

CLASS ACTION SETTLEMENT AGREEMENT

This Class Action Settlement Agreement (“Settlement Agreement”) is made this 14th day of February, 2017, by all members of the class as certified by the Court in its Order of January 14, 1994 (“Plaintiffs”), and, all in their official capacities, Steve Bullock, Governor of Montana; Loraine Wodnik, Interim Director of the Montana Department of Corrections; Leroy Kirkegard, Warden of Montana State Prison, and the Montana Department of Corrections (collectively, the “Defendants”). Plaintiffs and Defendants shall collectively be referred to as Parties.

RECITALS

WHEREAS, this Settlement Agreement arises out of an action addressing conditions at the Montana State Prison. Civil Action No. 6:93-cv-00046-DWM-JCL. On December 30, 1993, the Plaintiffs filed their Fifth Amended Complaint and on January 14, 1994, the Court certified the case as a class action. Following several months of negotiations, the Parties entered into a Settlement Agreement resolving most of the Plaintiffs’ claims (the “1994 Settlement Agreement”). The Court approved and entered the 1994 Settlement Agreement on November 29, 1994.

WHEREAS, over the ensuing ten years and pursuant to the terms of the 1994 Settlement Agreement, the Parties stipulated to the dismissal of various issues in the case on the basis of expert findings that Defendants were in sustained compliance with several of the 1994 Settlement Agreement’s provisions. The sole remaining issue is Defendants’ compliance with the 1994 Settlement Agreement’s Americans with Disabilities Act (ADA) Provision, at § 9, page 21:

Defendants shall ensure that inmates with disabilities are not excluded from participation in, or denied the benefits of housing, services, facilities and programs because of their disabilities. The Defendants shall develop and implement plans to integrate the disabled inmates into the mainstream of the institution.

(the “ADA Provision”).

WHEREAS, on June 29, 2012, this Court entered the Parties’ Unopposed Stipulation Regarding ADA Expert Appointment designating Paul Bishop “as the parties’ expert to assess Defendants’ compliance with the ADA provision (Section 9) of the [1994] Settlement Agreement.” Doc. 1477 at 1. The Court later appointed Raphael Frazier as the Parties’ joint ADA programmatic expert. Doc. 1480.

WHEREAS, on May 25, 2013, Paul Bishop and Raphael Frazier, the Court-appointed experts, submitted their report finding that MSP’s programs, as well as the facility, did not substantially comply with the ADA Provision (“2013 Reports”).

WHEREAS, the case has been stayed since that time to allow the Parties to discuss resolution. Docs. 1503-05, 1507, 1510-13, 1519-20, 1525, 1528.

EXHIBIT 1

WHEREAS, the Parties have engaged in extensive, arms-length negotiations concerning the topics addressed in the 2013 Reports.

WHEREAS the Parties have reached agreement on a subset of the topics addressed in the 2013 Reports and wish to memorialize those agreements in this Settlement Agreement.

WHEREAS, based upon extensive analysis of the facts and the law applicable to the ADA Provision, and taking into account the extensive burdens and expense of litigation, including the risks and uncertainties associated with protracted trials and appeals, as well as the fair, cost-effective, and assured method of resolving the claims under the ADA Provision, Class Counsel has concluded that this Settlement Agreement provides substantial benefit to the Class and is fair, reasonable, and adequate and in the best interest of the Class.

WHEREAS, Defendants deny and continue to deny any and all liability or wrongdoing to Plaintiffs. By entering into this Settlement Agreement, Defendants do not admit any impropriety, wrongdoing or liability of any kind whatsoever, including any as to the claims raised under the ADA Provision of the 1994 Settlement Agreement, and on the contrary, expressly deny the same; and Defendants have entered into this Settlement Agreement solely for the purpose of avoiding the expense, inconvenience, distraction and delay of litigating the issues addressed herein, without admitting any wrongdoing or liability whatsoever. The Parties agree that this Settlement Agreement does not constitute evidence of or an admission of any liability, omission or wrongdoing of any kind by the Defendants, the State of Montana, or any former or current employee, official, agent, or attorney of the Montana Department of Corrections or State of Montana; and

WHEREAS, the Parties desire to settle certain claims asserted under the ADA Provision of the 1994 Settlement Agreement and to enter into a settlement agreement related to such claims, in accordance with the provisions and upon the terms and conditions hereafter set forth.

AGREEMENT

I. CONDITIONS PRECEDENT.

This Settlement Agreement shall be conditioned upon and shall be effective only upon, the occurrence of all of the following events (“Effective Date”):

- A. Filing of the pleadings described in Paragraph VII;
- B. Grant by the Court of preliminary approval of this settlement and issuance of notice thereof;
- C. Notice to the Class in accordance with Paragraph VIII of this Agreement;
- D. A Final Approval Hearing held in accordance with Paragraph VII of this Agreement;

- E. Final approval of this Agreement by the Court following a Final Approval Hearing;
- F. Incorporation of this Settlement Agreement into an order of the Court; and
- G. Expiration of the time to appeal the Final Approval without the filing of an appeal; or, if an appeal is filed, final adjudication or resolution of the same.

II. DEFINITIONS.

- A. “1994 Settlement Agreement” means the Settlement Agreement entered into by the Parties and approved by the Court on November 29, 1994.
- B. “ADA” means the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.* and its implementing regulations.
- C. “ADA Provision” means the provision at § 9, page 21 of the 1994 Settlement Agreement, which provides:

Defendants shall ensure that inmates with disabilities are not excluded from participation in, or denied the benefits of housing, services, facilities and programs because of their disabilities. The Defendants shall develop and implement plans to integrate the disabled inmates into the mainstream of the institution.
- D. “Class” means the members of the class certified by the Court on January 14, 1994: “Named Plaintiffs and all other similarly situated Montana State Prison inmates currently housed at the Deer Lodge facility or who may be housed there in the future.”
- E. “Class Counsel” means:

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Civil Rights Education and Enforcement Center
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Suite 400
Denver, CO 80203
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or other attorneys with the foregoing organizations, provided that Class Counsel shall notify counsel for Defendants in accordance with Paragraph X hereof.

- F. “Defendants” means, all in their official capacities, Steve Bullock, Governor of Montana; Loraine Wodnik, Interim Director of the Montana Department of Corrections; Leroy Kirkegard, Warden of Montana State Prison, and the Montana Department of Corrections.
- G. “Qualified Mental Health Staff” means mental health staff who are eligible to participate, consult, and offer opinions in the disciplinary process. Such staff includes psychologist, or psychiatrist, or any other mental health staff who have the minimum qualification of being a licensed clinical social worker.
- H. “Disability” shall have the meaning ascribed to it in 42 U.S.C. § 12102.
- I. “Employee” means an individual employed by the Department of Corrections at MSP or whose responsibilities include contact with inmates or whose action may impact conditions of confinement.
- J. “MDOC” means the Montana Department of Corrections.
- K. “MSP” means Montana State Prison, including all of its housing, services, facilities, programs, and activities.
- L. “Notice” means the Notice of Class Settlement described in Paragraph VIII below.

III. ADA COMPLIANCE.

- A. Architectural Barriers.
 - 1. Defendants have taken or will take, within six months of Final Approval or other deadline specified in Exhibit 1, the measures described in Exhibit 1 hereto. Plaintiffs acknowledge the significant steps Defendants have taken to increase accessibility at MSP during the negotiation of the present Settlement Agreement. In order to ensure that these measures are maintained pursuant to Paragraph III(A)(3), they are included in Exhibit 1.
 - 2. Within six months of Final Approval, Defendants will construct a ramp to provide access to the basketball court located in the low side gym.

3. Defendants will ensure that access required by this Settlement Agreement and by the Americans with Disabilities Act and its implementing regulations is maintained at MSP, except for isolated and temporary interruptions due to maintenance or repairs.
4. Defendants will ensure that any New Construction or Alterations (as those terms are used in 28 C.F.R. § 35.151(c)(3)) performed at MSP during the Term of this Settlement Agreement will comply with the 2010 Standards as that term is defined in 28 C.F.R. § 35.104 (2016).

B. Policy Changes.

1. Pursuant to the Parties' agreement, Defendants have revised the policies and procedures listed below, effective on the dates listed.

Policy or Procedure	Revision Date
DOC 2.3.2 Offender Housing/Construction	12/12/2016
DOC 3.1.17 Searches and Contraband Control	2/2/2017
DOC 3.1.21 Inmate Count and Supervision	12/16/2016
DOC 3.3.15 Americans with Disabilities Act (ADA) Offender Accommodations	12/12/2016
DOC 4.1.1 Offender Admissions Process	12/14/2016
MCE 5.1.1.100 Inmate Work Assignments	1/23/2017
MSP 2.1.1 MSP Maintenance	2/18/2016
MSP 3.1.12 Inmate Escort & Transport	12/5/2016
MSP 3.1.17A Searches	1/20/2017
MSP 3.1.21 Inmate Count & Supervision	11/29/2016
MSP 3.2.10 Fire & Life Safety	12/1/2016
MSP 3.3.3 Inmate Grievance Program	12/8/2016
MSP 3.3.5 Inmate/Staff Communication Methods	1/24/2017
MSP 3.3.7 Inmate Access to Telephones	12/22/2016
MSP 3.3.8 Inmate Visiting	1/20/17
MSP 3.4.102 Unit Rules	1/4/2017
MSP 4.1.1 Inmate Admissions Process	1/19/2017
MSP 4.1.2 Inmate Reception & Orientation	2/10/2017
MSP 4.2.3 Unit Management	1/4/2017
MSP 5.1.3 Inmate Community Work Programs & Projects	12/28/2016

Policy or Procedure	Revision Date
MSP 5.1.102 Inmate Participation in a Long Term Work Program	1/5/2017
MSP 5.3.1 Inmate Academic Education	11/21/2016
MSP 5.3.2 Library Services	1/20/2017
MSP 5.5.3 Recreation Programs	1/20/2017
MSP 5.5.4 Hobby Program	12/5/2016
MSP 5.6.1 Religious Programming	12/5/2016

2. Pursuant to the Parties’ agreement, Defendants have revised the documents listed below per the listed Exhibits hereto.
 - Exhibit 2: MDIU Orientation Handbook
 - Exhibit 3: Work Assignment/Removal Request Form
 - Exhibit 4: Notice of Rights for Inmates with Disabilities
 - Exhibit 5: TABE Form
 - Exhibit 6: MSP Infirmary Aide Job Description
 - Exhibit 7: Notice re: Work Assignments

3. If at any time during the Term of this Settlement Agreement, Defendants should propose to amend any policy listed in Paragraph III(B)(1) or (3), or any policy that implicates the areas covered by these policies, in a way that materially implicates compliance with the ADA or treatment of inmates with disabilities, Defendants will so notify Class Counsel at least 30 days prior to implementing such amendment. The Parties shall meet and confer in good faith to determine whether such amendment complies with the ADA. If the Parties are unable to agree, either Party may submit the matter to the Dispute Resolution procedure in Paragraph V below.

4. Defendants shall ensure that the policies listed below and any other policy amended in the future that affects inmates with Disabilities (“Paragraph III(B)(3) Policies”) shall include language effectuating the following principles:
 - a. In non-emergent circumstances, no inmate shall be disciplined, placed on a behavior management plan, classified, or reclassified to a higher level of security based upon his Disability or upon behavior that is a product of his Disability, after a prompt and appropriate evaluation by Qualified Mental Health Staff.
 - b. No inmate shall be placed in pre-hearing confinement or placed in locked housing based solely upon his Disability or upon behavior that is a product of his Disability, unless, after a prompt and

appropriate evaluation by Qualified Mental Health Staff, such Staff determines that the inmate presents such an immediate and serious danger that there is no reasonable alternative. In such case, the inmate will be promptly and regularly re-evaluated with the goal of securing appropriate treatment and reintegrating into general population.

- c. Every inmate with a Disability shall receive the reasonable accommodations necessary for him to understand and meaningfully participate in any proceeding addressed by the below policies or read or prepare or understand any written materials described in the below policies or the Paragraph III(B)(3) Policies.
 - d. No inmate with a Disability may be denied a reasonable accommodation simply because he is in locked housing or materially similar conditions, unless safety or security concerns render the accommodation unreasonable.
 - e. Inmates who use wheelchairs (who cannot stand independently) will not be housed in the isolation cells located in locked housing units. Inmates who use wheelchairs who are not able to transfer into a shower stall will not be housed in locked housing.
 - f. Defendants shall draft and implement policies consistent with the Americans with Disabilities Act addressing placement of inmates with mental disabilities in locked housing.
 - g. The policies covered by this Paragraph include:
 - a. DOC 4.2.1 Offender Classification System
 - b. DOC 4.5.21 Locked Housing Offender Health Evaluation
 - c. MSP 3.4.1 Institutional Discipline
 - d. MSP 3.4.100 Pre-Hearing Confinement
 - e. MSP 3.5.1 Locked Housing Operations
 - f. MSP 3.5.5 Behavior Management Plans
 - g. MSP 4.2.1 Inmate Classification System
 - h. MSP 4.2.200 Management of Atypical Inmates
5. Defendants shall amend the policies listed in Paragraph 4 above to comply with that paragraph within sixty days after this Agreement is approved and entered as an Order of the Court. Defendants shall send the revised policies to Plaintiffs for comment. Plaintiffs shall respond with any comments or proposed changes within two weeks of receipt of any given policy. Should the parties be unable to agree on the content of the policies, either Party may submit the matter to the Dispute Resolution procedure in Paragraph V below.

6. Defendants shall ensure that all fire evacuation policies provide for the safe and nondiscriminatory evacuation of inmates with disabilities, including ensuring that they contain the following:
 - a. For all buildings, language stating, “Ensure that staff, visitors, and inmates with disabilities are safely evacuated;”
 - b. In one-story buildings and for the first-floor of multi-story buildings without elevators, a fire evacuation route diagram, posted in the building in an accessible location, and drawn on the floor, that indicates which route is fully wheelchair-accessible; and
 - c. In multi-story buildings with elevators in which inmates may be present above the first floor, a Garavanta Evacu-Trac or equivalent device and instructions concerning how to use it to ensure inmates who are unable to use stairs are properly evacuated.
7. All policies agreed to and finalized as set forth in this Agreement shall be implemented by Defendants.

C. Training.

1. Defendants shall provide training to all new Employees sufficient to ensure that they can implement the terms of this Settlement Agreement.
2. Defendants shall provide in-service training within eighteen months of the Effective Date and again at least once every three years to ensure that existing Employees continue to be able to implement the terms of this Settlement Agreement. Such training shall include documented post-training testing of all participating Employees, and retraining of Employees who do not receive passing scores (80% or above).
3. Defendants shall obtain from each Employee who receives the training described in this Paragraph a signed verification that the Employee participated in the training and received the materials.
4. Defendants shall make available on computers accessible to all Employees the “Frequently Asked Questions” page . This information will also be disseminated in the form of a Post Order.
5. Within 60 days of the Effective Date, Defendants shall provide Class Counsel with a copy of the training materials (including the “Frequently Asked Questions” page) Defendants intend to use to satisfy their obligation under this Paragraph III(C). Class Counsel shall have the opportunity to read, comment, and propose changes to the training materials. If the Parties fail to agree, either party may submit the dispute for resolution pursuant to Paragraph V hereof.
6. Defendants shall report to Class Counsel as to Employee training, per Paragraph IV below.

IV. Reporting and Monitoring.

- A. The Parties agree that there will be a two-year implementation and reporting period with respect to the progress of implementation and compliance with this Settlement Agreement, such period to commence when the training referred to in ¶ III(C)(2) has been completed and the policies referred to in ¶ III(B)(4) are fully drafted and approved, including any period required for dispute resolution.
- B. Class Counsel and their experts shall have reasonable access, with reasonable advance notice, to the institutions, Employees, contractors, prisoners, and documents necessary to properly evaluate whether Defendants are complying with the provisions of this Paragraph and other provisions of this Agreement. The Parties shall cooperate so that Class Counsel has reasonable access to information reasonably necessary to perform their responsibilities required by this Agreement without unduly burdening Defendants. If the Parties fail to agree, either party may submit the dispute for resolution pursuant to Paragraph V hereof.

V. DISPUTE RESOLUTION.

- A. Step 1: Conferral.
 - 1. If any Party believes that a dispute exists relating to the performance or interpretation of the provisions of this Settlement Agreement, it shall notify all other Parties in writing, describing the dispute and clearly identifying that they are invoking the dispute resolution process under this Paragraph V.
 - 2. The Party receiving the notice shall respond in writing to such notice within ten business days of receipt of the notice.
 - 3. Within ten business days of receipt of the response, Class Counsel and Counsel for Defendants shall meet and confer by telephone or in person, and attempt in good faith to resolve the issue informally.
- B. Step 2: Alternative Dispute Resolution.
 - 1. If, after completing the steps set out in Paragraph V(A), either Party believes that a dispute still exists relating to the performance or interpretation of this Settlement Agreement, the Parties shall jointly submit the matter to a United States Magistrate Judge to resolve the dispute.
 - 2. The Parties shall participate in good faith in at least one mediation session.
- C. Step 3: Relief from Court
 - 1. If the mediation is unsuccessful, either Party may seek further relief from the Court.

2. The Parties shall be entitled to discovery, including expert discovery, in support of a request for relief from the Court. Upon request of either Party, the Court will convene a scheduling conference to set deadlines for discovery, expert disclosures and a date for an evidentiary hearing.
3. Complete satisfaction of the provisions in Paragraph IV(A) and (B) shall be conditions precedent to any Party seeking Court intervention.

D. Attorneys' Fees in Dispute Resolution:

1. Defendants shall be responsible for Plaintiffs' attorneys' fees and costs incurred in connection with Steps 1 and 2 of this Dispute Resolution process.
2. Attorneys' fees shall be awarded for any action before the Court pursuant to the fee-shifting standards of 42 U.S.C. § 12205.

VI. ATTORNEYS' FEES AND COSTS.

Defendants shall pay Class Counsel their reasonable attorneys' fees and costs for all work performed that has not been previously settled or resolved. Fees and costs shall be awarded under the ADA's fees shifting standards in 42 U.S.C. § 12205. The parties shall attempt in good faith to resolve all claims for fees and expenses before seeking relief from the Court. Following its approval of this Settlement under Fed. R. Civ. P. 23, the Court shall retain jurisdiction to determine any unresolved fees and expenses.

