

# STATE OF WEST VIRGINIA

## FULL PERFORMANCE EVALUATION OF THE

### Division of Corrections

**Long -Term Plans to Expand Facilities to Address Overcrowded Inmate Population must also Address Staffing and Training Issues at New and Existing DOC Facilities to Ensure Safety of Inmates, DOC Employees and the Public.**

**The DOC's Correctional Officers are Paid Less than Federal Correctional Officers and those in Surrounding States, Contributing to High Employee Turnover Rates**

**The Division of Corrections and the Regional Jail and Correctional Authority still use Separate Inmate Tracking Systems that are not Linked**

**The Lack of Stable Tenure of the Commissioner Position Impairs the Division's Long-Term Planning.**

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**December 2001**

**PE01-24-223**

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**December 2001**

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John Sylvia  
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December 9, 2001

The Honorable Edwin J. Bowman  
State Senate  
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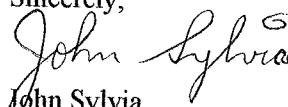
The Honorable Vicki V. Douglas  
House of Delegates  
Building 1, Room E-213  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a draft copy of the Full Performance Evaluation of the Division of Corrections, which will be presented to the Joint Committee on Government Operations on Sunday, December 9, 2001. The issues covered herein are the "Long-Term Plans to Expand Facilities to Address Overcrowded Inmate Population must also Address Staffing and Training Issues at New and Existing DOC Facilities to Ensure Safety of Inmates, DOC Employees and the Public;" "The DOC's Correctional Officers are Paid Less than Federal Correctional Officers and those in Surrounding States, Contributing to High Employee Turnover Rates;" "The Division of Corrections and the Regional Jail and Correctional Authority still use Separate Inmate Tracking Systems that are not Linked;" and "The Lack of Stable Tenure of the Commissioner Position Impairs the Division's Long-Term Planning".

We transmitted draft copies to the Division of Corrections on November 28, 2001. We conducted an exit conference with the Division on December 4, 2001. We received the agency response on December 5, 2001.

Let me know if you have any questions.

Sincerely,  
  
John Sylvia

JS/wsc



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## Executive Summary

### **Issue 1: Long-Term Plans to Expand Facilities to Address Overcrowded Inmate Population must also Address Staffing and Training Issues at New and Existing DOC Facilities to Ensure Safety of Inmates, DOC Employees and the Public.**

The DOC's December 1997 Master Plan to Manage Increasing Prison Population called for the construction of an 1,800-bed facility, expandable to 3,600 beds, to accommodate increasing inmate populations. This was planned along with the expansion of existing facilities and the conversion of several available buildings into correctional facilities. The DOC's latest long-term housing plan was submitted to the West Virginia Supreme Court of Appeals on September 19, 2001. It also called for the expansion of existing DOC facilities. The plan also identified the need for 1,702 male beds by 2005. This would require some type of new construction beyond the expansions outlined in the plan.

In recent years the Division of Corrections (DOC) has been and still is experiencing some problems that are creating significant safety issues. The major problems confronting the DOC are:

- Inmate overcrowding in several facilities.
- For year end 2000, 21% of DOC inmates remained in regional jails (4<sup>th</sup> highest in the country) for several months where they receive no rehabilitative or educational programs.
- The DOC has inadequate correctional officer staffing levels; and
- New correctional officers go several months without training from the academy.

The DOC facilities currently are over capacity by 257 inmates and have an additional 629 inmates regional and county jails throughout the state. Mount Olive Correctional Complex has the largest overcrowding problem in terms of number of inmates with 168 above capacity. Meanwhile, the Northern Correctional Center has the largest overcrowding problem in terms of percentage with its inmate population being 33% above capacity.

During FY 2000, the DOC requested the assistance of the National Institute of Corrections (NIC) of the U.S. Department of Justice to conduct a study to determine the number of correctional officers needed at each institution (see Table 2). The study showed that the greatest deficit in the required number of officers existed at the Mt. Olive Correctional Center, which needed 296 officers, but employed only 186. Mt. Olive was, in other words, found to be understaffed 110 officers or 37%. The DOC, as a whole, employed 260 fewer officers (26%) than it needed according to the NIC study. The DOC has budgeted vacancies for 129 correctional officers in addition to the recommended creation of 131 new correctional officer positions to meet the requirements of the NIC study. While nearly all of the DOC's institutions were understaffed to some degree, the Mt. Olive Correctional Center accounted for a disproportionate share of the shortage.

Given the DOC's difficulty with maintaining acceptable staffing levels, the Division has felt compelled to place newly-hired officers, who have not yet completed their academy training, on active duty. An examination of personnel records indicates that the DOC routinely delayed sending new recruits to the academy, usually for one to four months, but sometimes for as long as over one year. The immediate need for officers at some institutions may cause the DOC to delay the entry of some hires into the Academy. While the DOC may find it difficult to balance the proper staffing of institutions with the need to give new hires adequate training, both are important officer and inmate safety considerations. If the DOC does not address the current need for adequate staff numbers and adequate training, the expansion of existing institutions or the construction of new institutions will be difficult to complete in a safe manner.

