

# Like an oil change - PAY NOW OR PAY LATER The Horse has Already Left The Barn

I come today to Challenge this Commission to start peeling the Onion of frustration and to change the status quo. As a society we must discover the true Root Cause of the issues before you. I will address only the first charge for this Commission:

- 1-[ conduct an empirical study of the impact of existing sentencing policies and practices on Montana's criminal justice system, including state prison capacities, local jail and detention center capacities, community supervision and parole resources, judicial operations, public defense expenditures, and law enforcement responsibilities;

I will quote from the Department of Corrections web site:

“At the Montana Department of Corrections, we do everything we can to help these offenders become better returning citizens. In the relatively short time we have to work with most offenders, we strive to teach them to accept responsibility for the crimes they committed and understand how those crimes affected their victims. We teach them how to change the way they think, overcome their addictions and manage their mental health problems. And we teach them job and life skills.”<sup>1</sup>

This mantra, of the Department of Corrections, is made up of three main points and 3 sub points. I will address each one.

Point 1: *At the Montana Department of Corrections, we do everything we can to help these offenders become better returning citizens.* After 100 years how are we doing? Greg is a licensed counselor and this is the question Greg asks after a patient tells a woeful story; Greg listens and then responds –“how are the steps you are taking working for you?” May I have a show of hands, how many, on the Commission, have a friend or family member who is or was in the system, ever? How can we measure the success of meeting the first point? In my opinion one easy measure is the number of offenders who leave the system with a GED. What do you think that number is? I have heard that over 80 percent of the offenders do not have a GED. Since over 50% of the currently incarcerated offenders are repeat offenders WE are not doing a very good job. Most communities are switching to a new GED program called HiSET<sup>2</sup>. I would

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<sup>1</sup> <http://cor.mt.gov/about>

<sup>2</sup> [http://hiset.ets.org/take/hiset\\_account/](http://hiset.ets.org/take/hiset_account/)

think that the least we could do to help the offender be a better citizen is to make sure he/she has their GED when they have completed their sentence.

Point 2: ***In the relatively short time we have to work with most offenders, we strive to teach them to accept responsibility for the crimes they committed and understand how those crimes affected their victims.*** What does relatively short time mean? According to Table A14 of the Montana Department of Corrections 2015 Biennial Report, and these Tables have a lot of room for improvement,

Net Prison Term with Partial Suspended – the mean Prison Sentence is 84 months, the least is 30 months, and the longest is 336 months

Net DOC Commit with Partial Suspended – the mean Prison Sentence is 49 months, the least is zero months, and the longest is 222 months.

Average DOC Commit with no Suspended – the mean Prison Sentence is 52 months, the least is zero, and the longest is 959 months.<sup>3</sup>

I will insert that the spread from zero to the next figure is 26 months and 38 months respectively. By my way of thinking 26 months is plenty of time to help an offender to achieve his/her GED. We can sit here all day, and some of <sup>us</sup> you have, and think of excuses and not reasons for our system to have failed at this simple task. There is not one logical reason that explains why an offender cannot achieve his/her GED. We have a captive audience for at least 2 years.

This leads me to another point: CONDITIONS OF PAROLE: Whose bright idea was it to allow the judge to pre-determine what the conditions of parole should be? Setting the conditions of parole, before an offender has spent one night behind bars, is as silly as you and I deciding that our first born child is going to be a brain surgeon during the 3<sup>rd</sup> trimester of pregnancy. This parole practice needs to be reformed or we are going to continue to be frustrated, because the results are NOT changing. And Greg would say to us; how is it working?

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<sup>3</sup> <https://cor.mt.gov/Portals/104/Resources/.../2015BiennialReport.pdf>

Another point: a jury of our peers. Not one offender has had a jury of their peers, not one. Two attorneys think they are picking a jury of peers but are they really? All jury's consist of people who are considered normal, average, unbiased, honest, hard working, or in other words, a lot like us. But, do we meet the definition of peer. If I said, we are forming a soft ball team of your peers and I place 8 offenders on the team with you - would you feel that they are your peers? By definition they are your peers if you would qualify to be on their jury. A Jury by peers would consist of offenders who were convicted of the same crime OR suspects who were found innocent of the same crime. These would truly be juries of peers.

