of cultural competence are addressed:

1. Awareness, acceptance and valuing of cultural differences
2. Being aware of one's own culture and values
3. Understanding the range of dynamics that result from the interaction between people of different cultures
4. Developing cultural knowledge of the particular community served, or accessing cultural brokers who may have that knowledge
5. Adapting individual interventions, programs and policies to fit cultural context of the individual, family or community.



Kuka

Tribal sovereignty

The United States contains more than 560 federally recognized tribes. More than half of these are Alaska Native Villages (tribes). In addition, the country has almost 245 non-federally recognized tribes. Many of those are recognized by their respective states and are seeking federal recognition.

The federal government has a unique legal and political relationship with Indian tribes. The U. S. Constitution, treaties, Supreme Court decisions, federal laws and executive orders provide authority to the federal government to be involved in Indian affairs with federally recognized tribes.

However, as sovereign nations, tribes have the right to hold elections, determine their own citizenship (enrollment), and to consult directly with the U.S government about policies, regulations, legislation and funding.

Tribal governments can create and enforce laws that are stricter or more lenient than state laws. State laws cannot be applied to tribes if they interfere with the right of those tribes to make their own laws protecting the health and welfare of their own citizens. State statutes also cannot interfere with federal interests related to tribes.

Criminal legal jurisdiction issues are very complex, depend on a variety of factors and must be assessed based on the specific laws applied to a specific tribe. In general, federal law applies.

The Indian Self-Determination Act gives authority to tribal governments to contract for programs and services that are provided by the federal government, such as the Bureau of Indian Affairs and Indian Health Service.

Cultural customs

Cultural customs can be viewed as a particular group or individual's preferred way of meeting their basic human needs and conducting daily activities as passed on through generations.

Specific cultural customs among American Indian groups may vary significantly, even within a single community.

Customs are influenced by ethnicity, origin, language, religious and spiritual beliefs, socio-economic status,

He cared about it all

Remembering the warden

By Bob Anez
Communication Director

Mike Mahoney walked across the high-side yard at Montana State Prison as an inmate pushed a food cart loaded with two large juice containers. The cart's wheel struck a crack in the sidewalk and one of the plastic jugs toppled from the cart, spilling its red contents onto the concrete.

The warden not only stopped to prevent the other container from falling, but picked up the now-empty one that fell and returned it to the kitchen.

In the chow hall, he greeted by name the inmates coming and going, asking one about a health problem. On the way back to his office, he stopped to compliment an inmate working on a flower bed: "You're doing a good job."

At meetings earlier that morning, Mahoney participated in a discussion about the need for a different speed limit on a road passing by the Work and Re-entry Center near the prison, gopher eradication and cutting tall grass growing where it shouldn't.

The point is that being warden of a nearly 1,500-bed prison never meant that Mike Mahoney didn't attend to the small things. Sure, he has dealt with executions, a riot, random disturbances, lawsuits, escapes, legislative hearings, budget battles and major personnel problems.

But he didn't ignore the nuances – the seemingly endless number of relatively minor matters that are part of running what is essentially a small city.

Mahoney always seemed to have time to deal with it all. He always seemed to know what was happening anywhere and everywhere in his institution.

Mahoney always seemed to have time to deal with it all. He always seemed to know what was happening anywhere and everywhere in his institution. And he always seemed accessible, open, candid and honest.

I probably first met Mahoney when he was an associate warden at the time of the September 1991 riot, an event I covered for The Associated Press. I attended news conferences, meetings and trials related to the incident for many months after that deadly Sunday morning in the maximum-security unit.

I got to know Mahoney much better when he was a bureau warden before, during and after the May 1995 execution of Duncan McKenzie, another event I covered for AP. I had no way of knowing then just how nervous he and other prison and department officials were about their ability to carry out that court order with professionalism and dignity.

Since coming to work at corrections, I have learned how concerned he and others were that the prison

would properly fulfill its legal responsibility to carry out the first execution in some 50 years.

At the time, Mahoney was the epitome of quiet confidence and the consummate professional. His openness with the news media – and, therefore, the public – was exceptional. His relaxed manner, which hid well the anxiety he felt inside, gave him credibility and authority. It earned him respect from all the reporters covering that historic event.

After he became warden in October of that year, I dealt with Mahoney often when issues arose at the prison. The 1997 execution of Terry Langford was a rerun of how well he and others at MSP conducted themselves under adverse conditions.

Before legislative committees, he seemed to naturally know the right choice of words that conveyed the necessary message while taking into consideration political realities of the time. He also showed time and again he could think fast on his feet in fielding difficult questions.

If a reporter wanted to talk to Mahoney, he was avail-



Mahoney in his Montana State Prison office

CNBC visit

A CNBC producer and cameraman spent half a day at the Department of Corrections in June interviewing and filming Director Mike Ferriter for a documentary about private prisons in the United States. The interview focused on development of a jail in Hardin during the mid-2000s. Ferriter emphasized that the jail was built on speculation that it would be used by the department, but with no commitment or input from the agency. Ferriter also noted that the Legislature authorized the department to add up to 120 prison-type beds and that operators of the Hardin facility may have the opportunity to submit a proposal in the competitive process that will be used to determine who will develop the additional beds.



Mahoney

FROM Page 18

ated with what we do when we carry out the order of the court,” Mahoney said. “I always had concern for the staff and the safe and orderly operation of the facility. There were lots of issues to worry about – the family of the con-

demned, the victims’ family, the impact on staff and the public.”

Asked what he will miss most about his job at the state prison, Mahoney doesn’t hesitate in his answer: “The people – the staff.”

“When you’ve been through as much turmoil, trauma, elation – and you run the gamut when you work in a facility like this – I will miss the people who became a big part of my life.”

Remembering

FROM Page 22

able. Questions were not shoveled off to someone else. He made the time to talk. He seemed to understand that accessibility is the first step toward credibility, and credibility is necessary for leadership.

And that probably sums up Mike Mahoney best. From my experience outside and within the Department of Corrections, he is a true leader. He has respect from his staff at the prison and

his peers on the DOC management team, from governors and legislators, from citizens and from inmates.