### **Recommendation 1:**

*The DOC should monitor the length of time newly-hired officers work in institutions before receiving their academy training and amend existing DOC policy to ensure that they receive their training in a more timely fashion.*

### **Recommendation 2:**

*The DOC should increase its efforts to fill all vacant budgeted correctional officer positions as soon as possible.*

### **Issue 2: The DOC's Correctional Officers are Paid Less than Federal Correctional Officers and those in Surrounding States, Contributing to High Employee Turnover Rates.**

West Virginia's starting pay for new officers exceeds that of Kentucky but is substantially less than that of other surrounding states and the Federal Bureau of Prisons (FBP). Given Kentucky's policy of giving a 5% raise to new officers after eight months and an annual 5% raise thereafter, an officer in Kentucky will quickly receive a rate of pay that is comparable to West Virginia's starting salary. By the second year of service, an officer in Kentucky will earn a larger salary than his counterpart in West Virginia. This is clear since West Virginia does not give annual raises to its officers.

Although surrounding states provide some competition in the hiring of correctional officers, the Federal Bureau of Prisons is clearly the most competitive in terms of salary. The FBP provides the highest pay rates for all ranks. The fact that federal facilities are located in West Virginia and new facilities are currently being constructed here, gives the FBP an added advantage in recruiting officers in the State.

The DOC loses large numbers of correctional officers each year. It is clear that turnover is



greatest in the Correctional Officer I category. This indicates that the largest number of officers are lost early in their careers, during the first year of duty, although substantial numbers are lost in the Correctional Officer II category. The Mt. Olive Correctional Center accounts for a large proportion of officer losses each year, just as the same facility accounts for a disproportionate share of the current shortage in required numbers of officers. The Anthony Correctional Center, which lost no officers during 1996 and only two officers during 1997, began to experience much higher loss rates in later years. The Anthony Center lost 13 officers during 1999 and 24 during 2000. The number of losses equaled that of the Huttonsville Correctional Center during 1999 and exceeded Huttonsville's total (16) during 2000. This occurred in spite of the fact that Huttonsville employs 183 officers and the Anthony Center only employs 54. The total number of officers lost by the DOC was relatively stable for the first three years examined, remaining at no more than 100 each year. During 1999, this figure increased to 125 officers. The total reached 140 during 2000. The loss of increasingly larger number of officers appears to be another emerging trend.

It is clear that retaining officers has become more difficult for the DOC in recent years. Substantial costs are associated with high turnover rates among correctional officers and include additional overtime costs and pre-employment costs. High turnover rates can be traced directly to the non-competitive nature of salary levels for officers employed by the DOC when compared to those of other states and the Federal Bureau of Prisons. More frequent and larger pay increases will be necessary if the DOC is to control the loss of officers and fully staff existing institutions. The DOC cannot hope to hire adequate numbers of officers to staff newly constructed institutions or major expansions of existing facilities given current salary levels.

### **Recommendation 3:**

*The Legislature should consider appropriating additional funds for correctional officer salary increases in order to make the Division of Correction's salary levels more competitive with those of the Federal Bureau of Prisons and surrounding states and to provide an adequate supply of recruits to staff additions to existing institutions and any possible newly-constructed facilities.*

### **Issue 3: The Division of Corrections and the Regional Jail and Correctional Authority still use Separate Inmate Tracking Systems that are not Linked.**

This issue was originally identified in a 1994 report released by the Legislative Auditor's Office. The DOC's Prime computer system was originally installed by Main Hurdmand Certified Public Accountants during the last quarter of calendar year 1984. The tracking system (TRACK) was written for the Prime system in 1994 and is a text-based program that does not allow inmate pictures or graphics of any type. After issuing an RFP for a new tracking system, the DOC chose the Syscon Justice Systems, LTD. Inmate Information System in 1999. This is a PC-based system. The DOC did not obtain funding for implementation of the project until after a needs analysis was completed and cost projections were possible. The DOC made budget requests for funding the new

system each fiscal year from 1999 to 2002. The Legislature approved \$2,070,000 to fund implementation of the new system during FY 2002. A federal grant will provide another \$1,227,394. This will cover networking and wiring, hardware and printers, and software programs and licenses.

At present, the DOC is performing an internal implementation process to identify changes needed in the new system for proper operation with the Division. The interface with the Regional Jails portion of the new system should begin after partial or full implementation with the DOC.

**Recommendation 4:**

*The Division of Corrections should ensure that data on inmate legal status and other information that impacts inmate management is incorporated into its new inmate tracking system.*

**Recommendation 5:**

*The Division of Corrections, with the cooperation of the Regional Jail Authority, should ensure that its new inmate tracking system is linked with that of the Regional Jail and Correctional Authority when it is fully operational.*

**Issue 4: The Lack of Stable Tenure of the Commissioner Position Impairs the Division's Long-Term Planning.**

The DOC has had a turnover of new leadership on the commissioner level during recent years. Table 11 provides a list of the Division's commissioners since 1980. The DOC has frequently been led by acting commissioners while awaiting the appointment of permanent commissioners. Three different commissioners have led the DOC since 1999. This lack of stable leadership has coincided with a failure to act in a timely and adequate manner regarding the Supreme Court of Appeals' requirement for a long-term housing plan to deal with inmate overcrowding. Logically, long-term planning for significant problems is not facilitated by the Division's unstable leadership.

