

REPORT OF THE

**Joint Committee Studying
Staffing Levels and
Employment Conditions at the
Department of Corrections
(SR 34, 2014)**

**TO THE GOVERNOR AND THE
GENERAL ASSEMBLY OF VIRGINIA**



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REPORT

Senate Committee on Rehabilitation and Social Services
and Senate Committee on Rules

Joint Committee to Study Staffing Levels and Employment Conditions
at the Department of Corrections (SR 34, 2014)

MEMBERS

Legislative Members:

The Honorable Emmett W. Hanger, Jr., Co-Chair
The Honorable Dave W. Marsden, Co-Chair
The Honorable Kenneth C. Alexander
The Honorable Linda T. Puller
The Honorable Jennifer T. Wexton

Citizen Members:

Donald Baylor
Steve Morris
Joey O'Quinn
Sheriff Kenneth W. Stolle

Staff:

David May, Staff Attorney, Division of Legislative Services
Sarah E.B. Stanton, Staff Attorney, Division of Legislative Services
Eric Bingham, Senate Committee Operations

WEBSITE

http://dls.virginia.gov/interim_studies_docstaffing.html

BACKGROUND

Pursuant to Senate Resolution 34 (2014), the Joint Committee conducted a study during the 2014 Interim regarding the adequacy of staffing levels, employee health and safety, and turnover rates at the Commonwealth's correctional facilities. The Joint Committee held five meetings, two of which were held at correctional facilities. The following is a summary of the Joint Committee's meetings and recommendations.

MEETINGS

Wednesday, June 18, 2014: General Assembly Building

Scope and Purpose of the Joint Committee

Ms. Sarah Stanton, Senior Staff Attorney, Virginia Division of Legislative Services, provided an overview of the scope and purpose of the Joint Committee to Study Staffing Levels and Employment Conditions at the Department of Corrections (DOC). Ms. Stanton reported that Senate Joint Resolution 34, introduced by Senator Phillip Puckett and adopted by the Senate during the 2014 Session, established the Joint Committee to review "the adequacy of staffing levels, employee health and safety, and turnover rates at the correctional facilities of the Commonwealth." Senate Resolution 34 provides that the Joint Committee shall consist of three legislative members of the Senate Committee on Rehabilitation and Social Services, two legislative members of the Senate Committee on Rules, two nonlegislative citizen members who shall be representatives of an association of correctional officers or employees, and two nonlegislative citizen members who shall be former correctional officers or employees. The Office of the Clerk of the Senate shall provide administrative staff support to the Joint Committee, and the Division of Legislative Services shall provide legal, research, policy analysis and other services as required by the Joint Committee. DOC and all other agencies of the Commonwealth shall provide technical assistance to the Joint Committee upon request. The Joint Committee is authorized to meet four times during the 2014 interim, and must complete its work by November 30, 2014. An executive summary of the Joint Committee's findings and recommendations must be submitted to the Division of Legislative Automated Systems no later than the first day of the 2015 Regular Session of the General Assembly.

Presentation: Department of Corrections

Mr. Paul Broughton, Director of Human Resources, Virginia Department of Corrections, provided an overview of the Commonwealth's correctional system and staffing levels at the Commonwealth's correctional institutions. Mr. Broughton reported that DOC operates 42 institutions housing 30,256 offenders, seven detention and diversion centers serving 637 detainees/divertees, and 43 probation and parole districts serving 57,108 offenders.