Point 3: ***We teach them how to change the way they think, overcome their addictions and manage their mental health problems. And we teach them job and life skills.*** I have broken point three down to 3 sub-points:

A) I find great deference with this point - ***And we teach them job and life skills.*** If we are teaching offenders job and life skills then why are over 50% of offenders returning to prison? If only 50% of our children graduated from high school we would be up in arms. We are not even releasing 50% of the offenders with a GED! How can we expect offenders to get a living wage job? May I see a raise of hands of the members of the Commission who have served on the board of Head Start? May I see a raise of hands of the members of the Commission who have family members who have used Head Start services? My I see a raise of hands of the members of the Commission who have worked with or served on the board of a Community Action organization like Opportunities Incorporated? I sat on the board of Opportunities Inc. for North Central Montana. In Great Falls it is called Opportunities Inc. It is the Opportunities Inc staff that screen families for subsidized housing. According to Federal Regulations an offender could not be told that he/she was ineligible for subsidized housing until the day he/she would be officially given a property – the Federal Guide lines are such that an offender could not be asked if he/she were an offender until the last step was to sign the rental agreement. After 6 weeks of waiting, without a clue that being an offender made a bit of difference to the application process, the offender and his/her family are denied. Would you be ticked off? I would be ticked off! So what life skill does this process teach the offender? Are we releasing offenders with \$2000 to \$3000 dollars for rent, internet deposit, electric deposit, natural gas deposit, cell phone deposit, and increased car insurance? May I see a show of hands of the Commission members who are

residential land lords? Times are changing, if you have not noticed, and land lords now use the World Wide Web to conduct background checks before renting to tenants. Are we releasing offenders with proper state identification so they can process the forms necessary to start creating a life? Are we hiring the best “teachers” – those instructors with the natural & learned skills to motivate the maximum offenders possible? It appears, current practices, are not providing offenders with the basic tools & motivation to succeed – we are releasing offenders to fail, and they do fail in great numbers.

**Quote** “Timing of Male Offender Returns: Of the male offenders who return to a correctional program within three years of their release, over half do so within the first year. This has been a pattern in Montana and nationally for many years.”<sup>4</sup> *Greg*

B) I take great deference with this point - ***overcome their addictions and manage their mental health problems.*** Are we making sure that offenders have proper medical care? If an offender needs medications are we making sure that they have access to those medications? If we truly want to help offenders to change their life, medication can be a key element. Prior to 2015 Montanans under the age of 65, a single male or single female, OR a married couple without children were not eligible for Medicaid. I do not know if the Health and Economic Livelihood Partnership Program (HELP Program), created by Senate Bill 405<sup>5</sup> will allow offenders to sign up, but, if HELP does allow offenders to register then that process should be completed before the offender crosses the threshold on his journey back into society. All offenders should have Montana issued State ID cards before they cross the threshold and I am not talking about their corrections ID card, but a real Montana ID card like every Montana senior citizen who has lost their privilege to drive has received or the ID card our minor children receive so they can visit Canada. Are you aware that some offenders are denied their medications while incarcerated? If you had a cell mate who was prescribed medication to control their mental state would you want him/her to be taking that medication? If your neighbor next door needs medications for mental issues do you want them to be taking them? Would you be willing to go to the pharmacy for them? Failing to allow an offender adequate time to get from his/her cell to the infirmary for medications, medications the offender cannot keep on their person, is one of the dumbest policies I have ever heard. The drug cart should be located in the dining hall – because some drugs have

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<sup>4</sup> A-20 2015 Biennial Report