**Recommendation 6:**

*The Legislature and the Secretary of Military Affairs and Public Safety should consider methods to improve tenure stability in the commissioner position of the Division of Corrections.*

## **Objective, Scope and Methodology**

This is a Full Performance Review of the West Virginia Division of Corrections (DOC) as required by WVC §4-10-4. The Division of Corrections is responsible for the “the incarceration and care of convicted offenders.”

### **Objective**

The objective of this review is to examine the following issues:

- (1) Has the Division of Corrections developed a long-term plan to improve housing and overcrowding as required by the West Virginia Supreme Court of Appeals?
- (2) Has the Division of Corrections taken adequate action to increase its bed space capacity to ease the overcrowding problem?
- (3) Has the Division of Corrections taken adequate action with respect to linking its new inmate tracking system to that of the Regional Jail Authority, in order to permit the Division to make accurate inmate population projections?
- (4) Does the Division of Corrections have adequate numbers of correctional officers at each of its facilities and are they properly trained before assuming their duties?
- (5) Are the Division of Corrections correctional officers’ salaries competitive when compared to those of officers employed by adjacent states or the Federal Bureau of Prisons, and if not, does this contribute to high turnover rates?

### **Scope**

The scope of this review is from 1990 to 2000, with an emphasis on the period from 1993-2000.

### **Methodology**

The Legislative Auditor’s Office obtained data on inmate totals, including commitments and releases, from the DOC. The DOC also provided information on the inmate tracking system and its projected capabilities. The DOC provided other data on correctional officer staffing levels, requirements and losses. The West Virginia Division of Personnel and the DOC provided data on correctional officer hirees. The Legislative Auditor’s Office obtained correctional officer salary levels from the DOC and a telephone survey of the Federal Bureau of Prisons and correctional agencies in surrounding states.



## Background

The West Virginia Division of Corrections was created in 1977. It was formerly a division of the Department of Public Institutions until reorganized in 1989 under the Executive Reorganization Act of 1989. This transferred the Department of Corrections to the Department of Public Safety (now Military Affairs and Public Safety) and redesignated the former Department of Corrections as the Division of Corrections. The Division of Corrections serves the following primary purpose:

*...to enhance public safety by providing for the incarceration and care of convicted offenders who have been sentenced by courts of proper jurisdiction to serve terms of incarceration.*

The intent of the Legislature is:

- (1) That persons committed to correctional institutions of the state for whom release is available for crimes be afforded appropriate treatment to reestablish their ability to live peaceably, consistent with the protection of the community.*
- (2) That persons committed to correctional institutions of the state be released at the earliest possible date, consistent with public safety.*
- (3) To establish a just, humane and efficient corrections program.*
- (4) To avoid duplication and waste of effort and money on the part of public and private agencies.*

The Division of Corrections is headed by the Commissioner of Corrections. The commissioner manages the adult correctional system, which includes seven correctional institutions in addition to other programs. The Division contains the following Central Office, Regional Offices, Institutions; Parole Offices; Construction; Office of Research; Corrections Academy; Prison Industries.



**Issue 1: Long-Term Plans to Expand Facilities to Address Overcrowded Inmate Population must also Address Staffing and Training Issues at New and Existing DOC Facilities to Ensure Safety of Inmates, DOC Employees and the Public.**

The Division of Corrections' (DOC) December 1997 Master Plan to Manage Increasing Prison Population called for the construction of an 1,800-bed facility, expandable to 3,600 beds, to accommodate increasing inmate populations. This was planned along with the expansion of existing facilities and the conversion of several available buildings into correctional facilities. The DOC's latest housing plan was submitted to the West Virginia Supreme Court of Appeals on September 19, 2001. It also called for the expansion of existing DOC facilities. The plan also identified the need for 1,702 male beds by 2005. This would require some type of new construction beyond the expansions outlined in the plan. **Unless, the DOC addresses in its long-term plans the need for achieving adequate staffing levels and the difficulties of retaining and acquiring qualified correctional officers, the DOC will be ignoring the potential safety risks to inmates, DOC employees and the public.**

The DOC is experiencing problems that prevent the agency from fully achieving its overall outcome of rehabilitating its prison population and that create a significant safety risk for inmates, DOC employees and the general public. The major problems confronting the DOC are:

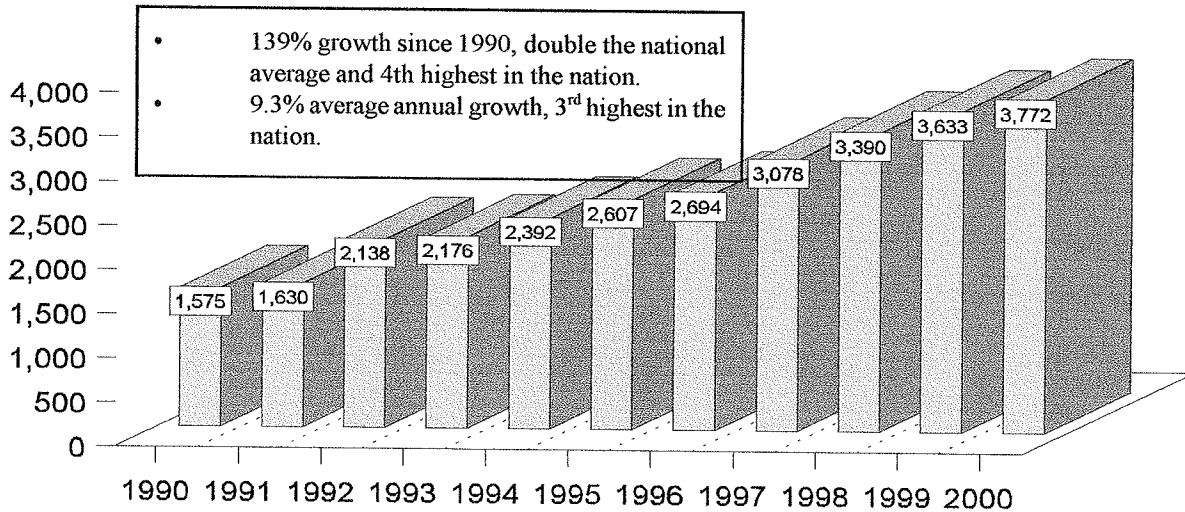
- Inmate overcrowding in several facilities.
- For year end 2000, 21% of DOC inmates remained in regional jails (4<sup>th</sup> highest in the country) for several months where they receive no rehabilitative or educational programs.
- The DOC has inadequate correctional officer staffing levels; and
- New correctional officers go several months without training from the academy.

The causes of these problems are:

- A relatively high growth rate in the State's sentenced inmate population since 1990 (see Figure 1). Over the last ten years West Virginia's growth rate of its inmate population is twice the national average and fourth highest in the country.
- The DOC's long-term planning has been inadequate according to the Supreme Court of Appeals; and
- Non-competitive salaries compared with other states and federal prisons within West Virginia have resulted in the DOC having difficulties retaining or attracting an adequate number of correctional officers (see Issue 2).

Figure 1

## West Virginia Inmate Population



### Inmate Overcrowding

The DOC has had an inmate overcrowding problem for years with the situation becoming worse. According to a study funded by the Division of Criminal Justice Services:

*From the research conducted during this study, it can be determined that the main reasons for the prison population growth within the state is the increased number of commitments combined with substantial serving times.<sup>1</sup>*

Since 1990 the state's inmate population has grown by 139% which is nearly double the national average for the same time period and fourth highest in the country. There has been a marginal increase in bed space throughout the state through the creation of correctional institutions at existing facilities such as Denmar or adding small amounts of bed space at existing correctional facilities. However, these increases have not alleviated overcrowding throughout the system. Table 1 shows that DOC facilities are currently over-capacity by 257 inmates. When the 629 inmates held in local and regional jails are included, **the DOC has 886 inmates above its facility capacity.** Mount Olive Correctional Complex has the largest overcrowding problem in terms of number of inmates with 168 above capacity. Meanwhile, the Northern Correctional Center has the largest overcrowding problem in terms of percentage with its inmate population being 33% above capacity.

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<sup>1</sup>*Correctional Population Forecast 2000-2010, A Study of the State's Prison Population, West Virginia Division of Criminal Justice Services, and The George Washington University Institute on Crime, Justice and Corrections, February 2001, p. 19.*



The 629 inmates housed at regional jails who cannot be immediately placed at a DOC facility because of inadequate space represent about 18.4% of DOC's total inmate population as of July 2001. For year end 2000, nearly 21% of West Virginia's inmate population was in local and regional jails which was the fourth highest percentage in the country and significantly higher than the national average of 4.6%. Inmates remain in local and regional jails nine months on average.<sup>2</sup> **An immediate effect is that these inmates do not receive educational, vocational or rehabilitation programs which inhibits the DOC from accomplishing its outcome of rehabilitation.**

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<sup>2</sup>*Ibid, p. 5.*

<b>Table 1 Capacity vs. Inmate Population as of June 15, 2001</b>			
Facility	Capacity	Inmate Population	Over/(Under) Capacity
Anthony Correctional Center	220	206	(14)
Beckley Correctional Center	48	56	8
Charleston Work Release	40	53	13
Denmar Correctional Center	204	206	2
Hutonsville Correctional Center	889	846	(43)
Huntington Work Release	34	63	29
Mt. Olive Correctional Complex	792	960	168
Northern Correctional Center	184	245	61
Ohio County Correctional Center	41	54	13
Pruntytown Correctional Center	321	335	14
St. Marys Correctional Center	288	297	9
McDowell County Correctional Center	101	98	(3)
<b>TOTALS for Correctional Facilities</b>	<b>3,162</b>	<b>3,419</b>	<b>+257</b>
County or Regional Jails	----	629	+629
Bond or Home Confinement	----	18*	
<b>TOTALS</b>	<b>3,162</b>	<b>4,066</b>	<b>+886</b>
*Bond or Home Confinement numbers are not considered part of the overcrowding situation.			

