

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

FILED
JUL 11 1990
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION
DES MOINES, IOWA

GEORGE GOFF et al.,	*	
Plaintiffs	*	No. 4-90-CV-50365
v	*	
CHARLES HARPER, et al.,	*	THE PLAN <u> </u>
Defendants	*	
* * * * *	* * * * *	

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Goff v. Harper



PC-IA-001-004

Introduction

In its most recent Order of June 17, 1999, ordering the Defendants to present a new Plan, this Court stated:

“..the original order dated June 5, 1997, set out precisely what the constitutional violations were. It further set out eight categories that the Court wanted the plan to address...”

(Order, 6/17/99, p.12)

In response to that 1997 Order, the Defendants timely filed what this Court has denominated Plan 1, (Appendix A), specifically addressing each of those eight categories. That plan was “unacceptable”.

What the Court has denominated Plan 2, (Appendix B), was considered “not much help to the Court” either. (Order, 6/17/99, p.13)

In November 1998, the Defendants were then ordered to

“file a detailed plan with the Court setting out what has been done, what is being done, and what will be done to the rules and regulations, the premises and the policies of the Penitentiary to remedy the constitutional violations set out by this Court in its Order of June 5, 1997, and to further include the affirmative steps taken by the defendants as set out in the evidence.”

(Order, 6/17/99, p. 13)

In response the Defendants timely filed what this Court has denominated Plan 3, detailing what had been done to policies, rules and regulations, and premises of ISP. Policies that had been changed and implemented were

attached. Individual examples of how the new policies were being implemented were also attached. That also was found unacceptable.

The court has now ordered the submission of a

“new precise, concise plan to the Court without any additional documents and without any additional reports, just a plain, clear, concise plan in which each of the four constitutional violations is set out with defendants’ plan to remedy that particular violation immediately following it, including expected time frames for implementation...”

(Order, 6/17/99, p.18)

Historical Background

Changing offender demographics at the national level suggest that prison systems must plan for increasing numbers of physically disabled, mentally deficient, and elderly offenders. To understand the impact of this national trend on Iowa, the Department of Corrections commissioned Carter-Gobel Associates (CGA) to study Special Needs Offenders in Iowa.

Currently there are more than 1128 special needs offenders in the system. By the year 2006 the system must plan for 1646 such offenders. The numbers of these offenders at ISP present a particular challenge to the Department, and are of particular concern to the Federal Court (Goff v Harper).

Throughout the Department’s Strategic Plan (*The Blueprint for Progress*, submitted with what the Court has denominated “Plan 2”) time-consuming and

expensive facility expansion at several facilities operated by the Department, was planned to deal with this population. Contained within that *Blueprint* was a section specifically addressed to one of those institutions, ISP, and was entitled "Improvements Requested by the Federal Court". (Bates 7) That title, given this Court's criticism of it, (Order, 6/17/99, pp. 9-10) now seems ill-conceived.

Nevertheless, as the text of the *Blueprint* hoped to indicate, "The plan to improve services for long term locked offenders is summarized", and was intended to "just say it plain". (O'Brien, J., 7/27/97, p. 131-2) These "improvements" are those contained within the Strategic Plan which are specifically addressed to the conditions and population at ISP, many of which have already been implemented. Those that have not, are on schedule for early implementation. Inclusion in the Five Year *Blueprint* is an indication of the priority given to ISP by the Department.

The Plan Plain Statement

Specifically as it relates to ISP, the Department's Plan includes:

1. a consistent disciplinary sanctions policy, implemented at all facilities, setting specific limits for the most serious single disruption offense and for sequential offenses applicable to each facility.

- to remedy substantive due process violations

- already implemented

2 a restructured administrative segregation policy requiring clear communication between offenders and staff regarding expected change. Each offender receives written notification of specific behavioral requirements to return to regular population. Segregation becomes a classification rather than a disciplinary process, contingent upon the behavior of the inmate.

-to remedy substantive due process violations

-already implemented

3. an amnesty policy, whereby each locked offender on July 1, 1998, had previous disciplinary time vacated.

-to remedy substantive due process violations

-already implemented

4. an expansion of psychological services with the addition of a Ph.D. level psychologist.

-to remedy mental health constitutional violations

-offer has been extended. recruitment difficulties continue

5. construction and staffing of Building B at Newton, subject to approval of the Legislature, to provide reintegration services to locked offenders. The program is designed to give each offender up to six months to learn appropriate behaviors, and an opportunity to demonstrate change and return to regular institutional programming.