<sup>5</sup> <http://dphhs.mt.gov/healthcare/healthcareresources>

to be taken with certain foods OR before food and all offenders end up in the dining room every day. When an offender needs a walker is it reasonable for the inmate to wait for 6 weeks to get one? If an offender needs a cane is it reasonable for him to wait 5 weeks to get one? When an offender has pneumonia is it reasonable to wait 5 weeks before <sup>providing</sup> ~~seeking~~ treatment? When the price of eggs goes up is it reasonable to stop serving eggs? Have you stopped or reduced your consumption of eggs? Every time YOU and I impose an action on an offender that we would not impose on our own family - we are failing to keep this promise [***overcome their addictions and manage their mental health problems***]. Failing to provide reasonable access to medications is NOT teaching the offender the habits that the offender needs when he/she leaves the system. In Cascade County, specifically the city of Great Falls, County Commissioner, Joe Briggs, several years ago, at great peril to his political future was the swing vote to provide medications to any low income person who came to the County Health Clinic – when chastised by fellow republicans Joe’s response was: “I want the mentally ill to have all the medication they need, it is especially important when they reside down town in Great Falls or any where else in Cascade county.” When we treat offenders differently then we would treat our own family the results we see are the results we are creating not the results of an offender failing to change. Do you eat breakfast at 4am, I don’t; but they do at Shelby. I fail to find a logical reason that breakfast starts at 4am – and entire high school of over 1000 students can be fed in 3 hours - how is a 4am breakfast changing the way an offender thinks? How does a 4am breakfast treat an offender’s mental health? How does breakfast at 4am teach a job skill? **We get what we expect and we deserve what we tolerate!** When we expect more and tolerate less we will experience positive change.

↳ Swift & Certain

C) ***We teach them how to change the way they think-*** How are we teaching offenders how to change the way they think? 80% of the offenders have been abused physically and/or psychologically their entire life. They have been physically beaten, they have been told they are dumb, stupid, they lack the ability to learn, that they smell, that they have cooties, that they are weird; in essence they have been bullied their entire life. Let me share my story about my mental abuse.

[ 1-Tell the Story of Mr. Swarthout – 2- Then tell story about a mother’s influence over college]

This commission needs to interview offenders and discover the root cause of the offender's actions [peel back the onion skin]. There is a management technique called "Root Cause Analysis"<sup>6</sup> and I do not think we can change the way an offender thinks or acts until we discover the Root Cause of his/her thinking. We are not going to discover the Root Cause until we walk a 100 miles in his/her moccasins. If you beat a horse or a dog every day for the first 5 years of their life how long does it take to gain their trust? People are no different except we are less forgiving. However, there are years of studies that I feel reveal the Root Cause of most offenders actions; "Early Childhood education." I asked this Commission to raise their hand if they had any connection to Head Start and now I will explain. Head Start is not about teaching a child how to count to ten or recite the alphabet. Head Start is a family program. The child learns how to play well with others, the parents earn their GED, the parents learn the importance of getting the child to school on time, Head Start helps the parents with job searches and day care so the parents can work and/or go to school. Head Start teaches basic parenting skills. Head Start helps the family secure medical, dental, and vision services. In the good old days FAMILY filled this gap, today organizations like Head Start are needed to fill this gap. I am constantly amazed at the number of High School Graduates who are FIRST generation graduates. In the year 2015 should anyone claim to be the first Generation to hold a High School diploma? I was skeptical about Head Start until I discovered the multi-decade study conducted by the Federal Reserve Bank of Minneapolis. I encourage you to view this research on their web site. The Federal Reserve Bank of Minneapolis collected data from Minnesota's early childhood program, ages 3-5 for over 20 years. However,

"New research on Chicago's government-funded Child-Parent Centers tracked 3 and 4 year olds enrolled in the program for 15 years. Children who did not participate in the preschool program were 70% more likely to be arrested for a violent crime by age 18. This confirms similar results from the High/Scope Perry preschool program. A 22-year study of this program showed that leaving at-risk children out of this program multiplied by five times the risk that they would become chronic lawbreakers as adults."<sup>7</sup>

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<sup>6</sup> Savannah River Project: Root Cause is "the most basic cause that can reasonably be identified, that we have control to fix, and for which effective recommendations for prevention can be implemented." // Medical Risk Management Associates: Root Causes are "the underlying cause of adverse outcomes." // Joint Commission on Accreditation of Healthcare organizations: Root Causes are "the basic or casual factors that underlie variation in performance, including the occurrence or possible occurrence of a sentinel (major) event." // Business Solutions – The Positive Way: Root Causes are the "basic cause or causes" of the problem or symptoms. // "Total Quality Schools," by Joseph C. Fields: A Root Cause is "the most basic reason the problem occurs."

<sup>7</sup> Economic Opportunity Institute "The link Between Early childhood Education and Crime and Violence Reduction."

There are hundreds of similar studies and each has revealed the same results. Governor Bullock has a list of many of these studies.

