

Exhibit 1-C

(23) make a "general reading library" available to certain inmates.⁶⁶

b. October 1984 ACLU Attorney Access Case:

In August 1984, the inmates in Brown v. Procunier (now entitled Brown v. Landon because of the change in a Director of DOC) filed a motion in federal court in Richmond claiming that inmate access to attorneys at MCC was being unduly restricted by institutional management--by unduly delaying the production of inmates once attorneys arrived at the facility; unduly restricting the duration and time of day for attorney-inmate visits; refusing to permit more than one attorney-inmate visit at any given time (many of the attorneys represent more than one inmate); not assuring the confidentiality of an attorney-inmate visit; and "[r]equiring that the inmate interviewed remain with his wrists shackled to his waist."⁶⁷ On October 2, 1984, the court enjoined DOC and MCC from engaging in the above practices, except for the last practice, which was permitted if "the Chief of Security at . . . [MCC] determines, in light of the institutional record of a given inmate, that the safety of the institution dictates that the inmate be so shackled."⁶⁸ Again because of the involvement of the ACLU National Prison Project, this particular aspect of Brown v. Procunier has become known as "the October 1984 ACLU attorney access" case.

2. Findings and Recommendations:

In the judgment of the Study Committee, the April 1983 ACLU settlement agreement (and to a lesser extent the October 1984 ACLU attorney access order) have taken on an importance in DOC and among employees at MCC which is greatly misplaced and out of

proportion to what the agreement in fact provides. But there is no question that the agreement has had a profound impact on MCC staff morale and on the manner in which, as a practical matter, the institution is now operated. As one Committee member has phrased the situation, "Over the past year, the ACLU settlement agreement has become a reason and excuse for a great deal of what happens or doesn't happen at" MCC.

MCC employees talk in terms of "we were sold out," "the ACLU is running this place," "the prisoners are running this place," "the ACLU agreement won't let us do" certain things such as discipline inmates (which is not the case), "the ACLU requires us to do" certain things such as dedicate one of the two ovens at MCC for the preparation of food to be eaten by inmates whose religious beliefs do not permit them to eat pork (which the agreement does not require). The 1983 ACLU settlement agreement--or more accurately, the myth surrounding it--does indeed seem to "run" MCC, but only because DOC and MCC officials have permitted that to happen. As the United States Supreme Court has stated, "the scope of a consent decree [or settlement agreement] must be discerned within its four corners, and not by reference to what might satisfy the purpose of one of the parties to it." U.S. v. Armour & Co., 402 U.S. 673, 683 (1970). On its face, most of the 1983 ACLU settlement agreement does not seem inappropriate or unreasonable to the Committee. As will be discussed in some detail below, DOC officials agree.

The problem with the agreement is, in general, not its terms; the problem was a lack of sufficient and effective communication about the agreement within DOC and the resulting attitude which

developed. The Study Committee made no findings with regard to DOC or MCC compliance with the 1983 ACLU settlement agreement. The Committee's sole focus was on the communication about, and acceptance of, the agreement within the DOC hierarchy. The major communication was between (1) the DOC central office and the Office of the Attorney General, which represented DOC and the Commonwealth in the case, on the one hand, and (2) the Region II office, MCC management, and individual MCC correctional officers and other employees on the other.

The Director of DOC and other officials in the central office indicated to the Committee that they did not have serious problems with most of the terms of the agreement. Their major concerns were with items (1)(b) and (c), and (4) in the list above: reviewing Phase Program inmates for advancement at a faster pace than in the past; the two-year time limit on an inmate's participation in the program; and the regional increases in recreation.

DOC officials were concerned about moving inmates through the various phases of the Phase Program too quickly because they did not believe inmates would adjust sufficiently in a shorter period of time or, more importantly, that inmates would not be in a phase long enough for the MCC staff to make a judgment as to whether they had adjusted sufficiently.

DOC officials also were concerned about transferring Phase Program inmates from MCC after two years even if they had not successfully completed the Phase Program. This concern was based on a fear that the incentive for an inmate to participate in the

program would be substantially reduced if he knew he would be transferred to another facility after two years even if he never participated in the program.

The increase in outdoor recreation time greatly concerned DOC officials. Their concern was one of manpower. DOC agreed with MCC management that it would be difficult to provide all inmates with the additional increased outdoor recreation time required by the agreement with the current level of staffing at MCC.

Most DOC officials with whom the Committee spoke thought the majority of the remaining terms of the agreement were either reasonable, or at least acceptable. However, it is clear that this attitude was not passed on to the Region II office or to MCC management and staff. Indeed, MCC management and staff have the impression that the DOC central office only grudgingly accepted the agreement.

By way of example, officials in the DOC central office told the committee that they "hadn't really given up anything" on item (1)(a) above--starting Phase Program inmates in Phase II rather than Phase I if they satisfactorily adjust during orientation. According to these DOC officials, "we had been thinking for some time about doing that anyway." MCC management and staff believed in August 1983, and still believe, however, that it is a "bad thing" and a "real mistake" to start Phase Program inmates in Phase II and, more importantly, they believe that the DOC central office agrees. Once again, there is a major communication gap.

In the judgment of the Committee, greater efforts should have been made by the DOC central office and the Office of

the Attorney General to inform all MCC management and staff of the terms of the agreement and their implications and potential impact on their duties and responsibilities at the institution.

The former Warden of MCC reported to the Committee that on the day the case was settled, he had heard a rumor that a settlement had been reached. Since he had not been contacted by either the DOC central office or the Office of the Attorney General, he called the attorney from the latter office who had been responsible for the case and was told that a settlement had been reached, had the agreement explained to him briefly, and was told that the attorney would drive down to MCC (approximately a 1 1/2-hour drive) the first thing the next morning to explain the agreement to him in detail. The next morning, the attorneys for the inmates arrived first and distributed copies of the agreement to inmates. The former Warden told the Committee that he and many correctional officers received their first copy of the settlement agreement from the inmates.

The agreement was explained later that day to the Warden and his staff by a representative from the Office of the Attorney General, and at some later time efforts were made by the DOC Director and the Deputy Director of DOC Adult Services to explain the agreement to MCC staff. It was clear, however, from the Committee's discussions and interviews with MCC staff that the staff still did not understand the terms of the agreement. Rumors seemed to be the basis of what most staff members knew about the terms; very few staff members seemed to have had a copy of, seen, or read the actual agreement.

The Study Committee believes that the failure to provide more

and better information more rapidly was one factor that caused the serious deterioration in morale which has occurred at the facility over the past year. It may also have had an indirect effect on the increased laxness on the part of security staff in the observance of security procedures which developed over at least the past year and was the major factor contributing to both the May 31 escape and August 4 hostage situation.

Finally, DOC indicated that an individual in the DOC central office had been given the responsibility for monitoring MCC acceptance and implementation of the agreement. A similar approach, with a different individual, had been used with success during the implementation of the 1981 consent decree involving Powhatan. According to DOC management, acceptance of the Powhatan decree had gone smoothly. The Committee believes that the DOC central office did not provide sufficient guidance to the individual in the central office responsible for monitoring MCC acceptance of the 1983 settlement agreement.

Thus, DOC officials took the position that they had communicated their position accurately to MCC management and staff and were monitoring MCC compliance; the problem in their judgment was "an attitude problem down there." Even if true, the Committee still believes it was the responsibility of the DOC central office to change that attitude. If their message to MCC management and staff was not being communicated effectively or was not having its intended impact, then it was the responsibility of the DOC central office and the Region II office to correct the situation.

DOC does not report to the Office of the Attorney General.

Committee recognizes that as such, the attorneys representing DOC in the case had only very limited formal authority and ability to affect DOC's response. However, the Committee believes that greater efforts should have been made to ensure that DOC was fully informing MCC management and staff about the content of the settlement agreement and its potential impact on MCC.

The Study Committee therefore recommends:

Recommendation 33: DOC personnel--from officials in the DOC central office to correctional officers in individual institutions--should receive additional and more detailed training in the developing area of "prisoner's rights" law so they are better informed as to their rights and obligations under the law as correctional personnel and can therefore better perform their responsibilities. The Office of the Attorney General should be asked by the Board of Corrections and DOC to assist in this training.

Recommendation 34: The Board of Corrections should direct DOC that, whenever a court order is entered against, or a settlement agreement is signed by, the Commonwealth directing that conditions or programs at a DOC institution be changed, management officials at the DOC central office, regional office, and at the affected institution, as well as all correctional staff at the affected institution, should be fully and immediately informed by DOC of the requirements of that order or decree. The Office of the Attorney General should be asked by the Board of Corrections and DOC to assist in this process.

Recommendation 35: Each DOC management level--from the DOC Director to the Warden of each affected institution--must make it clear to all affected DOC employees that DOC expects to comply fully with any court order entered against, or settlement agreement signed by, the Commonwealth which may affect DOC or its individual institutions.

Recommendation 36: DOC should be directed to review its procedures for ensuring full compliance with any court order entered against, or settlement agreement signed by, the Commonwealth affecting DOC or its individual institutions.

Recommendation 37: The Study Committee made no findings with regard to DOC or MCC compliance with the August

1983 ACLU settlement agreement or the October 1984 ACLU attorney access order. DOC management should be directed to (a) make certain that DOC and MCC are in compliance with both the 1983 agreement and 1984 order, and to (b) file monthly reports with the Board on that compliance.

CHAPTER 6

INMATE-STAFF INTERACTION

A. INMATE-STAFF RELATIONS:

1. Background:

During its study, the Committee focused attention on the quality of inmate-staff relations at MCC. Many factors affect these relations. There is a high level of tension among and between staff and inmates at MCC, due in large measure to the series of incidents over the past several months, the extended "lockdown" of most inmates (i.e., almost 24 hours per day confinement to their cells), and the increased emphasis by staff members on security and control. However, it also is partially due to the structure of the facility, which is better designed for keeping inmates in lockdown than it is for handling the movement of a general prison population. Indeed, inmate movement at MCC creates security risks unless inmates are accompanied by correctional staff. Thus, the very design of MCC may cause greater staff-inmate interaction than would be necessary at other maximum security facilities in the Commonwealth.

On the second day of its September visit to MCC, the Committee arranged personal interviews with nine inmates at the institution. The inmates were randomly selected by the Committee from a list of inmates present at the facility on that day. These inmates had been confined for varying amounts of time at MCC, and were assigned to differing buildings and programs. The Committee also talked informally with inmates during its October

visit, and reviewed video-taped "serious incidents" from the past several years, written incident reports for a five-year period, and inmate grievance reports for the past two years.

2. Findings and Recommendations:

The Committee's interviews with inmates occurred at a time when most inmates at the facility had been on general lockdown status for an extended period--most since early August--as a result of the incidents at the facility this past summer. The lockdown status, and the resulting decrease in privileges, was the most frequent concern voiced by the inmates the Committee interviewed. The view generally expressed was that the restrictions were unfairly imposed on inmates who had not been responsible for the recent incidents. For example, an inmate from Death Row, who had had the opportunity to leave during the escape but did not do so, felt that the restrictions on recreation, which had been in effect for Death Row since May 31, were unreasonable--especially in light of the fact that the recaptured escapees, who were temporarily housed at other correctional facilities in the Commonwealth before their return to MCC, had in his opinion received more opportunities for recreation than those who had remained at MCC and not escaped.

The Committee also asked each inmate his view of the frequency of physical or verbal abuse of inmates by staff and vice versa. The Committee received generalized complaints about staff physically assaulting inmates, with particular reference to the in-depth searches of the facility ("shakedowns") in July. The nature of these complaints, combined with its own observations, review of the "serious incident" video-tapes, and interviews with

staff, indicated to the Committee that serious physical abuse of inmates was not a frequent or substantial problem at Mecklenburg. However, the Committee does have some concern that the institution may be over-disposed to using force and physical restraint in some instances--e.g., physically removing an inmate from his cell for failure to comply with a staff instruction, when the inmate is neither threatening, nor inflicting, injury on himself or others. The inmates also indicated that staff directed a high level of verbal abuse toward them, and seldom communicated with them in a positive, constructive manner. Although it believes that the inmate complaints in this area were excessive, the Committee is reasonably convinced that a number of staff members routinely interact with inmates in a cursory, swearing and baiting manner intended to promote an excitable inmate to become disruptive.

Taken as a whole, the Committee believes that the inmate reports on the frequency of inmates assaulting staff members were reflective of the true situation. The inmates the Committee interviewed indicated that verbal abuse of officers by inmates was a constant occurrence. Indeed, this was evident throughout the Committee's tours of the housing units, although it clearly would be a mistake to indicate that such actions characterize all the inmates. The inmates also acknowledged the prevalence of physical assaults on staff, although the inmates reported, and the Committee believes, that a relatively small number of inmates at MCC physically assault officers.

Physical assaults on staff take many forms. Data reviewed

by the Committee indicated that assaults with weapons occurred at the facility as often as once or twice per month.⁶⁹ Other assaults, including hitting, spitting, and throwing of feces, urine, or food on officers appear to be equally frequent occurrences. Indeed, the latter category was a complaint the Committee heard from virtually every staff member interviewed at the facility. The inmates interviewed by the Committee acknowledged that the throwing of feces, urine, and food at officers by inmates did occur. Such exceptionally regressive behavior represents the lengths to which some inmates go to respond to their environment and frustrations. However, interestingly, there was agreement among the inmates interviewed that the throwing of feces and urine was inappropriate and unacceptable behavior.

The Committee is convinced that inmate assaults on staff is a problem at MCC, although it is not one which can be solved through an abandonment of personal interaction between staff and inmates. The Committee is concerned that an absence of appropriate personal staff-inmate interaction may, in fact, cause the already hostile environment at the facility to become more hostile.

Two additional complaints were the subject of frequent comment by inmates interviewed by the Committee. First, many inmates indicated that nursing and other medical care at the facility were inadequate. The Committee could find no basis on which to conclude that this complaint was reasonably grounded, although the Committee is aware that, since early this past summer, there has been a serious shortage of nurses at the

facility (only about half the number authorized). The second complaint centered on a lack of jobs and productive educational or vocational programs for the majority of inmates at the facility. This is a point which the Committee agrees should be reviewed further in conjunction with recommendations in Chapter 3 of this report.

Thus, the Committee believes that consistent with the need for security, MCC management should continue to proceed cautiously to ease the current lockdown and restrictions on MCC inmates, and should attempt to give inmates access to appropriate programs for which they are suitable.