DOC's approved personnel level for the institutions, detention and diversion centers, probation and parole districts, three regional offices and single central headquarters is 12,449.70 employees. As of May 31, 2014, the total number of filled positions was 11,788. Functional staffing areas in major facilities include security, treatment and programs, food services, building and trades, medical, education, and administration. Mr. Broughton provided demographic information about DOC employees generally and corrections officers specifically, noting that approximately 49.3% of corrections officers are black, 48.7% of corrections officers are white, and 1.5% are Hispanic. Nearly 67 % of corrections officers are male and 33 % are female, with officers of both sexes working facilities for male and female offenders. The average age of corrections officers is 39.3 years, with .9% of corrections officers less than 20 years of age, 30.2% between 21 and 30 years of age, 21.9% between 31 and 40 years of age, 26.1% between 41 and 50 years of age, 17.6% between 51 and 60 years of age, 3.2% between 61 and 70 years of age and .1% older than 71 years of age. The average length of service of corrections officers is 7.4 years, with 47.8 % of corrections officers reporting 5 years of service or less, 21.1% reporting 6 to 9 years of service, 10.7% reporting 10 to 14 years of service, 13.6% reporting 15 to 19 years of service, 4.5% reporting 20 to 25 years of service, 1.6% reporting 25 to 29 years of service, and .6% reporting 30 or more years of service. Mr. Broughton noted that the proportion of corrections officers with fewer than 5 years of service has diminished over the last seven years, indicating success in retaining trained corrections officers. Annual turnover rates for the period between July 1, 2013 and May 31, 2014 were 16.47% for corrections officers, which was the highest rate of turnover since the fiscal year ending June 30, 2008. Mr. Broughton noted that the positions with the highest rates of turnover (20% or more in FY 2013) were: nurse technicians, registered nurses, psychologists, and food service supervisors. Other positions identified as difficult to fill included: medical and dental service providers and trades positions. Mr. Broughton reported that for some facilities, corrections officer positions were also difficult to fill. One factor identified as contributing to staffing turnover is low pay and lack of pay increases. Mr. Broughton reported that between November of 2007 and July of 2013, DOC staff received two one-time bonuses of 3%, which did not affect base pay. In 2013, employees received a 2% raise plus compression pay of 65 percent. Currently, the average salary for corrections officers is \$33,403.

Mr. Broughton also provided information about the Healing Environment Initiative. Through the Initiative, DOC seeks to ensure an environment that is safe and secure for staff and offenders, that fosters positive change, and in which staff feel engaged and as though they are making a difference. A recent survey by the Urban Institute found strong support for the Healing Environment Initiative, with approximately 86% of DOC staff reporting that they believe the healing environment approach is a good strategy. The survey also found that 67% of DOC employees felt safe in their positions while acknowledging that their jobs are inherently dangerous than other jobs available, and that only 22% of employees felt that changes made as the Initiative was implemented added a dimension of danger to their jobs.

With regards to safety, Mr. Broughton reported that a total of 1719 total safety-related incidents had been reported in 2013, down from 1964 total incidents in 2012. No serious assaults on staff, defined as assaults which result in an injury to staff that requires urgent and immediate medical treatment and restricts usual activity, were reported during 2013 as compared to three reported during 2012. Mr. Broughton stated that DOC considers health and safety of staff paramount in pursuit of its mission, and that DOC has implemented a health and safety management system that includes comprehensive operating procedures, full time institutional safety specialists at major institutions, designation of collateral duty safety coordinators at smaller facilities, quarterly state-wide training and regional meetings for all institutional safety specialists and safety coordinators, new employee orientation and site-specific safety and health training, Virginia Office of Safety and Health voluntary compliance assistance surveys, Office of Workers' Compensation "Snapshot" health and safety surveys, jurisdictional pressure vessel inspections, multi-causation accident investigation processes, extensive fire prevention and response programs, infectious disease control programs, and a range of other certification, accreditation and other programs to protect the health and safety of staff and offenders.

Discussion of Work Plan

Following Mr. Broughton's presentation, the Joint Committee discussed its work plan for the 2014 interim. Members of the Joint Committee requested that staff arrange site visits to several facilities throughout the Commonwealth, to be conducted in conjunction with the Joint Committee's upcoming meetings. Members also requested that current and retired corrections officers be invited to meet with the Joint Committee to provide input and information about staffing and safety at correctional facilities. In closing, Senator Marsden stated that the Joint Committee should focus on creating integrated environments in facilities where staff and offenders are safe, healthy, and supported and in which staff and offenders are able to bring about positive outcomes.

Thursday, August 28, 2014: Greensville Correctional Center

Presentation: Overview of Operations, Programs, and Staffing at Greensville Correctional Center (GCC)

Colonel William Jarratt gave a PowerPoint presentation about GCC facilities, programs, and staffing. GCC, a Security Level 2/3 facility, is the Commonwealth's largest prison with approximately 3,355 beds. Its on-site facilities include two mental health units, a sex offender residential treatment unit, a bed segregation unit, a 50-bed infirmary, a 300-offender work center, a library, and four kitchens. GCC has several vocational and educational programs related to carpentry, horticulture, upholstery, graphic arts, HVAC, and GED credentials. In addition, GCC has three Virginia Correctional Enterprises shops where inmates manufacture furniture, which helps them obtain employment upon their release.