## **Long-Term Plans to Address Overcrowding is Needed**

The West Virginia Supreme Court of Appeals has issued a series of decisions in cases dealing with the issue of DOC inmates being housed in local and regional jails. A primary goal of these decisions has been to move inmates currently housed in regional jails to correctional facilities where rehabilitative training is available. Another goal has been to develop a long-term housing plan to deal with the continued growth of the inmate population. In the case of State of West Virginia ex rel. Dodrill v. Scott (1986) the Court found that the Commissioner of the Division of Corrections

(DOC) was required to “accept for confinement all persons sentenced by courts of this State to state penal facilities.” In State of West Virginia ex rel. Smith v. Skaff (1992) the Court stated:

*The statutory scheme of this state places a nondiscretionary duty upon the Division of Corrections to incarcerate those inmates who are sentenced to the penitentiary in a state penal facility operated by the Division of Corrections. Hence, the Division of Corrections is prohibited from lodging inmates in a county or regional jail facility absent the availability of space in these facilities once the inmates have been sentenced to a Division of Corrections facility.*

The first order for moving inmates resulted from the decision in the case of State of West Virginia ex rel. Alan Stull et al. v. Davis (1997). In this case, the petitioners requested transfer to a state penal facility or release because they were “*being denied educational, rehabilitative, recreational, and vocational programs.*” The Court agreed and required the DOC to submit a plan to the Court and the Legislature which outlines its proposal for addressing the overcrowding problem in its institutions by February 1, 1998.

The DOC submitted a proposed Master Plan to the Supreme Court of Appeals in December 1997. This plan simply listed proposals to increase bed availability at DOC facilities over a period of years. Attached to the plan were various statistical reports concerning the expected growth of the prison population in West Virginia. A one-page chart essentially represented the DOC’s Master Plan. The Supreme Court of Appeals filed a new response to the DOC’s actions resulting from State of West Virginia ex rel. Alan Stull et al. v. Davis (1997) on July 17, 1998. **This decision stated that a one page plan was inadequate** and directed the Division of Corrections to submit within 60 days a plan to move 50% of DOC inmates and as soon as practicable, a full and complete long-range plan.

A plan was developed for the transfer of state sentenced inmates from jails to Division of Corrections Facilities on September 17, 1998, this plan was referred to as the *West Virginia Division of Corrections Response to West Virginia Supreme Court Order July 17, 1998*. The response was a 95 page document with 7 pages and 3 charts discussing the actual plan for moving existing inmates out of regional jails. **This document provided no long-term housing plan.**

The lack of no long-term plan resulted in a second West Virginia Supreme Court decision in the case of *State ex rel Sams et al v. Kirby*. This resulted in the court reiterating its first decision made from an earlier case and replacing the Special Master assigned. The Court ordered the Commissioner of the Division of Corrections and the Director of the Regional Jail Authority to work with the new Special Master to create a complete, long-range plan for the transfer to DOC facilities those inmates lodged in regional and county jails who are awaiting such transfer. The result was a second movement plan for existing inmates, **but no long-term housing plan was developed.** The new Special Master reported his findings to West Virginia Supreme Court of Appeals:

*The efficient cause of the problem’s chronic nature is simply that the Circuit Courts have been sentencing more convicts for longer periods to the DOC’s custody*

*and the Executive has been (by parole and clemency) letting fewer out. That cause has been constant over the years.*

*The May 29 Plan is denominated “short-term” because it is only a temporary fix. In February 2001, the George Washington Institute on Crime, Justice and Corrections delivered its Corrections Population Forecast. The parties are convinced that absent changes in present trends of commitment and release, the forecast estimates are likely accurate. That forecast clearly indicates that the problem will reoccur beginning in 2002 and progressively worsen.*

*The forecast predicts that the pattern of the last decade of increasing DOC population will continue, resulting in a population growth from about 4000 at the end of 2001 to about 6000 at the end of 2010. DOC does not have the facilities to handle that increase, or the means to acquire the necessary facilities.*

*Thus, DOC’s long-term ability to avoid the problem depends on actions of parties not now before the Court. To avoid recurrence, the State must (1) change the sentencing and release policies which have and will cause increases in the population beyond capacity of DOC to handle it or (2) fund the acquisition or construction of the needed facilities. The choice of what these changes or expenses should be is an essentially political decision. Those empowered to make such decisions, however, need to know what choices are available and what their cost is. The long range plan will outline those choices and cost.*

The goal of the long-term plan is to provide for adequate correctional capacity to address the State’s needs and population growth and projections presented in the George Washington University Study. The goal will be to provide for capacity and services to move offenders into Corrections within 30 days after receipt of order. To date a long-term plan has yet to be developed. The Supreme Court required the DOC, Regional Jails, and the Public Defenders Office to submit separate drafts of long-term plans to the Special Master. The DOC submitted its draft on September 19, 2001. The Special Master will combine the three agencies’ plans and report to the West Virginia Supreme Court of Appeals with a long-term plan.