Finally, the Committee believes that the availability of more religious programs at MCC would be very beneficial to the inmates and also might aid inmate-staff relations by improving the current hostile atmosphere at the facility.

The Committee therefore recommends:

Recommendation 38: DOC and MCC management and supervisory staff must continue to make it clear to MCC staff that assaults on, or otherwise abusive behavior directed towards, inmates by correctional staff is not condoned and will not be tolerated.

Recommendation 39: DOC and MCC management must continue to make it clear to inmates that assaults on MCC staff will not be tolerated and that inmates who assault staff will be prosecuted or otherwise disciplined to the extent permissible by law, DOC Departmental Guidelines, and MCC Institutional Operating Procedures.

Recommendation 40: DOC should be directed to review its Departmental Guidelines governing institutional disciplinary steps which may be taken against inmates who assault correctional staff, with a view towards making certain that (a) the penalty provided for various forms of assault (e.g, assault with a weapon, threats to the

physical safety of staff, throwing of human waste or food, and verbal abuse) is proportionate to the seriousness of the conduct and that (b) the penalty is imposed as swiftly as fairness and legal requirements will permit.

Recommendation 41: DOC and MCC management should continue to proceed cautiously in easing the current lockdown and restrictions on MCC inmates. Attention should be directed throughout this process to fundamental fairness for inmates and their need for productive programs.

Recommendation 42: DOC and MCC management should take steps to secure the services of a chaplain for MCC.

B. **INMATE GRIEVANCE PROCEDURE:**

1. **Background:**

Another area examined by the Committee in an effort to assess the level of inmate concerns at the facility was the inmate Grievance Procedure. DOC Policy 4-14 states that the purpose of the procedure is:

"To provide fair and prompt decisions and actions in response to inmate complaints; to provide a regularly available channel for hearing and resolving grievances and concerns of inmates; to provide a mechanism to help keep managers informed and better able to carry out the Department's mission; and to meet national standards."

The referenced "national standards" are the Minimum Standards for Inmate Grievance Procedures promulgated pursuant to the Civil Rights of Institutionalized Persons Act, Pub. L. 96-247, 94 Stat. 349 (42 U.S.C. 1997). The DOC policy provides that the procedure is to be appropriately communicated to inmates, that there is to be free and easy access to the various aspects of the procedure, that there are to be no reprisals against inmates for use of the procedure, that responses to inmates are to be in writing

and with reasons, and that time limits requiring a prompt response are to be observed. Special procedures are available for handling emergency complaints more promptly than normal time limits would permit.

2. Findings and Recommendations:

The Committee reviewed data on the number and type of inmate grievances filed each month at MCC, as well as the system and procedures implemented at the facility for reviewing those grievances. The data revealed that during an average month in 1983 fewer than 300 inmate grievances were filed at MCC. These totals increased substantially in 1984. During the three months preceding the May 31 escape (March-May), the number of inmate grievances had increased to an average of 400 per month. During June, July and August, these figures increased dramatically to 600-800 each month.

A significant increase in the number of grievances filed might reasonably have been expected as one form of response to administrative actions taken this summer following the May 31 escape, the July 12 disturbances in the recreation yards, and the August 4 hostage situation. However, it is more difficult to explain the increase in the average number of grievances per month during the period immediately preceding the escape. These statistics should have been important information to the MCC Warden and his staff, both by themselves and when considered in conjunction with other data. For example, the increase in the number of grievances filed at MCC probably should have been a signal to institutional and regional management that problems might be developing in the inmate population at MCC. This point

must be tempered somewhat, however, by the fact that inmate grievance statistics often can be quite misleading. For example, if a few inmates file a large number of grievances during a given period--whether well-founded or not--the overall figures for the facility, which include the grievances from those inmates, may be misleading if used to make a judgment with regard to the overall state of staff-inmate relations at the facility.

The importance of the information is further underscored, however, when considered in combination with a major increase in the number of grievances inmates had appealed from MCC to the Region II office in the months immediately preceding the escape. A large number of appeals to the regional level also should have been interpreted as a danger signal, since the appeals would indicate inmate dissatisfaction with institutional management's efforts to resolve their complaints. Such information should be considered a valuable management tool, and, indeed, this information was available both to the Region II office and to MCC management prior to the recent incidents at MCC this past spring and summer.

In its review of the inmate grievance procedure as implemented at MCC, the Committee concluded that the institution's system was structured appropriately. MCC utilizes one full-time security officer to serve as the Grievance Coordinator. The coordinator is supervised by the institution's operations officer, the Assistant Warden for Operations, and is assisted by about 20 inmate Grievance Clerks. An Advisory Committee made up of three staff and three inmates also operates

to guide the procedure. Although during its interviews with inmates the Committee heard complaints about the procedure, and specific remedies that were or were not provided, the Committee sensed that the inmates viewed the system as an appropriate, effective mechanism for airing their complaints. Indeed, the Committee believes that, in some respects, the enormous increase in inmate grievances filed this summer is a good sign--one indicating that inmates at least believe that their complaints about the recent restrictions will be heard and, where appropriate, remedied.

The Study Committee therefore recommends:

Recommendation 43: DOC and MCC management should be directed to monitor regularly the Inmate Grievance Procedure as it has been implemented at MCC to make certain that it continues to be appropriately communicated to inmates, that there is free and easy access by inmates to the various aspects of the procedures, that there are no reprisals against inmates for use of the procedures, that inmates receive written responses to their grievances indicating the reasons for management decisions concerning the grievances, and that grievances are processed in an appropriate and timely manner.

Recommendation 44: DOC, Regional Office, and institutional management should be directed to analyze regularly and systematically the number, scope, and content of inmate grievances filed at the Commonwealth's various correctional facilities, for the purpose of assuring that institutional managers at MCC and other facilities receive the necessary information and take appropriate action when such an analysis reveals the potential for serious incidents at a correctional facility.

PART III

COMPENSATION ISSUES

CHAPTER 7
COMPENSATION FOR CORRECTIONAL
OFFICERS AND OTHER STAFF

A. INTRODUCTION:

Compensation for correctional staff is a broad issue with major policy implications for the correctional and public safety system. The Study Committee was asked to review three issues related to compensation for correctional officers: salary and fringe benefits, housing for wardens, and the potential for other forms of compensation. The major focus is on the salary issue.

B. SALARY AND FRINGE BENEFITS FOR CORRECTIONAL OFFICERS

1. Background:

The Study Committee discussed the issue of compensation with both permanent and temporarily-assigned correctional officers and supervisors at MCC. The Committee also solicited the viewpoints of DOC officials, obtained national comparative salary and personnel data, and reviewed recent study reports by consultants and State agencies.

An important source of information was a study report prepared by the State's Department of Personnel and Training, which has statutory authority to manage the Commonwealth's compensation system. The study began in July 1984, and the results were presented to the Committee and made public on September 26, 1984. Major findings include:

- ° At the midpoint of the authorized salary range, the salary of Virginia's correctional officers is approximately 2% below the average salary for 13 southeastern states. Virginia ranks 8th among those 13 states.
- ° Fringe benefits provided by the Commonwealth are competitive with other southeastern states.
- ° The average salary for correctional officers places Virginia 41st among the 47 states nationally that reported data. The salary difference between Virginia and other states at the midpoint of the national salary average is approximately \$1,450.
- ° The Commonwealth ranks 38th overall in salary for all State employees.
- ° Turnover among Virginia correctional officers, an indicator of recruiting and salary problems, is comparable to other southeastern states, regardless of the salary paid by any particular state.
- ° A compensation increase for correctional officers could affect salaries paid to other correctional and public safety employees, and potentially all State employees. For example, increases for correctional officers might require that salaries for line supervisors (Captains, Lieutenants, and Sergeants) also be increased accordingly.⁷⁰

Although the Department of Personnel and Training data was quite useful and informative, the Committee did not limit its analysis to this data.

2. Findings and Recommendations:

a. General:

The Committee's interviews and discussions revealed that the salary and fringe benefits issue is a highly complex and, at times, emotional one. Although a number of viewpoints and factors were considered, it was clear that no one factor or combination of factors provided a clear answer. Viewpoints and data were disparate in nature and included the following:

- ° DOC management is concerned that officer morale, which is already low, will deteriorate further

without a salary increase, resulting in higher turnover and increased recruitment difficulties.

- ° State and national studies have not yet linked higher correctional officer salary directly to greater success in the recruitment of more qualified applicants or lower turnover.
- ° According to an August DOC survey of MCC employees, 91% believe they are underpaid.
- ° During Committee discussions with MCC correctional officers, the major concerns cited were understaffing and the impact of the 1983 ACLU consent decree on the staff's ability to control inmates, not pay. References to pay focused more on the freeze of State merit pay, rather than low pay for the job itself.
- ° The Department of Personnel and Training study data did not indicate major problems in correctional officer recruitment and turnover patterns in Virginia relative to other states.

The disparity in data and viewpoints led the Committee to reassess the salary and fringe benefits issue through a "systems" approach. The Committee first attempted to address three basic questions most relevant to officer salary: (1) What does a correctional officer actually do? (2) What classifications and skills are required to carry out those duties? and (3) Is current salary adequate to attract and retain the type of applicant who is qualified to perform those duties? The Committee also reviewed the concepts of salary incentives for officers and hazardous duty pay. Finally, the Committee considered the cost implications of salary increases.

b. Correctional Officer Duties:

The following statements describe the duties and qualifications of a Virginia correctional officer (Grade 6) as outlined in the current State class specification:

"Distinguishing Features of Work

- Custodial and escape prevention duties.
- Policing and supervision of inmates.
- Independent decisions on use of firearms might be required.
- Checking of visitors and inmates for contraband.
- Patrolling gates to prevent unauthorized entrance and exit.
- Supervising inmates on their work tasks.

"Qualifications

- Ability to read and explain guidelines.
- Ability to follow instructions and communicate effectively with inmates, staff, and public.
- Ability to write incident reports.
- Graduation from the Basic Officer Training Course at the DOC Academy for Staff Development in Waynesboro.
- Graduation from high school or GED, or qualifying education and experience."

The Committee believes that the features of a correctional officer's work, or job duties, are more varied and complex than those described above. In particular, the Committee believes that the above class specification is too general, and is misleading about the nature of an officer's work. For example, the specification does not describe "escape prevention duties." In practice, among other duties, officers are expected to be highly familiar with modern security equipment and practices. The "checking of visitors and inmates for contraband" is, in fact, a highly skilled and difficult task, particularly during shakedowns of inmate cells. For example, during an in-depth search of a portion of MCC

this past summer, it took several law enforcement officers and corrections supervisors four hours to find inmate weapons--even when they had a diagram from an inmate of the location of the weapons. Similarly, "independent" decisions are frequently required to prevent serious incidents and the need to resort to firearms.

Surprisingly, the job description of a correctional officer makes no mention of the job's unique requirements or, particularly, the hazards. While much of an officer's time is spent handling routine inmate movement, crisis situations are occurring with more frequency each year systemwide according to the 5-year "serious incident" statistics maintained by DOC and mentioned previously in this report. In contrast, the State Trooper (Grade 9) specification notes the job is "frequently dangerous," while the specification for Port Police Officer (Grade 7) itemizes such duties as governing crowds, preventing theft and fire, and ensuring dangerous substances are not received at the ports of Virginia. Correctional officers also must deal with crowd control -- of "inmates," not the general public -- and occasionally must deal with internal fires, theft and smuggling of illegal substances. While the Study Committee realizes that the lack of law enforcement authority is a major distinction between the correctional officer's duties and those of other comparable personnel classes, the Committee also believes an in-depth review and "job validation" (an official study of the duties of a position) of correctional officer duties is needed and will indicate the changing and more complex nature of the job requirements.

This review also should include an examination of the duties

of a Corporal. The Committee's observations of and interviews with correctional officers and Corporals at MCC indicated little distinction between correctional officer and Corporal duties. Furthermore, the job duties listed in the class specification for a Corporal correspond directly to those required of correctional officers at MCC and to the skills taught to correctional officers in basic training at the DOC Academy for Staff Development. The only major distinction in job duties occurs when Corporals fill in for Sergeants due to manpower shortages--a practice that is supposed to be on a temporary "emergency" basis. Discussions with correctional officers and Corporals at MCC and on temporary assignment to MCC from other institutions also indicated little distinction between the duties at MCC or at other institutions.

c. Correctional Officer Qualifications:

Qualifications for correctional officer positions appear insufficient to attract candidates able to perform the various roles and duties expected of officers. Graduation from high school or "qualifying experience" and the ability to read and write are unlikely to disqualify most candidates. While job qualifications for correctional officers nationwide are not particularly stringent, some minor distinctions do exist. For example, five states require entry and recurring physical agility tests, and many others require physical examinations.⁷¹

Statewide, correctional officer qualifications are less stringent and extensive than comparable job classes cited in the Department of Personnel and Training study report.⁷² Bridge Tunnel Patrolmen, Institutional Police Officers, Campus Police

Officers and State Troopers have similar, but slightly more difficult, job qualifications. Bridge Tunnel Patrolmen (Grade 6), for example, must pass a written exam and a physical, as well as a physical agility test. Institutional Police Officers must have two years' work experience in dealing with the public. Campus Police Officers must have two years' work experience or college education on an equivalent time basis. State Troopers must meet more stringent age and physical requirements than a correctional officer. While one might argue that the required completion of basic training at the DOC Academy for Staff Development is comparable to job requirements of other public safety positions, in practice this appears to be an inappropriate measure of a candidate's ability to perform the job. During 1983-84, 97% of the attendees at the basic officer training course passed. Of the 20 who failed, 16 were allowed to repeat the course. In effect, the requirement is one most any candidate can meet. Overall, the qualifications to become a correctional officer are easily met and may be too low to ensure that only those candidates with the ability to meet actual job requirements are recruited and hired.

d. Recruitment and Turnover:

The data on recruitment and turnover does not show a direct correlation between salary and the ability to attract and retain correctional officers. In a 1981 national survey of the turnover and recruitment problems of correctional agencies, only 13 of 29 agencies cited low pay as a major reason for turnover.⁷³ Other reasons cited just as frequently were working conditions and job stress. The recent Department of Personnel and Training survey noted that turnover in 13 southeastern states is not directly

attributable to salary. For example, turnover for all correctional positions in Virginia was 22.6% in 1983-84, compared to 18% for the states ranked first, second, and third in regional salary at midpoint of the salary range. This 4.6% difference in turnover seems insignificant when reviewing national turnover data for 1983, which indicates a range in state correctional officer turnover of 10% to 46% per year, regardless of salary.⁷⁴

There are indications that salary may, however, be a factor in turnover of Virginia's correctional officers, when viewed independently of Corporals and above. Turnover rates of officers rose from approximately 12% in 1982-83 to 18% in 1983-84. Conversely, increases in turnover rates for Corporals and above were negligible. Many of the officers interviewed by the Committee cited pay as a major area of concern. However, verifying the link between turnover and salary is difficult due to limited data. Resignation data collected by DOC is not comprehensive and lacks information on salaries of those officers who left for better jobs.