Over the years, I never heard whispers that Mahoney was ever anything less than ethical, honest, professional and dedicated to his work and those who work for him. What I saw in him as a reporter from the outside is just what I have seen in him as a colleague from the inside. There’s nothing phony about Mahoney.

When Corrections Director Mike Ferriter was asked by a reporter what we will look for in finding a successor to Mahoney, he ticked off several at-

tributes and then summed them up by saying they all are qualities to be found in Mahoney.

Maybe it’s his attention to detail – caring about a spilled juice container – or his adept handling of major incidents that can threaten the safety and security of hundreds. Maybe it’s something inherent in those who are great leaders.

Whatever the reason, Mike Mahoney is a part of Montana’s correctional history who will be sorely missed by those of us who have known him professionally and personally.

Good luck Mike.

Garden Party



Work has started on developing a garden at Montana Women's Prison, a project that will provide training for volunteer inmate workers, offset food costs at the Billings facility and supply produce for the local food bank. The property, once the site of several abandoned houses occupied by transients, abuts the prison on the east. It eventually will be fenced as part of the prison compound. Initial work involved removal of existing soil and replacing it with compost and topsoil donated by Billings Livestock Auction yard and Western Sugar. Equipment was donated by Big Sky Bobcat. The fenced quarter-acre garden will have 20 raised beds in addition to a greenhouse, tool storage and vegetable cleaning area. Production is expected to begin next spring. A garden project also is planned at Pine Hills Youth Correctional Facility in Miles City. (Photos by Darlene McCracken)



Giving has its roots in childhood

By Carolyn Blasch

DOC Charitable Giving Campaign Coordinator

Let's think about why you donate. Socialedge.org gives us seven reasons why:

- Altruism refers to the organization's mission resonating with your sense of making the world a better place.
- Appreciation refers to the charity affecting your life in a positive manner, or you are proud of the work the charity does.
- Competition is "keeping up with the Jones" – philanthropy style.
- Devotion refers to religious belief highly influencing your giving. It's easy to drop \$10 into the giving plate when the Almighty is present.
- Guilt refers to the feelings of remorse for negative circumstances which have befallen others. Think about how many donate after natural disasters to organizations like the Red Cross.
- Self Interests: Hey, who doesn't need a tax write-off? Heck, we may even win a prize through this campaign!
- Tradition refers to a habit of giving to organizations who have asked over a period of time, or it is traditional in a family to give to the organization. This may even be a fun way to carry on or start a family tradition.

I can only speak for myself, so I will focus on my experience with Appreciation. Here is part of the reason I give.

Many families learn to skimp and scrape by, and with four siblings, mine was no exception. The holidays were difficult because of the extra expense of buying presents for five children in the Keller family.

I was 6 years old or so and I remember our family was chosen to be visited by the local fire department and food pantry. This visit was a special one, as the volunteers came laden with boxes of food and presents. I remember watching the group of people I didn't know (with children my own age in tow), march up the walk and pile items on our dining-room table.

Our table was so heavy with gifts that it became unstable and tipped over. I remember laughing while picking up the sprawled apples and food items because I felt so lucky. I remember someone dressed in a Sparky the Fire Dog costume.

When I opened my present, I realized the stuffed cat was handmade. I realized – most likely with my mother's prompting – that someone had taken the time to make me something without even knowing me. I imagine to this day that a woman was given my name, age, and interests on a piece of paper, and carefully stitched me that unstylish cat. Perfect strangers reached out to our family to make sure we had more than enough for our Christmas. I remember feeling full of happiness at how lucky we were to be chosen.

I found that hand-stitched cat in a moving box last year. I don't remember believing in Santa, but I do remember believing in the person who had put on the Sparky costume to entertain the five of us kids. That person was REAL, and I have the picture to prove it.

My appreciation, although never conveyed to Mr. Sparky or the creator of my handmade cat or the visitors, has been a theme in my own giving and volunteering habits. I volunteer and give back to my community in hopes that someone out there will have the same feeling I had as a child: fullness.

We never quite know how our donations will impact others now and into the future. No matter how small the donation, it can mean a lot for those who are on the receiving end.

So, if you don't already give, consider the option of signing up for the state's Charitable Giving Campaign that begins Sept. 26. Even \$5 per paycheck really does help.



Volunteers, including one dressed as a dog mascot, pile gifts on the dining table of the Keller home at Christmas 1984.



National center tackles re-entry myths

Did you know convicted felons can receive federal student financial aid if not in prison and that only limited types of offenders can be banned from public housing?

Sometimes, not knowing what you don't know can hurt you. Other times, it can mean the difference between realizing positive re-entry outcomes and transitioning offenders' failure.

Confusion surrounding offenders' eligibility for access to benefits, including Social Security, public housing and student financial aid, not only keeps offenders from applying for benefits but also keeps re-entry professionals and those who work with re-entering offenders from making access to those benefits part of their re-entry programs.

To clarify some of the misunderstandings surrounding offenders' eligibility for benefits and programs, the National Reentry Resource Center has developed a series of fact sheets called Re-entry Myth Buster!

Each sheet focuses on a federal benefit or program and then features an accompanying re-entry myth alongside the facts that dispel it. The sheets also include references for more information, offering practitioners and scholars the opportunity to see the facts for themselves. The series is ongoing with new myth-buster sheets added periodically.

The new Re-entry Myth Buster! series can be handy for testing corrections officials' knowledge or informing stakeholders about re-entry myths with simple, easy-to-read handouts.

Here is a sampling from the initial series. Contrary to myths about offenders re-entering their communities:

- Within 30 days of their scheduled release, incarcerated veterans can ask the Veterans Administration to resume their benefits upon release.
- Only certain offenders – those required to register for life as a sex offender and those convicted of manufacturing meth in federally assisted housing – are banned from using public housing under federal policy.
- Offenders do not need a mailing address or a valid state identification card to apply for benefits under what used to be called the food stamp program.
- An arrest or conviction record does not automatically bar individuals from employment.
- Child welfare agencies have discretion in deciding whether to terminate the parental rights of incarcerated offenders.
- Social Security benefits cannot be paid to an incarcerated offender, but they can be reinstated upon release.
- Most states have laws that allow offenders to obtain a court order reducing or suspending child support payments while incarcerated.