## **Double Bunking Is Not the Best Approach to Resolve Problem**

Since 1990, the DOC has addressed the overcrowded conditions through establishing new facilities or renovations and “double bunking”. Table 2 illustrates that 1,783 additional beds have been provided over the last 10 years. Most of those have been through construction, additions or renovations, while 320 have been added by double bunking. In 1999 Pruntytown Correctional Center reduced double bunking by 37 beds, and Northern Correctional Center ended double bunking for safety and security concerns which reduced beds by 72. In 2000, Mount Olive Correctional Center scaled back double bunking by 181 beds for safety and security concerns. However, these same facilities resumed double bunking in calendar year 2001 to nearly the same extent as previously used (only a net loss of 8 beds). The DOC recognizes that double bunking is not the ideal method

of managing the growing inmate population, and it further states that double bunking “*places strain on already stretched services at DOC facilities, significantly increases inmate and staff stress levels, and is not conducive to a therapeutic or safe environment.*”

Year	Construction, Additions or Renovations	Double Bunking	Total Net Beds
1990 - 1992	0	0	0
1993	150	0	150
1994	284	0	284
1995	105	52	157
1996	0	0	0
1997	50	0	50
1998	334	360	694
1999	368	-109	259
2000	146	-181	-35
2001	26	198	224
Totals	1,463	320	1,783

*Source: West Virginia Division of Corrections.*

While the DOC continues to have a pressing need for additional bed space, any new construction must be accompanied by an increase in staffing levels. Since the DOC has had difficulty keeping its existing institutions fully staffed, the potential for providing adequate staffing levels at newly-constructed facilities or an addition to an existing facility will continue to be difficult. **It is apparent that any long-term plan must also address staffing issues and the need to provide competitive salaries (see Issue 2). Otherwise, the DOC will be ignoring potential safety issues that accompany the overcrowded condition.**

## **Inadequate Correctional Officer Staffing Levels**

During FY 2000, the DOC requested the assistance of the National Institute of Corrections (NIC) of the U.S. Department of Justice to conduct a study to determine the number of correctional officers needed at each institution (see Table 3). The study showed that the greatest deficit in the required number of officers existed at the Mt. Olive Correctional Center, which needed 296 officers, but has 229 budgeted positions and employed only 186. In other words, Mt. Olive was found to be understaffed 110 officers or 37%. The DOC, as a whole, employed 261 fewer officers (26%) than it needed according to the NIC study, and its budgeted positions are 132 fewer than the NIC study. The DOC has 129 vacant correctional officers positions which is 15% of budgeted positions. While nearly all of the DOC's institutions were understaffed to some degree, the Mt. Olive Correctional Center accounted for a disproportionate share of the shortage.

<b>Table 3</b>					
<b>Number of Correctional Officers by Institution FY 2000</b>					
Institutions	Required positions set by NIC	<b>Budgeted</b> Correction Officers Positions	Officers <b>Employed</b>	Over/(Under) Required Positions	
				Budget	Employed
Anthony Correctional Center	64.0	63	54	(1)	(10)
Beckley Correctional Center	12.6	15	11	2	(2)
Charleston Work Release Center	12.6	14	12	1	(1)
Denmar Correctional Center	74.0	60	45	(14)	(29)
Huttonsville Correctional Center	197.5	170	153	(28)	(45)
Huntington Work Release Center	12.6	13	12	0	(1)
Mt. Olive Correctional Complex	296.0	229	186	(67)	(110)
Northern Correctional Center	89.4	80	73	(9)	(16)
Ohio County Correctional Center	19.0	19	19	0	0
Pruntytown Correctional Center	73.0	88	66	15	(7)
St. Mary's Correctional Center	144.0	113	104	(31)	(40)
<b>Total</b>	<b>995.5</b>	<b>864</b>	<b>735</b>	<b>(132)</b>	<b>(261)</b>
<b>Vacancies</b>		<b>129</b>			
<b>Vacancy Rate</b>		<b>14.9%</b>			

A primary cause of the DOC's inadequate staffing is non-competitive salaries (see Issue 2 for detailed discussion). Compared to surrounding states West Virginia offers the lowest starting salaries for correctional officers. In addition, federal prisons within West Virginia offer substantially more in starting salary. This is important because federal prisons are in direct competition with DOC for qualified employees. Furthermore, there are plans to add two new federal prisons in West

Virginia. This will make it more difficult for the DOC to retain current employees as well as making it more difficult to find individuals to fill vacant positions.