Regarding security staffing, Colonel Jarratt stated that GCC's goal is to maintain a safe environment for both staff and inmates, noting that a safe environment allows inmates to focus

on rehabilitation rather than on protecting themselves. Colonel Jarratt stated that GCC lacks an adequate number of employees to achieve this goal with a normal work schedule. He explained that GCC uses an Institutional Post-Audit System to chart staffing requirements and schedule employees. He reported that typically a significant number of allotted GCC staff are unavailable, noting that, among other reasons, 10 to 33 employees are on disability leave at any given time. Colonel Jarratt stated that in July 2014, 43 allotted security staff positions were vacant and 79 allotted security staff members were unavailable (either attending training or on various types of leave).

Colonel Jarratt stated that GCC staffing shortages have led DOC to pay a significant amount of overtime wages, including \$166,000 in July 2014 alone. He explained that in scheduling employees for overtime hours, GCC first accepts volunteers and as a secondary method uses a draft system. He explained that employees may be required to work four additional hours beyond their normal shifts but must be off work at least eight hours between such shifts, with a maximum of 30 overtime hours per pay cycle. Colonel Jarratt explained that employees are compensated for overtime hours with monetary payment or, with their permission, compensation hours. He explained that a lot of overtime hours are logged by transportation staff, as GCC averages eight to 10 transportations per day, each of which requires at least two correctional officers. Joint Committee member Donald Baylor suggested that the number of officers required for such trips and other tasks under the Post-Audit System may need to be revisited.

Colonel Jarratt reported a significant rate of employee turnover and provided the following annual percentages: 21.6% of correctional officers, 8.7% of senior correctional officers, 9.3% of correctional sergeants, and 4.8% of correctional lieutenants. He stated that the average length of employment at GCC is nine years. Colonel Jarratt cited the following reasons for GCC's high turnover rate: length and timing of shifts, low pay, stress, safety concerns, weaknesses in the employee selection process, Code violations, competition with law enforcement and other security services, ineffective supervisors, lack of career prospects, lack of occupational prestige, and inadequate training or education.

Tour of Greenville Correctional Center

Warden Eddie Pearson led the Joint Committee members on a tour of GCC.

Stakeholder Testimony

Thirteen current and retired DOC employees from various prison facilities across the Commonwealth testified about their employment experiences with DOC and made recommendations for staffing improvements. A common theme throughout this testimony was that staffing shortages exist in most of the Commonwealth's prison facilities. Multiple employees testified that they are often, if not always, shorthanded. The employees testified that this results in dangerous day-to-day situations. For example, one employee testified that in many instances, a single correctional officer must control an entire dining hall of 80 to 100 inmates. Another employee testified that correctional officers no longer staff the tower over the recreational yard of 300 inmates, a post that is supposed to serve as an avenue for help in case of an emergency. Several other employees also testified about other situations in which they alone are required to man certain posts that should be staffed by multiple officers. The employees

voiced concern that this is dangerous and that if an attack or other disturbance occurred, “something bad could happen” before additional officers could arrive to help.

Employees in managerial positions testified that staffing shortages also prevent them from performing the duties of their positions. Specifically, managers testified that they are not able to supervise and coordinate their correctional officers because they must perform duties typically performed by lower-level staff. Employees also testified that they are often required to work additional hours beyond their scheduled shifts and come in on their days off. One employee suggested that the overtime structure and caps be reformed so that employees desiring overtime may fill those spots, rather than forcing other employees to work who are not interested in working additional hours. The employees testified that there is simply “too much work for too few people,” which increases stress and lowers morale.

Several employees also testified that inmates are given too much control and too many amenities, noting inmates possess iPods, PlayStations, and other nonessentials. The employees asserted that the prison environment has become too therapeutic, noting staff is being asked to act more as “counselors” than as security officers. Employees further testified that in many instances inmates are not charged for wrongful conduct within the facility toward staff or other inmates but simply are asked to write a paragraph about the event as punishment, a task they often delegate to other inmates, and consequently, the offender learns nothing from the incident. One employee testified that the days of DOC’s “security, custody, and control” model are gone.