The Committee also questions whether salary would be a major issue among officers had they received merit pay increases. Invariably, officers questioned the loss of merit pay, rather than the actual salary range for a corrections officer.

A more relevant issue than salary scales may be the correctional recruiting process in Virginia and other states, particularly employee selection. The DOC Employee Relations Unit has established an extensive, continuous recruiting program for corrections officers. The DOC also has a Department of Personnel

and Training approved policy on "Recruitment, Selection, and Appointment of Employees." However, in Virginia, the highest rate of officer turnover occurs in the first year of employment. This may indicate that once job candidates are identified, selection problems occur. It is possible that ineffective candidate screening and insufficient preparation of the new employee for the actual requirements and working environment of correctional work are affecting turnover. Also, salary may be a factor.

Recent recruiting efforts at MCC may prove to be a model for recruiting within the Virginia corrections system if used in conjunction with higher job qualifications. Out of approximately 200 applicants for approximately 30 vacant officer positions at MCC, fewer than 10% were hired. A thorough review process was developed to screen out "minimally" qualified or inappropriate candidates. As a result, several final candidates had college backgrounds and more work experience than previous applicants. The Committee believes the key to the process has been the use of the DOC Internal Investigation Unit to conduct a thorough background review on recent MCC applicants. At the moment, this practice is not followed with applicants for positions in other DOC facilities. However, while time consuming and expensive, the practice may lead to better qualified and more stable candidates, particularly if combined with upgraded job qualifications.

e. Salary Incentives:

The Committee also noted that no salary incentives are built into the correctional officer recruitment and promotion system. Candidates with more experience or education are not offered

higher salaries. In contrast, local police agencies in Virginia and other states offer a salary incentive to employees who have or obtain two-year and four-year degrees.

The Committee realizes that major changes in the State personnel and compensation system would be required to implement such a practice. However, other less expensive incentives could be developed. One viable approach which the Committee strongly supports is to make promotion dependent upon successful completion of certain training or education requirements. Currently, in-service supervisory courses are completed after promotions occur. If promotion were linked to training and education, concurrent changes in grading systems for supervisory training would be required. Currently, only a pass/fail system is in place, and it apparently is not difficult to pass.

f. Hazardous Duty Pay:

The concept of paying "hazardous duty" pay to correctional officers in maximum security prisons is a practice with little state or national support. DOC officials point out that most prisoners sent to MCC were first confined at other institutions and that those transferred to MCC for the Phase Program were by definition "disruptive" at other institutions. That is, officers at other DOC institutions also must interact with that same "disruptive" inmate population. Furthermore, DOC officials indicate that maximum security officers may in fact be somewhat more protected from hazards than officers at other institutions since inmates in a maximum security facility such as MCC are confined in a physical structure designed to contain the inmates

and promote officer safety.

Nationally, and in Virginia, other public safety jobs have taken hazardous duty into consideration when the overall compensation rate is established. Also, the Department of Personnel and Training noted that only one of 13 states in the southeastern region pays a salary differential to correctional employees for "hazardous duty" in maximum security institutions.⁷⁵ While it does not support special hazardous duty pay for correctional officers, the Committee does question whether the hazards of the correctional officer's position were adequately considered when originally establishing the job requirements and the appropriate level of compensation for the position. As noted earlier, the hazards of the job are not included in the class specification.

g. Cost and Other Implications of a Salary Increase:

The potential cost implications to the Commonwealth of a salary increase for correctional officers certainly will--and should--be a major factor in the decision-making process. Increasing correctional officers salaries would have both direct and indirect cost implications.

An increase in salaries through a regrade of the Correctional Officer classification from Grade 6 to 7 could result in a "bumping up" process that would require each security classification to be raised one grade (i.e., Corporals from grade 7 to 8; Sergeants from grade 8 to 9, and so on). The total cost of a regrade for the entire corrections series could vary from \$2,000,000 to \$5,000,000 annually, depending on where the regrade places each employee in the salary range of the new grade. Alternatively, the regrade could be for correctional officers only;

however, unless such an increase is supported by a review of job requirements that indicates correctional officers perform the same duties as Corporals, a severe morale problem is likely to be created among Corporals -- and, indeed, is likely to occur among higher ranking officers as well. This problem is exacerbated, of course, by the fact that there have been no "merit increases" in salaries throughout the entire State personnel system for the past two years..

Indirectly, increases for correctional officers could have implications throughout at least the public safety system and, perhaps, throughout the entire State personnel system. As noted by the Department of Personnel and Training, the grades and salaries for a large number of correctional positions (e.g., counselors, staff at juvenile institutions, probation and parole officers) may be considered inequitable if security personnel are paid at higher grade levels.⁷⁶ Similarly, other public safety employees (e.g., institutional police officers, port policemen, and so on) may raise fairness questions. The major indirect effect could be on State employees generally. A grade (two-step) increase would move the correctional officer class to approximately 30th in the nation while the average salary for other State employees would remain approximately 38th.

h. Summary:

The Committee believes that it is important for the Governor, the General Assembly, and the Secretary of Transportation and Public Safety to consider the following factors prior to making a final decision on a salary increase for correctional officers:

- Cost implications to the Commonwealth;
- The varied and dangerous nature of a correctional officer's job versus the relatively low qualifications to become an officer;
- The limited difference in job qualifications between correctional officers and Corporals;
- Increased turnover in Virginia's correctional officer series (12% to 18% between 1982-83 and 1983-84);
- Low turnover of correctional supervisors;
- The concern of correctional officers over the freeze of merit pay;
- Potential limitations in the recruitment and training processes, evidenced by high turnover in first year officers; and
- Lack of salary and promotional incentives within the corrections system.

The Committee's analysis of these factors indicates that while there is merit to a salary increase for security personnel, salary increases alone will not solve the problems at MCC or the systemwide problems noted in this report. The oft-cited low quality of security personnel, while arguably unfair and exaggerated, is clearly more the result of deficiencies in recruitment, training, and promotional practices than lack of effort by employees. The Committee bases the following recommendation on what it believes is in the long-term interest of both DOC and individual employees:

Recommendation 45: The Committee recommends that the Governor and General Assembly consider granting a salary increase to corrections officers only. However, the Committee would not support a salary increase unless it is tied to a major reassessment of personnel practices for security positions. The Committee recommends that this reassessment include the following actions:

- (a) Review the job duties of security personnel and compare them to other public safety classes.

- (b) Review the qualifications of security personnel in relation to other public safety classes in Virginia and corrections personnel in other states.
- (c) Develop a performance-based system of training at the Academy for Staff Development for supervisors and officers. Training performance should become a consistent part of an employee's performance evaluation.
- (d) Develop methods to link job retention, promotions, and salaries to the completion of education and training. In particular, completion of training should be a requirement for promotion.
- (e) Develop a consistent statewide procedure for selecting corrections officers, including effective use of interview panels for officers and thorough background investigations.
- (f) Revise the exit interview process to obtain better information on the reason for voluntary terminations by correctional officers, particularly information specifically related to salary issues.

This recommendation is intended to promote long-term improvements in the Department's personnel system through increased qualifications and greater uniformity in the personnel selection and promotion process. In addition, strengthening of the training program and requirements for promotion should result in an improved system of incentives for personnel to gain and maintain desired skills. In the Committee's view, a salary increase not coupled to efforts to address the structural issues identified in this Chapter will have an impact short-lived at best. The citizens of the Commonwealth will be better served through additional appropriations based on demonstrated merit rather than response to crisis.

The job requirements of an officer, possible salary inequities between officers and Corporals, and increasing

turnover rates among officers combine to make a valid case for an increase. But the above actions must be initiated to confirm this and to ensure the quality of security personnel will improve. If the Governor and General Assembly concur with this recommendation, the Committee suggests placing language in the Appropriations Act that would directly link a salary increase to the above listed changes.

C. COMPENSATION FOR OTHER CORRECTIONAL STAFF:

1. Background:

There are over 70 non-security employees at MCC. They include physical plant and maintenance employees, medical personnel, counselors, food service employees, recreation supervisors, typists and other general administrative personnel. Many of these employees do not have direct contact with the inmates, but some do--e.g., counselors, medical personnel, and the recreation supervisors.

2. Findings and Recommendation:

A large number of the non-security employees at MCC experience job stress similar to that experienced by correctional officers and other security personnel. The Committee's charge did not include a review of compensation for staff other than correctional officers. However, a study should be completed as soon as practicable to determine whether non-security staff at the Commonwealth's various correctional facilities are adequately compensated. Therefore, the Study Committee recommends:

Recommendation 46: The Board of Corrections and DOC should request the State Department of Personnel and Training to conduct a study of compensation for non-security staff at the Commonwealth's various correctional facilities to determine if such staff is adequately compensated.

D. HOUSING FOR THE MCC WARDEN AND ASSISTANT WARDENS:

1. Background:

The Committee was asked to review DOC's request for \$250,000 for the construction of three houses at MCC for the Warden and two Assistant Wardens. The amount requested also includes funding for water and sewer lines and a circular gravel driveway. DOC noted that providing housing to wardens and assistant wardens at a low monthly rental cost is a common practice at other institutions in the Commonwealth. The purpose is to ensure that a warden and his assistants are available to respond immediately to crisis situations.

2. Findings and Recommendation:

The Committee is generally supportive of providing low-cost housing to wardens and staff as a standard practice. MCC is a special institution which requires particularly effective management. The "super maximum security" nature of the institution and the recent incidents and problems there highlight the need to have officials quickly accessible 24 hours each day. Moreover, the nature of the institution requires staffing with highly-qualified managers. Despite a recent salary increase and class regrade for the Warden's position and a nationwide recruitment search for a new Warden, DOC has not yet found a qualified candidate prepared to accept the position. The

availability of low-cost housing may be an additional fringe benefit which would help attract and retain a capable Warden.

The Study Committee therefore recommends:

Recommendation 47: The Governor and General Assembly should be asked to authorize funding for housing for the Warden and Assistant Wardens at MCC. Should funds be difficult to authorize in light of other State priorities, the Committee recommends that funds be authorized only for a Warden's home.

E. OTHER COMPENSATION:

1. Background

Within any private and public personnel system, compensation other than salary often is provided. Amenities are of lower cost than salary and can contribute significantly to the morale and effectiveness of an organization.

2. Findings and Recommendations:

The Committee recently interviewed a national corrections consultant with experience in a variety of corrections positions. One area of discussion focused on the issue of low-cost employee incentives. The consultant noted that such minor amenities as modern equipment, arm patches and other supplies and procedures had greatly influenced the attitudes of correctional officers in institutions with which he was familiar.

Similar actions are occurring at MCC. For example, a special Tactical Team was organized to respond to situations in which inmates are disruptive and to supervise inmate outdoor recreation, and is being provided with special uniforms and modern equipment. In addition, the Acting Warden also plans to recommend the construction or rental of additional bachelor officers quarters (BOQ)

to make both permanent and temporary assignment to MCC more pleasant and inexpensive for correctional staff. Mecklenburg currently has a BOQ which sleeps up to 36 persons.

The Committee supports efforts to provide other compensation less expensive than salary. Purchasing more athletic equipment (preferably of better quality than that provided to inmates) and providing a recreation area for officers to use in off-duty hours may also be appropriate actions. However, a more detailed review is necessary prior to purchasing or leasing facilities to serve as a BOQ. Such an amenity is likely to be expensive and the need for such housing can only be determined after a permanent staffing plan for MCC is developed.

Recommendation 48: DOC and MCC officials should continue to purchase reasonable amenities for staff members. A decision to build or lease a bachelor officers quarters (BOQ) should be delayed until completion of both a staffing plan for MCC and a cost analysis of alternative methods for providing such housing. These efforts should include plans for continued use of the available bedspace in the current BOQ.

PART IV

TRAINING ISSUES

CHAPTER 8
TRAINING FOR CORRECTIONAL OFFICERS
AND OTHER STAFF

A. INTRODUCTION:

The Study Committee reviewed the DOC training program for adult institution security personnel, with particular emphasis on personnel who work in maximum security institutions. At the request of the Secretary of Transportation and Public Safety, the entire DOC training program was examined in June 1984 by a private consultant. Although the consultant's two reports⁷⁷ were a major source of information about DOC's training program, the Committee also attempted to validate the consultant's findings and conclusions by reviewing other documents and interviewing a number of individuals responsible for the training of security personnel.

Among the other documents reviewed were training records, course descriptions, curriculum guides, and compulsory minimum training standards. Each of the correctional officers and supervisors interviewed at MCC was asked to comment on the quality of his or her training both at MCC and at DOC's training facility, the Academy for Staff Development in Waynesboro. Staff at the Academy also were interviewed and asked to comment on future training goals and objectives in light of the recent events at MCC.

Training of correctional officers and supervisors is a responsibility shared by DOC and several state agencies. The

regulations governing such training, The Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of the State Department of Corrections, Division of Adult Services, are promulgated by an independent board, the Criminal Justice Services Board, in accordance with the requirements of the Administrative Process Act. Proposals for amending such regulations historically have been initiated by DOC upon the recommendation of its Advisory Training Board. A DOC representative presents the proposal to the Criminal Justice Services Board's Committee on Training and explains DOC's rationale for proposing amendments or new requirements. The Committee on Training then advertises and conducts a public hearing on proposed amendments or new requirements, encouraging and allowing comment by interested parties. After obtaining comment, the Committee votes on whether to recommend the proposals to the full Board for adoption.

The following facts must be considered in reviewing the correctional staff training program:

- The Criminal Justice Services Board sets compulsory minimum and in-service training standards for correctional security personnel;
- The State Department of Criminal Justice Services provides general oversight of training for DOC security personnel;
- DOC management and the DOC Advisory Training Board are responsible for directing and implementing the program;
- The DOC's Academy for Staff Development is the principal DOC trainer and training coordinator;
- DOC Regional Offices for Adult Services are responsible for serving as liaisons between the Academy and institutions within their jurisdiction

on training matters; and

- ° Each major institution has at least one staff member responsible on a full-time basis for institutional training.