These are my final comments on how you and I are failing to help change the way offenders think, because, number one, they think you and I have the game fixed. They think we have it in for them, and we give them little reason to think differently. I have a friend who is an offender. He called me and I bought a phone card to help him stretch the dollar thirty you pay him per hour for teaching classes. Before I made my first phone call my friend was transferred. The Deer Lodge phone card does not work at Shelby, so I am out my \$25 – whose bright idea was it that phone cards could not be transferable? There is another bright idea – I also sent my friend a letter the same day he was transferred. I received the letter back marked “no such resident.” Now, the system knew exactly where my friend was and that letter should have been forwarded OR at the very least it should have rode the next vehicle going to Shelby. Further more, do you know that phone cards are the only pre-paid card in Montana that has an expiration date? That is right! A gift card from Walmart, by Montana Law, can only expire after the money is spent. Does anyone on the Commission use phone cards? Every offender who uses the telephone uses a phone card. What would you do if your cell phone company charged you 25 cents per minute and a buck for the first minute? Offenders and those who care about them are forced to pay 25 cents per minute. When was the last time you accepted a “collect phone call?” Will Verizon even let us accept collect calls? What are we teaching offenders if we are subjecting them to 1970 technology in the 21<sup>st</sup> century? Are we teaching offenders how to use Google scholar, word, excel, power point, publisher, Adobe Acrobat, Outlook, Internet Explorer, or other modern communication programs. Don’t forget our smart phones that require our 8 year old mentor to help us ooperate them. How is an offender to function in our society without the basic knowledge of these basic 21<sup>st</sup> Century tools? We must remember that Department of Corrections has also made this promise:

*“Families are a key support group for offenders and their ability to stay in touch with loved ones while incarcerated is an important tool in inmates’ rehabilitative efforts. It also is comforting for the family to know that their loved ones are all right and getting along well while incarcerated. Such communication can help an inmate be more successful in treatment programs and behave better while in prison.”<sup>8</sup>*

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<sup>8</sup> <http://cor.mt.gov/FamilyFriends/InmatePhoneCalls>

And yet we subject the offender and their family to an archaic and Draconian phone system. This flies in the face of point 1 - *At the Montana Department of Corrections, we do everything we can to help these offenders become better returning citizens.*

AND, how does paying an offender \$1.30 per hour help them prepare for release? Offenders need to earn the minimum wage so they are accustomed to current wage law, workers compensation law, and unemployment law, just like you and I; OR, they will surly be taken advantage of, and what does that teach an offender? If the offender really tries, BUT the outside world will not accept the mechanical and other certifications that are earned, have we completed our job?

I think the recidivism rate speaks loud and clear to our failings as a village. Remember, Hillary Clinton said; “it take a village to raise a child.” Offenders are children of God, they are our brothers and sisters, figuratively and literally. Until we peel the onion and discover the true Root Cause of recidivism we are only going to become insane – for we are destined to expect different results after executing the same actions over and over, which we have for the past 100 plus years. My friend Greg would say; how is it working for you?

We have dissected the Goals of the Montana Department of Corrections as written on their web site; “At the Montana Department of Corrections, we do everything we can to help these offenders become better returning citizens. *The GED and recidivism numbers reveal that we are failing to achieve this goal*

In the relatively short time we have to work with most offenders, *28 to 900 months is not a “relatively” short time - and still no GED*

We strive to teach offenders to accept responsibility for the crimes they committed and understand how those crimes affected their victims. *No, they see you and I financially abusing their families with a Daconian phone system, poor medical care, and abusive rental housing programs, just to mention a few abuses.*

We teach them how to change the way they think, *No, the recidivism rate proves otherwise*

AND, [to] overcome their addictions and manage their mental health problems. No health care, no ID card, no rent money, no knowledge of labor laws, and no 21<sup>st</sup> century skills after release, combined with Draconian processes which appear to extend their punishment and flows over to their family.

And we teach them job and life skills.” No computer skills and no experience with wage & labor laws.

Ladies and gentlemen of the Commission, we need to walk in the offender’s moccasins so we can peel this onion down to its last layer of skin. Then and only then will meaningful change occur. Change that will show the world that Montana is a leader not only in Manufacturing, export-import, recreation, and agriculture but also in nurturing and developing her greatest asset, her human capital.

Wheel Chair Brigade

offenders & Cancer

Hippa is a bureaucrats excuse to make other people's lives miserable and impede progress.

We are stacking them 3 deep in violation of Law

A group of people can agree to do something that  
No one in the group wants to do.