VII. COURT APPROVAL.

- A. Motion for Preliminary Approval. Within 30 days of the execution of this Agreement, Plaintiffs shall file an Unopposed Motion for Preliminary Approval of Class Settlement requesting that the Court:
1. Grant preliminary approval of this Settlement Agreement;
 2. Approve of the proposed notice and proposed plan for dissemination of the notice to the Class as outlined in Paragraph VIII;
 3. Order the following procedures for Objections:
 - a. Any member of the Class may object to the proposed Settlement Agreement by filing, within 60 days after the Notice deadline (the "Notice Period"), written objections with the Clerk of the Court; and
 - b. Only such objecting Class Members shall have the right, if they seek it in their objection, to present objections orally at the Final Approval Hearing; and

- c. The Court shall determine whether it will hear from any objecting Class members at the Final Approval Hearing, and will enter an Order identifying all objecting Class Members it wants to hear from at the hearing.
 4. Schedule a Final Approval Hearing for a date at least 120 days after the Notice Deadline.
- B. Motion for Final Approval. At least two weeks prior to the Final Approval Hearing, Plaintiffs shall file, and Defendants shall not oppose, a mutually acceptable motion seeking final approval of the Settlement Agreement and responding to any objections to the Settlement Agreement.
- C. Injunction Narrowly Drawn. The Parties stipulate and jointly request (and shall request in the motion for preliminary approval and/or their motion for final approval) that the Court find that, as of the Effective Date, this Settlement Agreement satisfies the requirements of 18 U.S.C. § 3626(a)(1)(A) in that it is narrowly drawn, extends no further than necessary to correct the violation of the federal right, and is the least intrusive means necessary to correct the violation of the federal right of Plaintiffs.

VIII. NOTICE TO THE CLASS OF THE PROPOSED SETTLEMENT.

- A. Form of Notice. Notice of this Agreement (the “Notice”) shall be in the form agreed to by the Parties attached as Exhibit 8.
- B. Dissemination of Notice. Notice shall be disseminated as follows:
 1. A copy of the Notice shall be distributed to each inmate at MSP.
 2. The Notice shall be posted throughout MSP in conspicuous locations at all of the following locations: each housing unit, each library, each dining and common recreation area, the Work Reentry Center, and the Infirmary.
 3. The Notice shall be provided to inmates who enter MSP during the Notice Period as part of their orientation process at MSP.
 4. Copies of the Notice and this Settlement Agreement shall also be available in all MSP libraries.
 5. Copies of the Notice, this Settlement Agreement, and any affected policy shall be made available to inmates upon request to MSP staff or Class Counsel. Defendants shall keep a record of each time staff provide a copy of settlement materials to an inmate.

6. Inmates with disabilities may request reasonable accommodations, such as staff assistance, necessary for them to understand the Notice and this Settlement Agreement. All such requests for assistance shall be documented in OMIS and a list of all inmates requesting assistance shall be provided to Class Counsel.
 7. Accessible versions of the Notice and this Settlement Agreement shall be posted on the website of the Montana Department of Corrections and made available for public review and downloading.
 8. The expense of giving notice to the class members shall be paid by the Defendants.
- C. The Parties agree that the proposed Notice is reasonably calculated to apprise the Class of the pendency of this Settlement Agreement.

IX. RELEASE.

- A. Subject to Paragraph VIII(B) and (C) hereof, effective on the date of Final Approval of this Agreement, all members of the Class and their executors, successors, heirs, assigns, agents and representatives, in consideration of the relief set forth herein, the sufficiency of which is expressly acknowledged, unconditionally and forever do fully and finally release, acquit and discharge all Defendants and their present, former or future directors, officers, managers, supervisors, employees, attorneys, insurers, agents, and representatives, from any and all actions, causes of action, claims, charges, demands, losses, judgments, liens, indebtedness and liabilities arising out of the Released Claims.
- B. The “Released Claims” include classwide claims for injunctive relief, declaratory relief, and any attendant costs and attorneys’ fees (except those provided in Paragraph V(D) above), whether known or unknown, suspected or unsuspected, arising under the ADA at the Montana State Prison. Notwithstanding the foregoing, the plaintiffs do not waive or release any claims that may arise under the terms of this Settlement Agreement including the requirement that the Defendants draft and implement policies consistent with the Americans with Disabilities Act addressing placement of inmates with mental illness in locked housing.
- C. Nothing in this Settlement Agreement releases any claims for damages.

X. COMMUNICATIONS.

Any notice or communication required or permitted to be given to Named Plaintiff(s), the Class, Class Counsel, or Defendant(s) under this Agreement shall be given in writing by email and U.S. Mail, addressed as follows:

To Named Plaintiff(s), Class, or Class Counsel:

Eric Balaban
ACLU National Prison Project
915 15th St., N.W.
Seventh Floor
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202/393-4930
ebalaban@aclu.org

and

Jon Ellingson
ACLU of Montana
P.O. Box 9138
Missoula, MT 59807
(406) 443-8590
JonE@aclumontana.org

and

Amy F. Robertson
Civil Rights Education and Enforcement Center
104 Broadway, Suite 400
Denver, CO 80203
(303) 757-7901
arobertson@creeclaw.org

To Defendant(s):

Colleen Ambrose
Montana Department of Corrections
5 South Last Chance Gulch
P.O. Box 201301
Helena, MT 59620-1301
406-444-4152
cambrose@mt.gov

If the above addresses or the appropriate contact change, it is the responsibility of the Party whose address is changing to give written notice of said change to all other Parties within thirty (30) business days following the effective date of said change.

XI. TERM

The term of this Settlement Agreement shall be two years from the date on which the training referred to in ¶ III(C)(2) has been completed and the policies referred to in ¶ III(B)(4)

are fully drafted and approved, or the date on which all disputes raised pursuant to Paragraph V hereof shall be resolved, whichever is later.

XII. MODIFICATION OF AGREEMENT.

Prior to Final Approval, this Agreement can only be amended by written agreement of the Parties hereto. Following Final Approval, no modification of this Agreement shall be effective unless it is pursuant to Court Order.

XIII. SEVERABILITY.

If any provision or any part of this Agreement shall at any time be held unlawful, or inconsistent with applicable law, in whole or in part, under any federal, state, county, municipal or other law, ruling or regulation, then the remaining provisions of this Agreement shall remain effective and enforceable.

XIV. EXECUTION IN COUNTERPARTS.

This Agreement may be signed in counterparts, each of which will be deemed an original for all purposes and all of which together will constitute one and the same agreement. This Agreement may be executed by facsimile or electronic signature by any party and such signature shall be deemed binding for all purposes.

XV. DUTY TO SUPPORT AND DEFEND DECREE.

The Parties by their signatures below, each agree to abide by all of the terms of this Agreement in good faith and to support it fully, and shall use their best efforts to defend this Agreement from any legal challenge, whether by appeal or collateral attack.

XVI. ENTIRE AGREEMENT.

This Agreement contains all the agreements, conditions, promises and covenants among Named Plaintiffs, the Class, Class Counsel, and Defendants regarding matters set forth in it and supersedes all prior or contemporaneous agreements, drafts, representations or understandings, either written or oral, with respect to the subject matter of the present Agreement.

[Signature Page to Follow]

IN WITNESS WHEREOF, the Parties have executed this Agreement of the date first written above.

Class Counsel on behalf of the Class



Eric Balaban
National Prison Project of the ACLUF

Jon Ellingson
ACLU of Montana

Amy F. Robertson
Civil Rights Education and Enforcement
Center

On behalf of Defendants

Loraine Wodnik
Interim Director
Montana Department of Corrections

Leroy Kirkegard
Warden
Montana State Prison

Colleen Ambrose
Chief Legal Counsel
Montana Department of Corrections

IN WITNESS WHEREOF, the Parties have executed this Agreement of the date first written above.


Class Counsel on behalf of the Class

Eric Balaban
National Prison Project of the ACLUF


Jon Ellingson
ACLU of Montana

Amy F. Robertson
Civil Rights Education and Enforcement
Center

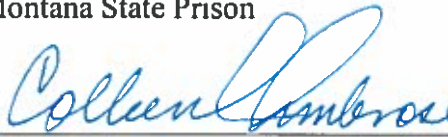
On behalf of Defendants



Loraine Wodnick
Interim Director
Montana Department of Corrections



Leroy Kirkegard
Warden
Montana State Prison



Colleen Ambrose
Chief Legal Counsel
Montana Department of Corrections

EXHIBIT 1

In re Litigation Relating to the Conditions of Confinement at Montana State Prison
Civil Action No. 93-46-H-DWM-JCL
Exhibit 1

ID	Building	Location	Alleged Barrier	Resolution
192	Canteen	Exit Door	The exterior landing has a 10.7% - 12.5% slope.	Create ramp at side entrance and add signage at front entrance.
21	Chapel	Stage	There is no accessible route to the stage.	Stage has been removed.
30	Chapel	Inmate Restroom	The accessible toilet compartment is only 37-1/2" wide, the compartment door is only 31-1/2" wide not self-closing, has a twist-type latch and the toilet seat height is 21-1/2" AFF.	One toilet and partition have been removed to create accessible restroom.
31	Chapel	Inmate Restroom	There are 3 urinals and the lip height is 24" AFF at all and they are all 12" deep.	See Item 30.
36	Chapel	Drinking Fountain	The drinking fountain is not high/low.	Add signage explaining the availability of cups for those who can't use the low water fountain.
865	Chapel	High Side Entrance	There is a bell on the door that is too high for inmates in wheelchairs to ring.	Lower bell to max 48".
866	Chapel	Inmate Restroom	Paper towel dispenser is too high in light of length of accessible lavatory.	Lower to max 44".
222	Dairy	Entrance	The ramp slopes 10.2% and there is a handrail on 1 side only that lacks a curb or wheel guide.	Add paved landing area at the bottom 60" x 60" or as close to that as space permits and handrail on the building side.
161	Food Factory	Inmate Break Room	There are no tables that provide a minimum 30" wide x 27" high x 19" deep knee space.	Provide one accessible table.

ID	Building	Location	Alleged Barrier	Resolution
163	Food Factory	Inmate Break Room	The door requires 9-12 pounds of opening force and closes too quickly.	Adjust both doors to maximum door force of 5 lbs. and minimum closing time of 5 seconds.
616	Food Factory	Office 1	There are no tables that provide a minimum 30" wide x 27" high x 19" deep knee space.	Provide one accessible table in Office #2.
81	Furniture	Northwest Emergency Exit	The exit leads to dirt, which is not a firm, stable and slip-resistant surface upon which to travel a sufficient distance away from the building, especially in inclement weather.	Construct accessible paths from emergency exit to sidewalk.
82	Furniture	East Emergency Exit	The exit leads to stairs.	Construct accessible paths from emergency exit to sidewalk.
84	Furniture	Northwest Emergency Exit	The exterior landing is 3/4" lower than the interior landing.	Construct accessible paths from emergency exit to sidewalk.
618	Furniture	South Emergency Exit	The exterior landing is 3/4" lower than the interior landing.	Construct accessible paths from emergency exit to sidewalk.
619	Furniture	West Emergency Exit	The exterior landing is 3/4" lower than the interior landing.	Construct accessible paths from emergency exit to sidewalk.
621	Furniture	Northwest Emergency Exit	The door has knob hardware.	Install mutually-agreeable secure lever hardware.
622	Furniture	Spray Booth	Door hardware mounted too high (55").	Add door hardware at 48".
624	Furniture	Southwest Emergency Exit	The door has knob hardware.	Install mutually-agreeable secure lever hardware.

ID	Building	Location	Alleged Barrier	Resolution
626	Furniture	South Emergency Exit	The exit leads to dirt, which is not a firm, stable and slip-resistant surface upon which to travel a sufficient distance away from the building, especially in inclement weather.	Construct accessible paths from emergency exit to sidewalk.
627	Furniture	Southwest Emergency Exit	The exit leads to dirt, which is not a firm, stable and slip-resistant surface upon which to travel a sufficient distance away from the building, especially in inclement weather.	Construct accessible paths from emergency exit to sidewalk.
444	High Dining	Inmate Restroom	There are no grab bars at the toilet.	Install compliant grab bars.
445	High Dining	Inmate Restroom	The urinal lip height is 24" AFF, the flush control is 54" AFF and the fixture is 12" deep.	Urinal removed.
446	High Dining	Inmate Restroom	The accessible lavatory pipes are not insulated.	Phase in corrections-grade accessible sinks by purchasing Acorn brand stainless fixtures that have traps concealed and replace when existing fixtures are broken but in no event later than the end of fiscal year 2019.
545	High Exterior	Sweat Lodge	There is no accessible route to the sweat lodge, track, picnic tables, baseball field or basketball and volleyball courts. The dirt surface is not firm and stable, especially in wet weather.	Provide an accessible route paved with crushed granite to the sweat lodge, track, picnic tables, baseball field or basketball and volleyball courts.

ID	Building	Location	Alleged Barrier	Resolution
628	High Exterior	Track	There is no accessible route to the sweat lodge, track, picnic tables, baseball field or basketball and volleyball courts. The dirt surface is not firm and stable, especially in wet weather.	Repave with crushed granite.
875	High Exterior		Sidewalk has excessive slope.	Sidewalk to be replaced at compliant slope.
423	High Gym	General	The rubber exercise mats have an untreated edge that is 5/8" high and vertical.	Provide portable aluminum wedge that creates compliant edge to be hung in office & controlled by officers.
427	High Gym	Exercise Equipment	There is less than 36" clear width adjacent to several pieces of exercise equipment.	Install signage indicating that inmates with disabilities may request that equipment be moved to provide access.
429	High Gym	Entrance	The door has knob hardware.	Install mutually-agreeable secure lever hardware.
433	High Gym	Inmate Shower	The lavatory pipes are not insulated.	Phase in corrections-grade accessible sinks by purchasing Acorn brand stainless fixtures that have traps concealed and replace when existing fixtures are broken but in no event later than the end of fiscal year 2019.
434	High Gym	Inmate Shower	The lavatory faucets are knob type.	Install mutually-agreeable secure lever hardware.
437	High Gym	Inmate Shower	The toilet paper dispenser is located on the wall behind the toilet.	Move toilet paper dispenser to compliant location.
439	High Gym	Drinking Fountain	The drinking fountain is not high/low, there is no knee space and the spout is 39" AFF.	Install compliant low drinking fountain with signage indicating availability of cups.

ID	Building	Location	Alleged Barrier	Resolution
863	High Gym	Inmate Shower	Paper towel dispenser is too high (56"). There is a hand dryer but it is across the room from the lavatory.	Move hand dryer adjacent to lavatory.
388	High Support	Inmate Restroom	The wall-mounted box is 56" AFF and projects 4-1/2", creating a protruding object hazardous to individuals with vision impairments.	Cover with soffit box that extends to the floor.
391	High Support	Classrooms (3)	There are no tables that provide a minimum 27" high x 19" deep knee space.	Addressed in policy. See MSP 2.1.1 MSP Maintenance, ¶ III(B)(5)(b)(4).
400	High Support	Inmate Restroom	The lavatory pipes are not insulated.	Phase in corrections-grade accessible sinks by purchasing Acorn brand stainless fixtures that have traps concealed and replace when existing fixtures are broken but in no event later than the end of fiscal year 2019.
402	High Support	Inmate Restroom	The faucets are knob type.	Install mutually-agreeable secure lever hardware.
403	High Support	Inmate Restroom	The rear grab bar is only 24" long and is mounted at 34" AFF.	Replace combo grab bar with compliant side (42") and rear (36") grab bars.
405	High Support	Library	The drinking fountain is not high/low, the spout is 42" AFF, there is no knee space and the alcove is only 25" wide.	Install compliant low drinking fountain with signage indicating availability of cups.
698	High Support	Inmate Restroom	The door has knob hardware.	Install mutually-agreeable secure lever hardware.
700	High Support	Conference Room 2	There are no computer stations that provide a minimum 30" wide x 27" high x 19" deep knee space.	Ensure compliant computer station in this conference room.

ID	Building	Location	Alleged Barrier	Resolution
408	High Visiting	Door to Yard	The metal threshold is 3/4" high.	Interior fixed; MDOC will provide transition at exterior side.
411	High Visiting	Contact Visiting Inmate Restroom	The accessible lavatory rim is 30-1/2" AFF and the apron height is 26-1/4". (Photo Page 2 UL)	Surveyed the only inmate RR available in this building. Rear grab bar is only 24". Replace with 36" grab bar. Move flush handle to wide side. Lower mirror to 40".
864	High Visiting	Lobby	Hooks in lobby too high (over 70").	Lower one set of hooks to 48."
233	Honor Dorm	Sweat Lodge	There is no accessible route from the building.	MDOC will provide an accessible route paved with crushed granite.
245	Honor Dorm	Library Book Request	The pencil sharpener is 63" AFF.	Lower pencil sharpener.
253	Honor Dorm	Conference Room 1	There are no tables that provide a minimum 30" wide x 27" high x 19" deep knee space. Inmates use the tables when performing silverware rolling job duties.	Addressed in policy. See MSP 2.1.1 MSP Maintenance, ¶ III(B)(5)(b)(4).
254	Honor Dorm	General	There are 192 cells but none are designated as accessible. Some cells lack the required strike side clearance adjacent to the door due to the bunk beds, some lack accessible desks and others have coat hooks mounted above accessible reach range.	Remove the desk drawer to create compliant knee space as needed for inmates who use wheelchairs. Provide alternative storage space to compensate for desk drawer and shelving that is out of reach.
264	Honor Dorm	Kitchen Inmate Restroom	The centerline of the toilet is not 18" from the side wall (21-1/2").	Furr out wall to ensure proper distance between toilet and grab bar.

ID	Building	Location	Alleged Barrier	Resolution
268	Honor Dorm	Kitchen Inmate Restroom	The space between the side grab bar and the wall is 4-1/2".	Furr out wall to ensure proper distance between toilet and grab bar.
710	Honor Dorm	Kitchen	The lavatory/hand sink pipes are not insulated.	Phase in corrections-grade accessible sinks by purchasing Acorn brand stainless fixtures that have traps concealed and replace when existing fixtures are broken but in no event later than the end of fiscal year 2019.
711	Honor Dorm	300 Wing Inmate Restroom	The coat hooks are all 63" - 70" AFF.	Lower coat hooks and ensure installed right side up.
717	Honor Dorm	300 Wing Inmate Restroom	The slope at the floor drain is 3.8% - 13.0%.	Install large metal plate to eliminate excessive slope.
718	Honor Dorm	400 Wing Inmate Restroom	The slope at the floor drain is 3.8% - 13.0%.	Install large metal plate to eliminate excessive slope.
720	Honor Dorm	Day Rooms	There are no tables that provide a minimum 30" wide x 27" high x 19" deep knee space. Inmates use the tables when performing silverware rolling job duties.	Provide compliant tables.

ID	Building	Location	Alleged Barrier	Resolution
721	Honor Dorm	Dining	There are no tables that provide a minimum 30" wide x 27" high x 19" deep knee space. Inmates use the tables when performing silverware rolling job duties.	Provide compliant tables.
821	Honor Dorm	300 Wing Inmate Restroom	The shower curtain requires tight grasping to close and there is less than 80" clearance under the curtain rod.	Alter curtain to provide accessible hand slot that does not require tight grasping, pinching, or twisting of the wrist.
872	Honor Dorm	Kitchen	Commercial sink is inaccessible.	Inmates are not permitted to wash personal dishes in the kitchen.
873	Honor Dorm	Kitchen inmate Restroom	Moveable objects obstruct clear floor space.	Add sign with ISA stating "Do not block clear floor space in restroom" to each common use accessible restroom.
737	HSU-1	LD Inmate Shower	The shower curtain requires tight grasping to close and there is less than 80" clearance under the curtain rod.	Alter curtains in accessible showers to provide accessible hand slot that does not require tight grasping, pinching, or twisting of the wrist.
752	HSU-1	Cell LD 12 ¹	There is not a 30" wide x 19" deep leg space at the lavatory due to the angled portion.	Space will be reconfigured as necessary on a reasonable accommodation basis.
760	HSU-1	Cell LD 12	There is no side grab bar. Staff indicated that a folding-type grab bar is available but it is the same type as provided at HSU-2.	Install flip-up grab bars at accessible combo units, positioned so as to mitigate distance of toilet to wall.
763	HSU-1	Cell LD 12	The centerline of the toilet is not 18" from the side wall (22-1/2").	Install flip-up grab bars at accessible combo units, positioned so as to mitigate distance of toilet to wall.