Sections B and C of this Chapter focus on training for correctional officers and supervisory security staff at DOC's Academy for Staff Development and at MCC itself. Section D discusses briefly training for staff other than correctional officers and supervisory security personnel. Section E contains the Committee's recommendations on training. Thus, this Chapter is organized differently than most of the other Chapters in this report, with all the recommendations at the end. This was done because the Committee found the training issues to be much more interrelated than the issues in most other Chapters, and the recommendations therefore simpler to understand if grouped together.

B. THE ACADEMY FOR STAFF DEVELOPMENT:

1. Background:

The mission of the DOC Academy for Staff Development is to improve DOC staff performance. The Academy's basic goals reflect that mission. They are:

- (1) to develop and maintain a proactive role in DOC training;
- (2) to coordinate all DOC training;
- (3) to explore alternative approaches to training development, delivery, and evaluation; and
- (4) to formulate a career development process for all employees.⁷⁸

Employees of both State correctional facilities and local jails are the Academy's target population (12,100 in fiscal year 1983-84). Of this number, 3700 are in the DOC "adult correctional officer series," which includes correctional officers, Corporals, and all institutional security supervisors through the Warden. Excluding training for local jail personnel, 40% of the training conducted at the Academy is devoted to basic correctional officer training.

The Academy is staffed with 56.5 positions for 1984-85, and the budget is approximately \$2,000,000. The Academy is presently in a transition stage in its staffing and program philosophy. A new Director and Assistant Director were recently hired. Due to budgetary retrenchment, regional office staff devoted exclusively to training were recently eliminated, leaving the Academy to absorb more regional training responsibilities. These staff changes and the recent events at MCC already have prompted an internal Academy staff reassessment of the mission and purpose of the Academy. The Study Committee made a number of observations which the Academy should include in this process.

2. Findings:

a. Correctional Officer Training:

In general, the Academy's training program for correctional officers, particularly its basic training program, appears to be effective. The basic training program is thorough and comprehensive. The Criminal Justice Services Board's "Compulsory Minimum Training Standards" require that entry-level correctional officers complete five weeks, or over 196 hours, of basic training within the first twelve months of their employment (two weeks of training at

the institution to which they are assigned and three weeks at the Academy). The Academy's training covers a broad range of subjects that also must meet Criminal Justice Services Board standards. The courses are directly related to an officer's job. The curriculum covers such topics as self defense, crowd control, crisis intervention techniques, legal rights and responsibilities of officers and inmates, and security procedures.

The Study Committee is satisfied with the quality of the Academy's basic correctional officer training programs, and with the competence of the training staff. However, the training program does not appear to be effectively integrated into DOC's employment and promotion system for correctional officers.

Although basic training is a written prerequisite to an officer retaining his or her job, in practice few employees are screened out as a result of training at the Academy. In 1983-84, 97% of the officers attending basic training received passing grades. Of the 20 who failed, 16 successfully repeated the program. Although Academy personnel believe hiring, screening, and promotion of correctional officers are institutional management's responsibilities, the Study Committee strongly believes major efforts should be made to link successful completion of training requirements to the "performance evaluation" (the Commonwealth's personnel rating system) of employees and their eligibility and suitability for job retention and promotion.

In the Committee's interviews with officers, supervisors and DOC managers, basic correctional officer training generally received high marks. Records reviewed by the Committee also indi-

cated most officers complete training within the initial 12 months of employment, as required by Criminal Justice Services Board standards. However, a common complaint voiced by officers was that they do not believe they receive sufficient training of a specialized nature, especially in how to handle particularly disruptive inmates.

Although entry-level correctional officers must complete five weeks of basic training within the first 12 months of employment, in-service training standards require the completion of only three days of training in each succeeding two-year period. Recent incidents at MCC, an increase in the number of serious incidents at many DOC institutions, and litigation involving institutions throughout the corrections system all appear to support the need for more frequent and substantive training in the future, both in the basic training course and in training programs required after the completion of basic training.

The Committee believes this is particularly true for staff in maximum security institutions. The basic correctional officer curriculum, for example, is the same for all officers throughout the corrections system. Even taking into account the institutional specific on-the-job training component of the basic curriculum, the Committee does not believe there is sufficient emphasis on the specialized problems which exist in maximum security institutions. This is especially true in the in-service training program, where the training appears to be of a general, repetitive nature covering such subjects as report writing, legal updates, and effective communication. The issue is further complicated by the fact that in-service training is most often provided in a

decentralized manner at the institutional or regional level.

Academy Staff noted to the Committee that correctional officer training standards are set by the Criminal Justice Services Board; that regional courses conducted by the Academy provide officers with opportunities to complete additional, specialized training; and that institutional training officers provide in-service and other training courses. However, the Study Committee found:

- ° Although the standards permit officers to receive in-service credit for specialized training, in practice few officers request or receive such credit.
- ° Correctional officers from MCC (and apparently other institutions as well) only infrequently attend regional specialty courses.
- ° Institutional trainers noted poor attendance at classes offered at the institutions unless in-service credit is provided.
- ° Institutional managers and supervisors routinely indicate to the Academy, and have impressed upon their staff, that little time exists to train beyond the minimum requirements because of manpower shortages. In fact, the Academy must often remind some institutions of their obligation to ensure that officers are given an opportunity to complete in-service requirements.
- ° The advanced correctional officer training courses, held approximately twice each year with 20-30 participants per session, normally include a significant number of supervisors, managers, and treatment personnel (and, on occasion, non-employees) thus limiting the opportunities for participation by a larger number of correctional officers and corporals.

Many of these issues are under review by the Academy and DOC management. The Academy has assumed a more active role, and in recent months, in conjunction with DOC's Training Advisory Board, has been reviewing the need for additional specialized training

for correctional officers. The Academy has discussed with institutions the need for training in emergency procedures, and has initiated training in security audits for top institutional managers. These audits will include an assessment of the extent to which correctional officers understand security procedures and eventually should lead to a better understanding of those procedures by officers.

As noted by several of the consultant reports, training and follow-up are major responsibilities for institutional management.⁷⁹ Skills and procedures taught in training courses must be reaffirmed on a regular basis by an officer's supervisor, and skill deficiencies must be documented in writing, on the employee's personnel evaluation form or otherwise. Follow-up such as this does not occur with correctional officers at MCC. The Committee believes similar inadequacies may exist at other institutions.

b. Supervisory Training:

One of the national consultants retained following the May 31 escape focused on DOC training programs and indicated that the escape was due more to staff complacency and ineffective management and supervisory practices than to inadequate training.⁸⁰ After that report was submitted on July 5, two other major incidents occurred at MCC--a significant disturbance in the recreation yards on July 12 and the hostage situation on August 4. The Committee believes that ineffective management and supervisory practices again played a major role in these incidents since breakdowns in established procedures occurred. Repeatedly poor supervisory performance reflects deep-seated problems which can

only be resolved through a variety of personnel actions, including discipline, transfer, rotation, and revised recruitment and promotion practices. However, supervisory training should be an integral part of the solutions to these personnel problems.

The Academy has a well-developed supervisory and managerial curriculum, designed to comply with established Criminal Justice Services Board standards. Required and elective supervisory courses are available to sergeants and lieutenants and include: Supervisory Skills, Principles of Supervision (I, II, III) and Employee Relations Training. Captains and above can choose from a variety of management courses, including: Leadership Assessment, Management of People, and Budget Development. Minimum training requirements for Sergeants (as with correctional officers and Corporals) are completion of three days in-service training every two years; completion of five days in-service training is required for Lieutenants and above.

The national consultant who examined the DOC training program was impressed with the scope of the Academy's supervisory training. So is the Committee. However, through our interviews with Academy staff, other DOC management officials, and staff at MCC, several issues were raised relating to supervisory training. Among the problems noted by the Committee were:

- ° DOC's target population for supervisory courses may be too narrow; although supervisors are drawn from the Corporal rank few attend supervisory training. Training emphasis for security positions is directed at the upper level supervisor who, in many cases, may in fact have been serving in a supervisory capacity for 1-1/2 to 2 years before receiving formal supervisory training.
- ° Minimum training standards may be too low; and

- ° The Academy's philosophy on supervisory training (its emphasis on a generic rather than specialized approach) may be limiting its ability to assist institutions in addressing institution-specific staff weaknesses.

According to Academy officials, correctional officers and Corporals rarely attend supervisory courses, and, in fact, are rarely given the opportunity to do so with the exception of one infrequently offered regional course for potential supervisors. While the Committee realizes the practical difficulties in regularly providing supervisory courses to correctional officers, it questions the apparent lack of emphasis given to supervisory preparation and training for Sergeants.

Sergeants are not required to obtain supervisory training as a condition of promotion. Once promoted, Sergeants are required to complete only three days of in-service training every two years (2-1/2 days are devoted to supervisory skills). In practice, Sergeants have day-to-day responsibilities for staff scheduling, planning, and supervision of correctional officers. At MCC, Sergeants are normally responsible for managing one housing unit, which involves supervision of 6-10 officers and management of 50-75 inmates. Frequently, a Sergeant will act as the supervisor for all five housing units or, in unusual circumstances, as the person in charge of the entire shift ("shift commander"). The supervisory responsibilities of a Sergeant are not properly reflected in the training program.

Similarly, because their duties are primarily administrative in nature, Lieutenants generally are excluded from "management track" courses provided to Captains and above. Yet, in practice,

a Lieutenant's duties often involve the assumption of major responsibilities, including being the shift commander for the entire institution.

The Committee believes that any redirection of Academy resources to provide supervisory training to a greater segment of correctional personnel must be accompanied by a review of training standards and an increase in the number of hours of in-service training required for supervisory personnel. One apparent problem with the current hourly requirements is of a perceptual nature-- minimum hours are viewed, in practice, as being the maximum needed to continue as a supervisor. Of 17 supervisors at MCC, only a few had advanced educational degrees or coursework. According to the MCC Institutional Training Officer, not many MCC supervisors had taken advantage of the numerous elective courses available through the Academy, with the exception of those courses required to complete minimum in-service requirements. The Committee believes that this perceptual problem may also exist at other institutions.

The Committee also believes, however, that institutional security supervisors are interested in more training for their security staff. Individual weaknesses in staff and the need for more training often are recognized but not in fact followed up with training. At MCC, performance evaluations for supervisors frequently include indications of training needs. Comments include: "needs more management training"; "needs training in working with people"; and, "needs any management training available." This interest in, and recognition of, the need for additional training was evident when a special course on crisis inter-

vention was provided by the Academy to MCC supervisors in late 1983. After some initial misgivings, MCC supervisors gave the Academy trainers an enthusiastic response.

Comments by MCC supervisors also reflect problems in the supervisory training system from their perspective. Among complaints noted to the Committee the two most prevalent were lack of time to attend training due to manpower shortages, and lack of in-service credit or other incentives for completing more training than the minimum required. The "lack of time" is both a real and perceived problem at MCC and other institutions. Turnover at MCC has made it difficult for supervisors to attend Academy in-service training. However, as was evident from Academy training records, certain institutions continue to lag behind others in ensuring that supervisors complete their training regardless of manpower levels. MCC was not one of those institutions. Institutional management and the regional offices, as well as the Academy, must take steps to encourage supervisory training.

Increased training would be more inviting to management and supervisors if certain incentives were developed. For example, institutional managers now receive little formal feedback on the performance of supervisors at in-service or elective courses. Supervisors are given certificates for completing the courses, although no grades are received. The lack of performance-based tests for supervisors at the Academy denies management valuable feedback and gives employees few incentives to improve skills and performance--or, indeed, to take the training seriously. In addition, supervisors lack incentives to complete more training than

the minimum, particularly any specialized courses, since they must go through a formal approval process to receive in-service credit for completing such courses, and there is no generally accepted rule or practice that such training is a prerequisite to promotion.

c. Specialized Training for Supervisors:

The need for more specialized training for supervisors and correctional officers is largely an issue of management philosophy. DOC and the Academy have developed generic supervisory courses which are attended by all supervisors in DOC, not just supervisors in adult institutions. Coursework emphasizes the basic principles of management and supervision which are common to all organizations (planning, delegating, and so on). The Academy believes this broad approach, coupled with the opportunity for security supervisors from adult institutions to interact with DOC personnel other than just adult services employees, results in long-range benefits to those supervisors.

Whether the Academy's approach and DOC's management strategy on training--that it should be general in nature--is appropriate can be argued either way. It is not within the scope of this study or the expertise of this Committee to suggest that the approach is incorrect. However, the Committee believes that poor performance of supervisors cannot be blamed solely on the institution and its management practices. The Committee believes that supervisory training with more emphasis on institutional-specific needs should be adopted and can be accomplished without a major change in program philosophy. The Academy has developed a basic supervisory training course specifically for MCC supervisors and

Corporals to be held in November 1984. This is a positive step in addressing special institutional problems at MCC. However, the Committee believes an assessment of individual supervisory skills deficiencies at all maximum security institutions is likely to be of more systemic value. MCC and other maximum security institutions need special attention. Thus, the Committee believes that a shift in Academy training priorities, at least for the short term, is both necessary and appropriate.

d. Oversight Role of the Academy:

Until recently, the Academy's organizational objectives and recordkeeping ability did not allow for a strong Academy role in overseeing training at the institutional level. Academy officials define their role with regard to institutional training as "training coordinators" and as "providers of technical assistance and management information." They view institutional managers as being responsible for ensuring that training objectives are identified and met. However, the recently-revised Academy Charter now includes such institutional objectives as:

- ° assessing performance needs with site visits and other tools; and
- ° following-up and evaluating the results of training.⁸¹

Academy officials have recently taken steps to expand their role in overseeing training in other institutional levels. For example, in past years field visits to assess training needs of individual institutions have been unstructured and undocumented; an Academy committee is now preparing a formal process to be used during field visits. In addition, the Academy recently received its first automated report, broken down by region and institution,

identifying correctional personnel who had completed, and those who had not completed, training requirements. The Academy is approaching this new oversight role with caution, however, since its responsibilities in this area relative to those of institutional managers is not yet clearly defined.

e. Summary:

As noted throughout this report, management of correctional institutions is a shared responsibility. While it recognizes that institutional managers are ultimately responsible for the performance of correctional officers, the Committee does not believe that institutional managers can fulfill that responsibility without having the benefit of information from all available sources, including an officer's performance in training programs at both the Academy and the institution. An employee's ability to complete Academy training courses successfully has not been fully integrated into the personnel evaluation system, thus depriving managers of a valuable tool for improving personnel performance. Neither basic nor in-service training are closely linked to performance evaluations. Similarly, managers are not evaluated on the basis of how well they document employee weaknesses and then ensure that the employee receives an opportunity to correct those weaknesses through training. Making successful completion of training an integral part of the performance evaluation process would strengthen personnel management.