All employees testified that their pay is too low. The employees stated that despite inflation and an increase in the cost of living, income levels for DOC employees have remained the same. Several employees stated that they must work part-time jobs in addition to their employment with DOC in order to fully support their families. Several employees further stated that without decent pay, it is difficult for DOC to attract capable employees. Moreover, many suitable employees leave DOC for higher-paying jobs with the federal government, local or state law enforcement, or other security positions after obtaining their one-year certification. One employee testified that DOC is wasteful with its funds in other respects, asserting that at least one prison facility uses a Ford F250 for surveillance that gets less than 10 miles per gallon, rather than using a more fuel-efficient vehicle. The employees further testified that there are little or no incentives for productivity and that promotions are often based on favoritism.

Employees also requested that they be provided a forum for voicing their collective concerns to prison management, administration, and DOC. Several employees stated that they currently have no avenue for voicing their opinions and, instead, are penalized and experience retaliation when they speak up for themselves on matters such as the overtime draft system.

Finally, many employees testified about health concerns associated with DOC employment. Employees testified that the food available to them at work is “terrible” and has little nutritional value, which they cited as factors in weight gain, diabetes, heart problems, and other health issues. Employees noted that such health problems raise safety concerns, as employees are required to control inmates who spend much of the day exercising and lifting weights. Employees testified that the staff dining center has been closed in at least one of the Commonwealth’s prison facilities and that employees are asked to use the same water and ice dispensers as inmates. Employees asserted that this practice is unsanitary because inmates clean bowls and other items in these machines and often spit into them.

Discussion

The meeting continued with discussion of the 2014 work plan for the Joint Committee. Among other issues, the Joint Committee discussed improving staffing numbers and conditions, along with obtaining the necessary funding, in an effort to keep state correctional facility staff and the public safe. The Joint Committee also discussed potential efforts related to the overtime issues, proper punishment for inmate threats to prison staff, the balance between "penalty" and "rehabilitation" efforts, and avenues for communication between DOC staff and administration.

Tuesday, October 21, 2014: General Assembly Building

Presentation: Department of Corrections' Budget & Operating Expenses - Paul Broughton, Director of Human Resources, Department of Corrections

Paul Broughton gave a PowerPoint presentation about DOC's current budget and expenses. Mr. Broughton testified that DOC continues to begin each year with a shortfall of approximately \$32,000,000, which is equivalent to approximately 600 correctional officer positions. Nevertheless, Mr. Broughton explained that due to the Commonwealth's current revenue shortages, DOC was tasked with developing savings strategies to address funding shortfalls of \$42,999,615 for fiscal year 2015 and \$60,388,365 for fiscal year 2016. In response, DOC will close the Cold Springs Work Center, delay opening the Culpepper Correctional Center for Women, close the Powhatan Main Correctional Center, close the White Post Diversion Center, abolish 10 DOC positions, eliminate equipment funding for fiscal year 2015, hold approximately \$3,000,000 in additional position vacancies, delay filling 20 new correctional officer positions, and delay filling 9 new sex offender monitoring positions. Mr. Broughton noted that DOC has been the subject of many budget cuts since 2001.

Next, Mr. Broughton testified that salaries for correctional officers are low and have not increased in coordination with inflation and cost-of-living, which has led to a current turnover rate of 16.98% because many correctional officers leave DOC after one year for higher paying jobs. Broughton testified that the average starting salary for correctional officers is \$28,035, which is 13.1% lower than the average starting salary for officers in regional jails, 29% lower than the minimum starting salary for officers with the Virginia State Police, and 30% lower than the average starting salary for other Richmond-area law enforcement officers. Mr. Broughton opined that salary increases will help lower the turnover rate for correctional officers.

Finally, Mr. Broughton made the following recommendations for salary increases: (1) 3% increase to the minimum security staff salaries; (2) additional 1% salary increase for all security staff with more than five years of experience; (3) increase by 3-4% the salaries of correctional officers, correctional officer seniors, sergeants, lieutenants, captains, and majors based on length of service (cost: \$11,350,000); and (4) create a new "Master Corrections Officer" level (cost of \$11,800,000 over a three-year implementation period: \$2,600,000 in year one, \$3,900,000 in year two, and \$5,300,000 in year three).