¹ Cell LD 12 was surveyed as typical of accessible cells. Resolution applies to all accessible cells.

ID	Building	Location	Alleged Barrier	Resolution
148	Industries Dining	Dining	There are a total of 64 seats at tables but none that provide a minimum 30" wide x 27" high x 19" deep knee space.	Provide tables with proper clear floor space and knee clearance.
151	Industries Dining	Inmate Restroom	The door requires 9.5 pounds of opening force and closes too quickly.	Adjust to maximum door force of 5 lbs. and minimum closing time of 5 seconds.
154	Industries Dining	Inmate Restroom	The far edge of the toilet paper dispenser in the accessible toilet compartment is 47" from the rear wall.	Install compliant toilet paper dispenser.
518	Infirmary	High Side Single Cells	There are 6 cells (2 of which are negative pressure type) but none are accessible.	MDOC will ensure that one negative pressure isolation cell in the infirmary is fully wheelchair accessible.
519	Infirmary	Low Side Restraint Cell	The combination toilet unit is not accessible.	See Item 518.
520	Infirmary	High Side North Ward 1-4 Restroom	The call button at the toilet is 58-1/2" AFF placing it above accessible reach range.	MDOC will install call button within reach range on the low wall adjacent to the inaccessible toilet. Add to policy that inmates with disabilities will always have attendants in infirmary.
523	Infirmary	High Side North Ward 1-4 Restroom	The toilet privacy curtain requires tight grasping to close.	Alter curtain to provide accessible hand slot that does not require tight grasping, pinching, or twisting of the wrist.
532	Infirmary	Inmate Shower	The toilet compartment is only 37" wide and the access is from the front.	Remove left hand toilet and partition and add rear grab bar to create single accessible toilet compartment.

ID	Building	Location	Alleged Barrier	Resolution
533	Infirmary	High Side North Ward 1 Restroom	The toilet compartment is only 36-1/2" wide and the access is from the side. The opening is only 24" - 31-1/2" wide.	Remove side partial wall; replace combo unit with accessible combo unit. Bolt raised seat into current unit. To be completed no later than the end of fiscal year 2019.
534	Infirmary	Low side Lobby Inmate Restroom	The far edge of the toilet paper dispenser is 42" from the rear wall.	Install compliant toilet paper dispenser.
536	Infirmary	Inmate Shower	The toilet side grab bar is only 1" diameter and is 24" long and there is no rear grab bar.	See Item 532
796	Infirmary	Low Side South Ward 1 Restroom	The toilet compartment is only 36-1/2" wide and the access is from the side. The opening is only 24" - 31-1/2" wide.	See Item 520
448	Laundry & Vo-Ed	Classroom	There are 8 computer stations but none that provide a minimum 30" wide x 27" high x 19" deep knee space.	Provide and maintain one accessible computer station.
449	Laundry & Vo-Ed	Classroom	The table does not provide a minimum 27" high x 19" deep knee space.	Provide and maintain one accessible computer station.
452	Laundry & Vo-Ed	Inmate Entrance	The exterior landing slopes 3.8%.	Install new landing served by a compliant ramp.
456	Laundry & Vo-Ed	Laundry Inmate Break Room	The door requires 9.5 - 15 pounds of opening force and closes too quickly.	Adjust to maximum door force of 5 lbs. and minimum closing time of 5 seconds.
672	Laundry & Vo-Ed	Laundry Inmate Break Room	The table does not provide a minimum 27" high x 19" deep knee space.	Not in use at this time; when use resumes, ensure at least one accessible table.
675	Laundry & Vo-Ed	Laundry Inmate Restroom	The door requires 9.5 - 15 pounds of opening force and closes too quickly.	Adjust to maximum door force of 5 lbs. and minimum closing time of 5 seconds.

ID	Building	Location	Alleged Barrier	Resolution
867	Laundry & Vo-Ed	Laundry Inmate Restroom	Inaccessible door hardware.	Install mutually-agreeable secure lever hardware.
368	Locked Housing Unit 1	B Block Day Room	There are no tables that provide a minimum 27" high by 19" deep knee space.	Surveyed E block day room; represented as typical. Provide one accessible seating position.
369	Locked Housing Unit 1	Isolation Cells (2)	There are 2 cells (1 of which is padded) but neither are accessible.	MDOC agrees that inmates who use wheelchairs will not be held in LHU isolation cells. If isolation is required, they will be held in the Infirmary.
372	Locked Housing Unit 1	Cell LE 8 ²	The bottom of the reflective surface is higher than 40" AFF.	Lower mirror to 40".
374	Locked Housing Unit 1	Cell LE 8	The end of the side grab bar is 19" from the rear of the toilet due to the angled wall.	Install compliant corrections-grade side grab bar.
379	Locked Housing Unit 1	B Block Accessible Shower	The rear grab bar is only 16" long. Facility lacks roll-in shower.	Addressed in Settlement Agreement ¶ III(B)(4)(d)
868	Locked Housing Unit 1	Yard	Threshold of entrance to yard needs transition.	Install compliant threshold.
869	Locked Housing Unit 1	ADA Cells	ADA cells do not have desks.	Install a desk in each ADA cell.

² Cell LE8 was surveyed as typical of accessible cells. Resolution applies to all accessible cells.

ID	Building	Location	Alleged Barrier	Resolution
830	Low Side Building A	Courtyard	There is no accessible route to the track, picnic tables. The dirt surface is not firm and stable, especially in wet weather.	Repave with crushed granite.
466	Low Side Building D	Day Room	The top of the ID Card box is 64" AFF, which is too high for a wheelchair user to reach.	Install signage indicating that inmates who cannot reach or use the drop box can ask for assistance.
473	Low Side Building D	Accessible Inmate Shower Room	The flush control is on the narrow side of the toilet.	Move flush handle to wide side of toilet.
558	Low Side Exterior	Yard	There is no accessible route to the track, picnic tables. The dirt surface is not firm and stable, especially in wet weather.	Repave with crushed granite.
563	Low Side Exterior	South Side Infirmary	The ramp slopes 6.3% but there is a handrail on 1 side only.	Second handrail installed.
509	Low Side Gym	Exercise Bicycles	There is less than 36" clear width adjacent to most of the bicycles.	Install signage indicating that inmates with disabilities may request that equipment be moved as necessary to provide access.
516	Low Side Gym	Drinking Fountain	The drinking fountain is not high/low, there is no knee space and the spout is 40" AFF.	Install a low drinking fountain and signage indicating that cups are available upon request.
651	Low Side Gym	Inmate Restroom	The door has knob hardware.	Install mutually-agreeable secure lever hardware.

ID	Building	Location	Alleged Barrier	Resolution
859	Low Side Gym	Inmate Restroom	Brooms stored in clear floor space.	Move broom storage from behind RR door. Add sign with ISA stating "Do not block clear floor space in restroom" to each common use accessible restroom.
119	Maintenance	Maintenance Shop	The slope at the floor drain is 11.2%.	Install large metal plate to eliminate excessive slope.
132	Maintenance	Electric Shop	The door has knob hardware.	Install mutually-agreeable secure lever hardware.
135	Maintenance	Machine Shop Inmate Restroom	The toilet flush control is on the narrow side of the toilet.	Move flush handle to wide side of toilet.
136	Maintenance	Machine Shop Inmate Restroom	The centerline of the toilet is not 18" from the side wall (21-1/2").	Furr out wall to ensure proper distance between toilet and grab bar.
141	Maintenance	Wood Shop Inmate Restroom	The lavatory faucets are knob type.	Install mutually-agreeable secure lever hardware.
827	Maintenance	Paint Shop	The door has knob hardware.	Install mutually-agreeable secure lever hardware.
828	Maintenance	Plumbing Shop to Wood Shop	The door has knob hardware.	Install mutually-agreeable secure lever hardware.
829	Maintenance	Wood Shop to Exterior Storage	The door has knob hardware.	Install mutually-agreeable secure lever hardware.
874	Maintenance	Machine Shop Entrance Door	Entrance door requires accessible transition.	Install accessible threshold.
282	MDIU	Yard	The yard surface is dirt, which is not a stable and firm surface, especially when wet.	Repave with crushed granite.

ID	Building	Location	Alleged Barrier	Resolution
286	MDIU	B Block Inmate Shower	The threshold to the shower area is 1" high.	Add ceramic tile to raise the level of the floor and eliminate the change in level.
290	MDIU	B Block Inmate Shower	The shower curtain requires tight grasping to close.	Alter curtain to provide accessible hand slot that does not require tight grasping, pinching, or twisting of the wrist.
294	MDIU	Separation Cells	There are multiple cells in each area but none provide an accessible lavatory or toilet.	Install accessible combo unit when current unit fails but in no event later than the end of fiscal year 2019.
300	MDIU	Initial Holding Cell	The centerline of the toilet is 20" - 25-1/2" from the side wall.	Furr out wall to ensure proper distance between toilet and grab bar. Ensure installation of video orientation programming in initial holding cell.
301	MDIU	Initial Holding Cell	The toilet seat height is 15" - 15-1/2" AFF.	Install accessible toilet when current unit fails but in no event later than two years from Final Approval.
304	MDIU	Initial Holding Cell	The accessible toilet compartment is only 39-1/2" wide.	Compartment has been widened to 60".
609	MDIU	Break Room	There are no tables that provide a minimum 30" wide x 27" high x 19" deep knee space.	Provide accessible tables in day rooms so that 5% of seating positions are accessible.
636	MDIU	Inmate Restroom in Corridor	The centerline of the toilet is 20" - 25-1/2" from the side wall.	Furr out wall to ensure proper distance between toilet and grab bar.

ID	Building	Location	Alleged Barrier	Resolution
649	MDIU	Inmate Shower	The threshold to the shower area is 1" high.	Add ceramic tile to raise the level of the floor and eliminate the change in level.
46	MVM	Vo-Ed Inmate Restroom	The slope at the floor drain is 9.9%.	Install large metal plate to eliminate excessive slope.
47	MVM	MVM Inmate Restroom	The toilet privacy curtain requires tight grasping to close.	Alter curtain to provide accessible hand slot that does not require tight grasping, pinching, or twisting of the wrist.
59	MVM	Shop Support Center Office	The door requires 8.5 pounds of opening force and closes too quickly.	Adjust to maximum door force of 5 lbs. and minimum closing time of 5 seconds.
208	Ranch Office	Main Entrance	The door is only 26" - 33" wide and/or 73" high. =	Install signage on this entrance directing people with disabilities to the accessible entrance to the right.
210	Ranch Office	Large Unisex Restroom	There is only 7" strike side clearance on the pull side of the door due to the closet.	Staff restroom to be available to inmates with disabilities; to post signage and install lever handles.
479	Rothe	2nd Floor Law Library	The checkout desk does not provide a minimum 30" wide x 27" high x 19" deep knee space on the staff side. Inmates work on the staff side.	Alter counter to provide 36" wide opening.

ID	Building	Location	Alleged Barrier	Resolution
482	Rothe	1st Floor Emergency Exit	The exit leads to grass, which is not a firm, stable and slip-resistant surface upon which to travel a sufficient distance away from the building, especially in inclement weather. There is a ramp with an 8.1% slope and no handrails.	New sidewalk has been installed; threshold is level.
486	Rothe	1st Floor Emergency Exit	The exterior landing is 2-1/4" lower than the top of the metal threshold.	See Item 482.
585	Rothe	2ndFloor Classrooms	There are no (or an insufficient quantity of) dining tables/silverware rolling stations/sewing machines/computer stations/study tables or typewriter stations that provide a minimum 30" wide x 27" high x 19" deep knee space.	Addressed in policy. See MSP 2.1.1 MSP Maintenance, ¶ III(B)(5)(b)(4).
496	Security Services	Satellite Infirmary Waiting	The coat hooks are all 73" AFF.	Lower coat hooks to 48".
501	Security Services	Holding Cell 3	The flush control is a push button type mounted directly behind the center of the toilet.	Install accessible sink/toilet combo unit including accessible grab bars. To be completed no later than the end of fiscal year 2019.
857	Wallace	Single-user Men's Restroom on 1st Floor	Toilet is too far from wall (20").	In restroom adjacent to Board of Pardons and Parole room, furr out wall to ensure proper distance between toilet and grab bar.
172	Warehouse	"Cage" Adjacent to Supervisor Office	The aisle width is only 29".	When clerk function is moved to new office, pull shelving toward front of room to create accessible back aisle.

ID	Building	Location	Alleged Barrier	Resolution
173	Warehouse	Inmate Restroom	The slope at the floor drain is 8.4%.	Install large metal plate to eliminate excessive slope.
175	Warehouse	Emergency Eye Wash / Shower	The shower activation handle is 70" AFF.	Lower handle to 48".
871	Warehouse	Inmate Restroom	Centerline of toilet is 26.5" from the wall.	Furr out wall to ensure proper distance between toilet and grab bar.

EXHIBIT 2

MONTANA DEPARTMENT OF CORRECTIONS



MONTANA STATE PRISON



*M*ARTZ *D*IAGNOSTIC & *I*NTAKE *U*NIT

A GUIDE TO ADJUSTMENT ORIENTATION HAND BOOK

REVISED January 2017

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MSP/MCE ABBREVIATED PERSONNEL LIST

ADMINISTRATIVE PERSONNEL:

**DIRECTOR OF DEPARTMENT OF CORRECTIONS
ACTING DIRECTOR OF DEPARTMENT OF CORRECTIONS**

**WARDEN OF MONTANA STATE PRISON
ASSOCIATE WARDEN HOUSING
ASSOCIATE WARDEN OPERATIONS
ASSOCIATE WARDEN PROGRAMS
ASSOCIATE WARDEN SECURITY**

**BUREAU CHIEF TECHNICAL CORRECTIONAL SERVICES
BUREAU CHIEF CONTRACT PLACEMENT BUREAU
DIRECTOR SPECIALIZED TREATMENT UNIT
CHIEF INVESTIGATOR
MAIL ROOM SUPERVISOR
MAINTENANCE SERVICE MANAGER
OPERATIONS MANAGER
FOOD SERVICE DIRECTOR
CHIEF OF EDUCATION**

MARTZ DIAGNOSTIC & INTAKE UNIT:

**UNIT MANAGER
CASE MANAGER/MDIU CLASSIFICATION SPECIALIST
CASE MANAGER/MDIU CLASSIFICATION SPECIALIST
TREATMENT CASE MANAGER
SERGEANT 1ST SHIFT
SERGEANT 2ND SHIFT
SERGEANT RELIEF 1ST SHIFT
SERGEANT RELIEF 2ND SHIFT
CORRECTIONAL MANAGER / ADMISSIONS
ADMISSIONS OFFICER
ADMISSIONS OFFICER
ADMISSIONS OFFICER
RECORDS MANAGER**

AMERICANS WITH DISABILITIES ACT (ADA) COORDINATORS:

**MSP
DOC**

BOARD OF PARDONS:

EXECUTIVE DIRECTOR

INSTITUTIONAL PROBATION & PAROLE:

**IPPO SUPERVISOR
IPPO TREASURE STATE CORRECTIONAL TRAINING CENTER**

MEDICAL/MENTAL HEALTH UNIT:

**BUREAU CHIEF
DIRECTOR OF NURSING
MENTAL HEALTH DIRECTOR**

MONTANA CORRECTIONAL ENTERPRISES (MCE):

**ADMINISTRATOR
VOCATIONAL TRAINING DIRECTOR
INDUSTRIES GENERAL MANAGER
RANCH MANAGER
FOOD FACTORY DIRECTOR
CANTEEN MANAGER
RE-ENTRY PROGRAM**



STEVE BULLOCK, GOVERNOR

5 SOUTH LAST CHANCE GULCH

STATE OF MONTANA

(406) 444-3930
FAX (406) 444-4920PO BOX 201301
HELENA, MONTANA 59620-1301

Notice of Rights for Offenders With Disabilities

The Right to Reasonable Accommodations:

Offenders with qualifying disabilities have the right to receive "**reasonable accommodations**" to make programs and services more accessible *to the extent* that the accommodation does not pose legitimate safety or security concerns, or create an undue burden on the facility.

To ensure access to programs, activities, and services, the Department of Corrections shall, as needed by disabled offenders:

- Make reasonable modifications in policies; practices and/or procedures.
- Remove barrier to access.
- Provide auxiliary aids and services.

If the action needed to provide effective access creates an undue burden or poses a legitimate safety or security concern, the action will not be required.

Deaf and/or hearing impaired offenders may receive an interpreter or other accommodation to access the following processes or services:

- Disciplinary hearing
- Dental
- Grievances
- Parole
- Programs
- Education
- Medical
- Mental Health
- Classification

How to Ask for a Reasonable Accommodation:

Offenders with disabilities must ask their Unit Counselor or other Department staff, in person or in writing, for accommodations, interpreters, and other services. Offenders may also directly route any written request for accommodation by using an Offender/Staff Request (OSR) form to the MSP ADA Coordinator, Cynthia Davenport or the Department ADA Coordinator, McKenzie Hannan.

How to Make Complaints:

Offenders who are denied a reasonable accommodation, or believe they were discriminated against by Department staff because of their disabilities, have the right to file a grievance under the "**Inmate Grievance System**" MSP Policy 3.3.3.

Distribution:

This notice shall be posted in a prominent place at each Department facility/program.

MISSION:

The Montana Constitution (Article II, Section 28) indicates that corrections shall be based on principles of prevention and reformation. Full rights of offenders are to be restored upon termination of state supervision. Montana statutes mandate a state correctional policy that protects society by preventing crime through punishment and rehabilitation of the convicted. Citizens are held responsible and accountable for their actions. The state is to pursue alternatives to imprisonment whenever appropriate for nonviolent offenders, in order to enable them to become productive members of society (46-18- 201, MCA). These precursors led to the following mission statement:

The Montana Department of Corrections enhances public safety, promotes positive change in offender behavior, reintegrates offenders into the community and supports victims of crime. The Montana State Prison is dedicated to the protection of the public, employees and offenders and to communicate with victims of crime while providing the opportunity for offenders to make positive changes.

INTRODUCTION

While you are in this institution, this guide book is designed to serve as a handbook for information you will need and to let you know what is expected of you during your stay here. It will be to your benefit to read it. You may have been in an institution similar to this one in the past. In any case, your future here and on the outside will depend on your attitude, habits, and skills that you develop at the Montana State Prison. Take a look at yourself, decide on the kind of life you want to lead, and the kind of work you want to do when you leave here. Involve yourself in the programs that will help you become a better person, better citizen of Montana, and a better citizen of the United States. Your activities and your adjustment here will be of constant concern to many individuals. Some of these individuals are members of the Board of Pardons, Institutional Administrators, Treatment Staff, Correctional Staff, fellow inmates, and the members of your family.