Academy officials note that the proposed changes in their role and mission will require additional resources--improved automation capability, increased staff, and funds to contract with

outside trainers to absorb the loss of five regional training officers. The Committee agrees that resources will be needed if more specialty courses are offered and in-service requirements are increased. However, before providing additional resources to meet these needs, the Committee believes that an assessment of the Academy's priorities needs to be conducted.

Based upon a review of Academy training calendars, course descriptions, and records, the Committee noted several possibilities for internal resource reallocations. A number of the general courses offered by the Academy, particularly at the regional level, may be available from other sources in the State. For example, the State Department of Personnel and Training offers a number of courses statewide similar to the Academy's courses in "Data Processing Concepts," and "Effective Communication"; the State Community College System also offers a number of courses similar to those offered by the Academy. However, it is not clear that these courses would be as relevant to correctional operations as would be necessary or appropriate. The Committee also noted that 19% of the Academy's classes were cancelled due to low attendance during 1982-83. This percentage was reduced to 13% in 1983-84.⁸² This data may indicate that additional resource reallocations are possible through the identification and elimination of lower priority training activities.

C. INSTITUTIONAL TRAINING:

1. Background:

Institutional training programs are designed to be an integral part of DOC management's approach to training for

security personnel. Correctional officers normally receive their first two weeks of basic training at the institution, prior to the three-week Basic Correctional Officer Course at the Academy. The first week of institutional training is taught by the staff of the institution; the Institutional Training Officer (ITO) or other employees of the institution asked by the ITO to participate as trainers, are responsible for conducting these sessions. The second week involves on-the-job training, a responsibility assigned to line supervisors (Captains, Lieutenants, and Sergeants). Institutions also are responsible for coordinating-- and in many cases teaching--in-service training courses for correctional officers, as well as specialized courses for other security personnel. In addition, institutional managers are expected to keep records of training attendance, ensure in-service requirements are met, and identify and then inform the Academy of any individual or group skills deficiencies that require training.

The Committee focused its efforts on the institutional training program at MCC, although institutional training programs in general were discussed with Academy personnel. In addition to a visit to the Academy and a review of the national consultant's reports on training, the Committee interviewed the MCC Institutional Training Officer and reviewed training records of MCC correctional officers and supervisors.

2. Findings:

a. General:

The national consultant who reviewed DOC and MCC training programs and practices gave the overall training program at

MCC a favorable evaluation. However, the consultant was critical of the ability of management and supervisors to integrate fully the training program into the management practices of the institution.⁸³ The Committee confirmed this deficiency during its follow-up interviews at the institution in September and October. Institutional management, for example, excluded the training officer from policy and procedure development and, in some instances, had not provided the training officer with copies of emergency plans and procedures, such as the institution's procedures for handling a bomb threat. The Institutional Training Officer therefore did not have all the necessary--and in this case extremely important--information needed to structure a complete training program.

It should be recalled that the central feature of the plan for the May 31 escape from Death Row was a hoax involving a bomb. If MCC security staff had been familiar with the bomb policy, the escape probably never would have occurred. The Committee also found that institutional management did little to highlight deficiencies in supervisory skills, and then work with the training officer and Academy to meet special training needs. In turn, line supervisors did little to identify weaknesses in their staff which could be corrected through training. It also appears that supervisors failed to ensure correctional officers actually used the skills learned in training in their day-to-day work (e.g., routine inmate counts, identification of relief officers, and so on). The consultant also noted certain specific improvements that were required in the training program. These included: more emphasis by management on completion of in-service

requirements by staff; identification and development of specialized course work applicable to maximum security institutions; and the addition of another training officer at MCC to provide more training, to maintain records, and to observe officers and supervisors in actual work situations.⁸⁴

b. Recent Progress:

Management at MCC has taken a number of steps over the past several months to improve its training program. These have been accomplished through the efforts of the Acting Warden, his assistants, and the Institutional Training Officer (ITO). Among the steps are:

- ° More emphasis on completion of in-service training requirements. (According to the ITO's records, all MCC supervisors and officers will have completed required training by December 1984.)
- ° More emphasis on timely completion of basic training for correctional officers. (Officers hired between April and July 1984 have completed all five weeks of basic training; this was accomplished despite significant manpower shortages at MCC during the preceeding six months.)
- ° Redesign of institutional basic and in-service training to reflect the maximum security nature of the institution. (Both the first week of basic training and all in-service training at MCC include less general information and more emphasis on emergency procedures than in the past; for example, procedures for handling a bomb threat are now a standard part of the program.)
- ° Development of additional specialized courses for all security personnel. (Both stress management and non-violent crisis intervention are to be taught by the institution in the future, rather than being offered solely by the Academy at the regional level.)

The Committee believes these are important and effective steps designed to improve the skills of the MCC staff. However, as discussed previously, the training program at MCC has yet to be

fully integrated into the institution's management system.

Training continues to be viewed as the responsibility of the ITO, not management or supervisors. This leaves the training function as an isolated component of the management and personnel system--a "necessary but separate appendage." Numerous examples of continuing problems were evident to the Committee during its two visits to MCC. Examples included:

- ° During its first visit in September, the Committee was astonished to learn that the ITO had not been given a copy of the consultant's reports on training at the institution, which had been completed over two months earlier.
- ° On-the-job training continues to be a weak component of the training program. Several new employees reported to the Committee that they were often left alone at duty posts--including in the pod area control rooms--within their first few days or weeks on the job, and without the benefit of institutional training. (However, more experienced officers noted that this practice is less prevalent than prior to the May 31 escape.)
- ° As reflected by employee performance evaluations, the Warden, his assistants and the ITO do not routinely receive information from supervisors on weaknesses in the skills of their staff. It appears that few supervisors routinely document and follow up on employee weaknesses.
- ° Supervisors do not routinely check and test an officer's knowledge of procedures while touring their assigned building(s).
- ° Management and supervisors rarely assist in the training process. Most courses are taught by the ITO or the Academy.
- ° The ITO has not been asked by the Academy to participate in the development of the planned courses to be conducted at MCC on basic supervision or Tactical Team training.
- ° In the past, specialty classes planned by the ITO have not been supported by management and supervisors, who advised him the officers were "too busy" to attend.

- ° The ITO rarely observes officers on duty or acts as an operations officer on a temporary basis. (This isolation probably is justified by the workload, but it severely limits the ITO's credibility with other officers.)

The Committee believes more effective use of training as a management tool is likely to take a considerable period of time to develop fully at MCC. The key will be to hold MCC managers and supervisors accountable for identifying deficiencies in the skills of individual employees and then taking appropriate action. This issue needs to be one of high priority at MCC, and perhaps at other institutions as well.

D. TRAINING FOR OTHER CORRECTIONAL STAFF:

1. Background

There are over 70 non-security employees at MCC. Some are individuals whose positions require advanced and specialized training; but most MCC non-security positions do not require such training.

However, a significant number of these employees--e.g., psychologists, counselors, nurses, and recreation supervisors--have frequent and direct contact with inmates, including inmates in the Phase Program, segregation, and isolation.

2. Findings:

As noted in Section C of Chapter 7 dealing with compensation for non-security employees, a large number of these employees experience job stress similar to that experienced by correctional officers and other security personnel. The nurses, psychologists, counselors and recreation supervisors who have frequent and

direct contact with inmates also face some of the same dangers faced by security personnel and need to have specialized training in how to deal with maximum security inmates, especially disruptive inmates. Committee discussions with non-security personnel indicated that at least one had asked, but was not permitted to attend the portion of the correctional officer basic course held at MCC. The request apparently was denied because of manpower shortages in that employee's area.

The Study Committee's charge did not include, and time did not permit, a review of either the basic qualifications and need for training of the MCC non-security staff or the extent such staff need specialized training in how to deal with maximum security inmates. Such a study should be completed by DOC as soon as practicable.

E. RECOMMENDATIONS FOR TRAINING:

The Committee believes that the overall DOC training program for correctional personnel is fundamentally sound and effective. The events at MCC have highlighted what may be system-wide deficiencies in the recruitment and promotion of correctional officers, rather than training inadequacies. Nevertheless, the Committee believes that increased attention to two training issues is necessary to prevent future "Mecklenburg-type" problems: (1) a reassessment of DOC's current training emphasis (i.e., its emphasis on general rather than institution-specific training, and the availability of supervisory training only to higher ranking supervisors); and (2) the development of a closer link between training and the evaluation of employee performance. The Study Committee

therefore recommends:

Recommendation 49. The Board of Corrections should direct DOC to conduct an assessment of training requirements for personnel at maximum security institutions. MCC should be a pilot institution for such an assessment, which would include:

- (a) an individual "skills inventory" of all supervisors at MCC, in conjunction with a more general survey of all MCC employees;
- (b) a specific training program tailored for each supervisor; and
- (c) the Institutional Training Officer as a full participant in the assessment.

Recommendation 50. The Criminal Justice Services Board should conduct an in-depth review of correctional officer and supervisor minimum training standards. This review should focus particular attention on:

- (a) increasing requirements for minimum in-service training of correctional officers and Corporals, with emphasis on use of Academy rather than institutional instructors;
- (b) determining whether Lieutenants and higher grade personnel require increased minimum training;
- (c) increasing minimum in-service training standards required for Sergeants;
- (d) making it clear to personnel that credit is given towards the in-service training requirement for completion of additional specialty courses, and making it easier for personnel to obtain certification of that training once it has been completed;
- (e) requiring specialized training for officers at maximum security prisons; and
- (f) requiring that credit for training be based upon a system for measuring the performance of correctional personnel, rather than, or in addition to, attendance at more training sessions for a prescribed number of hours.

Recommendation 51. If the previous training recommendations are adopted and minimum training standards are revised, DOC's staffing formula for correctional institutions should be amended to reflect the increased

time required for training.

Recommendation 52. The Board of Corrections should direct DOC to take the following steps:

- (a) initiate a system to link performance in training to recruitment, job retention, promotion, and the performance evaluation system. The Academy should institute a performance-based system for supervisors and for correctional officers in basic training and consider adding physical agility tests to its training requirements;
- (b) require that the criteria for promotion within security personnel classifications include successful completion of mandatory training courses;
- (c) expand opportunities for correctional officers and Corporals to participate in advanced and supervisory course offerings;
- (d) evaluate the performance of institutional management at least in part on their ability to train employees in a timely and effective manner;
- (e) assess the capabilities and training needs of Institutional Training Officers;
- (f) examine and redefine the role of Institutional Training Officers in terms specific to their institution, to the end that Institutional Training Officers become part of the managerial team at each institution;
- (g) require Institutional Training Officers to submit annual reports to their Warden and Regional Administrator and to the Academy assessing the training needs of their institutions and describing their plans for meeting those needs;
- (h) consider having Institutional Training Officers be responsible for specialty courses and assigning responsibility for general institutional orientation and training to Captains. Supervisors should be a part of the training team at each institution.

Recommendation 53: DOC and a subcommittee of the Board of Corrections should study all non-security positions at MCC to determine:

- (a) whether non-security staff at the institution possess the basic job qualifications and training necessary to perform their duties adequately; and

(b) **whether non-security staff at the institution need specialized training in how to deal with maximum security inmates, especially disruptive inmates.**

PART V

ISSUES INVOLVING THE SURROUNDING

LOCAL COMMUNITIES

CHAPTER 9

THE MECKLENBURG CORRECTIONAL CENTER AND THE SURROUNDING LOCAL COMMUNITIES

A. COMMUNICATION:

1. Background:

MCC is located 85 miles southwest of Richmond in rural Mecklenburg County near the Virginia-North Carolina border. The population of the area is approximately 30,000. MCC, which is one of the few major employers in the area, has over 300 employees, most of whom live in the Mecklenburg County area. There is a relatively large number of elected officials representing various parts of the county--for example, there are nine members serving on the Mecklenburg County Board of Supervisors, seven on the Boynton Town Council, and seven on the South Hill Town Council.

Thus, MCC is located in a sparsely-populated, rural area of the Commonwealth where the citizens, especially a relatively large number of elected officials, have a keen interest in what occurs at the facility, both because it is one of the area's few major employers and because it is perceived as a dangerous institution.

2. Findings and Recommendations:

As one of Mecklenburg County's major employers, and as a representative of the Commonwealth, MCC should endeavor to establish good communications and a good working relationship with elected

officials and other individuals in the area.

The Study Committee held an open meeting for elected officials from the Mecklenburg County area on the evening preceding its first visit to the facility. Those in attendance noted the economic benefits the facility brought to the County. Thus, no one advocated that the facility be moved. However, communication between officials at the facility and local elected officials was a major topic of conversation. There was disagreement over whether a lack of communication existed. Some local officials felt that communications with the former Warden had been fairly good; but a significant number noted a need for improved communication. It was the Committee's impression that most of what local residents know about the facility they learn from friends and neighbors who work there, in spite of recent efforts by the former Warden and the current Acting Warden to improve communications.

The incidents at the facility over the past several months, however, have demonstrated that heavy reliance on informal communication probably is not sufficient. The facility and the residential areas of the county are quite isolated from each other. The Committee believes that periodic meetings between officials at the facility and local elected officials and other individuals (e.g., civic groups, church groups, etc.) in the area would greatly enhance an understanding by both groups of the problems faced by the other. The Study Committee therefore recommends:

Recommendation 54: Officials at MCC should meet periodically with elected officials and other individuals from the surrounding local communities

in an effort to improve communications and enhance an understanding by local citizens of the purpose of, and problems faced by, the facility.

Although the Mecklenburg County Sheriff's Department was informed of the escape almost immediately after it was discovered, many elected officials in Boynton, which is the town nearest to the facility, and South Hill, which is the largest town in the area, did not know about the escape until 1-1/2 hours after it was discovered. The consultants who reviewed the escape at the request of the Secretary for Transportation and Public Safety recommended that a "hotline" be established between MCC and the Sheriff's Department. That recommendation is being implemented.