Interested persons should check with state officials to determine the status of policies regarding offender access to federal benefits. Copies of the myth busters can be downloaded at <http://www.nationalreentryresourcecenter.org/reentry-council/activities>

Audit finds problems in offender registry

The state Justice Department has agreed to improve the integrity of information contained in its sexual and violent offender registry, after a legislative audit found that one out of every four offenders listed do not have a verified address.

The audit also found that those noncompliant offenders' names were not flagged by the registry as having unverified addresses and that 11 percent of the 4,964 offenders in the registry were more than six months overdue in verifying their addresses according to state law.

Violent and tier 1 sexual offenders – those considered least likely to reoffend – are supposed to verify their addresses annually. Sexual offenders considered a moderate risk are re-

quired to do it every six months and those designated as high risk to reoffend must do it every 90 days.

The audit said 25 of those sex offenders with unverified addresses are considered a high risk to reoffend.

Because offenders are not complying with those requirements and the registry doesn't indicate their failure to do so, the public and law enforcement cannot rely on the registry information being accurate, the auditors said.

Justice Department officials said they will begin designating in the registry those offenders who have not verified their addresses and will pursue prosecution of non-compliant offenders.



MWP staff receives annual awards

Montana Women's Prison announced three correctional officers and a member of the administrative staff are recipients of its annual employee excellence awards.

Officers Joe Jones, Mike Moorman and Jaimee Szlemko, and Administrative Officer Theresa Kauffmann were honored during a staff appreciation event at the Billings prison in late July.



Jaimee Szlemko holds her award.



Mike Moorman and Deputy Warden Bob Paul



Theresa Kauffmann and Deputy Warden Bob Paul

Jones was honored for his "unselfish devotion to the profession and peers by his development of processes utilized in the facility, and common-sense approach to dealing with inmates."

He has become a role model for his peers, who nominated him by saying, "Joe is always willing to help out. He has good communications skills with inmates. Officer Jones has been a pleasure to work with since his arrival on our shift. He is truly dedicated to his job and those he works with. He is a hard worker, and has brought many new ideas to our shift that we have adopted in order to make our shift run smoother and more efficiently. Jones has done his best to keep spirits up, and is truly a team player."

Szlemko's co-workers described her this way: "Jaimee has a positive attitude and is always willing to take on additional tasks. Officer Szlemko volunteers to help other officers, using every opportunity to help her team. She is always at work on time, usually 10 minutes early, and treats inmates consistently, making wise decisions, weighing outcomes appropriately when dealing with offenders. She is a real joy to work with."

Moorman's nomination called him "a big help to the union and he is always willing to help out. He is very good in dealing with inmates, and has done a lot for this facility such as developing a Word-compatible incident report, assisting in developing a system for block training, providing leadership and setting the example while on shift."

Moorman's efforts on the Labor Management Committee are also noteworthy, providing a common-sense approach to dealing with issues and coming up with solutions.

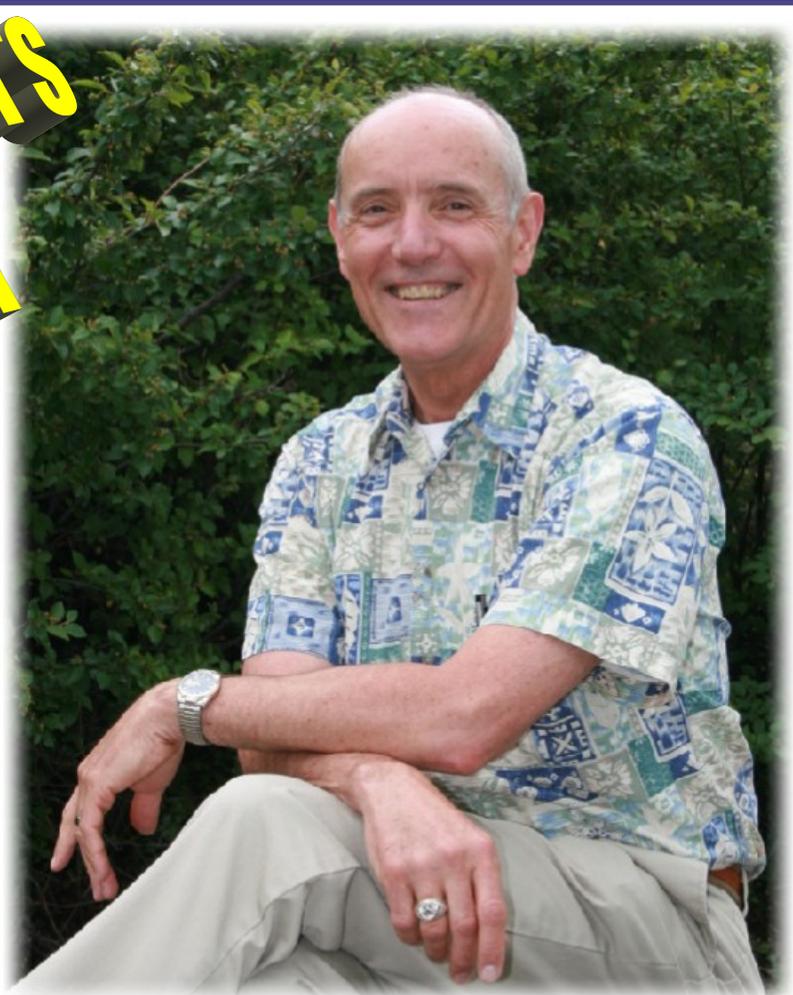
Kauffmann was cited for her willingness to volunteer and assist with employee functions, and whatever needs to get done. Her colleagues wrote: "Theresa is a fantastic person to have as a co-worker. You would never know the difficult circumstance she has in her personal life because she greets you with kind words and a wonderful smile. She maintains a professional demeanor yet has an amazing sense of humor. She has taken the initiative to inspire two teams to join this year's Spring Fitness Program, which enables employees to interact in a positive yet competitive and healthy environment. Theresa mentors fellow staff and leads by example. Thank you for being a wonderful friend and co-worker. You model excellence."

In addition to the annual awards, prison staffers were honored for years of service.