Inmates of this institution must live in close proximity to other inmates assigned to the same housing unit. Respect fellow inmates and staff. Maintaining minimum levels of personal hygiene items and personal property will enhance a harmonious living arrangement. Each Unit Management Team has developed specific regulations for each housing unit. It is your responsibility to obtain a copy of these regulations, familiarize yourself with them, and abide by them.

SOME USEFUL ADVICE

1. PROFIT FROM YOUR RECENT EXPERIENCE

DO NOT.....

- Plot, attempt, or assist another to escape.
- Take part in any demonstration, disturbance, or act of resistance alone or with others.
- Gamble in any form or fashion. It is against policy, and a good way to get yourself in a bind.
- Possess a dangerous weapon of any type.
- Strike, wound, or assault anyone including yourself.
- Borrow, purchase, lend, or steal any property belonging to another.
- Play your stereo or television loud enough to disturb your neighbors.

DO.....

- Accept responsibility for your actions.
- Your own time!!!!
- Cooperate with those that are here to help you.
- Utilize your time here to improve yourself.

- Believe in your ability to change your life in a constructive manner.
- What you can to help those around you.
- Proactively pursue your goals, become value driven, and principle centered.

2. BE CONCERNED ABOUT YOUR HEALTH

- Keep yourself and your living area clean.
- If you have a medical or emotional problem, make it known to staff and, if you need a reasonable accommodation, the ADA Coordinator.
- Shower often, keep your cell neat and clean, exercise regularly and be well groomed.

ADMISSION AND ORIENTATION

After your arrival at the Montana State Prison, you will live in the Martz Diagnostic & Intake Unit (MDIU) for approximately 30 to 45 days until you are classified, unless the admissions area is inaccessible to you based on disability, in which case you will be “fast tracked” and assigned to an accessible housing unit within 72 hours, excluding weekends/holiday, of arrival. While there, you will meet and talk with people who will instruct you in what kind of job opportunities and treatment programs are available in the institution, and what is expected of you. You will receive a physical examination, dental examination, mental health screening, an assessment for any disabilities and reasonable accommodations needed, academic testing (including testing for any learning or developmental disabilities), and treatment screening. Your attendance at orientation sessions, your attitude, past record, physical and mental health, as well as your present behavior will be evaluated. This information will be used to help determine your work assignment, unit placement, and custody rating. It will also be used for consideration for transfer to another program such as regional or private prisons, community corrections, or release to community supervision.

RULES AND REGULATIONS

While incarcerated at Montana State Prison, you are expected to follow institutional and unit rules, as well as city, county, state, and federal laws. These rules are intended to ensure safe custody, decent living conditions, and fair treatment for all inmates.

If you do not understand the rules, ask any of your Unit Management Team to explain them.

MARTZ DIAGNOSTIC AND INTAKE UNIT (MDIU)

UNIT RULES

These rules will provide a guideline to let you know what is expected of you while you are housed in the Martz Diagnostic and Intake Unit (MDIU). If you have any questions about what is expected of you, ask a staff member for clarification. Failure to follow unit rules, policies and procedures will result in disciplinary action per MSP Policy 3.4.1 – Institutional Discipline. Your chain of command starts with the Correctional Officer followed by the on Duty Sergeant.

CONTRABAND:

Contraband Definition – any item possessed by an inmate or found within the facility that is illegal by law, prohibited by policy or procedure, or unauthorized by those legally charged with the administration and operation of MSP/MCE.

For the purpose of this operational procedure contraband includes, but is not limited to:

1. Any item in the possession of an inmate that is not authorized for his retention.
2. Item(s) in excess of authorized quantities.
3. Any item in the possession of an inmate or found in his cell that has been altered from its original condition.
4. Any item being used or altered for a purpose other than what it was intended.

1. CELLS:

- There are no requested moves during an inmate's stay at MDIU. “All cell assignments are made at the discretion of staff.” “Requests made by inmates to change cells will be done at the discretion of unit staff, and requests do not have to be granted.” Cell assignments are designated for safety and security. Inmates having extenuating issues that relate to safety and security can submit an “OSR” to the on duty Sergeant for special consideration on a case by case basis. Inmates who have extenuating issues that relate to a disability should contact the offender ADA Coordinator.
- Inmates will not be allowed to be in another inmate’s cell.
- Pat searches and strip searches may be conducted at any time including but are not limited to: cell searches, dayroom, mass movements or anytime at the direction of unit staff. Inmates are to cooperate with all searches as interfering will result in a disciplinary infraction. Reasonable accommodations are available to inmates with disabilities that affect searches (e.g., a chair will be provided to inmates who use leg prostheses).
- Inmates will not tamper with the vent (i.e.: plugging, diverting, etc.).
- At no time shall an inmate cover or block the light fixture, air vent, intercom, sink or toilet in a cell with anything.
- Inmates shall not tamper with the sprinkler. This is in place for safety in the event of an emergency.
- The call button in the cell is for emergency purposes and is not to be used for general types of questions that can be answered by the Officers when they are on the blocks. Misuse of this will result in disciplinary action.
- **Cells will be kept neat and clean at all times. Beds will be made whenever the inmate leaves the cell, with the blankets tucked under the mattress.**
- Inmates must at a minimum wear briefs while in their cell.

- Nothing will be hung or placed on the walls, windows, door, ceiling, light fixtures or bunks in the cell. This includes photographs. At no time are inmates allowed to use anything to cover the door window. If an inmate violates this, he will receive a disciplinary report.
- No state or personal items will be used as a desk or floor covering. No homemade furniture or any other self-made items of any kind will be allowed in the cells.
- Cells will be inspected prior to occupancy. Inmates will be required to sign a cell check-in sheet. If any damages are noted after placement in the cell, assigned inmates will be charged with destruction of property. Cost of repairs will be determined through the disciplinary process.
- Mattresses will remain on the bunk at all times.
- “At no time are inmates allowed to use anything to cover the door window or count hole.”
- “At no time shall an inmate cover or block either the light fixture or air vent in a cell.”
- “At no time are inmates allowed to tape or otherwise attach anything to the walls in a cell.

2. DAYROOM:

- Dayrooms times will be scheduled in one (1) hour increments to afford the opportunity to participate.
- Puzzles may be checked out during dayroom on a first come first serve basis.
- Inmates must be fully dressed in state issued pants, shirt, shoes, underwear, socks whenever they are out of their cell (Except for when showering).
- Inmates must shower and clean their cell during dayroom times. Inmates must use the shower on their tier unless otherwise authorized by Correctional Staff, or as a reasonable accommodation for a disability, by the offender ADA Coordinator.
- Inmates are encouraged to shower at least every other day, or in accordance with their housing unit showering schedule. Inmates may be ordered by staff to take a shower if their body odor becomes offensive. If an inmate violates this section, he may be ordered to submit to a shower. Failure to comply will result in disciplinary action in accordance with *MSP 3.4.1, Inmate Discipline*.
- During dayroom times, inmates will be able to deposit appropriate items in the boxes by the block door (mail, canteen, grievances and medical), as well as taking out their trash and getting forms.
- During dayroom operations, inmates must be either in the shower, their cell, or in the designated dayroom area on the lower main floor (regardless of which level an inmate lives on).
- Inmates are not allowed to be closer than 4 feet from a cell door. Do not go beyond the tape on the floor.
- Inmates may not loiter on the second floor walkway (Upper Tier), or on the stairs, or under the walkway.
- Visiting from cell to cell is not allowed and inmates cannot be in any other cell but their own.
- Horseplay will not be tolerated, and will result in immediate lockdown and will be dealt with through the disciplinary process.
- **ITEMS MAY NOT BE PASSED FROM INMATE TO INMATE AT ANYTIME.**

3. INMATE MOVEMENT:

- Inmates leaving the unit will be escorted in accordance with policy directives for close custody inmates.
- Inmates must be fully dressed in state issued pants, shirt, shoes, underwear, and socks whenever they are out of their cell (Except for when showering).
- Inmates may not wear hats/stocking caps inside of the unit. Per policy 4.4.1, Stocking caps purchased through the Canteen as personal property will only be allowed to be worn from September 1 through May 30. Stocking caps worn outside of this time period will be confiscated by staff, utilizing a disciplinary infraction report.
- Inmates are not allowed to be on any block other than the one assigned to them without staff authorization or they will receive a write-up for being in an Unauthorized Area.

4. WORK & SCHOOL ASSIGNMENTS:

- While at MDIU inmates are not expected to have a job or school assignment. They will be expected to participate in housecleaning duties and janitorial duties in the housing area.
- Inmates will be expected to fully and honestly participate in all screening/testing processes. Failure to comply will result in an infraction report being issued.
- The only jobs available to MDIU (reception status) inmates are the paid Unit Workers aka block swampers. To be eligible, an inmate must be physically able to do the work, have maintained clear conduct since placement at MDIU and have not had any violent, threatening, predatory or escape related violations in the last three years

5. STATE LAUNDRY:

- Laundry will be exchanged on a one-for-one basis on designated laundry pass days.
- MDIU inmates will be allowed to have only: (1) pant, (1) shirt, (2) underwear, (2) pair of socks, (2) sheets, (1) pillowcase, (2) blankets.
- Laundry pass will be conducted on 2nd shift on Wednesdays and Saturdays (schedule is subject to change).
- Inmates are to inspect the condition of their items upon issue. Any discrepancies must be noted to staff at that time of issue. Once you take possession of the items you are responsible for them. Damaging and or altering these items will result in progressive disciplinary.
- Having more laundry than allowed or destruction of the state issued laundry will be cause for disciplinary action. You will be required to pay for items destroyed.
- Inmates are prohibited from wearing any garment on their head, face, or neck (do-rags, neck scarves, headbands, etc.).
- Inmates are to wear clothing that fits properly and is in serviceable condition. Inmate appearance standards prohibit:
 - Wearing pants in a manner causing them to sag.
 - Wearing clothing items that are over or under sized for the individual's body style (baggy clothing).
 - Wearing clothing items that have holes in them.
 - Wearing any style of dress that displays security threat group identification.
 - Velcro shoes will be securely fastened

6. PERSONAL LAUNDRY:

- Personal Laundry is not allowed in MDIU.

7. DISABILITIES/SPECIAL NEEDS:

- Inmates are responsible for notifying unit staff of any special needs and/or disabilities. If you

have a physical or mental disability or if you have questions about reasonable accommodations that you might need for a disability, contact the offender ADA Coordinator.

- If you are granted a HSR (Health Status Report) allowing you to retain special items, diets or participation in special activities, you must make the HSR provided to you by the medical department readily available to staff upon demand.

8. PHONE PRIVILEGES:

- Inmates are strongly encouraged to register a phone account upon admissions. You may deny by submitting a request refusing to set up the account. Refusing may result in a delay in activation if you later choose to activate your account.
- “All calls made using inmate phones (with the exception of calls to verified attorneys of record) are subject to recording and/or monitoring by Montana State Prison staff.”
- You have your own customer service number, which is 211. If you have any problems with the phones, just pick up the phone, add your PIN number and dial 211, then follow the prompts to leave a message. A customer service rep will check your message within one hour and send a message back to your own voice mail box. The next time you enter your PIN, the system will notify you that you have a voice mail message waiting. They will respond to every request, even if they cannot assist you.
- Inmates will be required to make collect phone calls during their scheduled dayroom period.
- Phone calls will occur during your scheduled time frame for dayroom. Designated staff will go around and sign you up. All offenders wanting a phone call that day when announced will be standing by their door with the lights on, otherwise they will not be signed up.
- All phone calls are limited to 15 minutes in duration. Reasonable accommodations extending this 15-minute maximum may be made for deaf or hard of hearing inmates using the TTY/TDD phone or videophone.
- At no time will inmates share phone calls or are authorized to make third party calls.
- Inmates are not allowed to visit with other inmates while using the phone.
- If you have a verifiable emergency and need to make a phone call, notify the on duty sergeant or a case manager by sending an OSR (“kite”).
- If an inmate’s attorney will not accept a collect call, the inmate will need to correspond through the mail.
- All calls made using inmate phones (with the exception of calls to verified attorneys of record) are subject to recording and/or monitoring by Montana State Prison staff.

9. MAIL:

- Outgoing mail must be deposited in the mailbox before the evening lock down, or it won’t go to the Mail Room the following morning. Inmates are expected to put their own mail in the “Mailbox” on the block during mass movements (meals, dayroom). Inmates are not allowed to pass any item from inmate to inmate. Mail goes out Monday through Friday, excluding holidays.
- Outgoing general mail will be left unsealed. No markings (drawings, sayings, etc....) other than the appropriate address (DOC policy 5.4.1).

- Mail is delivered on third shift Monday through Friday.
- Inmates are only allowed to send money to those persons on their approved visiting list. Inmates may receive funds through the mail from the following approved parties:
An inmate's attorney;
Immediate family members listed on the inmate's approved visiting list; and
One approved non-family member authorized by the warden or designee. Inmates may request the one non-family member to be changed to another approved non-family member, but this can only occur once every six months.
- One-time money order must be done in writing to the Unit Manager and only if you been here 30 days.

LEGAL MAIL:

- Outgoing legal mail must be clearly marked and addressed as legal mail to a verifiable address.
- Staff must witness the contents of the envelope before it can be sealed. Once sealed the staff member will stamp and sign the envelope and place it in the mail box.
- Once the staff member signs the envelope it will not be returned to the inmate.
- Incoming legal mail will be opened by unit or facility staff in the presence of the inmate; the inmate will initial the stamp indicating it was opened in his presence.
- All legal mail will be signed for in the presence of the Unit Manager or designee.
- The staff member will also print their name and initial in the stamped area.

10. SCHEDULED ACTIVITIES / MOVEMENT:

- During any and all movement the upper cells 1 through 12 will use the stairs by the showers; cells 13 through 25 will use the stairs by cell 22.

OUTSIDE YARD:

- Inmates will be asked if they want to go to yard prior to 0730. This is the only time an inmate may sign up to participate in yard. The Unit Sergeant will schedule all inmates wishing to participate in yard at one of the three allotted yard times. Inmates are not guaranteed a specific yard time.
- Unit yard is scheduled to afford each inmate the opportunity to participate in yard. Yard schedules will be posted on the block bulletin boards.
- "Inmates are not allowed to take canteen or personal items to yard."
- Yard may be cancelled due to inclement weather or security/staffing issues. The Unit Sergeant may conduct dayroom in lieu of yard during these circumstances and will be situational dependent upon unit operations.
- There will be no leaning on or touching the fence.
- Horse play of any kind will not be tolerated and may result in progressive disciplinary.
- The use of this yard while at MDIU is a privilege. Any problems may result in the closure of the unit yard.

VISITING PRIVILEGES:

- There are no visiting privileges while in MDIU except for attorneys, clergy and law enforcement officials.
- To have someone placed on a visiting list, the inmate will need to mail visiting

questionnaires/rules to the person they wish to have visit them. If this person is approved, they may visit with the inmate after he has been classified and is living in general population.

MEALS:

- Meals will be served in the unit three times a day.
- No horseplay or talking to inmates in another cells.
- All Inmates will be fully dressed while in the dayroom.
- Diets, as approved by the doctor, dietician, or RAC coordinator will be served at the same time period as regular meals.
- All food and beverages provided with the meal will be consumed during the meal.
- No items of food/beverage from the meal can be kept or stockpiled in the cell (sugar, salt, pepper, food, bread, etc....).
- Plastic ware and wrappers must be disposed of in the trash, not the toilet. Do not flush the plastic meal coverings in the toilet. Put them in the garbage bag or turn them in when you turn in your tray after the meal.

RELIGION:

- While at MDIU, there will not be any scheduled religious services. Inmates may request visits by pastoral staff by sending an OSR to the Religious Activity Center (RAC).

LIBRARY:

- Library services will be provided on a designated day and time. This will vary.
- Each inmate may check out three (3) books.
- Book can only be retained for two weeks and can be renewed once for an additional two weeks. Books must be returned to the librarian at library call. Failure to do so may result in a disciplinary infraction and you will be charged a daily fee for each overdue book or if missing the cost of the book(s).
- You may not pass or exchange the book to another offender.
- When you move out of MDIU and are in retention of a library book, you must turn the book in to unit staff and leave it at MDIU. Failing to do so will result in an infraction and reimbursement will be pursued.
- The libraries will provide inmates access to the courts as outlined in MSP 3.3.2. You can request this service by sending an OSR to the library or seeking instruction from the librarian at library call.
- Library staff will make photocopies of authorized documents as outlined in policy 5.3.2. You can request this service by sending an OSR to the library or seeking instruction from the librarian at library call.

LEGAL:

- Inmates may send kites to the Montana State Prison Librarian for legal forms, law books, etc.
- If an inmate has no money on his account and has not received any in the past 30 days, MDIU will provide him with writing materials and postage on a limited basis, to write to his attorney

NOTARY SERVICE:

- Notary service is available to inmates through the assigned housing unit Case Manager.

11. PERSONAL PROPERTY:

- “Inmates may only acquire, store, and dispose of personal property items during their incarceration as outlined in MSP Policy 4.1.3 – Inmate Personal Property”
- Personal Property is limited and only the items allowed per the canteen sheet approved for MDIU is allowed.
- No inmate will possess or display any sexual explicit materials.
- Inmates are not allowed to possess more than (15) magazines, newspapers, catalogs, books, etc. combined.
- State issued items, canteen purchases, library books, newspapers, magazines, religious items, legal materials, personal photos and mail will be the only items allowed in the cells.
- **ITEMS MAY NOT BE PASSED FROM INMATE TO INMATE AT ANYTIME.**

12. CANTEEN:

- Canteen slips must be deposited in the canteen box before the evening lock down the night before canteen slips are due (currently slips are taken out on Friday Mornings). Inmates are expected to put their own slips in the “Canteen box” on the block during mass movement (meals, dayroom). If you are not scheduled dayroom for that particular day, you may request that staff place these items in the box for you during dayroom hours. Inmates are not allowed to pass any item from inmate to inmate. Inmates are not allowed to exchange, loan or give away commissary or personal items at any time while at MSP (MSP policy 4.1.3).
- Only those items allowed per the MDIU Canteen List can be ordered.
- Inmates shall open, check, verify and signature for all deliveries in the presence of a staff member at the time of receipt.
- Inmates must report discrepancies to staff immediately upon receipt, and staff will process discrepancies in accordance with the commissary policy. No action will be taken if an inmate fails to open and check the commissary orders in the presence of staff, and then later claims a discrepancy.

13. HYGIENE:

- All inmates are expected to be neat and clean state of appearance at all times.
- Showers will be available during dayroom. Each inmate will be given ten minutes for their shower, provided that inmates with disabilities who require additional time may make a request for a reasonable accommodation. The only items to be taken to the showers are one (1) towel, shampoo and soap.
- Any inmate that has hair longer than the bottom of the collar will be required to have his hair tied back whenever he leaves his cell. Inmates are not allowed to have beards or mustaches longer than one inch.
- Inmates are required to brush and or clean their teeth and dentures regularly as required in order to protect and properly care for their teeth and practice appropriate sanitation of their mouth. Inmates should brush their teeth or dentures a minimum of once per day.