-to remedy substantive due process violations

-full staffing, training and operation expected September 1, 1999

6. construction and staffing of a new Special Needs Unit at the Iowa State Penitentiary, to improve clinical and custodial care for medically, mentally and behaviorally disordered offenders, subject to approval by the Legislature.

-to remedy mental health constitutional violations

-architectural designs now being drawn, construction late fall,

-operation expected late 2000

7. renovation of existing space within the existing cellblocks at ISP to provide secure space for physical activity during inclement weather.

-to remedy exercise violations

-already implemented

To accomplish this Plan, the following steps have been, or are being taken.

A. Substantive Due Process

Administrative segregation is a non-punitive classification assignment designed to provide safe and secure management of inmates pending the completion of investigations, protective custody or long term management. Except where the chief operating officer under defined and limited conditions determines that the security of the institution, staff or inmates is at risk, only an institutional classification committee may assign an inmate to administrative segregation. Conditions of confinement in ad. seg. are intended to facilitate security and to support improved behavior. As of July 1, 1998 Administrative

Segregation Policy IN-V-5 (Exhibit 112) was promulgated, and implemented through the Purple Rule Book.

As of July 1, 1998 the Department promulgated a new Disciplinary policy, IN-V-36, (Exhibit 105), and implemented that policy through the Purple Rule Book.

Description of disciplinary policy:

If the Administrative Law Judge (ALJ) determines that the factors or circumstances of an offense are more serious than the charged offense, the sanction may be upgraded to the next category. The aggravating circumstances shall be specified in writing by the ALJ. If the ALJ determines that the factors or circumstances of an offense constitute a less serious offense than the charged offense, the sanctions may be reduced. The mitigating circumstances shall be specified in writing. (Policy IN-V-36, p.2)

If, after hearing, the ALJ finds the inmate committed the rule violations as specified, one or more of the sanctions appropriate to the class of the offense, based upon the guidelines shall be imposed. If appropriate, and documented, the sanctions may be adjusted according to aggravating or mitigating factors. (Policy IN-V-36, p.10) The ALJ is authorized to suspend any or all sanctions. Sanctions may be imposed consecutively or concurrently. Sanctions shall be within the guidelines and shall be explicit as to nature, duration and extent. In no

case shall the period of continuous detention exceed 365 days for an assaultive offense or 180 days for a property offense, or 730 days for a series of offenses. There shall be 30 day reviews by the classification committee whenever confinement in disciplinary detention exceeds 30 days. Conditions of confinement include: single or double occupancy cell, non-smoking, access to legal materials, shower and exercise not to exceed one hour per day, five days per week. (Policy, p.16) This policy applies to all institutions, and may not be varied or modified by individual institutions without specific authorization in writing by the Director. (Policy p. 31)

Description of administrative segregation policy: (Exhibit 112)

Inmates may be placed in ad. seg. for reasons listed in the policy. The chief operating officer may assign an inmate to ad. seg. for up to five working days. All placements shall be reviewed by the classification committee within five working days. That committee is comprised of the counselor, the security director and the treatment director. That committee may authorize ad. seg. for periods not to exceed six months. (Policy IN-V-5, p. 2) Ad. seg includes: medical segregation, prevention of injury to self, protective custody (both voluntary and involuntary), investigative segregation (during the time of the investigation, and reviewed by the classification committee if longer than five

days), pending criminal prosecution, and for behavioral management. (Policy, p. 2-4)

Criteria for placement in behavioral management status are listed in the policy. (p. 5) The inmate will be advised of the reasons for segregation, and given the opportunity to demonstrate reasons for a change in policy. Reviews shall be held by the committee at least every six months. Attention shall be given to the specific mental health issues outlined by medical staff, and required to be submitted to the classification committee. (Policy p. 7) The reviews shall consider adjustment, disciplinary conduct, observation, treatment program, work reports, cell inspections, the seriousness of the original incident, and other relevant factors. (Policy p. 8)

Conditions of confinement include: counseling once per five working days, access to educational materials either directly or through close circuit TV, exercise for one hour five days per week, food substantially the same as that provided general population, personal hygiene items, shower, library services, mail, access to daily medical services, mental health counseling consistent with the inmate's plan, chaplaincy visits, both contact and non-contact visitation, and work assignments if available. (Policy p. 8-9)