Laura Wolff, Daniel Root and Katie Patterson received five-year pins, John Bromberg reached his 10-year mark, Janet Holland and Mark Hartman received 15-year pins, and Bob Paul hit the 25-year milestone.



Steve Barry
Staff Services Division



Have you ever been part of a discussion with other staff members when the topic of department “culture” comes up? Have you ever thought about how our “culture” got to be what it is? Did it just evolve or was there some motivating force behind it?

Usually those discussions arise when something bad or unusual has happened and the topic is focused on understanding “why” and with intent on developing solutions to ensure it doesn’t happen again.

Ann Rhodes, noted author, speaker and executive for organizations such as Southwest Airlines and JetBlue Airways, proposed at June’s Society of Human Resource Management Annual Conference that the strongest and most competitive cultures are those established by design.

In her recent book, *Built on Values: Creating an Enviably Culture That Outperforms the Competition*, Rhodes states that an organization’s culture is based on the decision by agency leaders to discuss and establish the organization’s values.

These values, in turn, lead to expected behaviors that then form the basis for the organization’s culture. It is then the agency culture that leads to performance standards which ultimately result in a particular level of staff performance.

Rhodes also notes that it’s not hard to make decisions around established values when times are good. But, during tough economic times it’s very hard because choices must then be made, which may be neither popular nor, in the case of a private business, economically profitable.

The Department of Corrections value statement is broad and encompassing, “*Montana Department of Corrections employees respect the rights and dignity of all people.*”

Thus, we are called through our individual duties and responsibilities to respect the rights and dignity of all those with whom we work and those for whom we work.

How do department leaders, who include each of us at different levels, make day-to-day decisions based on the values established in the department value statement?

Value statements that are merely posted on a website or hung on the wall usually lead to little or nothing – they

Continues multi-year trend

Montana crime rates decrease in 2010

The rates at which violent and property crimes were committed in Montana during 2010 decreased again, according to the latest report by the state Board of Crime Control.

Between 2009 and 2010, the violent crime rate declined 7 percent, from 266.4 crimes per 100,000 residents to 247.5. That represents a 31 percent drop from a peak rate of 359.7 in 2003. The report says the number of violent crimes in Montana fell from 2,576 to 2,416 last year.

At the same time, the property crime rate dropped 2 percent, from 2,624 for every 100,000 Montanans to 2,567. Since a peak rate of 5,340.5 in 1998, the property crime rate has fallen 52 percent. There were 25,053 property crimes reported to law enforcement in 2010, a decrease from 25,369 reported the year before.

The report said both crime rates have dropped in five of the past six years.

Among violent crimes, aggravated assaults account for about eight out of every 10 offenses and theft makes up almost 81 percent of all property crimes.

Rape is the second most commonly reported violent crime (12 percent), followed by robbery (8 percent) and homicide (1 percent). Burglary ranks second among property crimes (13 percent) and vehicle theft ranks third (6 percent).

Violent crimes occurred most frequently in June last year when 10.3 percent of such offenses were reported. August was the peak for property crimes, accounting for 10.2 percent of those offenses. December had the fewest violent crimes and February had the lowest number of property crimes.

Fifty murders were committed in the past two years and arrests had been made in 30 of those cases. About two out of every three homicides were committed with a firearm and three-fourths of the deaths occurred in a home. Thirty-one of the victims (68 percent) were males.

Since 1978, Montana has had an average of 28 homicides per year.

The rate at which rapes occur in Montana has continued to decline from a peak of 43.7 per 100,000 residents in 2005. The 2010 rate was 30, or about 31 percent lower than it was five years before.

The rate of other sexual offenses also is down, dropping to about 73 for every 100,000 Montanans and continuing a five-year downward trend.

Likewise, robbery and aggravated assault were down in 2010. Although robberies fell 31 percent, assaults dipped just 1.6 percent.

Among property crimes, burglaries decreased 2.8 percent, thefts reached a 33-year low and vehicle thefts declined 3.4 percent.



Corner

FROM Page 28

have no meaning unless they are carried out through action and accountability. So, when we say we respect the rights and dignity of all people, all of us have an obligation to demonstrate that through the individual choices we make in performing our jobs.

The department's Human Resources Bureau recognizes that hiring staff is the most important work supervisors do. Bureau staff emphasizes hiring the right people, those with the competencies to perform their jobs.

But selecting people with the right job competencies, while important, isn't all there is to the process. Another important aspect includes hiring those people who have demonstrated their ability to live the values established by

the agency. Hiring supervisors and selection panels should utilize behavior-based questions related to those values and background reference checks should confirm those traits.

It's important for all of us to periodically conduct a personal self-evaluation – to take the time to pause and reflect on how we're doing our job, particularly as it relates to our relationships with those we work with and serve.

A good question to ask may be, "How am I supporting the culture of my workplace through my own personal decisions, actions and behaviors – or am I?"

The question, while difficult to ask, can be even more difficult to answer and especially so in the secure correctional environment. But, it's essential for all of us as leaders within their own work areas to build and support the culture through respect for the rights and dignity of all people.

DOC answers inmate mail lawsuit

The Montana Department of Corrections and Montana State Prison do not have an “English-only” policy regarding inmate mail, but do have a legitimate interest in ensuring the safety and security of the prison by requiring correspondence be understandable by prison officials, the department has told a federal judge.

A requirement that staff be able to comprehend what is written in mail to and from inmates is critical to the safe operation of the Deer Lodge prison, and does not advocate racial prejudice as implied in a lawsuit filed last month by the American Civil Liberties Union, the department said in a court document filed July 29.

“Inmate correspondence can be used to plot threats to the facility, its staff, other inmates and the public at large,” the agency’s attorneys wrote. “Inmate correspondence written in code or in a language which prison officials cannot understand can be used to facilitate the commission of blackmail, extortion, escape plans, trafficking in contraband, and prison assaults and disturbances.”

The state’s response came in a suit filed by the ACLU on behalf of inmate William Diaz-Wassmer, who claims he is not allowed to send or receive mail written in Spanish. The suit alleges his constitutional rights to free speech and equal protection are violated by an “English-only” correspondence policy.