Tonya Vincent, Deputy Secretary of Public Safety and Homeland Security

Tonya Vincent, appointed Deputy Secretary of Public Safety and Homeland Security by Governor Terry McAuliffe in January 2014, appeared before the Joint Committee primarily to

answer questions posed by the members. Deputy Secretary Vincent testified that she has been working with Harold W. Clarke, Director of DOC, on the current budget issues. Deputy Secretary Vincent described their task of searching for cuts as a "challenging environment." Deputy Secretary Vincent noted that many of the issues DOC is facing are proving problematic in the Department of Juvenile Justice as well, including inadequate staffing levels and low salaries. Upon inquiry by Sheriff Stolle, Deputy Secretary Vincent noted that re-entry programs consume only a small portion of DOC's budget. Mr. Morris commented that DOC currently has many correctional officer vacancies that need to be filled for safety reasons. In response, Deputy Secretary Vincent stated that they are working on getting correctional officers "where they need to be."

Public Comment

Two former DOC employees testified about their experiences with DOC. The first testified that the work environment for correctional officers is very stressful, describing it as "extreme" and noting that, based on statistics, the rate of post-traumatic stress disorder for correctional officers is higher than the rate for veterans of Operation Iraqi Freedom. He opined that this problem is further compounded by inadequate staffing levels.

Another former correctional officer at DOC testified that DOC's grievance procedure upon firing employees is unsatisfactory, describing it as a "buddy-buddy" system. He testified that supervisors are not following DOC's guidelines and have too much control regarding the filing of reports related to alleged employee misconduct. He recommended that DOC focus on remedying the issues related to its grievance system and that it ensure proper procedures are followed.

Discussion

The meeting continued with discussion of topics for future review. Sheriff Stolle stated he would like to explore the cuts DOC intends to make in response to current budget constraints and compare the Commonwealth's DOC budget cuts to any cuts that have been made to departments of correction in other states. Senator Hanger also commented that the Joint Committee needs additional discussion regarding the revised budget and applicable cuts. Senator Marsden stated that he thought it would be helpful for the Joint Committee to visit another correctional facility and to obtain best-practices information from other states related to staffing conditions.

Wednesday, November 19, 2014: Coffeewood Correctional Center

Presentation: Overview of Operations, Programs, and Staffing at Coffeewood Correctional Center (CCC)

Warden Ivan Gilmore gave a PowerPoint presentation about CCC facilities, programs, and staffing. CCC, a Security Level II facility, opened in 1994. In its 20 years of operation, CCC has had zero escapes, one serious offender-on-offender assault, and zero serious offender-on-staff assaults. CCC was originally designed to house a maximum of 855 offenders, but now has a maximum capacity of 970 offenders and currently houses 961. The annual cost to house one

offender is approximately \$22,515 and offenders remain at CCC for an average of three to four years.

Warden Gilmore explained that CCC has numerous treatment programs for offenders, including programs related to education, vocation, entrepreneurship, anger management, parenting, re-entry, and social support.

Regarding CCC's critical staffing needs, Warden Gilmore stated CCC has 26 treatment positions that need to be filled, four vacancies for caseworker and re-entry positions, and three vacancies for cognitive counselors. From January 2013 to date, the turnover rate for caseworker and re-entry positions is 56 percent and has reached 100 percent for cognitive counselors. Warden Gilmore explained that many of these employees leave CCC for higher paying jobs.

Next, Warden Gilmore stated that, due to the Commonwealth's current budget constraints on DOC, CCC is required to hold vacant 3.66 percent of its security positions, which causes inadequate staffing levels. Warden Gilmore stated that the starting salary for correctional officers at CCC is between \$30,581 and \$35,396, depending on qualifications, and that the average salary is \$33,230. Warden Gilmore stated the turnover rate for 2014 is 19.54 percent, noting many of these correctional officers leave for reasons related to low pay, demanding hours and shift work, stress, complaints about supervisors, and unfitness for the prison environment and demands of the job.

Tour of Coffeewood Correctional Center

Warden Gilmore led the Joint Committee members on a tour of CCC.