Description of amnesty policy:

On July 1, 1998, amnesty was declared for all offenders. Lock-up time previously received was vacated. (Helling, 7/27/98, p.164) 233 inmates were reviewed under the new policy, and 28 were returned to general population. The remaining 205 were assigned review dates by the classification committee, in no event, in less than six months. (Exhibit XXX, 7/27/98)

Training and process

When the ad. seg. and disciplinary policies were changed, administrative law judges were carefully trained. Forms were structured for consistent use throughout the system. Disciplinary process and sanctions were made consistent and uniform throughout the facilities of the department. The new policies placed responsibility on classification committees to review segregation assignments, replacing disciplinary decision-making. The committee and counseling staff are charged with oversight rather than administrative law judges. The process requires a team of treatment staff to communicate requirements for change within a process called classification, by the use of individual and specific behavior goals. Administrative segregation is removed from the disciplinary process and returned to the area of offender accountability. (Bates 9)

The disciplinary policy is crafted around a set of limited sanctions structured into a matrix. (Appendix D, Exhibit 92). The sanctions are based on the serious nature of the offense and can be modified only for defined matters of aggravation or mitigation. Any single offense is limited to a maximum disciplinary sanction of 365 days of disciplinary time. A series of offenses is limited to 720 days. Other privilege losses such as good time adjustments or loss of privileges are structured into the matrix. (Bates 5)

The matrix system is similar to that used by the Anamosa facility, assuring consistency throughout the system. (Kautzky, 7/27/98, p. 61-2) The use of the matrix system has shortened the length of available sanctions considerably. (Harper, 7/27/98, p.197)

The Administrative Law Judges have been and will continue to be trained by an administrative officer, a newly created position, and directly answerable to the Director, whose duties include such training, to assure state-wide uniformity and compliance with the Purple Rule Book. (Kautzky, 7/27/98, p.32)

The new disciplinary and administrative segregation policies require a review of disciplinary reports, by medical and psychological staff, prior to advancing further in the process. The special needs status of the inmate is systematically considered during review of the disciplinary case. (Kautzky,

7/27/98, p.33, 35) The psychology department prepares a summary notation on each disciplinary report for special needs inmates, indicating the extent of the mental illness, and whether that was a factor in the particular report. (Harper, 7/27/98, p.199)

The new disciplinary and administrative segregation policies ensure the complete review of every offender at least every six months, and for most, more frequently, and requires the discussion with the offender of behaviors which will enable release to the general population. This is done in a classification rather than a disciplinary venue, where an individualized, and behaviorally specific plan for each offender is created. This movement to a managerial communication process is totally new for ISP. (Kautzky, 7/27/98, p.38, 47)

All Protective Custody inmates (approx. 100) have been moved to the Clarinda facility, creating more general population cells. (Kautzky, 7/27/98, p.57) One entire cellhouse has been changed to general population. CH 419– 112 cells. (Helling, 7/27/98, p.157)

Disciplinary detention is limited to a maximum of 720 days, far less than the examples of 15 years, previously discussed. (Kautzky, 10/15/98, p.92)

The new administrative segregation and disciplinary policies, coupled with periodic review by the classification committee and individual behavior plans for movement out of segregation, and closer coordination with mental health resources in the disciplinary process, addresses the Court's concern with long term lockup. For the offender who has the desire to change, the opportunity to advance to general population status exists. (Kautzky, 7/27/98, p.92)

Since July 1998, the movement of offenders into the general population has increased dramatically. The number of reportable offenses is down from 175 per month to 125. The number of appeals of disciplinary proceedings is down by almost half. Of the approximately 200 inmates in administrative segregation in July 1998, only 140 -150 remain. 44 are in disciplinary detention, which in a population of 550 is not out of the ordinary. In July of 1997 almost 300 were in ad. seg. status. (Kautzky, 10/15/98, p. 27-29)

— why appeal
— required
— 44
— no counsel
— for PC's

Since July 1, 1998, offenders have had the opportunity to move out of administrative segregation by compliance with individualized behavior management agreements. 106 since that date have been placed in general population status. Unfortunately, some, because of subsequent conduct have been moved back. General population census has been increased from 325 in November 1998 to 370 in May 1999. Half of CH 219 has now been converted to General population cells. (6/15/99, Exhibit FFF)

ME -

Consistency
good
DD

The allowable property policy has also been rewritten to insure state-wide uniformity and consistency across security levels, and compliance with life-safety issues, as prescribed by the Fire Marshall in Watson. (7/27/98, p. 78)