### **Inadequate Staffing Results in Untimely Training**

Given the DOC’s difficulty with maintaining acceptable staffing levels, the Division has felt compelled to place newly-hired officers on active duty who have not received the five weeks training course at the correctional academy. A sample of 1998 through 2001 correctional officer hires and classes of the West Virginia Correctional Academy revealed wide variations in the lengths of time that elapsed between hire dates and the dates on which hires began their academy training. In a review of 249 names from West Virginia Correctional Academy records, periods varied from one day to over one year before hires entered the Academy (see Table 4). The sample indicated that 17 correctional officers were employed over a year before entering the academy. The sample also indicated that 53 correctional officers were employed over six months, but less than a year. The majority of officers were employed between one and four months before training began. **Delays in sending officers to the academy increases the risk of harm to correctional officers, inmates and the public.**

<b>Table 4 Length of Time Between Hire Date and Start of Correctional Academy Training</b>	
<b>Time Interval</b>	<b>Number of Employees</b>
Less than 1 month	32
1 month	35
2 months	29
3 months	39
4 months	34
5 months	10
6 months	15
7 months	13
8 months	15
9 months	4
10 months	2
11 months	4
Greater than 12 months	17
<b>TOTAL</b>	<b>249</b>



## DOC Policy Allows Delayed Academy Training

DOC Policy Directive 441.01 allows delays in academy training for newly-hired officers. Prior to April 1, 2001, the policy directive stated:

*All employees shall successfully complete the Basic Training Program conducted at the West Virginia Corrections Academy within their first year of employment.*

This policy officially permitted training delays of up to one year. Policy Directive 441.01 was changed on April 1, 2001 to Policy Directive 144.00. This new Policy Directive stated the following:

*Each employee shall successfully complete the Basic Training Program conducted at the West Virginia Corrections Academy, unless otherwise waived by the Commissioner. Completion of this training shall be within the first year of employment.*

This policy change permits the DOC to waive training requirements as it wishes. Officers may, at the Commissioner's discretion, never receive training. **The Legislative Auditor finds that neither the previous nor the existing policy are acceptable if the DOC is to properly address the safety needs of staff, inmates and the public.**

## Surrounding States' Policies Provide More Timely Training

### Kentucky

The Legislative Auditor inquired on the training for correctional officers in surrounding states. Kentucky offers eighteen entry dates each year for newly-hired officers to begin the four-week academy. A new officer will wait no more than two weeks to begin this training. While waiting to begin training, officers attend 40 hours of onsite orientation. Any additional time is spent with an On-the-Job Training Officer. No newly-hired officers receive an independent job placement.

### Pennsylvania

In Pennsylvania, a new training class begins on average every four weeks. This is the maximum wait for a newly-hired officer's training. A Correctional Officer Trainee (COT) will first complete a three-week orientation program then a five-week Basic Training Program follows. A COT has a total of 52 weeks of On-the-Job Training.

### Ohio

In Ohio, the average waiting time for a newly hired Correction Officer is three to four weeks. The Correction Officer first reports to the institution for a week of orientation training and then reports to the Ohio Corrections Training Academy for four weeks of pre-service training.

## Virginia

Virginia's newly hired correctional officer has an estimated average wait of two to three weeks before starting academy-based training. Once started the correctional officer is required to complete an entry level training program which consist of a one week orientation and a training program broken down into four phases. During the one week orientation the correctional officer is given personnel policies (benefits, leave, etc.) and communicable disease information (blood-born pathogens) for review. The correctional officer is then required to perform observation of correctional officer duties for three days (one day per shift). The next step for the correctional officer is a four phase training program. These four phases consist of institutional-based training and academy-based training. During the fourth phase the correctional officer is required to perform 80 hours of on the job training (OJT) with a Field Training Officer (FTO). The correctional officer must demonstrate competency for list of tasks under the direct observation of the FTO.

## Maryland

The Maryland Department of Public Safety and Correctional Services currently "front ends" their newly hired Correctional Officers into the Academy. When a new employee begins work, they report for a three day orientation period. They then report to the Maryland Correctional Training Academy for a five week course. They do not work in their correctional facility until they have completed the Academy course.

In review of the training policies of surrounding states, they allow no longer than four weeks to send a newly hired employee to the correctional officer academy.

## **DOC Conditions Increase Safety Risks to Inmates, Employees and the Public**

Inadequate numbers of officers and the lack of training for newly-hired correctional officers pose substantial safety risks:

- **There is a risk to newly-hired officers, particularly those working in a maximum-security facility.**
- **There is a risk to fellow officers and staff who must serve alongside new officers who are not trained to handle emergency situations.**
- **There is a risk to inmates who are supervised by untrained or inadequate numbers of officers.**
- **There is also a risk to the public at large through the increased possibility of escapes.**

Other effects of overcrowding, inadequate staffing, and untimely training are:

- Higher costs for overtime (see Issue 2).
- A more stressful environment which contributes to the difficulty in retaining correctional officers.

## **Conclusion**

Although there has been ample statistical studies documenting the high growth of the State's inmate population and overcrowded prison conditions, there has not been as much attention given to the under staffing of prison facilities. Both of these conditions must be addressed in any long-term plan. Significant efforts have been directed towards alleviating overcrowded conditions by the Supreme Court of Appeals and the DOC with one goal being to improve the outcome of rehabilitating the inmate population. However, focusing primarily on the overcrowded conditions without adequate attention to under staffing issues ignores the potential increase of safety issues for inmates, DOC employees and the public. The immediate need for officers at some institutions has resulted in the DOC delaying the entry of many hires into the training academy. While the DOC may find it difficult to balance the proper staffing of institutions with the need to give new hires timely training, both are important considerations for the safety of DOC employees, inmates and the public. Any long-term plan that focuses solely on expansion of existing institutions or the construction of new institutions will be short-sighted if no acknowledgment is given to the difficulty of providing adequate staffing to new facilities. With the federal prison system planning two new facilities in the state, the DOC will find it more difficult to retain current employees and find individuals to fill vacant positions.