Public Comment

Numerous current and retired DOC employees from various prison facilities across the Commonwealth testified about their experiences with DOC and made recommendations for improvement. Most, if not all, of these employees testified that staffing levels at DOC's facilities are inadequate, which causes serious safety concerns, and that DOC is letting employees go rather than hiring more. One correctional officer testified that the Commonwealth's prisons are constantly short-handed and that correctional officers do not feel safe on the job. Testimony was presented that this leads to dangerous situations, such as two correctional officers manning a dorm pod, whereas, for safety purposes, there should be three. Correctional officers explained that, in many instances, two correctional officers are responsible for 160 to 170 inmates and that there are no officers to man the security towers on the recreational yards, both of which are unsafe. Employees testified this further leads to required overtime hours, averaging between 30 to 40 hours per month.

Several correctional officers commented on DOC's high turnover rate, opining this is largely caused by low pay. Officers testified they are required to work second jobs to support their families. Correctional officers recommended salary increases and stated the raises will pay for themselves in light of the thousands of dollars DOC will save in wasted funds toward the hiring and training of employees who leave DOC within a year for higher paying jobs. One correctional officer stated DOC places more importance on ensuring inmates have an opportunity to acquire General Education Development (GED) certificates than it places on providing adequate pay to its correctional officers.

Regarding training practices, testimony was presented that in the past, certain Virginia prisons required hopeful correctional officers to work in the prisons for approximately three months before the start of training, which provided them an opportunity to experience the prison environment and determine whether they were a suitable fit. It was suggested that reimplementation of this pre-training practice may allow the Commonwealth to diminish the amount of funds squandered on training correctional officers that quickly leave the Department. It was also suggested that DOC require correctional officers to pay for their own training and that DOC more closely tailor training to the requirements of the job.

Another correctional officer testified that supervisors do not treat them fairly and that promotions are given based on favoritism rather than merit.

Monday, December 8, 2014: General Assembly Building

Presentation: Strategies for Mitigating Negative Impacts of Occupational Stressors Affecting Correctional Officers - Dr. Caterina Spinaris, Ph.D., LPC, Executive Director, Desert Waters Correctional Outreach

Dr. Caterina Spinaris gave a presentation to the Joint Committee via Skype about the stresses correctional officers endure and methods of mitigation. Dr. Spinaris provided a Corrections Fatigue Process Model, which indicated that correctional officers experience traumatic stressors related to events they witness or are involved in, operational stressors concerning staffing and other administrative issues, and organizational stressors related to human interactions that typically lead to declines in health and functioning, dysfunctional ideology and behavior, negative personality changes, and "correctional fatigue," a term coined by Dr. Spinaris to describe the impact of cumulative work-related stressors on corrections professionals.

Dr. Spinaris also provided information regarding disorder prevalence among correctional officers, which stated that 20 percent of correctional officers experience anxiety, 34 percent have post-traumatic stress disorder (PTSD), 31 percent are depressed, and 22 percent have both comorbid depression and PTSD. Dr. Spinaris explained that high rates of absenteeism, abuse, substance abuse, and health problems appear among those with PTSD, depression, or comorbidity of those disorders. Upon inquiry by Senator Marsden, Dr. Spinaris stated research does not indicate that age and length of service have any impact on PTSD; however, higher rates of PTSD have been prominent in correctional officers who work in high-level security facilities.

Dr. Spinaris testified that while current prison culture tends to ignore these problems, it is very important for DOC and its employees to address and monitor the mental health needs of correctional officers. Dr. Spinaris detailed a six-step model for reducing stress and increasing resilience.

1. Inform: it is essential that DOC stay informed of the stresses that affect correctional officers, along with the personal and organizational costs that accompany them.

2. Assess: DOC must look for accurate methods of collecting information and assess its current situation and the needs of its correctional officers.

3. Evaluate: DOC must evaluate its current policies and practices and identify necessary changes.

4. Plan: DOC then needs to detail a plan for implementation of needed additional programs.

5. Implement: DOC shall then implement the plan.

6. Reassess: it is also important that DOC periodically evaluate past efforts, determine their impact, use this information to identify new needs and interventions, and start the process again.