HAIR GROOMING

- Inmates may request a hair cut by placing their name on the sign up list (posted on the bulletin board on each block) or sending an OSR to the Unit Sergeant.
- Inmates must keep their hair neat, clean, well-groomed and free of unpleasant odors at all times. Clean is defined as free of dirt, body oil, lice, ticks, nits, excessive dandruff or foreign substances.
- “Hair is to be kept well-groomed and clean. If hair length is longer than the bottom of the collar, it must be put up in a ponytail or braid when the inmate is out of his living quarters.”
- The following head or facial hair styles are not permitted:
 - a. The sculpting of initials, lines, designs, patterns, letters, numbers or multiple parts.
 - b. Dyed hair.
 - c. Hair disproportionately longer in one area than another (excluding natural baldness).
 - d. Partially shaved heads.
 - e. Excessive braids, weaves, or dreadlocks.
 - f. Hairstyles that have been demonstrated to be an indicator of being a member or being identified with any security threat group.
 - g. Haircuts and styles which draw undue attention to an individual inmate or group of inmates.
 - h. Eyebrow removal or alteration, especially in a manner that draws undue attention to an inmate.
 - i. Styles with thickly matted hair, that are too long, have too much hair, or that have intricate braiding and/or excessive braids, are not allowed because they take too much time (three minutes or longer) to search and/or unbraided, and do not facilitate easy, timely, and uncomplicated searches.
- Inmates are allowed to grow sideburns, a beard and/or a mustache, but they must be kept clean, neatly groomed, and the hair kept under 1" in length. Styles which draw undue attention to an individual inmate or group of inmates will not be allowed.

14. SECURITY:

- Cells may be searched at any time, and the inmate's presence is not required. Any item found that is suspected of being contraband shall be seized and processed in accordance with MSP Policy 3.4.1- “Institutional Discipline”
- Random pat searches may be done at any time while at MSP. When notified for a pat search, the inmate is required to stop, turn around, take his hat and coat off, open his hands and place his arms straight out. Any inmate who refuses a shakedown will receive a write up and will be placed in pre-hearing confinement.
- Under no circumstances will an inmate refuse a lawful or reasonable order of a staff member, nor will he direct abusive or profane language/gestures to a staff member. Refusal to comply with this directive will result in disciplinary action.
- No tobacco use or possession of any kind is allowed at Montana State Prison.

- Any time an inmate must go to an area outside of MDIU the MDIU compound, he will be restrained and have a staff escort.
- When lockdown is called, all inmates will immediately go into their cells. Any inmate who does not comply with a lock down order will be issued a major infraction report and be placed in pre-hearing confinement. Disciplinary action will be taken.

COUNT

- Count times are as follows:
 - 0500 hours
 - 0930 hours
 - 1330 hours
 - 1800 hours=Stand up count and lights on
 - 2100 hours=Stand up count and lights on
 - 2400 hours
 - 0300 hours
- For all counts, the officer must be able to see SKIN AND MOVEMENT.
- All movement is restricted until a staff member announces that the count is clear.
- Inmates are not allowed to create loud noises during count and are required to go to their assigned cell for count.
- **DO NOT initiate any conversation with staff during count times unless it is an immediate emergency.**
- Nothing (blankets, sheets, and towels) will be hung from the upper bunk or in a manner that obscures vision.
- No inmate will block or disrupt the closing or opening of a security door. Disciplinary action will be taken.
- Reasonable accommodations are available to inmates with disabilities that affect their ability to stand for count (such as a chair for inmates unable to stand for count).

15. EMERGENCY PROCEEDURES:

- In the event that an emergency arises, the order for lockdown will be given and all inmates are expected to return to their assigned cell immediately.
- In the event an evacuation is necessary, the evacuation routes are posted on each wall and on each tier. Follow the evacuation routes and the directives given by staff. Keep calm, do not run and move out the block doors to the yard area (same route as going to yard).
- “Fire drill will be conducted to educate and prepare for evacuation procedures.”

16. CLASSIFICATION:

- Initial classification hearings are conducted either on Tuesday or Thursday. You will be classified within 45 days of arrival and your stay at MDIU can be up to 120 days, unless, because of a disability, MDIU is inaccessible to you and you are “fast tracked” and assigned to an accessible housing unit within 72 hours, excluding weekends/holidays, of arrival.

17. GRIEVANCE:

- The first step in a grievance always must be an informal attempt at resolution. Inmates should first attempt to resolve issues by speaking to the appropriate staff member and/or sending an OSR (kite).

- If this does not resolve the problem, the inmate may then fill out an informal resolution form and send it to the Unit Manager. If the inmate cannot complete the form as a result of disability, he may ask for assistance from staff to complete the form. All information shared between the inmate and the staff assistant shall be confidential from other inmates and unnecessary staff and shall not be used or disclosed other than to pursue the information resolution or grievance. Additionally, the inmate's attorney or representative (including an assigned inmate aide) may assist in completing the form.
- If the inmate is not satisfied with the answer from the Unit Manager, he may then file a formal grievance.

18. INDIGENT:

- Inmates at MDIU will be given a hygiene packet upon arrival in admissions and may request a new packet every 30 days. Requests need to be submitted to the Unit Manager" for replenishment.
- Inmates who qualify for indigent status and who need additional assistance in obtaining paper and envelopes for legal matters may seek limited assistance by sending an OSR to the Unit Manager.

19. CHAIN OF COMMAND:

The following procedures will be observed when attempting to resolve a problem or answer a question an inmate may have. This is the chain of command and how you will be expected to resolve issues:

- **Correctional Officers:** Can answer most questions and solve most problems an inmate may have: Infirmary problems, undeliverable mail, visits, MSP Policy (Rules), money on inmate account etc. If a Correctional Officer is not able to answer a question he will refer the inmate to the Sergeant.
- **Correctional Sergeant:** The Sergeant in addition to being able to solve most problems, is responsible for cell placement, problems between inmates, minor disciplinary decisions regarding the inmates assigned to the unit, as well as overall security of the unit, and job removal/assignment. The sergeant may refer your issue to another staff member.
- **Case Manager:** The Case Manager is responsible for pre-release applications, MORRA assessments, parole reports, treatment, classification, minor disciplinary decisions regarding the inmates assigned to the unit. Unit Correctional Officers and Sergeants will also have input and participation in these activities.
- **Unit Manager:** The Unit Manager is responsible for the overall security and operation of the housing unit. This includes supervising all Unit Staff, scheduling, training and evaluation of the Staff. He/she is responsible for all classification decisions, job assignments, pre-release placements, programming, informal resolution, and minor disciplinary decisions regarding the inmates assigned to the unit. The Unit Manager is the person responsible for making sure all rules and policies are followed by the inmates, and enforced fairly by the Staff. An inmate will not normally see the Unit Manager for resolving issues unless the inmate has attempted to resolve his problem through an Officer, the Sergeant and/or the Case Manager.
- Inmates who have not been able to resolve their concerns through the chain of command must send a kite to the Unit Manager or be referred by another staff member.

- Inmates may contact the offender ADA Coordinator at any time with questions about disabilities or reasonable accommodations.

20. DISCIPLINARY:

- “Failure to follow unit rules, policies and procedures will result in disciplinary action per MSP Policy 3.4.1 - Institutional Discipline.”

21. MEDICAL:

- All medical/dental requests will be turned into the Infirmary Kite Box located at the block door during mass movement (meals, dayroom).
- Inmates will be placed in restraints when escorted to the main Infirmary.
- If an inmate has a medical emergency, he must immediately notify unit staff. This is an authorized use of the cell intercom.

22. HOW YOU WILL ADDRESS STAFF:

- Inmates will address staff members by their title and last name. If the title or last name is unknown, you may use the title only or may use Mr., Mrs., Miss., Ma’am or Sir, whichever is appropriate. Slang titles or names will not be allowed, such as “cop” & “boss”. First names and nicknames will not be used when addressing staff.

Michele Steyh Unit Manager

2-8-2017

Michele Steyh
Unit Manager Signature

Myron Beeson, AW

2-8-2017

MBeeson AW
AW Housing Signature

TREATMENT

GENERAL GUIDELINES

While in MDIU, all inmates will be screened for treatment needs. The screening will consist of an interview with the Treatment Case Manager, a review of the inmate's file, educational, mental health, SOP (if necessary) and chemical dependency and learning and developmental disability testing, and an assessment for any physical or mental disabilities and reasonable accommodations needed. In general, inmates are placed on the waiting list for groups based on their parole eligibility date and/or discharge date. If an inmate has a particular court ordered stipulation (parole upon completion, pre-release upon completion, etc.), it will be noted on the treatment request. This will prioritize your placement on the waiting list for that group. **At your initial classification hearing, you will be provided the opportunity to sign the Request for Treatment form and have your questions answered. You must sign the form to be placed on the waiting list and be in compliance with treatment recommendations and requirements.** Reasonable accommodations are available for inmates with disabilities in all treatment programs, including but not limited to ensuring that programs are conducted in locations accessible to inmates with mobility disabilities, ensuring that inmates who have hearing, visual or cognitive impairments receive instruction and materials in an accessible format and with effective communication. Contact the ADA Coordinator if you need or have questions about disabilities and reasonable accommodations.

ANGER MANAGEMENT:

This is a structured treatment module that has a cognitive/behavioral approach designed to teach you how to recognize anger and deal with it in an appropriate manner. Anger Management may be a component of Cognitive Principles & Restructuring program or CD Treatment and will be completed as you complete that program.

COGNITIVE PRINCIPLES & RESTRUCTURING (CP&R):

CP&R is a structured treatment program designed to challenge irresponsible thinking and help correct it. It can be completed in approximately twelve (12) sessions. It includes exercises for practicing new ways of thinking and teaches how to react differently to situations. It has three phases. Phase I, the initial phase, introduces the participant to the concepts of cognitive restructuring and has assignments that help the person to identify thinking that has the potential to harm themselves or others. Phase II, the intermediate phase, continues with challenging thinking, but also has assignments that include the impact of the participant's criminal behavior on their victims. Phase III, while continuing to challenge criminal thinking also focuses on relapse prevention techniques and victim empathy to assist offenders in leading a noncriminal lifestyle when they return to the community.

PARENTING:

The Parenting Class is taught when an adequate number of inmates request the class. Class numbers will range from 5 to 15 depending on room availability. The class is taught by the education department and consists of three- 2.5 hour sessions. Students must attend all classes and must finish all written assignments. For those who complete the class we will provide a "certificate of completion".

SEX OFFENDER PROGRAM:

The Sex Offender Program consists of three phases. Phase I is a psycho educational phase that is required by statute for anyone convicted and incarcerated for a sexual crime. This phase takes about six months to complete. Phase II is a long-term therapeutic treatment phase during which time the participants learn what thinking they used to allow themselves to act out. They also learn how to control their behavior and what red flags to watch out for, as well as the impact their behavior had on their victims. After completion of Phase II, the participant is required to attend a Phase III Aftercare group until he discharges from the institution.

CHEMICAL DEPENDENCY TREATMENT:

Intensive Treatment Unit (ITU) – This program operates four separate 14 bed treatment pods on the low side compound and is designed to provide a comprehensive ninety (60 - 90) day treatment experience. The ITU provides an open-ended program for individuals in need of a more intensified treatment modality. The ITU provides both primary and relapse prevention chemical dependency treatment and also examines criminal personality issues with each client. Upon admission to the ITU each client is interviewed by his primary counselor to address program expectations, formal assessments, and review of program assignments. The ITU participants attend scheduled groups, individual counseling, self- help groups, and complete homework assignments on a daily basis. The goal of the program is to assist each participant in identifying his addiction and beginning the process of recovery. A Licensed Addiction Counselor (LAC) with an Associate's degree facilitates this group. Cognitive Principles & Restructuring (CP&R) and Anger Management (AM) group requirements can also be satisfied in this treatment setting.

Relapse Prevention Program - Designed for individuals with prior treatment or recovery information and/or experience. Program materials focus on identifying relapse triggers; developing a specific plan to deal with those triggers should they present themselves and the reciprocal nature of addictive relapse and criminal behavior. Group participants receive an internally published workbook and are expected to satisfactorily complete this before finishing the group. Also, active participation regarding selected videos, various group activities, individual counseling, or mentoring sessions as indicated are required. The group lasts about six weeks if conducted twice per week, and 12 weeks if conducted one time per week. A Licensed Addiction Counselor (LAC) with an Associate's degree facilitates this group. Cognitive Principles & Restructuring (CP&R) and Anger Management (AM) group requirements can also be satisfied in this treatment setting.

Methamphetamine Specific Program – The Chemical Dependency Department has devised a long-term program to address the special needs and issues related to Methamphetamine abuse or addiction. Early research indicates that although this specific population doesn't necessarily need different treatment, it does however need longer treatment than those suffering from other addictions. For this reason, we developed a program that requires the client to begin treatment in an outpatient Primary Care program for approximately eight weeks. Once this program has been successfully completed the client will then transfer to the Intensive Treatment Unit (ITU) program for an additional eight-week program. After this portion is completed, the client will then transfer to a Relapse Prevention program for approximately eight more weeks. All three of these groups will be exclusive to those who suffer primarily from Methamphetamine abuse or addiction. After this six-month process is completed, the client will then be enrolled in a Continuing Care program which will assist them in staying focused on recovery related issues. These series of groups are facilitated by a Licensed

Addiction Counselor (LAC) with an Associate's degree. Cognitive Principles & Restructuring (CP&R) and Anger Management (AM) group requirements can also be satisfied in this treatment setting.

Chemical Dependency Treatment for Sex Offenders – This program is designed for clients who are incarcerated at Montana State Prison for a sexual or sexually related offense who also have a recommendation to complete some level of chemical dependency treatment. Periodically our department conducts a Relapse Prevention group and/or a Primary Care group exclusive for sex offender's which allows them to address their chemical dependency issues and how it possibly contributed to their offending behaviors. This group allows the offender to identify more clearly with their peer group and assists in minimizing the chance of ostracism or ridicule from other inmates due to their sexual offending behaviors. A Licensed Addiction Counselor (LAC) with an Associate's degree facilitates this group. Cognitive Principles & Restructuring (CP&R) and Anger Management (AM) group requirements can also be satisfied in this treatment setting.

Medicine Wheel Program – This program is designed to incorporate Native American spiritual and cultural beliefs with chemical dependency treatment principles and concepts. Program materials focus on a culturally relevant model using videos, a workbook and groups with individual sessions as indicated. The group is open to any interested individual and utilizes a different approach in that the workbook used comes from White Bison Inc. and incorporates the Medicine Wheel and the Twelve Step Program. Groups last about six weeks if conducted twice per week, and 12 weeks if conducted once per week. A Licensed Addiction Counselor (LAC) with an Associate's degree facilitates this group. Cognitive Principles & Restructuring (CP&R) and Anger Management (AM) group requirements can also be satisfied in this treatment setting.

Primary Care Program - This program is designed for individuals who have little or no prior treatment history or those assessed with a high level of denial about their chemical dependency. The treatment process consists of disease and recovery basics with considerable emphasis on eroding denial. Group work is often associated with the steps of Alcoholic and Narcotics Anonymous. Program materials consist of a workbook selected videos, group activities, and individual counseling as indicated. The group lasts about six weeks if conducted twice per week, and 12 weeks if conducted one time per week. A Licensed Addiction Counselor (LAC) with an Associate's degree facilitates this group. Cognitive Principles & Restructuring (CP&R) and Anger Management (AM) group requirements can also be satisfied in this treatment setting.

Dual Diagnosis Group – This program is designed to meet the needs of those with both an addiction (alcohol, drugs, gambling, etc.) and a mental health disorder. These clients benefit from being able to treat both issues simultaneously and to better understand how one may affect the other. The group meets once a week for ninety minutes for about 12-14 weeks. Although this is presently a pilot program and is on a voluntary basis, there appears to be a significant number of inmates who meet the criteria. The group is co-facilitated by a Master's level therapist from the M.S.P. Mental Health Department and a LAC from the Chemical Dependency Department.

Continuing Care Program – This program is offered to any individual remaining in prison following completion of any of the previously described groups. These groups focus on actual application of the recovery information by using problem solving techniques and skills received in an initial group while supporting the gains made. The goal is to teach the members how to apply recovery principles to everyday living problems both in and out of prison. This group typically meets about two hours per week and is open ended. A Licensed Addiction Counselor (LAC) with an Associate's degree facilitates this group.

Program Sponsorship – In addition to the above listed programs, the Chemically Dependency Treatment Department also provides sponsorship and support to several programs within MSP. Staff routinely sponsor and provide guidance for Alcoholics Anonymous (AA) meetings as well as Narcotics Anonymous (NA) meetings. There are several meetings per week and two AA conferences per year with outside guests attending. Staff also sponsor the Addictive Diseases Study Program (ADSP), which is a peer education program conducted by inmates under the guidance of program staff. This is coordinated by the Religious Activity Center and you can request to participate by sending a request to the Religious Activities Coordinator at the RAC.

Steps and New Direction – Two new inmate programs have been approved by MSP and MCE Administration. S.T.E.P.S. (Steps to Economic Personal Success) and New Directions are being offered at the prison and is a product of The Pacific Institute. These are goal setting and personal prioritization groups geared for life outside of prison. The same type of programming is used in the corporate world to aide businesses and their employees. These are strictly volunteer programs and to participate you need to request participation through your assigned permanent housing unit Case Manager who will guide you in this process.

S.T.E.P.S. is offered to inmates who reside on the low side compound and at the Work and Reentry Center. The New Directions component is offered to Offenders classified to the High side compound. The core of the S.T.E.P.S. and New Directions programs are contained in video and participant manuals.

MEDICAL

Health Services - Infirmary

Health Service Requests (Kites)

Each housing unit is to have a drop box for inmates to place kites (medical, dental, and mental health) into. Infirmary staff will visit units each night to collect the day's kites. These kites will then be processed and forwarded to the appropriate department/staff member. Kites with symptoms are usually assessed by infirmary staff the next day. Staff will either call inmates to the main infirmary or to the HS and LS satellite infirmaries for assessment. While at MDIU, you will be called to the MDIU infirmary.

Offenders housed in LHU1 and LHU2 will be assessed by infirmary staff in those units. Kites are addressed daily at a regularly scheduled time in LHU1 and LHU2 unless other arrangements are necessary due to unit activity, infirmary volume, emergencies, etc.

MDIU kites will be collected and addressed daily. The kites will be logged and forwarded to the appropriate department/staff member. Kites with symptoms will be assessed by infirmary staff at MDIU infirmary.

Inmates with disabilities may request and shall receive assistance from staff or other reasonable accommodations if they are unable to complete the kite as a result of a disability.

Pill Pass

Low side and High side inmate pill passes will occur in the specific unit at a scheduled time utilizing a “medication locker” system. Inmates will be instructed concerning the medication locker schedule when entering a new unit. Questions concerning the system should be addressed to unit staff. Medication issues should be addressed using the medical kite system.