The goal of cognitive learning programs is to provide thinking, reasoning, and decision-making activities which enhance the likelihood of stable law-abiding behavior. Such approaches allow offenders to identify and change unacceptable adjustment, through problem solving curriculums. The Department will reintegrate segregated offenders using cognitive learning in order to ensure that inmates with disciplinary histories have an opportunity to change. The particular design of Building B at Newton offers unique opportunities. (Bates 28)

plausible

The reintegration unit will be utilized to offer periods of decompression in community settings so that discharge to the community from lock-up will be substantially reduced if not eliminated. (Kautzky, 7/27/98, p.121)

We are continuing to increase the number of offenders through the Newton Reintegration program. The governor has supported full funding for staffing of that facility for next year, and it will be presented to the Legislature in 1999. (Kautzky, 10/15/98, p.31)

← not really staff yet

The 1999 Legislature, just concluded, funded staffing for the Newton B reintegration unit. Full operation for 150 inmates, subsequent to staff hiring and training, is targeted for August 1999. (6/15/99)

B. Mental Health

On October 1, 1997, the Department of Corrections contracted with Carter Goble Associates (CGA) to develop a strategic plan and pre-architectural program for special needs offenders. The scope of the work included determining the current and projected special needs inmates, determine the capacity options of the Department, identify other inter-agency options for this population and present a plan for added capacity if needed, for a total fee of \$138,000. (Agreement, Exhibit 95)

On January 23, 1998 the Final Report was issued by CGA (Exhibit 110). After describing the size of the problem, both numerically and physically, the report included an architectural description of special needs housing, sufficient to allow adequate programming and treatment for the population. Projected housing design, construction costs, and staffing costs, were included sufficient to cover the included staffing plans for medically limited inmates, behaviorally disordered inmates and psychosocially challenged inmates. The Department

had previously committed to implementation of the recommendations and strategic plan contained within that Report. (Kautzky, 12/17/97, p.27-28)

As a bridging measure prior to opening the 200 bed SNU at ISP, a unique reintegration program is planned at the Newton Correctional Facility. This program provides a 6 month program allowing locked offenders at ISP an opportunity to return to the regular population. The program will when operational provide 48 close security beds and an additional 96 multiple occupancy beds for locked offenders demonstrating potential for stable behavior. (Bates 4).

*1st time
ever
heard
MH offenders*

The Special Needs Unit

The 1998 Legislature authorized the transition of \$6.5 million in direct funding for the Special Needs Unit at the ISP with the further authorization to utilize federal Crime Control Act federal funds. (Kautzky, 7/27/98, p. 16)

The Governor signed the capital expenditure bill in May 1998, and the request to General Services to begin architectural selection went out in June 1998. The concept process should be concluded by September 2 and the design process can then begin. The plan will follow the Carter-Goble outline,

coupled with review of other similar facilities. There is no one plan as yet. Once designed it will take 24 months to construct. (Kautzky, 7/27/98, p.16-17)

The expenditure of \$10 Million dollars will produce a constitutionally sound facility which will be state of the art, and will offer these troubled offenders humane treatment and opportunity for change. (Kautzky, 7/27/98, p.94)

The SNU is on track with our projected timeline to open in late 2000 or early 2001. Request for Proposal for architectural firms has been issued, and by mid November, an architect will be designated. The RFP included the Special Needs Study for specific planning purposes. (Kautzky, 10/15/98, p.18-20)

Pulitzer-Bogard and Associates has completed (as of May 1, 1999) the planning and programming study (more than 200 pages with Appendixes) for the Special Needs Unit at ISP. The initial schematic design is now underway. Construction of foundation and underground utilities will begin in Fall of 1999. We are still on schedule for late 2000 or early 2001. (Kautzky, 6/15/99)

The Pulitzer study presented operational and architectural programs, preliminary staffing recommendations, functional diagrams, site-building options, an assessment of the existing facility and site, and projected costs and construction schedules. The SNU will not be a stand-alone facility but will

function as a satellite management unit of ISP. The SNU will have as its primary function the provision of a safe and secure environment and intensive treatment milieu for the highest risk special needs population. The treatment setting will focus on stabilizing, socializing and reintegrating the inmate either back to general population or stepped transitional housing within the DOC system. The discussion of the operational and architectural program is intended to be a guide to the function, operation and space usage within the facility, so that specific architectural plans can now be drawn. For that reason, specific dimensions are unknown until those plans are developed by the architect. (Kautzky, 6/15/99)