Upon inquiry by Senator Marsden about best practices for training, Dr. Spinaris stated that on-the-job training and shadowing work best, noting difficulties arise when supervisors tell their correctional officers, "Regardless of what you learned in training, this is how we do things here." Dr. Spinaris noted that accountability and repetition are important. Sherriff Stolle agreed, noting DOC must ensure trainees are comfortable in the prison environment and recommended that they be paired with trained officers for several months prior to attending academy training.

Presentation: Corrections Staffing and Training Standards - Mr. Paul Broughton, Human Resources Director, Department of Corrections

Paul Broughton gave a PowerPoint presentation on corrections staffing and training standards. Mr. Broughton explained that DOC uses the American Correctional Association (ACA) standards for accreditation and a post-audit system for staffing numbers. Upon inquiry by Sheriff Stolle, Mr. Broughton explained that although the post-audit system informs prison administration of the number of correctional officers that need to man each post, due to budget constraints, they are then required to keep three percent of those positions vacant. This results in the Commonwealth's prisons being required to operate with fewer people than they actually need.

Regarding training, Mr. Broughton stated that DOC provides 200 hours of training to its correctional officers, which exceeds the ACA recommendations. This training includes one week of orientation, three weeks in an institution, five weeks at the academy, and at least two more weeks at the institution. Additionally, correctional officers receive 40 hours of training per year related to the review of policies and updates on those policies.

Stakeholder Testimony

Several DOC employees from various prison facilities across the Commonwealth testified about their employment experiences with DOC. One correctional officer stated that after working for DOC for 21 years, he has lost all of his emotions. The officer explained that his family often comments that he now has a "police face," hiding any indications of his mood or feelings. The officer testified that the prison environment has caused him to develop this behavior because many inmates study every move correctional officers make, constantly looking for vulnerabilities and opportunities to manipulate them. The officer also testified that inmates have threatened him and his family multiple times, which has prompted him to create a code word to use with his daughter in dangerous situations.

Another correctional officer mirrored the remarks that their working environment is very stressful. The officer also recommended that correctional officers be given a raise, noting she must work two jobs to support her family. The officer further noted that DOC has recently invested substantial funds in new uniforms for its correctional officers, which were unnecessary because their existing uniforms were satisfactory. The officer recommended that DOC devote funds to raises for its correctional officers rather than wasting it on such superfluous expenses.

Another officer complained that many of the trainers for correctional officers have never worked in a prison. The officer recommended that correctional officers be required to work in a prison for a short period of time prior to being eligible for training, noting this may save the Commonwealth money on funds wasted to train employees who quickly leave DOC after experiencing the prison environment and deciding they are not a proper fit. The officer opined that many people simply cannot handle the stresses associated with the prison environment, and that it would be more efficient to make this determination prior to training.

Finally, another correctional officer testified that in closing several prison facilities, DOC has had to create bed space at other facilities for the inmates who formerly resided in the closed facilities. The officer testified that in an effort to comply with budget cuts, DOC is transforming many different types of buildings into dorms and double-bunking them. The officer testified that DOC uses this practice to artificially raise the maximum capacity of its prison facilities. The officer stated this is causing overpopulation in facilities that correctional officers already struggled to control given their staffing shortages.

Discussion & Vote - Recommendations

The meeting continued with discussion among the Joint Committee members. Mr. Morris stated it is very important that the Joint Committee take action to address the issue of inadequate staffing levels in DOC's facilities. Mr. Morris noted that DOC is unwisely lowering the number of correctional officers required to man each post in its prison facilities, but should be heading in the opposite direction because this practice is very unsafe for prison staff, inmates, and the general public.

Sheriff Stolle commented that the issues before the Joint Committee ultimately boil down to whether the General Assembly is willing to allocate more money to DOC. Senator Marsden recommended that the Joint Committee make efforts to address the issues related to salary increases for correctional officers. Senator Marsden stated the General Assembly has not provided DOC with enough funds for salary increases, noting such practices have led to many of the Commonwealth's employees being paid below the federal poverty level, as recently detailed in a Richmond Times Dispatch article.