However, the escape which occurred on May 31 and the fear on the part of local citizens that such an escape might occur again--well-founded or not--makes it imperative that procedures be developed to alert the surrounding local communities, and especially local elected officials, of emergencies at the facility. Such an alert should, of course, be accomplished without causing undue fear. Shortly after the escape, some local citizens called for the installation of a siren which could be sounded in the event of an inmate escape. Upon reflection, local citizens apparently no longer want such a device. There was no sentiment expressed at the public meeting held by the Committee for its installation. However, there was sentiment for the establishment of a telephone network to inform local officials more quickly than this past spring about emergencies at the facility. Therefore, the Study Committee recommends:

Recommendation 55: MCC should work with elected officials in the surrounding local communities to establish a telephone network for alerting local

officials of emergencies at the facility which might have an impact on those communities.

B. TRANSPORTATION OF INMATES TO THE LOCAL COURTHOUSE:

1. Background:

The Mecklenburg County Courthouse is located in Boynton, Virginia, nine miles from MCC. There is also a courtroom at MCC itself which has a judge's bench, a jury box, tables for counsel, and room to accommodate members of the public who wish to observe the trial.

If an inmate is charged with a violation of State law for his conduct at MCC (a "street charge"), rather than merely being charged with a violation of MCC Institutional Operating Procedures (an "institutional infraction"), the Mecklenburg County Commonwealth's Attorney prosecutes the case. Until recently, it has been the practice of the Commonwealth's Attorney to try these cases at the County Courthouse. An inmate being tried for a "street charge" and any inmates who will serve as witnesses for or against him must therefore be transported from MCC to the Courthouse. The Committee received numerous complaints from citizens in the area about the conduct of inmates being transported to the courthouse who shout extremely profane and obscene language at local citizens.

The windows in the vehicle used to transport the inmates generally are open because of a concern that inmates will break the glass. When they arrive at the Courthouse, the inmates often are often required to wait in a group outside since there is no area inside the Courthouse to serve as a waiting room for them.

Because of these complaints, and to obtain easier access to inmate witnesses, the Commonwealth's Attorney recently decided to try several cases--in particular, several cases arising out of the August 4 hostage situation--in the courtroom at MCC.

2. Findings and Recommendation:

The Study Committee agrees that strong measures need to be taken to reduce the verbal abuse to which citizens in the local communities surrounding MCC, and in particular Boynton, have been subjected by inmates who are being transported to the local Courthouse to be tried for criminal offenses committed at the institution. There seem to be a number of alternatives: trying the cases at MCC; keeping the windows closed in the vehicle used to transport the inmates; constructing, at State expense, a room at the County Courthouse in which inmates can be held while awaiting trial; gagging inmates who verbally abuse local citizens; and moving the trials to some other court where the verbal abuse would not be as disruptive and where more elaborate security measures would be available.

The Study Committee conducted many of its interviews at MCC in the facility's courtroom. The courtroom is located on the second floor of the administration building. In the Committee's judgment, it would not be particularly intimidating for jurors to hear a case in that courtroom.

Other alternatives also may be available. At a minimum, MCC staff who transport inmates to the facility should make certain that the windows in the vehicle are closed. If there is a fear that inmates will break the glass in the windows, a

vehicle without windows should be used, or disruptive inmates should be handcuffed to their belt. In addition, a waiting area for inmates could be constructed adjacent to the County Courthouse. State funds should be provided for this construction since the problem is caused by State, not local, prisoners. Unless and until a vehicle without open windows and a waiting area for the inmates at the local Courthouse are provided, procedures should be developed which would permit a verbally abusive or otherwise disruptive inmate to be gagged or otherwise restrained after an appropriate warning.

The Study Committee believes strongly that verbal abuse of local citizens and other disruptive behavior by inmates being transported to the Mecklenburg County Courthouse must not be tolerated. The Committee therefore recommends:

Recommendation 56. DOC and MCC should explore various alternatives to prevent verbal abuse of local citizens and other disruptive conduct by MCC inmates being transported to the Mecklenburg County Courthouse for the trial of criminal offenses committed at the institution. Possible alternatives include:

- (a) conduct the trials in the courtroom at MCC;
- (b) use a vehicle without windows to transport the inmates to the Mecklenburg County Courthouse;
- (c) construct, with State funds, an inmate waiting area adjacent to the Mecklenburg County Courthouse;
- (d) restrain disruptive inmates by handcuffing them to their belt after fair and appropriate warning; and
- (e) gag verbally abusive inmates after fair and appropriate warning.

FOOTNOTES

FOOTNOTES

1. M.J. Gilbert, "An Evaluation of Training in the Virginia Department of Corrections and the Mecklenburg Correctional Center" (First Technical Assistance Report, National Institute of Corrections Technical Assistance Grant #84-277) (undated); M.J. Gilbert, "An Evaluation of Personnel Hiring/Promotion Practices and Management Supervisory Training Program in the Virginia Department of Corrections and the Mecklenburg Correctional Center" (Second Technical Assistance Grant, NIC Grant #84-290) (July 5, 1984); J.D. Henderson (NIC Consultant) "Technical Assistance Visit, Virginia Department of Corrections Mecklenburg Correctional Center," (June 27, 1984); and, G.J. Hilton, "Escape from Mecklenburg Correctional Facility, May 31, 1984" (NIC Technical Assistance Grant #84-289) (undated; received July 17, 1984).

2. Section 53.1-5 of the Code of Virginia provides that:

"The Board shall have the following powers and duties:

"1. To develop and establish program and fiscal standards and goals governing the operation of state, local and community correctional facilities and community correctional services;

"2. To ensure the development of long-range programs and plans for corrections services provided at the state and local levels;

"3. To review and comment on all budgets and requests for appropriations for the Department prior to their submission to the Governor and on all applications for federal funds;

"4. To monitor the activities of the Department and its effectiveness in implementing the standards and goals of the Board;

"5. To advise the Governor, Director and General Assembly on matters relating to corrections;

"6. To make, adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the Director or the Department; and

"7. To ensure the development of programs to educate citizens and elicit public support for the activities of the Department."

3. Supra note 1.

4. Dr. Daniel F. Johnson and Dr. E. Scott Geller, Operations Manual--Contingency Management Program, Mecklenburg Pilot Program

Building 1 and Building 2, September 15, 1973, page 5.

5. Virginia Department of Corrections, The Mecklenburg Evaluation I, The Task Force Interviews, June 1977, page 3.

6. Mecklenburg Correctional Center, Assignment Criteria and Program Overview, (Draft), June 21, 1979, page 1.

7. Virginia Department of Corrections, Mecklenburg Treatment Program, December 1, 1981, page 3.

8. Brown v. Procunier, Civil Action No. 81-0853-R (U.S. District Court for the Eastern District of Virginia) (filed on September 21, 1981; settlement agreement signed by the parties on April 8, 1983).

9. Virginia Department of Corrections, Division of Adult Services Guideline 825, Inmate Institutional Reassignments/Transfers (1977; revised 1982), pages 9-12.

10. Ibid.

11. Supra note 4.

12. E. Scott Geller, et al., "Behavior Modification In a Prison--Issues, Problems, and Compromises," Criminal Justice and Behavior, Vol. 4, No. 1, March 1977, page 11.

13. Virginia Department of Corrections, The Mecklenburg Correctional Center Program Design--Maximum Adult Security and Intensified Treatment (MASIT), November 1976, page 1.

14. Ibid. at page 5.

15. Mecklenburg Correctional Center, Institutional Operating Procedure 892, "Operating and Administrative Procedures Governing Inmates Assigned to the Center."

16. Mecklenburg Correctional Center, Institutional Operating Procedure 831, "Programs for Inmates Assigned to the Center."

17. Mecklenburg Correctional Center, Institutional Operating Procedure 12, "Administration and Operating Policies and Procedures."

18. Ibid.

19. Ibid.

20. Supra note 9, at page 10.

21. Ibid.

22. Mecklenburg Correctional Center, Statistical Summary of Phase Program Inmates, 1983.

23. Virginia Department of Corrections, The Mecklenburg Evaluation IV, August, 1978.

24. David A. Ward and Annesley K. Schmidt, "Last-Resort Prisons for Habitual and Dangerous Offenders," in David A. Ward and Kenneth F. Schoen, Confinement in Maximum Custody, 1981, page 62.

25. Kenneth F. Schoen, "New Prison Construction in Minnesota: Why a New Prison for a State which is Near the Bottom of the Fifty States in Prisoners per 100,000 Population?" in David A. Ward and Kenneth F. Schoen, Confinement in Maximum Custody, 1981, page 117.

26. Ibid.

27. Supra note 9, at page 10.

28. Supra note 12, at page 14-15.

29. Supra note 13.

30. Supra note 12, at page 30-31.

31. Alvin J. Bronstein, "Legal and Constitutional Issues Related to Last-Resort Prisons," in David A. Ward and Kenneth F. Schoen, Confinement in Maximum Custody, 1981, p. 76.

32. Supra note 9, at page 9.

33. Ibid.

34. Ibid.

35. Ibid.

36. Ibid., at page 11.

37. Ibid.

38. Ibid., at page 12.

39. Ibid., at page 9.

40. Ibid., at page 11.

41. Ibid.

42. Supra note 1 (the two Gilbert reports).

43. Ibid.

44. Ibid.

45. Code of Virginia § 53.1-5.
46. Code of Virginia § 53.1-10.
47. Supra note 1.
48. Source: DOC Employee Relations Unit.
49. Source: DOC Adult Services Division.
50. Mecklenburg Correctional Center, Post Audits, May 1982, January, 1984, September 1984.
51. Ibid.
52. Ibid.
53. MCC Post Audit; Virginia State Penitentiary Post Audit, September, 1984.
54. Source: DOC Employee Relations Unit.
55. Supra note 1.
56. DOC Employee Relations Unit, Semi Annual Report of Grievances Filed and Completed, 1983-84.
57. Ibid., 1981-84.
58. Source: Office of Employee Relations Counselors.
59. Office of Employee Relations Counselors, Grievance Procedure Changes, July 1, 1984.
60. Supra note 57.
61. Source: DOC Employee Relations Unit.
62. Plaintiff's Complaint in Brown v. Procunier, supra note 8 at page 1.
63. Consent Decree in Cagle v. Hutto, Civil Action No. 79-0515-R (Decree entered Feb. 12, 1981).
64. Consent Decree in Cagle v. Hutto, Civil Action No. 79-0575-R (Decree entered June 14, 1983).
65. Supra note 8.
66. Ibid., at pages 1-16.
67. Plaintiff's Motion for Preliminary Injunction in Brown v. Landon, originally filed as Brown v. Procunier, supra note 8, at page 1.

68. Order on Plaintiff's Motion for Preliminary Injunction in Brown v. Landon, originally filed as Brown v. Procunier, supra note 8, at pages 1-2 (Order filed October 2, 1984).

69. Department of Corrections, Monthly Serious Incident Reports, 1983-84.

70. Department of Personnel and Training, Study of Correctional Officer Compensation, September, 1984.

71. Contact Corrections Compendium, December, 1983.

72. Supra note 70.

73. Contact Corrections Compendium, 1981.

74. Supra note 70.

75. Ibid.

76. Ibid.

77. Supra note 1 (the two Gilbert reports).

78. Department of Corrections, Academy for Staff Development, Academy Mission and Objectives, September, 1984.

79. Supra note 1.

80. Ibid.

81. Academy for Staff Development, Academy Charter (draft), September, 1984.

82. Academy for Staff Development, Annual Statistical Summary, July, 1984.

83. Supra note 1 (the two Gilbert reports).

84. Ibid.

85. Ibid.

APPENDICES

August 28, 1984

BOARD OF CORRECTIONS STUDY COMMITTEEProposed Study Work Plan

This proposed work plan is divided into four parts: background and objectives; suggested study approach; specific issues to be studied; and a tentative schedule.

I. BACKGROUND AND OBJECTIVES:

The Board of Corrections is charged by the State Code to "monitor the activities and effectiveness of the Department of Corrections." This Study Committee was appointed by the Chairman of the Board to study the incidents which have occurred at the Mecklenburg Correctional Center over the past three months and to make recommendations as to how such incidents can be avoided in the future. The Study Committee has been asked to identify the major problem areas, provide policy guidance to the Department of Corrections (DOC), and develop a research reference for those considering solutions to the problems identified.

In particular, the Study Committee has been charged to examine three specific issues, which are explained in greater detail in part III below. The issues are:

- (1) The Concept and Design of the Mecklenburg Corrections Center
- (2) Compensation of Correctional Officers
- (3) Training of Correctional Officers

Although the second and third issues are to be studied in general, particular emphasis is to be given to correctional officers who guard maximum security inmates.

II. SUGGESTED STUDY APPROACH:

The Study Committee should conduct its own research, including but not limited to:

- (1) interviews with appropriate DOC management officials, the warden, correctional officers and inmates at Mecklenburg, and officials of local governments located near the facility;
- (2) at least one public hearing;
- (3) a survey of officials who manage similar facilities in other states; and
- (4) a review of research documents prepared by national correctional agencies or associations.

The Committee should also review a number of recent studies completed for the Secretary of Transportation and Public Safety by outside consultants, Virginia State Police investigations of the incidents at Mecklenburg, and two studies currently being completed by state agencies--a DOC study begun earlier this summer on the concept and design of Mecklenburg, and a classification and salary study of correctional officers being completed by the State Department of Personnel and Training (DPT). These two studies are scheduled to be completed between now and October 1, but the preliminary conclusions probably can be made available to the Committee by early to mid September.

The final report of the Study Committee should:

- (1) identify specific problem areas;
- (2) review the available research and literature on both the state and national level concerning those problem areas;
- (3) indicate the various concerns raised and recommendations made by individuals during the site visit(s), interviews and public hearing(s), and the Committee's response to those concerns and recommendations;
- (4) indicate the concerns raised and recommendations made by those at the Department of Corrections responsible for administering the prison system and correcting the problems identified by the Committee; and
- (5) recommend steps to address and correct the problems identified.

III. SPECIFIC ISSUES TO BE STUDIED:

The following are suggested areas of inquiry for each of the three specific issues included in the Study Committee's charge and a list of resources in each area which have been identified to date.