The Architectural Program Summary Sheet, contained within the Pulitzer Report, is 19 pages of single spaced text, (pp 139-157) describing those needed spaces which will now be given to the architects for specific design. Everything from desks, coat closets, cells, and HVAC needs are described. The Summary includes a 3000 sq.ft. outdoor exercise area, 2 covered outdoor recreation areas, 5 pods of individual covered outdoor exercise, and indoor recreation areas adjacent to the living units. The proposed staffing plan as of May 1, 1999 is as follows:

Iowa Department of Corrections Special Needs Unit

Staffing Plan

SNU with Shared ISP Spaces

Functional Title	Day Shift	Swing Shift	Evening Shift	Night Shift	Subtotal	Days Covered	Relief Factors	Postings Total	Area Total	Annual Salary & Benefits	Total Salary & Benefits	State Classification
1.000 PUBLIC LOBBY / UNIT ADMINISTRATION												
Unit Administrator	1	0	0	0	1	5	1.00	1.00		\$57,109	\$57,109	Unit Manager
Unit Secretary	1	0	0	0	1	5	1.00	1.00		\$26,078	\$26,078	Secretary I
Clerk Typist	2	0	0	0	2	5	1.00	2.00		\$28,444	\$56,888	Word Processor II
Treatment Coordinator	1	0	0	0	1	5	1.00	1.00		\$68,887	\$68,887	Psychologist IV
Subtotal									5.0		\$208,962	
2.000 STAFF SUPPORT (shared w/ISP)												
Training Officer (ISP)	1	0	0	0	1	0	1.00	1.00		\$32,031	\$32,031	Training Officer II
Subtotal									1.0		\$32,031	
3.000 SECURITY OPERATIONS (SNU Specific)												
Security Supervisor	1	0	0	0	1	5	1.00	1.00		\$51,974	\$51,974	Corr. Superv. II
Area Supervisor	1	0	1	1	3	7	1.72	5.16		\$42,328	\$218,412	Sen. Correct. Off
Unit Shift Supervisor	1	0	1	1	3	7	1.72	5.16		\$47,294	\$244,037	Corr. Superv. I
Movement Officer/Reliefs	4	0	2	2	8	5	1.22	9.76		\$38,844	\$379,117	Correctional Officer
(weekend)	2	0	2	2	6	2	0.49	2.94		\$38,844	\$114,201	Correctional Officer
Subtotal									24.0		\$1,007,742	
4.000 VISITATION												
ISP Function	0	0	0	0	0	0	0.00	0.00			\$0	
Subtotal									0.0		\$0	
5.000 ADMISSIONS AND DISCHARGE												
ISP Function	0	0	0	0	0	0	0.00	0.00			\$0	
Subtotal									0.0		\$0	

Iowa Department of Corrections Special Needs Unit

Staffing Plan

SNU with Shared ISP Spaces

Functional Title	Day Shift	Evening Shift	Night Shift	Sub-Total	Days Covered	Relief Factor	Post Factor	Area Total	Annual Salary & Benefit	Total Salary & Benefit	State Classification
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6.000 PROGRAM SERVICES

Academic Teacher	2	0	0	2	5	1.00	2.00		\$44,616	\$89,232	Educator
Inmate Work Coordinator	1	0	0	1	5	1.00	1.00		\$42,328	\$42,328	Sen. Corr. Officer
Activities Specialist	1	1	0	2	5	1.00	2.00		\$42,913	\$85,826	Activities Specialist
Activities Specialist (crafts)	1	0	0	1	5	1.00	1.00		\$42,913	\$42,913	Activities Specialist
Aftercare Coordinator	1	0	0	0	5	1.00	1.00		\$42,588	\$42,588	Correct. Counselor
Sheltered Workshop Coord.	1	0	0	0	5	1.00	1.00		\$42,913	\$42,913	Activities Specialist
Correctional Officer	1	1	0	2	7	1.72	3.44		\$38,844	\$133,623	Correctional Officer

Subtotal **11.4** **\$479,423**

Nursing Supervisor	1	0	0	1	5	1.00	1.00		\$56,250	\$56,250	RN Supervisor
Pill Call/Clinic Nurse	2	0	2	5	7	1.72	8.60		\$49,153	\$422,716	Registered Nurse
Medical Records Clerk	1	0	0	1	5	1.00	1.00		\$31,057	\$31,057	Clerk-Specialist
Psychiatrist	1	0	0	1	5	1.00	1.00		\$142,558	\$142,558	Physician