Following this discussion and upon recommendation by Senator Hanger, the Joint Committee members voted to (i) introduce a resolution to be carried by Senator Marsden during the 2015 Session continuing the study for an additional year, (ii) request that DOC create a five-year planning document setting forth long-term staffing and training requirements and strategies for meeting those requirements, and (iii) adopt the following recommendations:

1. Increase Funding to Allow for Adequate Staffing Levels.

- Insufficient funding is resulting in inadequate staffing levels throughout the Commonwealth's prisons. Testimony was presented that such inadequate staffing:
 - presents safety concerns because there are not enough correctional officers to properly staff all posts with a sufficient number of officers;
 - causes health problems because inadequate staffing results in severe stress on correctional officers in an already-stressful environment (PTSD rate of 31% v. 12-20% for Operation Iraqi Freedom veterans);
 - requires the use of substantial funds towards overtime wages;
 - causes a shortage of support for inmate programs, including those tailored towards re-entry;
 - results in insufficient oversight regarding inmate possession of contraband; and
 - is compounded by transportation requirements set forth in the Institutional Post-Audit System.
- Note: VADOC's budget continues to begin each year with a shortfall of approximately \$32,000,000, which is equivalent to approximately 600 correctional officer positions.

2. Salary Increases.

- Paul Broughton, Director of Human Resources at VADOC, made the following recommendations for salary increases at the Joint Committee's October 21, 2014 meeting:
 - 1) 3% increase to the minimum security staff salaries;
 - 2) additional 1% salary increase for all security staff with more than five years of experience;
 - 3) increase by 3-4% the salaries of correctional officers, correctional officer seniors, sergeants, lieutenants, captains, and majors based on length of service (cost: \$11,350,000); and
 - 4) create a new "Master Corrections Officer" level (cost of \$11,800,000 over a three-year implementation period: \$2,600,000 in year one, \$3,900,000 in year two, and \$5,300,000 in year three).
- Testimony was presented that:
 - the average starting salary for correctional officers is \$28,035 and only \$3,000 separates the 25th and 75th percentile;
 - the starting salary for VADOC correctional officers is 13.1% lower than the average starting salary for officers in regional jails, 29% lower than the minimum starting salary for officers with the Virginia State Police, and 30% lower than the average starting salary for other Richmond-area law enforcement officers;
 - salaries need to, but have not, increased in coordination with inflation and cost-of-living;
 - salary increases will help lower the turnover rate for correctional officers (currently 16.98%) and promote the retention of seasoned staff, which will lead to safer and more efficient operations and save the Commonwealth

money by avoiding wasted funds toward hiring, training, and overtime wages; currently, many correctional officers leave VADOC after one year for higher paying jobs;

- salary increases will also yield better recruitment and increase occupational prestige;
- current salary levels require many correctional officers to work second jobs and, in some instances, collect supplemental assistance from the government;

3. Training.

- Substantial funds are being wasted to train correctional officers that ultimately leave VADOC within one year.
- Testimony was presented that in the past, certain Virginia prisons required hopeful correctional officers to work in the prisons for approximately three months before the start of training, which provided them an opportunity to experience the prison environment and determine whether they were a suitable fit. It was suggested that reimplementing of this pre-training practice may allow the Commonwealth to diminish the amount of funds squandered on training correctional officers that quickly leave the Department.

4. Conduct & Fairness.

- Numerous correctional officers testified that prison leadership is prohibiting them from issuing charges for inmate misconduct and, instead, requiring that officers ask inmates to "write a paragraph" about such misconduct as punishment. Correctional officers testified this practice is ineffective because many inmates simply employ other inmates to fulfill the writing requirement for them. Correctional officers further testified that the prohibition against the issuance of formal charges has resulted in an increased level of inmate misconduct, a lack of respect from inmates for correctional officers, and is merely used as a means of artificially lowering reported incident numbers.
- Several correctional officers also requested that a forum to voice concerns to prison leadership and administration on a regular basis. Correctional officers testified that they are being penalized for speaking up for themselves, that raises are being given based on favoritism, that supervisors often undermine their decisions, and that supervisors are in many instances unhelpful, often responding to questions posed by correctional officers with statements such as, "It is what it is" or "Because I said so." Correctional officers requested a forum to voice such concerns to prison administration on an ongoing basis.

**Additional information about the Joint Committee's study of staffing levels and employment conditions at the Department of Corrections can be found on the Division of Legislative Services website at: http://dls.virginia.gov/interim_studies_docstaffing.html*