Neither the department nor the prison has such a policy, according to the state’s response. In fact, the word “English” does not appear in the policy, and to brand the policy as “English-only” is an attempt to convey an image of “ethnic intolerance and bias” that does not exist, wrote department attorneys Colleen Ambrose and Ira Eakin.

The department said it lost in May 2010 the employee who volunteered to translate Wassmer’s mail and, until then, the inmate’s correspondence was not affected. The prison, confronted with budget cuts and employee reductions, has not been able to hire another interpreter.

If the court were to order the prison to provide a translator for Spanish-speaking inmates, the prison would be compelled to do the same for every foreign language spoken among the nearly 1,500 inmates, the state said.

“DOC secure facilities have established procedures that permit offenders to send and receive mail subject only to limitations necessary to maintain public safety and facility order, security, health and rehabilitation,” the response said.

The policy criticized by the suit applies equally to all inmates, is related to a legitimate penological interest, and does not create a hardship on Wassmer either sending or receiving mail, the state said. He is fluent in English so he does not have to write in Spanish and his family members have demonstrated the ability to write letters to him in English.

The state’s brief asks that the suit be dismissed because the prison has a compelling state interest in implementing and enforcing the mail policy, which is consistent with proper incarceration.

Weather no damper on annual Torch Run

It was a cold and windy spring day with rain on the horizon and the “flame of hope” needed to be moved from Drummond to Race Track as part of the annual Special Olympics fundraiser known as the Torch Run.

Eight Department of Corrections employees and one Deer Lodge community business woman decided nothing would stop them from keeping the torch moving towards its final destination in Bozeman.

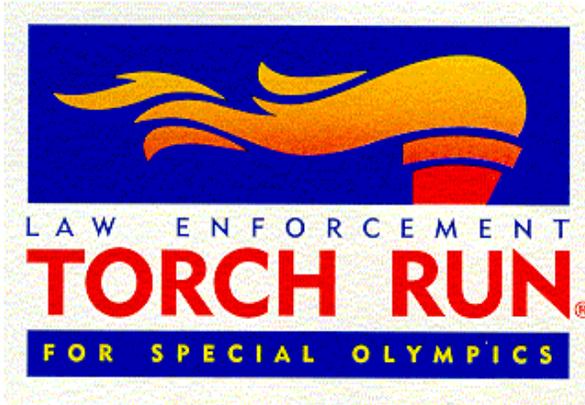
The torch changed hands from members of the Missoula County sheriff’s office and Missoula Police Department to corrections staffers: Laura Janes, Rhonda Schaffer, Judy Bird and Lisa Hunter. They climbed on their bikes to pedal the 22 miles from Drummond to Garrison. Montana Highway Trooper Tom Gill

and John Schaffer escorted the bikers along Interstate 90. The bikers met Mother Nature in full force with wind, rain, sleet and sun.

The following day, five DOC employees – Willie Johnson, Judy Bird, Don May, Joe Fink and Paul Law – joined Deer Lodge business owner Lynn Johnson to carry the

torch 20 miles through Deer Lodge to Race Track. Law was the sole runner of the group, while the others biked the distance.

The group stopped on their journey in Deer Lodge to parade the torch through town. Others joined the parade, including six Special Olympics athletes, Montana State Prison Warden Mike Mahoney and representatives from the boot camp.





LEFT: Michael Hotchkiss with Warden Mike Mahoney.



RIGHT: Melissa Dykman and Dr. Daniel Hash with Mahoney

MSP honors three employees of quarter

One of the first employees visitors see at Montana State Prison and two members of the Deer Lodge facility’s health care team are employees of the quarter for the three months beginning July 1.

Correctional Officer Michael Hotchkiss, who recently became administrative lobby officer, was honored as employee of the quarter for security.

He sets the standard for professionalism in the performance of his duties, but he also sets the tone for the facility for all visitors, staff and other guests who arrive at the institution. Hotchkiss maintains a friendly and courteous demeanor, while remaining steadfast in the enforcement of security protocols that ensure the safe and orderly operation of the facility.

He recently went the extra mile to ensure staff safety and accountability by conducting a review of the Emergency Verification Board process. As a result of his recommendations, several substantial changes were made that will significantly decrease the time required to account for the staff’s safety during emergency situations.

Hotchkiss recognized the importance of the function, took the initiative to work on improving the process and followed through with implementation of needed changes.

Melissa Dykman, a registered nurse at the prison, is employee of the quarter for support.

She has been a huge contributor to the health services program, always willing to drop whatever she is doing in order to help in other areas, especially quality assurance. Her positive attitude and supportive personality really makes working in health services a great experience.

Melissa was of great help in preparing for accreditation through the National Commission on Correctional Health Care. Her knowledge of health services is unmatched.

Dr. Daniel Hash, dentist for the prison and the Department of Corrections, is employee of the quarter for management.

Three years ago, Hash was tasked with transforming the dental program at Montana State Prison and statewide.

Since then, he has rewritten or created almost every dental policy at the prison.

He has developed and successfully implemented all programs in use for prioritizing and carrying out dental treatment in a way that ensures the most good to the most patients. He has developed tools for tracking productivity and inmate positioning on treatment tracking lists, including inmates transferred among prisons within the state. This has created equality in dental care received by inmates.

Hash works closely with his staff. He has patience and tries to develop cooperation among staff members.

To be honored with the quarterly award, an employee must meet specific criteria and be reviewed by a selection committee. The awardees receive a plaque, a certificate of appreciation, a special parking space during the quarter. They have their photograph posted in the lobby area of the administration building and are automatically eligible for the employee of the year award.

Health services starts ‘Update’ publication

The DOC health services staff has launched a new effort to keep staff informed about what’s happening in the world of correctional health care.

The first issue of the *Health Services Bureau Update* was distributed in early August, providing information about use of and changes in medications, pre-authorization procedures, various levels of therapeutic care and upcoming health-related events.

The bureau invites staffers to submit information for future issues about what is happening in health care at correctional facilities around the state.

Culture

FROM Page 21

gender, sexual orientation, age, marital status, ancestry, history, gender identity and geography.