- You will be assigned a medication locker.
- Medications will be set up weekly by nursing in your assigned medication locker.
- You will report as instructed to the pill pass lockers in your individual unit at the assigned time, if you do not report at the assigned time you will NOT receive your medication at an alternate time. If you believe you are unable to do this due to a disability you may request a reasonable accommodation from the ADA Coordinator.
- The security officer will unlock and open your assigned medication locker.
- You will retrieve your medication from your unlocked medication locker and self-administer the appropriate corresponding morning or evening dose, you are not to pick and choose what medication you are taking. **Either take all or none.**
- You will be required to show the officer your mouth after swallowing your pills and abide by any reasonable request of the supervising staff member such as reciting your Offender number and/or name.
- Return your unused medication to your medication locker which will then be secured by the security officer.
- **DO NOT** save any of your medication for later, if you choose not to take a medication or miss a dose, you must leave it in your dispenser.
- If you feel there is a discrepancy in your medication, **do not take your medication!** Let the officer know there is a discrepancy and they will contact medical staff who will verify your medication with in that shift.
- If you have a new medication ordered by the Provider, it will not show up until the next fill after medication is received. It takes 2-3 days for medication to arrive and boxes are filled on weekend nights.
- General questions regarding your medication should be submitted utilizing a Health Care Request “kite”.

- Pill pass for unit dose medications in LHU1 and LHU2 will occur at the cell door. These pill passes will occur at a regularly scheduled times.
- Pill pass for unit dose medications will happen at the cell door for MDIU inmates. These pill passes will occur at a regularly scheduled times.

Diabetic Checks

Diabetic inmates will be provided opportunity to check their blood sugar and take insulin as per doctor orders two times daily. Low side and high side inmates will be called at appointed and regularly scheduled times to the main infirmary for diabetic checks and insulin administration.

A nurse will visit LHU1 and LHU2 inmates at their cell door twice daily at appointed and regularly scheduled times twice daily for diabetic checks and insulin administration.

Diabetic checks and insulin administration are done twice daily at MDIU unless otherwise ordered by a provider. These checks are done at the MDIU infirmary between 06:00-06:30 and 16:30-17:00 daily.

Dental

Health Service Requests (Kites)

Each housing unit is to have a drop box for inmates to place kites (medical, dental, and mental health) into. Infirmary staff will visit units each night to collect the previous day's kites. Dental kites will be logged into the infirmary and forwarded to the dental department. The dental staff will address dental kites. This may include an appointment to the main dental clinic or a written response.

Inmates will be seen automatically at the MDIU dental clinic approximately 3 weeks after arrival for a dental examination. MDIU inmates are to utilize the medical kite system to communicate all other dental issues.

Inmates with disabilities may request and shall receive assistance from staff or other reasonable accommodations if they are unable to complete the kite as a result of a disability.

Appointments

Once screened by dental staff, referred inmates are scheduled to be seen by the dentist. LHU1 and LHU2 inmates may be scheduled without an initial screening due to security issues. Inmates unable to leave their units (LHU1 and LHU2) will be escorted by an officer when seen in dental. MDIU has its own dental office and dental services will be provided at MDIU.

Mental Health

Health Service Requests (Kites)

Each housing unit has a “Mental Health Kites” box for inmates to place kites concerning mental health issues. Mental health staff will visit regularly to collect these kites. The kites will be logged by mental health staff for tracking purposes. Mental health kites are reviewed and addressed by clinicians who will follow up with the inmates.

Inmates with disabilities may request and shall receive assistance from staff or other reasonable accommodations if they are unable to complete the kite as a result of a disability.

Appointments

Mental health clinical staff will refer inmates as necessary to the psychiatrist at scheduled clinic visits. HS inmates are seen in the high support building and LS inmates are seen in C unit. Mental Health staff has weekly scheduled rounds to LHU1 and LHU2.

Optometrist

You may be scheduled to see the optometrist by filling out a medical kite and placing it in a medical kite box. The state will provide one eye exam every two years. When an exam warrants a new prescription, state issued frames will be provided. The infirmary staff does not handle optometrist appointments or issues with new or broken glasses. These issues are to go through the optometrist by using the kite system.

You will not see the optometrist while at MDIU unless there is an emergency. You may kite to have an appointment once you have moved into general population within the main prison.

MDIU Diagnostic Process:

Medical and dental screenings are provided at the MDIU medical room. While you are in MDIU, if you are on medication, or need medical attention, ask available staff using the appropriate chain of command. If you need medical care, fill out the infirmary request form and put it in the infirmary box located at the block door during mass movement. When you leave MDIU, and arrive in your assigned unit, use the same procedure. Check the unit rules for any other information that may apply. If you have an emergency notify any staff member and they will contact the medical staff.

Inmates with disabilities may request and shall receive assistance from staff or other reasonable accommodations if they are unable to complete the infirmary request form as a result of a disability.

Self-Medication

- Take your medication exactly as instructed by the medical staff and as noted on your medication blister pack.
- If you have questions or concerns about your medication you are to contact the medical staff by medical kite.
- Medication is to be kept in the original package. Each pill is to be removed only when you are ready to take it.
- When the medication is finished you are to return the empty blister pack immediately to the infirmary by placing it in the medical kite box. For your privacy...**DO NOT DISCARD THE EMPTY BLISTER PACK IN THE TRASH!**
- If, for any reason, you do not take all of the medication in the blister pack you are to return it with the unused medication to the infirmary. You may do this by placing it in the medical kite box.
- You have the right to refuse medication. Attach a signed refusal slip with the blister pack and place both in the medical kite box in your unit.
- You will lose the privilege of handling your own medication for the following reasons:
- You hold a blister pack beyond the stamped or stickered expiration date
- You are found with another inmate's medication blister pack or yours is found with another inmate.
- The information on the medication blister pack is altered in any way.
- Medication is removed from the card and placed elsewhere in your cell or on your person, etc.
- You do not take the medication as ordered.
- There are self-harm issues.

If you lose the privilege of handling your own medication cell side, the medication will be unit dosed to you at scheduled pill passes or in pill boxes at your unit. After six months, depending upon the circumstances, you may kite to discuss being allowed to handle your own medication again.

You must kite when you have approximately one week of medication left for refills.

Medication refills will not happen automatically. **It is your responsibility to reorder your medications.**

MENTAL HEALTH SERVICES

Mental health staff screens all new admissions for psychiatric problems, psychiatric medication issues, other mental disabilities, and intelligence (in addition to learning and developmental testing done upon intake). Inmates who have problems or needs in these areas are provided appropriate services deemed necessary by mental health professionals on site.

In addition, the mental health department offers a variety of supportive and treatment groups throughout the prison including MDIU, low side (A, B, C and D) and high side (HSU1 and HSU2) housing. Offenders housed in the detention units (LHU1 and LHU2) receive weekly monitoring by mental health professionals. All offenders are encouraged to kite the mental health department if they feel they have some kind of mental health need. Inmates with disabilities may request and shall receive assistance from staff or other reasonable accommodations if they are unable to complete the kite as a result of a disability.

Individual treatment (one-to-one) is available when deemed appropriate by mental health professional staff.

Inmates have the right to refuse services at any time.

It is important to understand that mental health staff places a high priority on confidentiality and will generally keep all information that you provide confidential. In limited circumstances, the information you provide to mental health staff may be made available to other MSP staff, but only those with a need to know the information for treatment, classification, security, disciplinary, or parole purposes. Those staff, in turn, will keep your information confidential from other inmates and unnecessary staff. Mental health staff is also obligated to break confidentiality and report any threat to harm yourself, threat to harm others, child abuse, or threat of escape. The information you provide to mental health staff will be recorded in your permanent and confidential mental health file. This information will not be released to third parties without your written consent.

ADJUSTING TO PRISON

Coming to prison, even if you have been in prison before, can be difficult. Some people experience the following emotions and symptoms as they adjust to prison:

- Difficulty getting to sleep and staying asleep.
- Dreams and nightmares.
- Excessive worrying, obsessing, or thinking about life.
- Feelings of sadness and regret.
- Feelings of loss.
- Feeling closed in and antsy.
- Brief periods of depression and hopelessness.
- Feelings of anger, resentment, and revenge.
- Fears of how other inmates will treat them.

Most of these emotions and symptoms are normal reactions to being in prison that will go away as you begin to adjust. Generally, they do not require any specific treatment and they should go away in a few weeks. If the symptoms worsen or continue for longer than a few weeks, you should request

help from your Case Manager. You may be accustomed to managing unpleasant feelings, symptoms, and problems with substances. This is not an appropriate way to manage them.

The following are some simple methods to manage some of the feelings and symptoms related to adjusting to prison:

- Avoid caffeine
- Exercise regularly
- **(this is as good as psychiatric/psychological treatment according to recent studies)**
- Maintain a regular sleep schedule
- Talk about your feelings with a person you trust
- Read a book
- Write letters
- Keep a journal of your thoughts and feelings
- Pursue your religious scriptures or commentaries.
- Consult with library staff about mental health self-help books that may be available to you.

There are waiting lists for the mental health department offered groups. While waiting to get into requested groups can be frustrating, the extra time that you will have on your hands can be used to great personal advantage, about how you got to prison, and what you need to change in order to avoid further trouble with the law. After all, time to think is one advantage that prison life has to offer. The prison library has self-help materials available, and there are self-help programs, such as AA and chapel services, that are available without waiting lists.

ACADEMIC EDUCATION

The MSP school system provides several programs for students to enhance their educational goals. The Education Department is located in the High and Low Support Buildings. The primary goal of education programming is to afford inmates meaningful and rehabilitative learning experiences through formal programs of educational instruction to become functionally literate. Priorities are made for GED students. Most school positions are paid. Reasonable accommodations are available to inmates with disabilities.

The following programs are available to both high and low security inmates:

Basic Literacy/Special Education	Life Skills/Job Skills
Pre-GED	Correspondence
GED	Cell Study
Transitional	

Admission: Contact the Education Department. A 90-day school commitment is required for all students. A TABE score of 9.0 (ninth grade) or higher is required to take any of the five GED tests. The TABE is administered at MDIU on Monday's and is mandatory for all persons that have not taken it in the last year.

Class size is limited, assuring more personalized attention and instruction for each student. The

student will get one-on-one help from the instructor to help them work toward their educational goals.

School hours: Two school sessions are offered daily.

8:00-10:30 – Morning class

12:50 – 3:30- Afternoon class

LIBRARY SERVICES

The MSP Library provides all inmates access to a comprehensive library service program containing a collection of general and specialized reference materials. Materials are selected on the basis of accuracy and cultural, inspirational and recreational value. The library participates in selected, cooperative interlibrary loan programs. Materials are available for inmates with disabilities, including but not limited to, materials for inmates who are blind.

The MSP Library maintains a selection of books for the Martz Diagnostic & Intake Unit. This selection is supplemented periodically as books wear out.

There is no contract attorney at MSP. The MSP Library provides legal forms and books that may be checked out to assist you in preparing for legal proceedings. You may send a kite directly to the library to request needed legal materials.

Photocopies are available at the library. Cost is 10 cents per page. You must have a copy card for photocopies. The card is purchased in amounts of two, five or ten dollars by means of a money transfer payable to Account #000012.

Access to the library will depend on the unit you are assigned to. The low side library has a full collection of law books, Federal and State. The high side library has a smaller collection, but the Librarian (upon written request), will bring needed books from the low side to be check out on a case-by-case basis.

Books checked out to you are your responsibility. You will be required to pay for books you have lost or destroyed. Do not give your books to someone else to turn in for you. You can receive an infraction report for theft or destruction of library materials.

RECREATION

Facilities/Recreation Program- The recreation department has facilities on both the high and low sides, which offer both gym and yard. The high side is a higher custody level so there are limitations but the gym and yard are available 6 days a week. The low side is able to attend gym and yard 7 days a week. Facilities include basketball courts, softball diamonds, horseshoe pits, volleyball, handball courts, running tracks, and weightlifting.

If you need a reasonable accommodation based on disability to use the recreation facilities or

The low side units have day room and yard times in addition to scheduled gym times. The high side runs gym and yard once a day and the low side runs gym and yard twice a day.

Acoustic guitars are available for check out through the recreation department.

Hobby:

MDIU inmates are not permitted to participate in the hobby program until they are placed in population.

The hobby program is set up to aid inmates in learning constructive ways to use their leisure time. The hobby department will assist you in securing permits for hobbies and hobby supplies. Inmates can only have one hobby permit at a time inside MSP. The Work Reentry Center allows inmates to have two hobby permits. The hobby program is administered in accordance with the Hobby Crafts Program Policy 5.5.4. Acquiring an infraction (either Major or Minor) can result in losing hobby privileges.

RELIGIOUS ACTIVITIES AT MONTANA STATE PRISON

The Religious Activities Center (RAC) exists to promote wholeness through faith. The mission of the RAC is to engage inmates at the point of their dysfunction and rebellion through authentic religious experience in order to protect people and property, and provide restoration where possible. In order to achieve this goal, RAC staff facilitates and oversees all religious activities conducted at the RAC and the Work and Re-Entry Center (WRC). While incarcerated, inmates retain the right to practice their faith or religious tradition with some limitations. The parameters in which the RAC accommodates these traditions are defined by MSP policy 5.6.1. This policy defines appropriate religious practice at MSP, and approved religious property lists. Out-of-cell group religious activity is not conducted in Locked Housing Units (LHU-I or LHU-II) or in MDIU.

Donated primary religious texts (Bible, Koran, Torah, etc.), are available through the Property Office. RAC staff do NOT handle property issues. This includes religious property. Inmates desiring a religious medallion, prayer beads, prayer rug, yarmulke, Native American botanicals, etc., need to purchase these items from Canteen with a Special Purchase Request. The RAC does provide devotional pamphlets and other such reading materials, which are available in the RAC lobby or by request via OSR.

The RAC schedule of activities is posted in each housing unit. These activities range from Native American Sweat Lodge Ceremonies, to Protestant Worship and Catholic Mass, to Buddhist Meditation. These activities are available to all general population inmates, and classified unit workers from MDIU.

RAC staff members facilitate religious programming at MSP, but they are not chaplains. Their role is to ensure that the spiritual needs of the inmate population are met. They rely upon a pool of approved religious volunteers from a wide variety of faith groups and traditions. These volunteers provide spiritual guidance and lead the various scheduled activities. Additionally, there are Chaplain Service Volunteers who function as faith group representatives. Chaplain Service Volunteers are

approved by the Warden, and are endorsed by their faith group organization to provide pastoral ministry (i.e. Catholic priest). If an inmate would like pastoral care, he can request a pastoral visit by sending an OSR to the RAC Coordinator who will then facilitate a meeting with an appropriate volunteer.

RAC services are provided without regard to race, creed, or religious tradition. Everyone is treated with dignity and equity within the constraints of a correctional setting. RAC staff is dedicated to the safety and security of inmates pursuing an authentic religious experience. With this in mind, all inmates are invited to participate in any of the scheduled activities of the RAC.

If you need a reasonable accommodation based on disability to use the RAC or participate in religious activities, contact the ADA Coordinator.

MONTANA CORRECTIONAL ENTERPRISES (MCE)

MCE MISSION

Montana Correctional Enterprises provides employment and training opportunities to offenders, which enhances public safety, promotes positive change in offender behavior, reintegrates offenders into the community and supports victims of crime.

INTRODUCTION

Montana Correctional Enterprises (MCE) provides inmate jobs, training and education in a variety of real life job situations. MCE is comprised of the following programs: Agriculture (Ranch and Dairy), Industries, Vocational Education, License Plate Factory, Food Factory & Bakery, Canteen and Business Development/Accounting. MCE does not discriminate on the basis of disability, and inmates will be evaluated for job qualification with and without reasonable accommodations. Reasonable accommodations are available to inmates with disabilities in each program. All accommodations shall be documented in OMIS.

Employment and training opportunities for low side inmates outside of the secure perimeter include:

AGRICULTURE

Ranch

- Range cattle
- Crops
- Fencing
- Feedlot
- Lumber processing

- Land management
- MSP/MCE wild land fire crew

Dairy

- Dairy cattle
- Dairy milking parlor
- Dairy processing
- Lab technician
- Clerical

CANTEEN

- Packaging canteen supplies for MSP and MWP

FOOD FACTORY

- cook/chill food operations
- stocking
- Inventory control
- Computer data processing
- Janitorial
- Bakery (scratch baking skills)

BUSINESS DEVELOPMENT/ACCOUNTING

- Customer invoicing
- Accounts receivable
- Program purchasing/payment processing
- Inventory
- Inmate payroll
- Computer generated reports

Employment and training opportunities to low side inmates inside the single fenced perimeter include:

INDUSTRIES

- Furniture
- Upholstery
- Print and sign
- warehouse/shipping
- Packaging biodegradable waste bags
- Sewing

LICENSE PLATE FACTORY

- License plate manufacturing
- Graphic design and digital license plate system operator
- Graphic design artist
- Office clerk

VOCATIONAL EDUCATION

- Automotive technology
- Diesel technology
- Industrial and agricultural equipment technology
- Driver's education
- ASE certification
- Motor vehicle maintenance/on-the-job training
- Welding

Employment and training opportunities to high side inmates include:

VOCATIONAL EDUCATION

- Information processing and technology
- Business skills (i.e., keyboarding, principles of accounting, etc.)
- Laundry

HOW TO APPLY

An MCE application is required and available through your assigned unit management team. Reasonable accommodations, such as assistance in filling out the application, are available to inmates with disabilities. You may list one or several jobs you are interested on one application. It is not necessary to submit individual applications for each position. You are allowed to have only one paid position. The one exception would be assignment to the inmate counsel. Unit management shall not deny an application solely because the inmate has a disability and shall instead work with the inmate and the ADA Coordinator to identify any reasonable accommodations needed for the inmate.

Applicants for Vocational Education on the high side may be asked to submit a separate application. Complete the application and return it to the Vocational Education Director. Incomplete Vo-Ed applications may be returned. Your name will be added to a waiting list in the order in which it was received. Vocational Educational classes will be filled at the start of each quarter when space becomes available. You are not automatically enrolled.

YOUR RESPONSIBILITY AS AN MCE WORKER OR STUDENT

Conduct yourself in an appropriate and professional manner at all times. Be responsible for books, computers, tools, supplies, and equipment. Abide by the policies and regulations of MSP, MCE and your unit. Follow all safety rules and use protective equipment when needed.

SUPPORT STAFF AND ALTERNATIVE PROGRAMS

INSTITUTIONAL PAROLE AND PROBATION OFFICER (IPPO):

When the time comes for you to leave this institution, you will most likely do so with the assistance of an IPPO. Whether you are going on parole, a ten-day furlough, an alternative placement such as an extended care facility, Pre-release, ISP, or Boot Camp will require the services of an IPPO. He/she is a liaison between this institution and any community based social or correctional services that you might be involved with subsequent to your departure from this institution. The IPPO is here to facilitate, and expedite your transition to a less restrictive environment. They work very closely with the Board of Pardons and Parole and can be tremendously helpful with regard to you as an individual. You should consult with your assigned Case Manager for guidance in these areas first to ensure the appropriate resources are utilized.