Subtotal **11.6** **\$596,331**

8.000 HOUSING

Group A

Caseworkers	0	1	0	1	5	1.00	1.00		\$42,588	\$42,588	Correct. Counselor
MH Counselor*	0	1	0	1	5	1.00	1.00		\$42,588	\$42,588	Correct. Counselor
Psychologist	1	0	0	1	5	1.00	1.00		\$53,508	\$53,508	Psychologist II
Pod Officers	2	0	2	5	7	1.72	8.60		\$38,844	\$334,058	Correctional Officer
Escort Officers	1	0	1	2	7	1.72	3.44		\$38,844	\$133,623	Correctional Officer
Control Room Officer	1	0	1	3	7	1.72	5.16		\$38,844	\$200,435	Correctional Officer

Subtotal **20.2** **\$806,801**

Iowa Department of Corrections Special Needs Unit

Staffing Plan

SNU with Shared ISP Spaces

Functional Title	Day Shift	Swing Shift	Evening Shift	Night Shift	Subtotal	Days Covered	Relief Factor	Post Total	Area Total	Annual Salary & Benefits	Total Salary & Benefits	State Classification
Group B												
Caseworkers	3	0	0	0	3	5	1.00	3.00		\$42,588	\$127,764	Correct. Counselor
MH Counselor*	0	5	0	0	5	5	1.00	5.00		\$42,588	\$212,940	Correct. Counselor
Psychologist	2	0	0	0	2	5	1.00	2.00		\$53,508	\$107,016	Psychologist II
Pod Officers	6	0	6	5	17	7	1.72	29.24		\$38,844	\$1,135,799	Correctional Officer
Subtotal									39.2		\$1,583,519	

9.000 FACILITY MANAGEMENT SERVICES

WAREHOUSE

Designated staff	0	0	0	0	0	0	0.00	0.00			\$0	
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MAINTENANCE

Maintenance Supervisor (ISP)	1	0	0	0	1	5	1.00	1.00		\$38,090	38090	Maint. Repairs Sup.
Trades Personnel (ISP)	0	2	0	0	2	5	1.00	2.00		\$37,960	75920	Corr. Trades Leader

LAUNDRY

Subtotal									3.0		\$114,010	
By Work Coordinator	0	0	0	0	0	0	0.00	0.00		\$0	\$0	
Subtotal									0.0		\$0	

TOTAL ALL AREAS	45	11	18	14				115.50	115.5		\$4,828,819	
Total Inmates (Capacity)								200.00				
RATE/100 INMATES								57.75				

*MH Counselor State classification may be pending Secure Psychiatric Specialist position.

Special Needs Unit at Oakdale

Funding for the Special Needs Unit at Oakdale was deferred by the Legislature and will be our top priority for the 1999 session. Some of those reconfiguring options once funded, could be on-line earlier than the SNU at ISP. (Kautzky, 7/27/98, p. 19)

The 1999 legislature approved funding for 175 additional special needs beds at Oakdale. RFP for that project will be advertised after July 1, 1999 through the department of General Services. (Kautzky, 6/15/99)

Newton Reintegration Facility

A final program concept for the reintegration facility, Building B at Newton, has been finalized, and we will evaluate and implement gradually, contingent upon funding by the 1999 legislature for full staffing. Ultimately, as many as 100 inmates from ISP could be transferred there for reintegration programming. (Kautzky, 7/27/98, p. 22-23)

The reintegration unit and other measures, will be utilized to offer periods of decompression in community settings so that discharge to the community from lock-up will be substantially reduced if not eliminated. (Kautzky, 7/27/98, p.121)

On June 15, 1999 we are offering a position to a doctoral candidate psychologist, to replace retiring personnel at ISP. Recruitment remains a significant problem.