1. Concept/Design of the Mecklenburg Correctional Center

The issue of physical security at the Mecklenburg Correctional Center has been covered in detail in reports prepared this summer by outside consultants for the Secretary of Transportation and Public Safety. Given the short period of time available for this study, if the Committee's reading of those reports confirms that an in depth review of the physical security problems at Mecklenburg has been conducted, the Committee should consider limiting its focus to the human resource issues which are critically related to security. This would include: institutional rules and guidelines; adherence to policies and procedures; adequacy of staffing; and inmate involvement in productive programs.

a) Sub issues:

- ° Is the concept of housing a majority of the State's most serious, maximum security inmates at a single institution valid?
- ° Is the treatment and population management program design sound?
- ° Is the treatment and population management program being implemented appropriately and effectively?

b) Resources:

National Institute of Corrections Consultant Reports prepared for the Secretary of Transportation and Public Safety (1984).

Department of Corrections/American Civil Liberties Union Consent Decree (1983).

Department of Corrections Program Design and Implementation Discussion Papers (1973-1976).

Division of Justice and Crime Prevention grant files on the HWI/DOC Behavior Modification/Contingency Management Program (1971-1973).

Department of Corrections Mecklenburg Concept and Design Study Project (est. completion October 1, 1984).

National Criminal Justice Reference Services literature search (1984).

American Civil Liberties Union working files.

Additional national literature available through the National Institute of Corrections (including an August 1984 discussion paper on maximum security prison trends).

2) PERSONNEL COMPENSATION

a) Sub issues:

- ° How do the salary and benefits offered correctional officers in Virginia compare to neighboring states and other states in the nation?
- ° How do salary and benefits offered to correctional officers compare to their counterparts in other aspects of public safety in Virginia and nationally?
- ° Would pay differential, "hazardous duty pay," for maximum security personnel as compared to other correctional officers be justified?
- ° What would be the cost implications of a decision to increase in any way the level of compensation for correctional officers?

b) Resources:

Department of Personnel and Training Study Project on Compensation of Virginia Corrections Officers (est. completion Sept. 1, 1984)

Consultant report, An Evaluation of Personnel Hiring/Promotions Practices and Management Supervisory Training Programs in the Virginia Department of Corrections and the Mecklenburg Correctional Center (July, 1984).

National Criminal Justice Reference Services literature search (1984)

Public Safety Officers Compensation Study (February, 1983)

3) TRAINING PROGRAMS

a) Sub issues:

- ° Are the correctional officer training standards appropriate?
- ° Is the correctional officer training curriculum sound?
- ° Is the quality of training adequate?
- ° Is the funding budgeted for training adequate?
- ° Is the documentation of attendance/completion of training adequate?
- ° Are the personnel utilizing the skills developed through training?

b) Resources:

Criminal Justice Services Board Compulsory Minimum and In-Service Training Standards for Correctional Officers of the State
Department of Corrections

Consultant report, An Evaluation of Training in the Virginia Department of Corrections and the Mecklenburg Correctional Center (June, 1984)

Consultant report, An Evaluation of Personnel Hiring/Promotions Practices and Management Supervisory Training Programs in the Virginia Department of Corrections and the Mecklenburg Correctional Center (July, 1984)

Department of Corrections Basic Correctional Officer Training Manual

Department of Corrections In-Service Training Curriculum

National Criminal Justice Reference Service literature search (1984)

BOARD OF CORRECTIONS STUDY COMMITTEE

Study Work Plan - Addendum #1

Specific Issues

On August 28, 1984, the Committee approved a proposed study work plan (see attached document), but suggested several other sub-issues be studied within the context of the three major Objectives - Concept and Design of the Mecklenburg Correctional Center, Personnel Compensation, and Training. The sub-issues are listed below:

Concept/Design

- o Is there a clear and consistent basis for assigning inmates to Mecklenburg? (i.e. classification and assignment system)

Personnel Compensation

- o No additional issues

Training

- o Are correctional officers receiving the appropriate training prior to being assigned to a specific post? (Major interest - Do entry-level officers have opportunity to complete basic training prior to receiving assignment to a particularly dangerous post?)
- o Are correctional officers receiving adequate specialized training for operating within a maximum security facility? (i.e. dealing with specific types of inmates and handling more intense security situations).

Virginia Department of Corrections

October 15, 1977

Division of Adult Services

Departmental Guideline 825

Inmate Institutional
Reassignments/Transfers

I. Purpose

The purpose of this Division Guideline is to establish a uniform policy and procedure governing the institutional reassignment of offenders throughout the Division of Adult Services.

II. Definition of Terms

Institutional Reassignment (Transfer): An institutional reassignment is defined as the physical transfer of a legal offender from the custody of one institution to the custody of another institution within the Division of Adult Services and local jail facilities.

Inter-Institutional Transfer: Inter-institutional transfer is the institutional reassignment of a prisoner from one major institution or field unit region to another.

Intra-Regional Field Unit Transfer: An Intra-regional field unit transfer is the institutional reassignment of a prisoner from one field unit institution to another within a given field unit region.

III. Scope

This Division Guideline describes the method by which inmate transfers are determined, documented, and coordinated.

IV. Authority

Except where otherwise specified in this Division Guideline, all inter-institutional transfers for any reason must be approved in advance by Classification and Records. The Associate Director in charge of Correctional Field Units and Regional Field Unit Superintendents are authorized to approve Intra-Regional Field Unit Transfers as described in this Guideline.

V. Coordination

Except where otherwise specified in this Division Guideline, all institutional transfers, for any reason, must be coordinated where possible in advance through the Central Transportation Coordinator, Classification and Records.

VI. Procedure

A. Inmate Transfer Requests

1. General

February 21, 1979

Change 2

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- a. Inmates who meet the established eligibility standards for institutional transfer may request such during the first ten calendar days of a month only.
 - b. Under normal circumstances, inmates will be approved for transfer, only where such is considered a meaningful progression in the inmate's established program objective plan.
 - c. Transfers closer to the inmate's home of record are designed to foster the development of stronger family and community ties in preparation for the inmate's eventual return to society.
 - d. In all cases, inmate requests for transfer to preferred locations must give way to considerations of space, security and program objectives.
2. Eligibility Standards - The following standards must be met before an inmate may be considered for institutional transfer at his own request. The application of any or all of these standards may be waived by the Central Classification Board in those situations where such action is considered appropriate.
- a. Must be assigned "A" or "B" custody status.
 - b. Must have served a minimum period of twelve (12) months at assigned institution.
NOTE: The propriety of this standard's application must be considered in relation to the inmate's proximity to release on parole or mandatory discharge.
 - c. Must have maintained an adequate institutional and work adjustment record without infraction of institutional rules for a minimum period of six (6) months.
 - d. Under normal circumstances, only those inmates who are assigned to institutions which are in excess of 100 miles from their home of record will be eligible to request transfer closer to home. Additionally, inmates requesting transfer closer to home of record must be within two years of parole eligibility. This requirement does not apply to transfer requests to facilitate a meaningful progression in the inmate's established program plan.
3. Method of Inmate Application for Transfer - An inmate may request transfer once he has met the above-stated standards by following the procedure outlined in DGL No. 821, "Institutional Classification Management," Section VIII, E-1, "Method of Referral to the Institutional Classification Committee," pp. 8-9.

B. Administrative Transfer Request

1. An inmate may be referred administratively to an Institutional Classification Committee for transfer consideration in the manner described in DGL 821, "Institutional Classification Management." (See Section VIII, E-1, pp. 8-9)

C. Institutional Classification Committee Hearing Request

The Institutional Classification Committee hearing requirements outlined in DGL No. 821 as they apply to institutional transfers will be observed. (See DGL 821, Section IX, pp. 14-16.)

D. Temporary Emergency Transfers

1. During normal duty hours (8:00 a.m. to 5:00 p.m.) in emergency situations requiring the immediate transfer of an offender, except where otherwise specified in this Guideline, institution and regional superintendents are to contact the Assistant Director in charge of Classification and Records or his designee for advice and assistance.
2. During non-duty hours, weekends and holidays, in emergency situations, as per Division Guideline 400 "Emergency Situations," institution and regional superintendents are to take whatever immediate transfer action they deem necessary and appropriate to initially gain control of the situation, prior to initiating the reporting procedures indicated in Division Guideline 401 "Reporting Serious or Unusual Incidents."
3. On the first working day following the emergency situation, the institution or regional superintendent, will notify the Assistant Director in charge of Classification and Records or his designee of any transfer action taken. The Assistant Director in charge of Classification and Records or his designee will initiate a review of the prisoner's record at the Central Classification Board level and issue appropriate written transfer authorization which will remain in effect pending the final outcome of an Institutional Classification Committee hearing and subsequent Central Classification Board review where such is required.
4. Once a prisoner is received at an institution through temporary transfer action, he becomes the full responsibility of the receiving institution superintendent in the area of custody and care. However, it will remain incumbent upon the sending institution superintendent to assure that the necessary written forms and/or reports are completed and all Adjustment or Classification Committee hearings as required by Division Guideline are properly conducted and reported.
5. In an emergency situation, where possible, Adjustment and Classification Committee hearings, as required, will be conducted prior to initiating transfer action. Where such is not possible, the appropriate committee(s) will convene at the receiving institution.
6. Except where otherwise specified in this Guideline, all temporary emergency transfer actions will be subject to final review and approval by the Central Classification Board.

E. Intra-Regional Field Unit Transfers

1. The Associate Director in charge of Field Units and Regional Field Unit Superintendents may authorize the transfer of a prisoner from one field unit to another within each respective field unit region based on program and security considerations. Such transfers will not be subject to review and approval by the Central Classification Board.

2. Under normal circumstances, recommendations for transfer from one field unit to another within a field unit region will be submitted in writing via Form CL-20 through the institution superintendent to the respective regional superintendent. The regional superintendent's action will be recorded on Form CL-20 under the institution administration section. The original (white) copy only of the CL-20 will be forwarded for filing to the following address:

Classification and Records
Central Criminal Records Section
3122 West Marshall Street
Richmond, Virginia 23230

Once dated and signed by the regional superintendent, the CL-20 in such cases is the housing institution superintendent's written authorization to effect the necessary transfer action through established procedures.

3. The Associate Director and regional superintendents may authorize the transfer of a prisoner from one field unit to another within a given region, administratively, in the absence of Institutional Classification Committee recommendations where such is not required by DGL 821, "Institutional Classification Management" based on program and security considerations. In such cases, the person authorizing the transfer action will issue an Intra-(Field Unit) Regional Reassignment Order Form (see Appendix A - form to be furnished by the Bureau of Correctional Field Units) indicating the inmate's custody and medical status, the institution to which he is being transferred, any special instructions and the specific reason(s) for the reassignment. Once dated and signed by the proper authority, the Intra-Regional Reassignment Order is the housing institution superintendent's written authorization to effect the necessary transfer action through the established procedures. In emergency situations requiring the transfer of a prisoner(s), the Associate Director or regional superintendents may effect temporary administrative transfer action using the "Intra-(Field Unit) Regional Reassignment Order" form provided a formal classification hearing is convened within an appropriate period of time thereafter where such is required by DGL No. 821.
4. Except in emergency situations, the Associate Director and regional superintendents will not authorize the intra-regional reassignment and transfer of prisoners to a given field unit institution over and above what that facility is authorized by the Director to house.
5. All established institution missions, assignment criteria, and transfer eligibility standards will be observed by the Associate Director and regional superintendents when determining intra-regional reassignments.
6. Except in emergency situation, all previous institutional reassignments to a given facility authorized by the Central Classification Board will take precedence over and be effected before intra-regional reassignments authorized by a regional superintendent to that same facility. The Central Transportation Coordinator will schedule and effect intra-regional transfers authorized by a regional superintendent accordingly.

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VI. F . Medical Transfers

General

1. Except in emergency situations and in the case of temporary transfers to medical facilities, e.g., routine trips to hospital, clinics, etc., all permanent transfers to medical facilities will be coordinated in advance through the Central Transportation Coordinator, Classification and Records.
2. Transfers of prisoners to the Penitentiary Hospital and other State hospital facilities for medical/psychiatric evaluation and treatment may be authorized by institution and unit superintendents in conjunction with the Chief Physician.
3. Medical transfer requests in the absence of a physician's written certification of need attached to the Form CL-20 will not be considered. In such cases, the CL-20 will be referred back and returned to the housing institution superintendent.

Inmate Transfers Involving Non-Emergency Situations

1. At major institutions and field unit facilities, all requests for inmate medical transfers of a non-emergency nature will be initiated in writing by the institution or unit physician. The physician's written request must specify the nature of the inmate's physical condition and the reason(s) why the subject's medical treatment needs cannot be adequately addressed through medical resources at his present institution of assignment. All requests for medical transfer initiated in this manner will be referred automatically to the Institutional Classification Committee by the institution or unit superintendent or his designee.
2. The Institutional Classification Committee, in such cases, will convene an informal classification hearing within a reasonable period of time, review each case and submit appropriate assignment recommendations with supporting data through the institution or unit superintendent via Form CL-20 (all copies) to the Chief Physician's office through Classification and Records Services for final disposition. A copy of pertinent documents contained in the inmate's medical record, i.e., medical card, prescription records, medical history, etc., including the institution or unit physician's written request for medical transfer, will be attached to and accompany each such Form CL-20. Where possible, and advised by the attending physician, the inmate's permanent medical records are to be retained at the institution.
3. Upon receipt of recommendations from the unit or institution, Classification and Records Unit will log CL-20's through established Central Classification Board docketing procedures and forward the same with related attachments to the Chief Physician's office on a same day basis.
4. Upon receipt of the institution's recommendations from Classification and Records Unit, the Chief Physician will consider the merits in each case and approve or disapprove the Institutional Classification Committee's request. The Chief Physician will date and sign each CL-20 received,

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noting the specific justification for any action taken and any recommendations which are appropriate in the manner prescribed in the attached sample CL-20. (See Appendix C).

5. In the case of those recommendations which are disapproved, the Chief Physician will indicate the same with supportive written justification in the manner prescribed in the attached sample CL-20 and return all Form CL-20's and related attachments to Classification and Records Unit, Attention: Central Classification Board. The Central Board will log the Chief Physician's action through established docketing procedure, detach and forward the white original copy of the CL-20 along with a copy of the unit or institution physician's written request to Central Criminal Records, File Maintenance and Storage Section. All multi-colored copies of the CL-20 along with related attachments will be returned to the sending unit or institution.
6. In the case of those recommendations which are approved by the Chief Physician's office, the Chief Physician will forward the respective CL-20's and related attachments with a recommended assignment and supportive justification written in the manner prescribed in Appendix "A" to Classification and Records Unit, Attention: Central Classification Board Docket Clerk, for appropriate handling by the Central Board.
7. In those cases where the Chief Physician's recommended assignment cannot be implemented due to space limitations or other considerations, Classification and Records will negotiate an alternate assignment through the Chief Physician's office. The respective institution or unit superintendent will be advised of the Chief Physician's and Central Board's disposition through normal channels. Any resulting inmate transfers will be effected observing established procedure.