Cultural customs are often most visible through such things as food, dress, dance, ceremony, drumming, song, stories and symbols. Such outward cultural customs are a reflection of a much more ingrained and implicit nature that is not easily seen or verbalized. Deeply held values, general world view, patterns of communication and personal interactions are often misunderstood. However, depending on the tribe, custom, behavior or practice, a person can always ask questions and rely on open communication to better educate oneself.

Respectful questions about cultural customs are generally welcomed by Native Americans, but not always answered directly because of the Native American communication style. More on that later.

Many Native Americans have learned to “walk in two worlds,” becoming involved in cultural practices of the non-Indian traditions while still observing and practicing their own cultural ways. This is most noticeable when a Native American works and lives in an area away from his or her tribe, whether it’s another reservation or in a state or local government setting. Then the individual will learn the behavior of other cultures and practice its ways, too.

Food is usually offered at community meetings and other gatherings as a way to build relationships. This may be the basis of starting a relationship and then it could lead to gift-giving and invitations to share in other activities such as get-togethers (pow-wows).

Spirituality

A strong respect for spirituality – whether traditional (pre-European contact), Christian (post-European contact),

or a combination or both – is common among all Indian communities and often forms a sense of group unity.

Many native communities have a strong church presence, and organized religion is integrated within their culture. But traditional spirituality and practices also are a part of the culture and day-to-day living.

Regardless of the basis, spirituality usually is community-oriented, rather than centered on individuals.

A melding of cultural spiritualism also occurs. The arrival of Europeans in the Americas resulted in many Native Americans practicing such imported religions such as Catholicism. Over time, on some Indian reservations, the Catholic Church integrated some native practices such as smudging into church services.

This allows Native Americans to practice their religion while remaining true to their culture. A blend of traditions, traditional spiritual practices and mainstream faiths do coexist.

A point to remember is that specific practices such as ceremonies, prayers and religious protocols will vary among tribes. It is best to inquire about an individual’s faith or beliefs instead of making assumptions, but be aware that many Native American spiritual beliefs and practices are considered sacred and are not to be shared publicly or with outsiders.

Until passage of the Indian Religious Freedom Act in 1978, many traditional Indian spiritual practices were illegal and kept secret. This secrecy most likely was prompted when Europeans saw some native practices such as piercings of the skin and/or other religious activities that were not considered conventional religious rites by European standards.

Social and health problems and their solutions are often seen as spiritually based and as a part of a holistic view of a balance between mind, body, spirit and the environment. Medical needs were tied together and treatment come from nature itself. For spiritual needs, nature-based sweats for the mind, body and spiritual wellness were utilized.

A strong respect for spirituality – whether traditional (pre-European contact), Christian (post-European contact), or a combination or both – is common among all Indian communities and often forms a sense of group unity.



MSP says goodbye to warden, honors staff

Montana State Prison on Aug. 8 offered staff an opportunity to honor more than 90 employees for reaching service milestones and to recognize retiring Warden Mike Mahoney for his 31 years of state service and 16 years as warden.

Mahoney called it a “day of celebration” and praised the prison staff for its great work during the past year that was marked with a challenging legislative session, budget cuts, staff reductions and national accreditation for the prison infirmary.

He said he could always rely on the employees to step up when needed.

“When the chips are down, you get the job done,” Mahoney told a gathering of staffers. “What a group of winners; what a group of people.”

Among those receiving certificates and pins for years of service were

Correctional Officer Robert Gibb (35 years), and five people with 30 years: Deputy Warden Ross Swanson, Montana Correctional Enterprises Agriculture Director Bill Dabney, Mail Room Supervisor Denise Deyott, Correctional Officer Gary Tallon and Admissions Officer Chris Wyant.

Eight were recognized for 25 years: Correctional Officers Thomas Blodnick, Gary Marshall, Vernon McDonald Keith Miller and Dennis Reiss; Gail Boese, MCE administrative support; Unit Manager Paul Lucier; and Lt. Howard Wigert.

Thirteen employees received 20-year pins, another 13 were cited for 15 years of service, 19 received 10-year pins and 34 were honored for five years.

Corrections Department Director Mike Ferriter, who has known Mahoney since they were boys growing

up in Butte, recalled Mahoney’s efforts to be a hurdler on the high school track team. He said Mahoney’s ankles were always bloodied after a practice session or track meet, and toppled hurdles were left in his wake.

But he always finished every race, Ferriter said, adding that Mahoney’s track career and corrections career are similar.

“The warden’s success is tied to his consistency and his approach to each hurdle placed in front of him,” Ferriter said. “Somehow he always gets over them, sometimes a little more battered than others, but through his strong commitment, spirit, positive attitude and work ethic he finds a way to get to the finish line. He is a great team member, a good friend and clearly someone who finishes the job.”

Culture

FROM Page 32

Herbs, botanicals, teas from nature, and prayers were the healing elements for both physical and spiritual well-being.

It is a common practice for Native Americans to open and close meetings with a prayer or short ceremony. Elders are often asked to offer such opening and closing words, and are given a small gift as a sign of respect for sharing this offering.

Communication styles

Native American people communicate a great deal through gestures. Careful observation is necessary to avoid misinterpretation of non-verbal behavior. Native people may look down to show respect or deference to elders, or ignore an individual to show disagreement or displeasure. A gentle handshake is often seen as a sign of respect, not weakness.

Native people may convey truths or difficult messages through humor and might cover great pain with smiles or jokes. It is important to listen closely to humor, as it may be seen as invasive to ask for too much clarification about sensitive topics.

American Indians embrace the concept that “laughter is good medicine” and is a way to cope. The use of humor and teasing to show affection or offer corrective advice is also common.

It is often considered unacceptable for a Native American to criticize another directly. This is important to understand, especially when children and youth are asked to speak out against another person. It may be considered disloyal or disrespectful to speak negatively about the other person.

This reluctance to criticize is based on the fact that native people share a common belief that those who have acted wrongly will pay for their acts in one way or another, although the method may not be through the legal system.

Getting messages across through telling a story (traditional teachings and personal stories) is very common and sometimes in contrast with a “get-to-the-point” frame of mind among non-Indian society.

The more Native American cultural distinctions are understood by non-Indians, the greater the opportunity for cooperation and communication to thrive. This is particularly true in the corrections profession.