Intensive Supervision Program (ISP):

The State of Montana's Intensive Supervision Program with electronic monitoring is designed to provide supervision to adult offenders who would otherwise be sentenced to prison; parole violators who would have been returned to prison; prison inmates who otherwise would not be granted a parole; and Department of Corrections Commitments to ISP until parole eligibility.

As the program title states, the supervision is well beyond the intensity of traditional probation and parole. You can expect to be held accountable at a much higher level than what traditional probation or parole supervision could provide.

Your supervising ISP officer will work closely with you to help you succeed in this program. If you follow your court order and/or the conditions of the Board of Pardons & Parole and the ISP conditions, you will be successful in completing the ISP program. Following the advice and recommendations of your ISP officer will be the key to a problem-free program.

Pre-Release Program:

There are five pre-release centers in Montana, operated by non-profit corporations contracting with the Department of Corrections. The Centers are located at Missoula, Billings, Butte, Helena, Great Falls and Bozeman. Each Center is a self-contained 6-month program. They offer a structured transition into the community by offering room and board, supervision, counseling, assistance in gaining employment, life skills training and guidance. They offer offenders the opportunity to adjust to the community to which they plan to parole in a gradual, controlled manner.

For many people, pre-release center programs can be a crossroad in their lives. It is an opportunity to find employment, earn money for release, locate a good place to live, and to become seriously involved in counseling opportunities. However, some residents do not adjust satisfactorily to the center programs, in effect, eliminating themselves from the program. Typically, 120 days of clear conduct is needed before requesting a pre-release application from unit staff. Reasonable accommodations are available to inmates with disabilities.

Treasure State Correctional Training Center (TSCTC) (Boot Camp):

TSCTC is a military-style correctional program for male adult convicted felons (called Trainees while in the program). It is based on a military format that stresses military tradition, bearing, physical training, and drill and ceremony. Candidates may volunteer to be screened for the intense 90-120-day program that provides treatment and rehabilitation in an intensive, structured and disciplined correctional environment. By volunteering for CTC, trainees agree to comply with the rigid discipline physical fitness requirements, while adhering to the intensive treatment program. They forego privileges afforded them at other correctional facilities. Reasonable accommodations are available to inmates with disabilities.

The community corrections programs provide a stable foundation from which an individual may leave the correctional system prepared to handle his responsibilities in the community. He can obtain work, locate appropriate housing, accrue savings, and more fully develop his social problem-solving skills.

Success or failure in pre-release center programs and in the community is the resident's choice. The programs are difficult and require the resident's full commitment for successful completion. Screening and placement at TSCTC is a time consuming task, and in most cases inmates will not be placed there from MDIU.

RECORDS

The Records Department at Montana State Prison compiles information on each inmate and develops a file that is available for use by the Department of Corrections. Driver's license, Social Security Card and picture I.D. are stored in a personal property envelope in the inmate file that maintained by the Records Department. These items are returned to you when you leave Montana State Prison, Crossroads Correctional Center, Glendive Regional Prison and Great Falls Regional Prison.

The Records Department offers the following information hoping to eliminate some of the kites being sent to Records. **Do not request your parole and discharge dates upon arrival at MDIU. Tentative dates will be available to you at your classification hearing. A spreadsheet will be provided to you when your calculations have been assessed. If you do not receive a spreadsheet within 90 days after admission, please send an OSR to the records department requesting one.**

Discharge dates for parole violators may be calculated before a revocation hearing is held by the Board of Pardons and Paroles (BOPP). These dates are subject to change based on the disposition from the BOPP and you will be notified of any change.

Jail time is credited per the judgment order. If the judgment orders that you are to receive credit for 15 days, we give you credit for 15 days. If the judgment orders that you are to get credit for the time served or if there is no mention of jail time, you should contact your attorney or the Court and request an Amended Judgment to include the number of days of jail time that you are entitled to receive. Once we receive the certified copy of the Amended Judgment, we will credit the jail time, update your parole and discharge dates and send you a new work card. Those individuals closest to release

ACCOUNTING

Incoming funds are usually posted on the computer the day after they come in. Funds received Friday are posted on Monday. If funds are not transferred with the inmate it may take 2-4 weeks for the funds to arrive at MSP.

Outgoing checks are processed as they are received except during the week of inmate payroll entry.

Inmate payroll is entered the 1st Tuesday through Friday of each month.

Inmates who are indigent may send a request to Inmate Accounts to apply for indigent status. To be eligible for indigent supplies, the inmate must be classified and in a unit and have not received, spent or have on the books \$20.00 or more for the previous month. An inmate also cannot earn more than \$5.00 in pay to be on indigent status.

While at MDIU, you are provided an indigent packet every 30 days. You must send an OSR to the "Admissions Officer" to receive a new packet. Additional legal supplies (paper, envelopes, postage) is available to indigent eligible offenders and can be acquired by sending an OSR to the MDIU Unit Manager.

Money transfers must be signed by an approved staff member. If you want your stub back, fill it out! Include your unit location and room number. **Your writing must be legible.**

Postage charges are deducted daily. Xerox charges and medical co-pay are deducted as they are received.

Individual statements for inmate accounts are sent monthly to the units. Keep these statements, and continue to add and subtract monthly transactions so that your balance is up to date at all times.

Some inmates would like non-family members to send them money if they do not have family members that can do this. Your request for permanent approval of a non-family member to send you money is to be submitted to the Security Major. For a person to be approved the following conditions must be met:

- The person has been approved as a regular visitor.
- Your account shows that you don't receive money from immediate family members.

Deductions made from an inmate's account are District Court Fees, Crime Victims Fund, Restitution and Child Support. The procedure is as follows:

- First, we must have a copy of the sentencing order or judgment requiring us to deduct the amount from the inmate's account. The judgment or sentencing order tells how much is to be deducted. The amounts vary from 20% for District Court Fees, one-third to one-half for Crime Victim Fund, Restitution varies and Child Support is from 50% to 55%.
- The inmate's account balance is looked at to determine amount to be paid. Payment amounts are calculated on the previous month's deposits or income.
- The balances in the holding accounts are sent once a month to the various courts.

Please be advised - Nothing is deducted from an inmate's account without a copy of the judgment or sentencing order.

Deductions are not the same time every month.

COMMISSARY

The purpose and function of the Commissary is to provide a variety of items for sale to the entire inmate population.

Commissary purchases are made by using the inmate Commissary Order Form. Commissary schedules are posted in all housing units and living quarters. Periodically, commissary lists are updated.

CANTEEN INSTRUCTIONS

PLEASE FOLLOW THESE INSTRUCTIONS FOR FILLING OUT CANTEEN ORDER FORMS:

- 1. ALL SLIPS ARE TO BE FILLED OUT WITH YOUR FULL NAME AND DOC ID NUMBER OR THEY WILL BE RETURNED.**
- 2. BE SURE THAT YOU HAVE SUFFICIENT FUNDS TO COVER YOUR ORDER.**
- 3. ALWAYS DOUBLE CHECK THE ITEM NUMBERS AND QUANTITIES ORDERED. IF YOU EXCEED THE QUANTITY ALLOWED ON ANY ITEM, YOU WILL NOT GET ANYTHING AS YOUR ORDER WILL BE CANCELLED AND YOU WILL HAVE TO WAIT UNTILL THE FOLLOWING WEEK TO REORDER.**
- 4. ALL ORDERS SHOULD BE FILLED OUT USING PEN AS THE SCANNER MAY NOT READ PENCIL. IF YOU DO NOT HAVE A PEN MAKE SURE THAT YOU DARKEN THE MARKS AS MUCH AS POSSIBLE WITH THE PENCIL SO THE SCANNER CAN READ IT!!!**
- 5. FILL IN THE CIRCLES COMPLETELY WITHOUT GOING OUTSIDE OF THE LINES. IF YOU MAKE A MISTAKE COMPLETELY BLACK OUT THAT ENTIRE SQUARE SO THE SCANNER WILL NOT PICK UP ANY MARKS FOR THAT ITEM.**

6. **DO NOT FILL OUT MORE THAN ONE ORDER PER WEEK AS THE ORDERS WILL BE COUNTED AS ONE AND ORDERING MORE THAN WHAT IS ALLOWED WILL CANCEL OUT YOUR ORDER.**
7. **IF YOU HAVE A 5 DIGIT AO DO NOT USE THE AO JUST USE THE FIVE NUMBERS OF YOUR AO. USE ALL 7 NUMBERS IF YOU HAVE A 7 DIGIT AO.**
8. **WHEN YOU RECEIVE YOUR CANTEEN ORDER, YOU MUST ACCOUNT FOR EVERY ITEM BEFORE YOU SIGN YOUR ORDER RECEIPT. IF THERE IS AN ERROR, DO NOT SIGN THE RECEIPT UNTILL YOU HAVE AN OFFICER SIGN OFF ON THE INCORRECT ITEM. THE CANTEEN WILL LOOK AT MISTAKES AND IF IT IS FOUND TO BE AN ERROR ON THE CANTEENS PART WE WILL REMEDY THE PROBLEM. IF YOU TAKE THE ORDER TO YOUR CELL AND FIND THAT THERE IS AN ERROR, IT WILL NOT BE CORRECTED AS THERE**

WILL NO LONGER BE A WAY TO VERIFY THAT YOU RECEIVED IT THAT WAY.

Reasonable accommodations, such as assistance in filling out the form, are available to inmates with disabilities.

TRANSFERS TO REGIONAL AND PRIVATE FACILITIES

During your stay here at M.S.P., it is possible that you will someday be told that you are being transferred to another facility. **All inmates are subject to screening for transfer.** The State of Montana has contracted with regional and private facilities to house inmates as our population grows beyond the capabilities at M.S.P. When and if this time should come, you are required to follow the orders given by the staff members telling you to get ready. They will give you a form telling you what you are allowed to take to the new facility and how to handle what you are not allowed to take. Anything that must be shipped home needs to have a mailing address: **P.O. BOX NUMBERS ARE NOT ACCEPTABLE and if you put one down, the items will not be shipped and may be DESTROYED!** You will be allowed to notify family or friends of your transfer after you are processed in at the new facility. Failure to pack your property, or refusal to comply in any way with being transferred, will result in disciplinary action. You will be moved anyway and your property may be considered contraband and disposed of accordingly! It does you no good to refuse to move. If you should need help with any unfinished business at M.S.P. you may write a kite to the Contract Placement Bureau from your new facility. If you would like to request a transfer to one of the regional or private facilities, please send a kite to the Contract Placement Bureau, stating your desire to transfer and to which facility you are requesting. This kite must be signed by a unit staff member. The Contract Placement Bureau will then screen your file to see if you meet the criteria for that facility. If you do, it may be possible you will be transferred there, **but remember it takes time for all of this to happen and nothing is guaranteed.**

CLASSIFICATION

The **Initial Custody Assessment** establishes an inmate's recommended custody rating upon his/her entry into the Montana Department of Corrections (MDOC). This custody rating is based upon the

classification specialist's assessment of nine items that are scored on a numerical scale. These nine areas are rated as follows: over the past three years, the items are: (1) most serious current conviction, detainer or warrant (2) the severity of past institutional misconduct (3) escape history. The next area is rated over the past 7 years: (4) severity of felony convictions during 7 years prior to incarceration. (5) The number of rule violations that indicate predatory/assaultive behavior over the past 3 years. These first five items are the risk assessment and are used to determine your placement while at MSP. (6) The number of felony convictions during 3 years prior to incarceration, (7) length of sentence, (8) formal violations while on parole/probation during the past 3 years, (9) age at your first felony conviction. These items have been found to be associated with future institutional conduct and, thus, help to identify the types of risk likely to be presented by the inmate. When considered together, the items also help to determine the extent of risk likely to be presented by the inmate. The custody rating recommendation derived from these items is used in combination with the inmate needs assessment, when making decisions relating to the inmate's housing assignment, program needs, and supervision requirements. The custody rating recommendation may be altered due to management considerations that warrant special attention or intervention by staff. The Initial Classification Instrument will be completed before an inmate is moved from the orientation/reception housing area.

The **Custody Reassessment Form** is used to update and review an inmate's previous custody assessment. A custody reassessment does not necessarily result in a change of custody rating or housing assignment. It primarily functions to monitor the inmate's adjustment and bring attention to problems that may have arisen. Custody Reassessment is similar to the initial custody assessment, but places greater emphasis on recent institutional conduct to reflect the inmate's actual behavior while confined. It is important that the inmates with long lengths of stay have the opportunity for reduced custody levels based on compliance with institution requirements. The reassessment instrument should be completed:

- Every 30 days if the inmate is currently assigned to Maximum Security, Administrative Segregation, or Restricted Administrative Segregation housing.
- Every 6 months, if the inmate is currently assigned to Minimum, Medium, or Close custody housing.
- Within 72 hours of the receipt of new information potentially affecting the inmate's management: (e.g. detainer, conviction on new charge); or within 72 hours prior to an inmate leaving disciplinary segregation and returning to general population.

The Custody Reassessment Form is based upon the classification specialist's assessment of nine items that are scored on a numerical scale. Items 1,2,3,4 & 5 are the same as those used for the Initial Classification Instrument. Items 6, 7, & 8 look at the past six months, and are as follows: (6) number of disciplinary violations, (7) performance in recommended treatment programs (8) institutional adjustment, and (9) the length of sentence remaining to be served.

DECISIONS AND APPEALS

The Unit Classification Committee will notify the inmate of the classification decision at the time of the hearing. The inmate may request an accommodation during the hearing to either understand the

hearing or fully participate and represent himself in it. This shall include but shall not be limited to the appointment of staff to assist the inmate during the hearing. The inmate will receive a copy of the classification instrument after it has been processed. If the inmate has a disability that would affect his understanding of the instrument, staff shall meet with him to discuss the contents of the instrument, and that meeting shall be documented. If the inmate wishes to appeal the classification decision, he/she will need to notify the Unit Classification Committee. The Classification Committee will give the inmate an appeal form at this time. If the inmate has a disability that affects his ability to complete the form, he may request and be provided with assistance from staff in completing the form. All information shared between the individual inmate and all staff assigned to assist him shall be confidential from other inmates and unnecessary staff and shall not be used or disclosed other than to ensure than a reasonable accommodation is provided or to pursue the inmate's interests during the classification process. The inmate's attorney or assigned inmate aide may assist in completing the form.

The inmate may file a written appeal of the classification action to the Unit Manager within 10 days of receipt of the decision. The Unit Manager will have the following option

- Affirm the decision
- Overturn the decision
- Reschedule a new classification hearing

The Unit Manager's decision is the final step if there hasn't been a scale override.

The inmate may appeal directly to the Classification Manager if there is a scale override, although the inmate is encouraged to appeal first to the Unit Manager.

- This appeal must be filed within five working days following the results given in writing to the inmate. The appeal must be sent to the Classification Manager; however, the classification decision is imposed prior to the Classification Manager's decision concerning the appeal.

The Classification Manager's decision is the final step in the appeal process on a scale override.

Reference Policies:

MSP 4.2.1 Inmate Classification Procedures

MSP 4.2.200 Special Management of Atypical Inmates

MSP 4.2.202 Inmate Separation Needs

MSP 3.4.100 Pre Hearing Confinement

FOOD SERVICE

Most meals served at MSP are provided by the Montana Correctional Enterprises Food Factory. The Food Factory also prepares meals for numerous other facilities in Montana. The mission of the MSP Food Service is to "procure, produce and serve safe and cost effective foods of the highest possible quality that are also well accepted, and reasonably easy to prepare," and we take that idea very seriously, because we know that you rely on us to make wise decisions in preparing a menu that will help you on your path toward reentering society.

Montana Department of Corrections policy also mandates that the MSP menu offer health-promoting foods that satisfy established acceptable nutritional intake ranges as detailed by the *USDA's Food*

and Nutrition Board, the Institute of Medicine, and the National Academies of Science in their *Dietary Reference Intake (DRI)* values. In fact, the menu often includes more foods than most people require, so please remember that to achieve a healthy lifestyle you must choose your foods and serving sizes wisely from what is offered. This is especially true concerning any self-serve foods that are available to you.

You will be informed by your unit as to meal times. In each dining room, you are allowed 15 minutes for breakfast and 20 minutes for lunch and dinner. You must be fully clothed in regulation MSP clothing. You are permitted to go through the serving line only one time per meal. All serving line items are portion controlled. Do not ask for extra. The beverage line and salad bar is self-serve. Feel free to take as much as you will eat during your allotted meal time, but please eat everything that you take. Do not remove food from the Food Service buildings or pass food to other inmates. It could result in a your receiving a disciplinary infraction. Each inmate is responsible for depositing his tray, bowls, cups and eating utensils into the dishwasher room window. Please report dangerous food and beverage spills, and all other note-worthy dining room hazards, to a Food Service Supervisor or to a Dining Room Officer.

Special privilege diets are not recognized without proper authorization. All therapeutic diets are ordered by authorized medical staff. Required religious-based diets must be approved by the Religious Activities Director. Lacto-ova vegetarian meals (include dairy products and eggs but exclude all meat, fish, and poultry) are available for inmates who are true, practicing vegetarians and who have prior approval from the Registered Dietitian. A special diet card is issued to each inmate who has been given the privilege of selecting a special vegetarian, religious, or therapeutic diet. This card must be presented to the Food Service Supervisor at each meal time before special alternative foods will be made available. Normally, each inmate who eats in the High or Low Security Dining Hall is allowed to select one or more servings of fresh fruit as an alternative to any other menu item. Those inmates who eat meals in cell may also be approved for these types of special meals with no diet card being required.

Once placed inside MSP, you may submit a written request for employment in Food Service / Food Factory. You must achieve the appropriate security clearance to work in these operations. Food Service employs as many as 100 inmates who work in the High Security Kitchen, the Low Security Kitchen, and the Industries Diner. Address employment requests for each of these locations to the Food Service Director. The Food Factory employs an additional 20 to 30 inmates, and you may request these jobs by writing to the Food Factory Director. Inmates may seek and shall receive assistance from staff in completing the written request for employment, if a disability affects their ability to complete the written application.

Reasonable accommodations in completing the written request for employment and reasonable accommodations in the food service jobs themselves, are available to inmates with disabilities. All information shared between the individual inmate and all staff assigned to assist him shall be confidential from other inmates and unnecessary staff and shall not be used or disclosed other than to ensure than a reasonable accommodation is provided or to pursue employment.

There are several ways you may communicate with the staff, relatives and others.

Telephone Calls: Each unit has public phones. Calls may be made using the inmate phone system TELMATE. Instructions for the use of this system are given to every individual admitted to Montana State Prison through MDIU Admissions. All calls, with the exception of those to your attorney, will be monitored. See your unit rules for duration and/or frequency of calls. Reasonable accommodations are available to inmates with disabilities, including but not limited to access to TTY/TDD phones, videophones, and adjustment of time limit on calls.

Emergency long distance calls: Emergency calls must be cleared through your Unit Manager or his/her designee. Medical emergencies and situations where life and property are at serious risk are emergency phone calls and you may be asked to provide specific information in regards to your request. MDIU staff will call and confirm an emergency exists prior to providing a phone call for offenders.