Emergency Inmate Medical Transfers

1. In emergency situations requiring the immediate transfer of an offender due to his medical treatment needs, the institution superintendents will apply the steps outlined in Section VI-D, above.

G. Transfers to Facilitate Court Appearances

1. Prisoners summoned to appear in a court of law by court order, where stipulated and possible will be housed in the jail of the court of jurisdiction. Prisoners who are transferred to local jail facilities for court purposes will be returned to the sending Division of Institutional Services institution upon completion of their involvement in court proceedings.
2. Where it is necessary to transfer a prisoner from one Division of Institutional Services institution to another on the basis of a written court order, the Supervisor of Central Criminal Records upon receipt of such an order will issue the necessary written notification to the sending institution authorizing the transfer.

3. Where it is necessary to transfer a prisoner from one Division of Adult Services institution to another in the absence of a court order to facilitate court appearance, the superintendent receiving verbal instructions from the court of jurisdiction will promptly notify the Assistant Director in charge of Classification and Records or his designee and indicate the date of the scheduled court appearance and the designated temporary housing facility. The Assistant Director in charge of Classification and Records or his designee will issue a written order authorizing the necessary transfer.

H. Transfer to Isolation Facilities for Punishment

1. Institution and field unit superintendents may authorize the transfer of a prisoner to another institution's isolation facility for punishment purposes following conviction and sentencing by an Institutional Adjustment Committee only in those cases where the housing institution is not capable of providing isolated confinement.
2. In such cases, the inmate will be returned to his institution of assignment upon completion of his isolation sentence.
3. Inmates who for security reasons cannot be returned to their institution of assignment will be reassigned temporarily by the Assistant Director in charge of Classification and Records or his designee or the respective regional field unit superintendent in the case of intra-regional transfers until such time as they may be reviewed by an Institutional Classification Committee.

I. Transfers for State-Wide Maintenance and Construction

1. All assignments to state-wide maintenance and construction crews will be made by the Central Classification Board generally based on written recommendations of an Institutional Classification Committee.
2. Written recommendations for assignment to state-wide maintenance will be submitted via Form CL-20 to the Associate Director in charge of Field Units. The Associate Director or his designee will record his recommendations on the CL-20 and submit the same to the Central Classification Board for final review and approval.
3. In the case of the Bureau of Correctional Field Units, once a prisoner is assigned to state-wide maintenance, his housing location within the field unit system and any subsequent changes in the same for as long as he is assigned to maintenance will be determined by the Associate Director in charge of Field Units or his designee. Changes in housing location where assigned state-wide maintenance prisoners are concerned will be annotated in the central criminal record via original copy of Form DOC - CA-4, "Interdepartmental Transfer Notice" (see Appendix B) signed and approved by the appropriate authority.

4. In the case of state-wide construction crews, the initial housing location and subsequent changes in the same for prisoners who are assigned to such crews by the Central Classification Board will be determined by the designated Department Construction Superintendent. Changes in housing location for construction purposes ordered by the Construction Superintendent will be annotated in the central criminal record via the original copy of Form DOC - CA-4, "Interdepartmental Transfer Notice" signed by the appropriate authority.
5. All transfers of state-wide maintenance and construction crew prisoners will be coordinated in advance through Classification and Records, Central Transportation Coordinator.
6. Prisoners who for one reason or another are removed from maintenance or construction crews will generally be reassigned to their originally assigned institution, space and security considerations permitting.
7. All removals and reassignments from state-wide maintenance and construction crews will be authorized in advance by the Central Classification Board.

J. Transfers During Scheduled Parole Hearing Quarters

1. No prisoner will be transferred from one institution to another prior to his scheduled parole hearing. Exceptions to this regulation may be made by proper authority as described in item 4, below only in emergency situations or where transfer is necessary to facilitate maintenance or construction work or entry into the Work/Study Release program.
2. Prisoners who are transferred for one of the above stated reasons prior to their scheduled parole hearing will be rescheduled during their hearing quarter by the Central Criminal Records Section of Classification and Records in conjunction with the Executive Secretary of the Parole Board, time permitting. In such cases where it is not feasible due to an insufficient amount of time to reschedule a parole hearing, it will be incumbent upon the housing institution superintendent to return the prisoner(s) concerned to their originally assigned institution by the appointed date and hour for their scheduled parole hearing.
3. Changes in the parole hearings itinerary resulting from institutional reassignments and transfers prior to scheduled parole hearings will be communicated in writing by the Central Criminal Records Section to the sending and housing institution superintendents. In the absence of such notification, it will be incumbent upon the housing institution superintendent to return the prisoner to his originally assigned institution by the appointed hour and date for his scheduled parole hearing.

4. In all cases involving the reassignment and transfer of prisoners prior to their scheduled parole hearing, the person or group authorizing the reassignment will notify immediately the Supervisor of the Central Criminal Records Section of Classification and Records, who will notify the Executive Secretary of the Parole Board.
 - a. Specifically, in the case of reassignments ordered by the Central Classification Board based on security consideration or to facilitate entry into Work/Study Release, the Chief of Classification will notify the Supervisor of Central Criminal Records.
 - b. In the case of Intra-Regional transfers, the Regional Administrator authorizing the transfer will notify the Supervisor of the Central Criminal Records.
 - c. In the case of state-wide maintenance crew prisoner transfers, the Regional Administrator or his designee will notify the Supervisor of Central Criminal Records.
 - d. In the case of state construction crew prisoner transfers, the Construction Superintendent will notify the Supervisor of Central Criminal Records.
 - e. In the case of transfers to state hospital facilities, the superintendent authorizing the same will notify the Supervisor of Central Criminal Records.
5. Except in emergency situations or where transfer is necessary to facilitate maintenance or construction work or entry into the Work/Study Release Program, a general freeze on the transfer of prisoners who become eligible for parole review during the next hearing quarter will go into effect during the last month of the preceding hearing quarter. This freeze will remain in effect until the parole hearing itinerary and review lists for the next quarter are published.
6. For communication purposes, a copy of the parole hearing itinerary and review lists for each given parole hearing quarter including subsequent changes in the same once published will be sent to each major institution and field unit superintendent. Questions regarding the same are to be channeled to the Supervisor of Central Criminal Records.

K. Transfers to Mecklenburg Correctional Center

1. There will be three categories of assignment at Mecklenburg. These will be special purpose assignments, phase program unit assignments, and maximum security unit assignments.
2. Special Purpose Assignments would be determined by particular situational needs. These would include the following:
 - a. Administrative Transfers - there will be occasions where an inmate will have to be transferred immediately. Examples would include transfer for his own protection or the protection of others. In those cases authorization must be granted by the Director, the Deputy Director for Institutional Services, the Assistant Director for Classification and Parole Administration, the Manager for Classification Unit or Regional Administrator. ICC action will follow the transfer in accordance with the provisions of this guideline. When administrative transfers to Mecklenburg Correctional Center are made after working hours or on the weekend, the Regional Administrator will advise the Assistant Director when such action is taken.
 - b. Death sentence - inmates under the death sentence.
 - c. Investigative holds - inmates under active investigation by the Internal Investigation Unit, Department of State Police, or other law enforcement agencies for any alleged offense which poses a threat to the safety of persons or property.
 - d. Protective custody - inmates normally in "C" custody who have serious personal security needs as determined by the Central Classification Board, i.e., state witnesses, victims of inmate assaults, etc. These will be high security inmates who have a documented threatening situation and not merely weak passive inmates seeking a safe assignment. Any "A" or "B" protective custody case recommended for Mecklenburg must have the joint agreement of the Regional Administrator concerned and the Assistant Director for Classification and Parole Administration. Also, see Division Guideline 823 and 861 for processing protective custody segregation cases. Normally inmates placed at Mecklenburg Correctional Center in protective custody status will remain there for a minimum of six months unless extenuating circumstances warrant.

3. Phase Program Assignments

a. Any inmate confined at any correctional center of the Commonwealth may be assigned to the Phase Program at Mecklenburg Correctional Center for specialized treatment when adjudged guilty by a court or adjustment committee of one or more of the following infractions:

1. Assaulting or attempting to assault any person with or without a weapon, with the intent to inflict bodily harm.
2. Sexually assaulting or attempting to sexually assault any person by force or threat of force or bodily harm.
3. Rioting, inciting to riot, or attempting to commit either.
4. Taking or attempting to take a hostage for any purpose.
5. Escaping or attempting to escape by force or violence, or from a close custody institution.
6. Setting or attempting to set a fire with potential or actual serious damage or injury to persons or property.
7. Extorting, blackmailing, demanding or receiving money or anything of value for any purpose or attempting any of the foregoing.
8. Gathering around an employee in a threatening or intimidating manner, or participating in or encouraging others to participate in unauthorized group demonstrations.

Assignment to Mecklenburg should not be considered automatic upon conviction of one of the above; rather the ICC and the Central Classification Board must carefully consider all the facts surrounding the case to determine whether the conviction indicates the offender needs treatment at Mecklenburg and could benefit from the program.

b. In addition to the infractions noted above, a transfer of an inmate may warrant special consideration on a case-by-case basis whenever an inmate has been found guilty in court or by an Adjustment Committee of one or more of the representative offenses listed below, for which assignment to Mecklenburg would be considered appropriate and beneficial by the Central Classification Board:

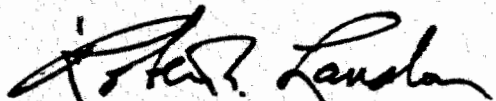
1. Encouraging others to participate in a work stoppage.
 2. Possession of or transfer of forged documents, particularly where such offense is known to be part of an escape plot or elaborate attempt to defraud.
 3. Possession of stolen property, particularly where there is reason to believe such is associated with widespread or endemic stealing from other inmates.
 4. Destroying, altering or damaging state property, especially when such concerns locking devices or security equipment or when such is part of a campaign of deliberate, disruptive behavior.
 5. Engaging in sexual acts with others by consent when such behavior is disruptive to the institution and/or threatens the safety of any inmate.
 6. Repeated or habitual violations of major or minor rules when such becomes a major threat to the safety and welfare of other inmates or staff and no other suitable assignment is available.
4. Maximum Security (non-phase) assignments to Mecklenburg Correctional Center.
- a. Assignments to the Maximum Security (non-phase) section of Mecklenburg Correctional Center will be of an extended nature and will not involve any participation in the phase program.
 - b. General Criteria. Inmates selected for assignment to the Maximum Security (non-phase) will be those designated inmates who require assignment to a maximum-security setting in virtue of the danger they represent to the community and/or to persons (staff or other inmates) within the correctional system and who either cannot safely be assigned to another maximum security setting or require the maximum degree of security available within the correctional system.
 - c. Inmates who possess one or more of the following characteristics:
 1. Sentence in excess of 50 years for a crime(s) of violence.
 2. Potential escape or attempted escape from a correctional institution.
 3. Inmates completing the phase-program who cannot be returned to another maximum security setting for any reason.

- d. Assignments will be made as a result of Institutional Classification Committee review and Central Classification Board approval. Insofar as the general criteria are met the inmate may be assigned to the Maximum Security (non-phase) at Mecklenburg Correctional Center.

The Institutional Classification Committee will indicate its rationale for concluding that the general criteria are met. The specific characteristics listed in (c) are intended only as representative of the type of factors to be considered and are not to be considered either exhaustive of the criteria to be employed or of such a nature as to automatically result in an assignment to Mecklenburg Correctional Center.

M. Transfer of Inmate Records

1. The official institutional inmate record, including personal property envelopes, medical records, and any prescribed medication orders, shall accompany the inmates to whatever institution he/she is transferred regardless of whether the transfer is permanent or temporary. This applies to transfers to prison hospital facilities, e.g., MCV, Penitentiary Infirmary, Powhatan Correctional Center Infirmary. This does not apply, however, to temporary transfers to local jail facilities to facilitate court appearances.
2. Superintendents of receiving institutions are directed not to accept custody of the inmate without the official record present.



Robert M. Landon, Deputy Director
Division of Adult Services

/rmh

APPENDIX CSharp Staffing Formula (Revised Fall, 1982)*

Method used in determining the number of days Security Staff will be available to work:

Rest days (2 days per week)	104 days
Vacation Days	15 days
Holidays	11 days
Sick Leave (estimate)	11 days
*Training (Average)	<u>7 days</u>

Total days not available 148 days

365 days - 148 days = 217 days available for work
Equated to man hours:

217 x 8 hrs. = 1736 hrs. per year

Method used to determine manpower needs for custodial posts:

(24 hr. post 7 days per week)
365 days x 24 hrs. = 8,760 hours
8760 hrs. ÷ 1736 = 5.05 officers

(16 hr. post 7 days per week)
365 days x 16 hrs. = 5,840 hrs.
5840 hrs. ÷ 1736 = 3.36 officers

(8 hour post 7 days per week)
365 days x 8 hrs. = 2,920 hours
2920 hrs. ÷ 1736 = 1.682 officers

(8 hour post 5 days per week)
261 days x 8 hrs. = 2,088 hours
2088 hrs. ÷ 1736 = 1.2 officers

* 80% staff in-service training 2.5 days per year
20% staff basic training 25 days

i.e. VSP - 312 security positions

312 x 80% x 2.5 days =	624 days
312 x 20% x 25 days =	<u>1560 days</u>
Total	2184 days
2184 - 312 =	7 days average

*Source: Virginia Department of Corrections,
Division of Adult Services

APPENDIX DExample of Post Audit and Application of Sharp Formula*Example Shift Assignment

	8/4	4/12	12/8
Post A	1	1	1
Post B	1	1	-
Post C	1	-	-
Post D	<u>1</u>	<u>-</u>	<u>-</u>
Totals	4	2	1
Total All Shifts	7		
Total Relief Officers	<u>4</u>		
Total	11		

Post A	24 hrs. 7 days per week		
	1 post x 5.05 =	5.05	
Post B	16 hrs. 7 days per week		
	1 post x 3.36 =	3.36	
Post C	8 hrs. 7 days per week		
	1 post x 1.68 =	1.68	
Post D	8 hrs. 5 days per week		
	1 post x 1.20 =	<u>1.20</u>	
Total		11.29	

*Source: Virginia Department of Corrections, Division of Adult Services.