Hopefully, the information in this article will help bridge any gaps that exist and further understanding in ways that benefit offenders and aid those responsible for their supervision

MAHONEY MOVES ON



Director Mike Ferriter congratulates Warden Mike Mahoney on his retirement.



LEFT: Mike Mahoney laughs at a comment made by Director Mike Ferriter.



Mike Mahoney holds a commemorative plaque presented by Deputy Warden Ross Swanson.



LEFT: Mike Mahoney talks to staff while Deputy Warden Ross Swanson and administrative assistant Cheryl Bolton look on.



Mike Mahoney congratulates Bill Dabney, MCE agriculture director, for 30 years of service.



Mike Mahoney presents infirmary staff with a National Commission on Correctional Health Care accreditation certificate. Left to right: Todd Boese, assistant director of nursing; Cindy Hiner, director of nursing; and Cathy Redfern, health services administrator.



Correctional Officer Robert Gibb receives his 35-year pin from Mike Mahoney.

The Training Times



13 enroll in program to prepare future state prison leaders

We all know about the baby boomers – that massive portion of the U.S. population born in the post-World War II years between 1946 and 1964. The boomers represent 29 percent of the population, or 75 million Americans.

The first of those boomers began turning 60 in 2006 and the aging of this massive and influential segment of citizens continues.

One phenomenon of this boom of births will be a boom in departures from the work force as boomers reach retirement age. The corrections world in Montana is not immune from that trend.

Nowhere is that development of greater concern than at Montana State Prison, where top management is at or near retirement age and a smooth transition to new leadership is critical to ensure continued safe and orderly operation of the facility.

The department's effort to ensure today's managers at the prison will be followed by equally effective leaders tomorrow is in full swing.

It's called the LADDER (Leadership Advancement through Discovery, Development, Experience and Recognition) program. It is the first succession-planning effort undertaken by the department.

Designed to hone the skills and broaden the experience of department employees interested in one of the top management positions at the prison, the program attracted 13 participants. The program launched with an orientation session June 22.

"Successful applicants will have the opportunity to work directly with incumbent leaders, improve leadership competencies and earn preference on future applications for leadership positions within the agency," the program description says.

While participation in the program doesn't guarantee a promotion, successful participants are guaranteed an interview for a position they identify during the program the next time the position becomes vacant.

The six-month program focuses on the positions of warden, deputy warden and associate wardens.

Curt Swenson, chief of the Professional Development Bureau, said the LADDER program sends a message about how today's corrections leaders view tomorrow's leadership.

"I think the implementation of this complex project speaks volumes

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Prepare

FROM Page 35

about the leadership at DOC,” he said. “While there may be many qualified applicants throughout the country to fill the shoes of the leaders at MSP, our director and administrators are ensuring that our employees have the best chance possible to take on these leadership roles. It’s nice to know you work for an agency that values its staff.”

Department Director Mike Ferriter said the rigorous demands of the program demonstrate how serious the agency is in ensuring the prison will continue to operate smoothly and efficiently with high-quality managers when leadership inevitably changes.

“We have an obligation, not only to our staff and offenders, but also to the taxpayers of Montana to do all we can to maintain a prison that meets high standards of supervision, operation and management,” he said. “LADDER will go a long way toward fulfilling that responsibility for the future.”

The curriculum includes 18½ hours of online leadership training, development of personal leadership development plans, participation in the “Investment in Excellence” program, roundtable discussions with incumbent leaders, writing skills training, direct mentoring and job shadowing with those leaders, and submission of a final leadership plan composed of six essays and an oral presentation.

Participants must develop “action-based learning projects focused on relevant issues with the intention of applying skills and strategies learned in the program to build organizational capacity and manage organizational change,” according to the program outline.

The webinars will cover such subjects as budgeting, human resources, legal issues, public relations, legislative process, emergency preparedness and community corrections.

To qualify for the program, participants needed at least:

- an associate degree in corrections, public administration, criminal justice, psychology, social work or a related field, or four years of correctional experience

- five years of job-related experience
- no disciplinary actions for at least one year before applying
- no current performance improvement plan
- completed the “nuts and bolts of supervision” course by Dec. 15
- a commitment to attend and complete all phases of the LADDER program

LADDER participants are Todd Boese, assistant director of nursing at MSP; Lt. Larry Briggs, inner-perimeter security team, MSP; Wayne Bye, DOC monitor, Cascade County Regional Prison; Chris Conell, maximum-security unit manager, MSP; Dave Garcia, MSP training officer; Jeff Holland, quality assurance officer, Pine Hills Youth Correctional Facility; Sgt. Steven Kremer, MSP; Lt. Christopher Lamb, MSP command post; Kurt Marthaller, food service manager, MSP; Lt. Matthew Saville, MSP command post; Michele Steyh, Close I unit manager, MSP; Tom Wilson, religious activities coordinator, MSP; and Thomas Wood, security major, MSP.

How to become a trainer....

The budget given the Department of Corrections for the next two years will impact all areas of corrections. We are trying to do our work with less funding, more stress and the same amount of hours in the day.

It is difficult, but we do what we can with what we have. The Professional Development Bureau is no different. We try to provide training to everyone, in all the facilities and for each division. But it is a challenge. We have to work within our budget and try not to impact other areas, while still providing the best possible opportunities for the staff to develop the knowledge and skills to perform their jobs.

We don’t do this alone. Trainers are in every facility, and staff are always looking for opportunities to teach, learn or share information.

The basic instructor development course is taught by Lisa Hunter and Rae Forseth. This 40-hour class explains the purpose of training; determines the impact that a trainer can have on the organization; describes the li-

ability issues; and teaches how to present to large groups, manage your fears, and manage group interactions and attitudes.

It is a fun and interactive class where students put the skills to use immediately by giving presentations and then getting feedback to enhance their abilities.

The advanced instructor development course, also known as ITIP (Instructional Theory into Practice), is for individuals who want to create their own lesson plans. It covers how to conduct a training assessment, develop performance objectives, identify learning styles, conduct evaluations and design a lesson plan that is learner-centered, legally defensible and performance-based. The class ensures the department provides the best training for staffers so they do their best.

So, those wanting to teach, share and enhance the agency’s work environment should check out the training calendar, come to class and discover HOW TO BECOME A TRAINER.