Offender Request to Staff (OSR or Kite): If you need to communicate with a staff member or any department at the prison, send a written Offender Request to Staff (OSR or kite) to that department. When sending an OSR offenders need to state specific issues when sending OSR's to staff. Forms are available in all housing units. Inmates with disabilities may request and shall receive assistance from staff or other reasonable accommodations if they are unable to complete the OSR as a result of a disability. All information shared between the individual inmate and all staff assigned to assist him shall be confidential from other inmates and unnecessary staff and shall not be used or disclosed other than to ensure than a reasonable accommodation is provided or to obtain the relief the OSR seeks.

PROOF OF COMMON LAW MARRIAGE

Montana State Law regarding common law marriage:

In Montana, a man and a woman who have not gone through a formal marriage ceremony may enter into a legally binding common law marriage.

For a common law marriage to be recognized by law in the State of Montana, these four requirements must be met:

1. Competency: this means that the man and the woman both must legally have the mental ability and capacity to consent to the marriage.
NOTE: The man and woman must NOT already be married to someone else, and both must be old enough to marry before they can enter into a valid common law marriage.
2. Consent: this means the man and the woman both agree to enter into a marriage relationship.
NOTE: A common law marriage is NOT created simply because a man and a woman live together and act as if they were married. The man and the woman both must PLAN to enter into marriage.

3. Cohabitation: This means the man and the woman have lived together for a significant period of time.

NOTE: Merely living together and having children together does NOT mean a common law marriage exists. There must be proof the man and woman represent themselves as husband and wife.

4. Reputation: This means the man and the woman both present themselves as a married husband and wife to relatives, friends, neighbors, co-workers, and to the public.

NOTE: Owning property such as a house or car jointly with another person is NOT proof they are representing themselves as married unless the deed, title, or other proof of ownership indicates they own the property as husband and wife.

Montana State Prison accepts the following for proof of common law marriage:

1. Health/life insurance forms listing each other as spouse
2. Tax returns listing each other as spouse
3. Certified birth certificate listing each other as parents

EXHIBIT 3



STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
WORK ASSIGNMENT / REMOVAL REQUEST FORM

Name: _____ MSP/DOC# _____

I am requesting the above inmate to be **ASSIGNED** to the

for the following reasons: _____ Title _____ Code _____

I am aware of the inmate's health status and am willing to employ him within its restriction(s) and to make any reasonable accommodations needed.

Supervisor Name (Print Name) _____

Supervisor Signature _____ Date: _____

I am requesting the above inmate to be **REMOVED** from the

for the following reasons: _____ Title _____ Code _____

I am aware of the inmate's health status and am willing to employ him within its restriction(s) and to make any reasonable accommodations needed.

Supervisors Name (Print Name) _____

Supervisor Signature _____ Date: _____

INMATE STATEMENT:

Inmate Signature: _____ Date: _____

Health Status Date: _____ **Restrictions:** _____

Double Fence: Yes No

Outside Fence Roster: Yes No

Outside Fence w/Direct Supervision: Yes No

Industries Fence Roster: Yes No

Escape(s)/Walkaway: Yes No

Parole Date: _____

Community

Worker: Yes No

Long Term Worker: Yes No

Warrants: Yes No

Detainers: Yes No

Separation Needs: Yes No

Discharge Date: _____

****If any of the above are marked yes, explain below in designated area****

If Direct Supervision is requested explain expectations and special instructions below:

Present Status:

Unit _____

Custody _____

Assignment _____

Code _____

Unit Management Decision:

Unit _____

Custody _____

Assignment _____

Code _____

UMT Reason for assignment or removal and any comments for items marked yes:

Signature: _____ Date: _____

****Outside fence clearance requires unit manager approval****

EXHIBIT 4



Montana Department of Corrections

Montana State Prison
Leroy Kirkegard
Warden

Steve Bullock, Governor

Mike Batista, Director

Notice of Rights for Inmates With Disabilities

The Right to Reasonable Accommodations:

Inmates with qualifying disabilities have the right to receive “*reasonable accommodations*” to make programs and services more accessible *to the extent* that the accommodation does not pose legitimate safety or security concerns, or create an undue burden on the facility. “DOC 3.3.15, Americans with Disabilities Act (ADA) Offender Accommodations” gives more information about inmates’ rights to reasonable accommodations.

To ensure access to programs, activities, and services, the Department of Corrections shall, as needed by inmates with disabilities:

- Make reasonable modifications in policies; practices and/or procedures.
- Remove barrier to access.
- Provide auxiliary aids and services.
- Make other reasonable accommodations needed to ensure access to programs, activities, and services

If the action needed to provide effective access creates an undue burden or poses a legitimate safety or security concern, the action will not be required.

Inmates with disabilities may receive an interpreter or other accommodation to access the following processes or services:

- Disciplinary hearing
- Dental
- Grievances
- Parole
- Programs
- Education
- Medical
- Mental Health
- Classification
- Employment
- Any other program, service or activity

How to Ask for a Reasonable Accommodation:

Inmates with disabilities must ask their Unit Counselor or other Department staff, in person or in writing, for accommodations, interpreters, and other services. Inmates may also directly route any written request for accommodation by using an Offender/Staff Request (OSR) form to the Department offender ADA Coordinator, Russ Danaher. If an inmate is unable to complete the form as a result of a disability, he may request assistance

to do so. All information shared between the inmate and staff shall be confidential from other inmates and unnecessary staff.

How to Make Complaints:

Inmates who are denied a reasonable accommodation, or believe they were discriminated against by Department staff because of their disabilities, have the right to file a grievance under the “*Inmate Grievance System*” MSP Policy 3.3.3. If an inmate is unable to complete a grievance form as a result of a disability, he may request staff assistance to do so. All information shared between the inmate and staff shall be confidential from other inmates and unnecessary staff.

EXHIBIT 5

TABE TESTING INMATE PERSONAL INFORMATION

Date: _____

Name: _____

A0# _____ Race: _____

Social Security #: _____

Date of Birth: _____

Over 22: yes: _____ no _____

Last Grade Completed: _____

Did you drop out of high school? _____

Type of Diploma: _____ Year Received _____

Last K-12 School Attended: _____

Have you ever been a resident of Pine Hills? Yes: _____ No: _____

Have you ever had an IEP or been in special education: Yes: ___ No: ___

***If the student is under 22 and does not have a high school equivalency, this form must be sent to Marisa Britton-Bostwick in the Education Department within 24 hours.**

EXHIBIT 6

**MONTANA STATE PRISON
INMATE ASSIGNMENT DESCRIPTION**

ASSIGNMENT: Infirmary Aide

Direct supervisor: Unit Correctional Officers. Indirect supervisor: Unit Sergeants and Infirmary staff

Work as directed under general staff supervision. Duties and tasks may vary as required by supervisor and include, but are not limited to, the following essential functions:

ESSENTIAL FUNCTIONS:

- 1) Provide assistance with activities of daily living (ADL's)
 - > Oral care
 - > Nail care {non diabetic patients}
 - > Skin care
 - > Grooming
 - > Bathing
 - > Dressing
 - > Incontinent care
 - > Feeding if necessary
 - > Assist with ambulation
 - > Transport to the Chow Hall
 - > Transport to the Infirmary and Pill Pass
 - > Will work closely with Infirmary staff and report all concerns regarding patient's condition.
 - > Change bedding and adhere to Universal Precautions.
 - > Maintain area in accordance with current Montana Department of Health guidelines.
 - > Will keep unit staff well advised of patient's condition, needs, problems, etc.
 - > If you are off-duty you will still be expected to readily assist other Infirmary Aides who are on-duty with your patient when needed for tasks that require two (2) Aides including, but not limited to showering.
 - > Any other duties as assigned by supervisor.
 - > D-unit Aides that push a wheelchair will use the handicap ramp in front of the Low Support building and will not run with the wheelchair or in any way misuse the wheelchair.
 - > Infirmary Aide's will perform their duties so as not to endanger the handicap inmate's safety. You will be responsible to provide all care during your shift.
 - > Comply with privacy and confidentiality standards.
- 2) Bio Crew
 - a) *You will be utilized to clean up blood or body wastes, generally in the locked housing units.*
 - b) *You will only be expected to perform this duty on your "off scheduled day" and will be compensated an additional \$5.00 per day in addition to your "off scheduled day" compensation.*
 - c) *If you are only working as a regular Infirmary aide you will be expected to perform this duty whenever called and the same pay will apply in addition to your regular days' pay.*
 - d) *You will be provided with appropriate safety training prior to engaging in the duties of a "Bio Clean Up Crew member**".*
 - e) *You will be provided with appropriate personal protective equipment to perform the duties; shoe covers, gloves, masks, protective clothing.*

SAFETY STANDARDS AND CONCERNS:

- 1) Must complete the required safety training on all equipment, protective supplies, chemicals and bodily fluids (blood borne pathogens) prior to performing these duties.
- 2) Must use equipment, chemical handling, food handling, and lifting techniques as trained and directed by staff.
- 3) Must wear and utilize issued personal protective equipment/supplies/items as directed and needed.
- 4) Must utilize Universal Precautions when providing all care.
- 5) The Infirmary Aide for any inmate will perform all of their duties with the utmost care and caution.

MINIMUM QUALIFICATIONS & SPECIAL CONDITIONS:

- 1) Must have no major disciplinary infraction reports, criminal convictions, or documented institutional behavior, that are inconsistent with assignment duties or assignee, to be determined by the Offender Classification System. **Any** rule infractions received while under this assignment may be grounds for removal from the assignment.
- 2) Must compensate the facility for the costs of replacement of any equipment that is missing or broken due to your actions, neglect, abuse or misuse.
- 3) Infirmary Aide's will comply with any staff members request for a pat search and/or strip search.
- 4) Any Infirmary Aide will be subject to termination of employment at the request of the unit management team for just cause. Infirmary Aide's will be terminated upon guilty finding of any major disciplinary infraction.
- 5) Must address staff in a respectful manner by using their title (Sgt., Officer, Mr., Mrs., Ms., etc) followed by the staff members' last name.
- 6) Immediately comply with any reasonable request of staff including assisting other unit workers when directed by staff.
- 7) Infirmary Aide's will not pass anything to or from any other inmate for any reason.
- 8) No offender or group of offenders will have control or authority over other offenders.

COMPENSATION & SCHEDULE:

Pay is \$1.50 per day. Assignment schedule will be determined by the supervisor. You will be required to accurately and honestly complete a "time sheet" for your days of work.

Date

Inmate signature indicates that he understands this assignment.

Inmate Signature and Number

Date

Staff Signature

EXHIBIT 7

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**NOTICE: MSP AND MCE WILL NOT DISCRIMINATE ON THE BASIS OF
DISABILITY IN WORK ASSIGNMENTS, EDUCATION OR VOC-ED
PROGRAMS.**

To: Inmates at the Montana State Prison

Subject: Work or Program Assignments for Inmates with Disabilities

Date: February 10, 2017

The Montana Department of Corrections (MDOC) and Montana State Prison (MSP) are committed to hiring qualified inmates with disabilities for prison work assignments, and vocational education (Voc Ed) and ensuring that disabled inmates have access to any other classes offered at MSP by Montana Correctional Enterprises (MCE). This notice explains how to apply for a work assignment or class that you believe you are qualified for.

The Americans with Disabilities Act prohibits prisons like MSP and entities like MCE from discriminating against inmates with physical and mental disabilities in employment, education and Voc Ed.

Under the ADA, an inmate cannot be denied a work assignment for which he applies on the basis of his disability if a reasonable accommodation would allow him to perform the job.

Likewise, an inmate shall not be denied placement in a vocational education program or a similar class because of disability, if a reasonable accommodation would allow him to participate in the program.

Examples of reasonable accommodations may include:

- a chair for an inmate to sit in while he completes his work;
- a specialized work station or tool to complete an assigned task; or
- being excused from certain academic requirements involving extensive reading and writing.

Work assignments are available for inmates with disabilities in all areas of the facility, including the Work Re-Entry Center/Honor Dorm, as well as in the vocational education program.

If you are interested in applying for a prison work assignment, vocational education or other classes that MCE offers, please contact your unit manager or case manager. No inmate will be denied or refused an application because he has a disability. If you have any problems applying for a work assignment or feel that you have been discriminated against because of your disability, please contact the offender ADA Coordinator. Additionally, if you are currently in a work assignment or enrolled in vocational education classes and believe that you need an accommodation to perform your work assignment or complete the vocational education program, please contact the offender ADA Coordinator. You may also contact the ACLU at: ACLU of Montana, 7 West 6th Avenue #519, Helena, MT 59601.

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NOTICE RE: INMATE ACCESS TO WORK ASSIGNMENTS OR OTHER MCE PROGRAMMING

To: All Unit Counselors, Managers and Staff; MCE Instructors and Staff; and Employers

Subject: Access to Work Assignments for Inmates with Disabilities

Date: February 10, 2017

The Americans with Disabilities Act prohibits the Montana State Prison (MSP) from discriminating against inmates with mental or physical disabilities with regards to any service, program or benefit offered. The prohibition includes discrimination in work assignments, vocational education and any other classes offered at MSP by Montana Correctional Enterprises (MCE). This notice explains how to avoid discrimination in work assignments, vocational education and any other MCE classes.

What is a disability? Examples of physical disabilities include but are not limited to arthritis, asthma/COPD/emphysema, cancer, carpal tunnel syndrome, Crohn's disease, degenerative joint disease, diabetes, fibromyalgia, hearing loss, heart disease, hepatitis, gout, kidney failure, multiple sclerosis, neuropathy, obesity, scoliosis, sleep apnea, thyroid disorders, traumatic brain injury, and vision loss. Examples of mental disabilities include attention deficit disorder (ADHD), alcohol or drug addiction, autism, bipolar disorder, depressive disorders, intellectual disabilities, learning disabilities such as dyslexia, post-traumatic stress disorder (PTSD), psychotic disorders, and schizophrenia.

When is an inmate qualified for a job or a class? Pursuant to the ADA, an inmate shall not be denied any work assignment to which he applies on the basis of his disability if a reasonable accommodation would allow him to fulfill the responsibilities of the assignment. Likewise, an inmate shall not be denied placement in a vocational education program or a similar class because of disability, if a reasonable accommodation would allow him to participate in the program.

What is a reasonable accommodation? Examples of reasonable accommodations may include: a chair for an inmate to sit in while he completes his work; a specialized location or tool to complete an assigned task; or excusal from certain academic requirements involving extensive reading and writing. Work assignments are available for inmates with disabilities in all areas of the facility, including the Work Re-Entry Center/Honor Dorm, as well as in the vocational education program.

What is the process for handling applications or inquiries from inmates with disabilities? Inmates with disabilities should be encouraged to apply for work assignments and MCE programs. Any determinations about eligibility can be made after an application is submitted. **If you receive an inquiry or application for work assignment, vocational education or a class MCE offers, you shall not deny or refuse the inmate's application or request for an application because you know or believe the inmate to have a disability, or know or believe that the inmate cannot do the work assignment or class because of a disability.** Denial in these circumstances violates the ADA and would potentially subject MSP to liability. If you believe or the applicant indicates that he may require an accommodation, and you are unsure of how to proceed, please contact the offender ADA coordinator, once the inmate has completed and submitted his application.

If you have any questions about work assignment, MCE programs, the application process, or about specific applications, please contact the Department of Corrections' offender ADA Coordinator.

EXHIBIT 8

**In the matter of Litigation Relating to the Conditions of Confinement at Montana State Prison,
Civil Action No. 93-46-H-DWM-JCL, U.S. District Court, District of Montana**

IMPORTANT NOTICE TO ALL INMATES CURRENTLY HOUSED IN THE MONTANA STATE PRISON

Notice of Class Action Settlement: A class action lawsuit was filed in 1994 challenging conditions of confinement at the Montana State Prison (“MSP”). On January 14, 1994, the court certified the case as a class action (the “Class”). On October 28, 1994, the parties entered a settlement agreement (“1994 Settlement”). Prior to January 26, 2006, the Defendants had complied with all parts of that agreement except the provision requiring compliance with the Americans with Disabilities Act (“ADA”); no finding had been made concerning compliance with that provision (“the ADA Provision”).

On June 29 and July 12, 2012, the Court appointed experts (the “Experts”) to assess ADA compliance at MSP. The Experts issued their reports in May, 2013, finding that MSP was not in substantial compliance with the ADA Provision. Between September, 2013, and February, 2017, attorneys for the Defendants and attorneys for the Class negotiated to resolve the ADA Provision.

The parties to the lawsuit have negotiated a proposed settlement that resolves claims relating to the ADA for inmates housed at MSP. In those negotiations, the Class was represented by Eric G. Balaban of the ACLU National Prison Project, Jon Ellingson of the ACLU of Montana, and Amy F. Robertson of the Civil Rights Education and Enforcement Center (“Class Counsel”). The Defendants in the case are the Montana Department of Corrections (“MDOC”), the Director of MDOC, the Warden of MSP, and the Governor. Defendants are represented by Colleen Ambrose, Chief Legal Counsel of the MDOC.

Proposed Class Action Settlement Agreement. The Class Action Settlement Agreement (“2017 Settlement Agreement”) provides that the Defendants will do or already have done and will continue to do the following:

1. Remove specific architectural barriers identified by the Experts or take specific steps to ensure program access;
2. Amend specific MDOC policies, MSP procedures, and other policy documents to ensure program access for inmates with disabilities;
3. Train new and existing staff at MSP to ensure that the policies and procedures are implemented; and
4. Pay Class Counsel’s reasonable attorneys’ fees and costs, in an amount to be approved by the Court.

Details concerning the barriers, policies, and procedures affected are set forth in the 2017 Settlement Agreement. You can request a copy of the 2017 Settlement Agreement or any of the affected policies by writing to the address at the bottom of this page. The policies will also be available on computers in the libraries.

Your Rights as a Class Member. The Court has granted Preliminary Approval of the 2017 Settlement Agreement. A hearing to evaluate the fairness of the 2017 Settlement Agreement, and to decide whether to grant Final Approval will be held on _____ at _____ in the courtroom of U.S. Magistrate Judge Jeremiah C. Lynch, Russell Smith Courthouse, 201 E. Broadway, Suite 370, Missoula, MT 59802. If the 2017 Settlement Agreement is given Final Approval, all Class members will be bound by the provisions of the 2017 Settlement Agreement with respect to any and all claims for injunctive relief -- that is, what MDOC agrees to do to comply with the ADA -- and related attorneys’ fees. The 2017 Settlement Agreement does not release claims for damages.

If you wish to object to the 2017 Settlement Agreement or to speak at the hearing, you must send any objection and/or notice of your intent to appear at the hearing to the Court in writing on or before _____. Include the case number (Civil Action No. No. 93-46-H-DWM-JCL) **and mail your objection or notice of intent to appear to** the following address: Clerk of the Court, Russell Smith Federal Courthouse, 201 E. Broadway, Missoula, MT 59802. The Court will determine whether it will hear from any objecting Class members at the Final Approval Hearing, and will enter an Order identifying all objecting Class Members who may speak at the hearing.

How To Get Further Information. If you have any questions or want a copy of the entire 2017 Settlement Agreement or any of the affected policies, send an Offender Staff Request (OSR) to:

Legal Services Office
Montana State Prison

Please read this Notice carefully. It affects your legal rights.