(Kautzky, 6/15/99)

C. Exercise

The indoor exercise facility has been on the capital expenditures request list for each year of the last ten. The Legislature has deferred the request each year. We will continue to request, but there are other Americans With Disabilities Act reconstruction requirements, and other life safety issues which take funding precedence. The SNU however contemplates indoor exercise facilities, as well as covered outdoor facilities. (Kautzky, 7/27/98, p.20-21)

CH 217 cannot be used for indoor exercise because it is not compliant with Life Safety codes imposed by the Fire Marshall and the federal court in Watson, and neither is the old auditorium in the industries building. In both of those alternatives, as well as the old school building, or vacated counselor's offices, the offender must be escorted directly through the midst of the general population. For that reason, and others, those alternatives are unacceptable for

indoor exercise. Security would be a significant concern. (Helling, 7/27/98, p. 161-62)

Funding has been made available and with the arrival of the new warden, who has experience in federal prison facilities, a very quick conclusion can be reached on providing some undercover recreation. We will solve the problem of indoor exercise. (Kautzky, 10/15/98, p.15-16, 58)

Indoor exercise, through the good work of the new Warden, Graves, has ^{say} been accomplished. Two cells in CH 219, 2 cells in CH 220 and 8 cells in CH 319 have been renovated (plumbing removed, and chin-up bars installed). The purchase of additional exercise equipment, subject to security concerns, is being studied. (6/15/99)

D. Separation

Policies

The new administrative segregation and disciplinary policies, coupled with periodic review by the classification committee and individual behavior plans for movement out of segregation, and closer coordination with mental health resources in the disciplinary process, addresses the Court's concern with long term lockup. For the offender who has the desire to change, the opportunity to advance to general population status exists. (Kautzky, 7/27/98, p.92)

Every effort is being made to bring those in need at ISP up to Oakdale Unit on a more timely basis. (Sales, 7/27/98, p. 142)

In the interim, the necessary clinical staff will be added by contract to enhance the ability to review, understand, and respond more quickly to the needs of these offenders -- within the next 60-90 days. A lot depends on recruitment capacity. (Kautzy, 10/15/98, p.20-21) We have improved the level of cleanliness in cellhouse 220, which was the cellhouse about which the court expressed the most concern. (Kautzky, 10/15/98, p.24)

Classification review systems put in place as of July 1, 1998 have "for the most part" taken care of separation problems discussed by the Court in its Order. (Kautzky, 6/15/99) "Of the 45 offenders that are now in CH 220, only nine of those were there when I said there was bedlam. When I was there, there was bedlam." (O'Brien, J. 10/15/98, p. 184)

Newton

As a bridging measure prior to opening the 200 bed SNU at ISP, a unique reintegration program is planned at the Newton Correctional Facility. This program provides a 6 month program allowing locked offenders at ISP an

opportunity to return to the regular population. The program will provide 48 close security beds and an additional 96 multiple occupancy beds for locked offenders demonstrating potential for stable behavior.

(Bates 4).

A final program concept for the reintegration facility, Building B at Newton, has been finalized, and we will evaluate and implement gradually, contingent upon funding by the 1999 legislature for full staffing. Ultimately, as many as 100 inmates from ISP could be transferred there for reintegration programming.

(Kautzky, 7/27/98, p. 22-23)

The 1999 Legislature, just concluded, funded staffing for the Newton B reintegration unit. Full operation for 150 inmates, subsequent to staff hiring and training, is targeted for August 1999. (Kautzky, 6/15/99)

Special Needs at Oakdale

The new Special Needs Program at Oakdale will continue to use the medical and consulting services of University of Iowa Hospitals and Clinics on site. A related capacity for medical issues will be developed as inmate population increases in age. The project will cost over \$8 Million. (Bates 17)

The 1999 legislature approved funding for 175 additional special needs beds at Oakdale. RFP for that project will be advertised after July 1, 1999 through the department of General Services. (Kautzky, 6/15/99)

On June 15, 1999 we are offering a position to a doctoral candidate psychologist, to replace retiring personnel at ISP. Recruitment remains a significant problem. (Kautzky, 6/15/99)

Respectfully submitted,

THOMAS J. MILLER
Attorney General of Iowa

By 
Kris Ensign


Gordon E. Allen
2nd floor
Hoover Bldg.
Des Moines, IA 50319
281-7054
FAX 281-4209

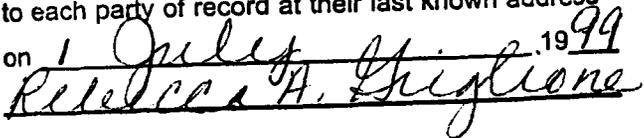
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Phil Mears

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was

personally delivered
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 sent via telefax

to each party of record at their last known address
on 1 July, 1999


Rebecca A. Giglione