New book focuses on use-of-force incidents

The Professional Development Bureau recently hosted the Use-of-Force Consortium, an annual meeting to discuss the department’s use-of-force policy, training issues and a business process that may benefit the department.

Participants spent two days discussing issues and solving problems, created work groups and began looking at how the department deals with use-of-force incidents.

During this time, the department received a preview of a newly published book, *Managing the Use of Force Incident*, by Howard Webb, executive director of the American Council on Criminal Justice Training.

Reprinted with permission, here are four main strategies Webb identifies in his book for dealing with use-of-force incidents and the potential for related litigation.

1. Understand causation. To minimize excessive force litigation, officers, supervisors and administrators must develop an understanding of the underlying causes of police misconduct lawsuits. An officer’s use of sarcasm, vulgarity or his inability to properly manage perceptions at the scene promotes civil rights litigation by creating a negative perception of the officer’s use of force. A supervisor’s failure to address an officer’s lack of professionalism, poor work performance or abusive behavior creates liability that could have been prevented. An administrator’s inability to predict the negative consequences of a newly written use-of-force policy, the failure to clearly define management’s expectations regarding the use of force to department personnel, or the implementation of a new use-of-force option without first considering its possi-

ble consequences bring about litigation through a lack of administrative foresight. These are just a few examples of the causative issues that are addressed.

2. Focus on prevention. If litigation is predictable, then it may be preventable. It is a given that criminal justice officer will use force. The question is whether the force is objectively reasonable. If a department employs an officer who is reluctant to “go hands on” with a suspect, that officer will eventually overact and use excessive force. If the same department, employs an officer who is hyper-aggressive, that office will eventually use too much force for the circumstances. Both these situations are predictable. And, therefore, preventable with the proper training and supervision.

3. Create a proactive defense. Sun Tsu states, “If you know yourself and you know your enemy, even in a thousand battles you will never be in peril.” It is impossible to prevent every lawsuit, but an officer and his department can approach every use-of-force incident expecting a lawsuit to be filed. Chapters 1 and 2 provide examples of the mistakes officers, supervisors and administrators make that plaintiff attorneys look for and exploit in the use-of-force incident. With this information, you will get to know your enemy. Consequently, you will learn tactics and strategies that build powerful preemptive defenses to excessive force litigation. Rather than play a reactive role against accusations of excessive force and misconduct –

FORCE, Page 36

Training Schedule

(For more information, contact Geri Miller: gerimiller@mt.gov)

AUGUST

16 – 18 Montana Correctional Association Conference
 19 – Sept 2 New Employee Orientation
 17 Defensive Driving
 18 – Oct 14 CDOB #109
 24 – 25 Investment in Excellence Phase 2

Bozeman Holiday Inn
 MSP – Deer Lodge
 MWP – Billings
 MLEA - Helena
 Helena - Central Office

SEPTEMBER

7 True Colors
 12 – 16 Basic Instructor Development
 20 Defensive Tactics
 24 SHARP
 26 – 29 Effective Communication
 27 – 30 Staff Supervision Nuts & Bolts

Helena- Central Office
 Cascade County Regional
 DOCTC – Deer Lodge
 DOCTC – Deer Lodge
 TBD - Billings
 VisionNet

OCTOBER

4 – 7 CP&R Facilitator

TBD - Polson

Comings

These lists of new and departing employees cover the period from May 21 through July 29. If you notice errors or omissions, please contact the *Signpost* editor at banez@mt.gov.

Montana State Prison

Claudia Barnett-Montgomery
Andrew Beaupre
William Benjamin
Dominic Borrelli

Jeremy Brancamo
Stanley Brooke
Trevor Cardin
Janet Galloway
Seth Hoffman
Christian Hughes
Steven Kuhn
Forrest Olsen
Amy Owens
Allen Pankovich
Pamela Pennell
Justin Pickett
Chad Salle
Stephany Sandstrom

Anthony Scharf
Ann Schoonover
Mamie Sheets
Zackhary Shindurling
Dallas Smith

Montana Women's Prison

Shawna Brewer
Valentin Civico
Newlan Parker
Tamara Schmalz

Pine Hills

Elysia Bain

Kevin Caudle
Timothy Fawell
Joseph Jerrel
Kenneth Thueringer
Rebecca Yarger

Probation and Parole

Jeremy Lizotte, Lewistown

Riverside

Mary Williams

Youth Transition Centers

Stefany Bieber-Westbrook

Goings

Angela Acree
Willard Axtell
Erin Bernhardt
Kristopher Bledsoe
George Allen Cain
Jan Casarotto
John Caylor
Danny Coburn
Cheryl Copenhaver
Dennis Doiron
Rebekah Klein
Gary Flakker

Garth Forney
Shannon Fouche
Connie Girard-R
Samantha Good
Jean Harding-R
Leonard Hoscheid
Dorran Lerner-R
Todd Lerol
Thomas Masterson
Michael Micu-R
Charles Miller
Kyle Mostad

Christopher Nordstrom
Kenton Peabody
Travis Pierson
Donald Raley
Tiffany Randall
Jeffrey Rankin
James Raty
Jeff Rogers-R
William Sanders
Fredrick Saur-R
John Schaack
Christi Short

Richard Sims
Dean Smail-R
Scott Sperle
Jennie Weldon
Howard Wigert-R
Blaise Wingert

R=retired

Force

FROM Page 35

as an officer at the scene – you will learn to proactively manage witness and juror perceptions of the use-of-force incident. As a supervisor or administrator, you will learn to predict potential liability problems and make the necessary changes in policy, supervision or training to prevent lawsuits. In addition, you will come to understand the importance of a proactive defense, in the event that a lawsuit is filed.

4. Effective use-of-force training.

Training does not prevent liability. Effective use-of-force training, which is well-thought-out, prevents liability. Officers are not sued for using a specific force option; officers are sued for making poor use-of-force decisions. A classroom use-of-force lecture does little to enhance an officer's use-of-force decision-making abilities. Only a scenario-based use of force training program can effectively minimize officer and department liability. Accordingly, chapter 12 provides you with a comprehensive overview of the confrontational simulation program. The program was the first nationally recognized scenario-based use of force training model.

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