## **Recommendation 1:**

*The DOC should monitor the length of time newly-hired officers work in institutions before receiving their academy training and amend existing DOC policy to ensure that they receive their training in a more timely fashion.*

## **Recommendation 2:**

*The DOC should increase its efforts to fill all vacant budgeted correctional officer positions as soon as possible.*



**Issue 2: The DOC's Correctional Officers are Paid Less than Federal Correctional Officers and those in Surrounding States, Contributing to High Employee Turnover Rates.**

West Virginia's starting pay for new officers exceeds that of Kentucky but is substantially less than that of other surrounding states and the Federal Bureau of Prisons (FBP) (see Table 5). Given Kentucky's policy of giving a 5% raise to new officers after eight months and an annual 5% raise thereafter, an officer in Kentucky will quickly receive a rate of pay that is comparable to West Virginia's starting salary. By the second year of service, an officer in Kentucky will earn a larger salary than his counterpart in West Virginia. This is clear since West Virginia does not give annual raises to its officers.

Pennsylvania has the highest maximum pay rate of \$47,215 for Correctional Officers I and II. Interestingly, a recruitment and retention survey conducted in 2001 by the Texas Office of the State Auditor showed that Pennsylvania had a surplus of 7,737 eligible Correctional Officer Trainee Candidates. Pennsylvania also does not have a problem with high officer turnover rates. Since a correctional officer in Pennsylvania has the opportunity to receive significant pay raises, it appears to enhance the desirability of the position.

Although surrounding states provide competition in the hiring of correctional officers, the Federal Bureau of Prisons is clearly the most competitive in terms of salary. The FBP provides the highest pay rates for all ranks. The fact that federal facilities are located in West Virginia and new facilities are currently being constructed here, gives the FBP an added advantage in recruiting officers in the State to the disadvantage to the DOC.

**Table 5  
West Virginia Correctional Officer Ranks and Salaries  
Compared with the Federal Bureau of Prisons and Surrounding States**

	Correctional Officer I: Entry		Correctional Officer II: Apprentice		Correctional Officer III: Corporal		Correctional Officer IV: Sergeant		Correctional Officer V: Lieutenant		Correctional Officer VI: Captain		Correctional Officer VII: Major	
	Min Pay	Max Pay	Min Pay	Max Pay	Min Pay	Max Pay	Min Pay	Max Pay	Min Pay	Max Pay	Min Pay	Max Pay	Min Pay	Max Pay
FBP	\$29,150	\$36,244	\$30,730	\$38,628	\$33,175	\$41,955	\$34,581	\$44,311	\$37,001	\$56,322				
KY*	\$18,866			no max			see footnote		see footnote		set footnote			
MD	\$25,921	\$40,039	\$27,643	\$42,743			\$29,484	\$45,642	\$33,565	\$52,064	\$35,822	\$55,619	\$38,236	\$59,417
OH**	\$28,517			\$34,653			\$30,014	\$37,939	\$33,446	\$41,392	\$40,165	\$55,411	\$44,262	\$60,986
PA***	\$23,660	\$47,215	\$25,058	\$47,215			\$27,165	\$51,409	\$33,819 or \$36,074	\$56,920 or \$60,714	\$39,316	\$65,995	\$45,575	\$76,538
VA	\$23,379	\$36,500	\$25,558	\$39,909			\$30,500	\$47,000	\$33,389	\$52,129	\$36,500	\$56,985	\$39,901	\$62,295
WV	\$20,124	\$30,372	\$21,264	\$32,340	\$22,476	\$34,452	\$23,772	\$36,708	\$25,164	\$39,120	\$26,652	\$41,700	\$28,248	\$44,472

\*Kentucky has one grade of C.O. and does not have a maximum salary but a C.O. receives a 5% raise after eight months and an annual raise on the date of hire thereafter, this has generally been for 5% but is set by the Legislature. An additional 5% raise is received with each promotion in rank.  
 \*\*Ohio has one grade of correctional officer with seven pay levels.  
 \*\*\*Some Lieutenants work a thirty-seven and one-half hour work week and some work a forty-hour work week, receiving a slightly higher salary.

Some federal institutions are located in the same regions of the State as some of the DOC's institutions. This means that the FBP and the DOC compete for officer recruits in the same parts of the state. As Table 6 shows, nearly 700 correctional officers will be employed by the FBP in West Virginia when the newly-constructed facilities are operational. This will more than double the number of officers the FBP currently employees in the State. Note also that federal institutions have few vacancies. This provides evidence of the competitiveness of federal salary levels when compared to the DOC.

<b>Table 6 Federal Correctional Facilities in West Virginia</b>				
Facility	Security Level	Correctional Officers	Inmates	Current Vacancies
FPC Alderson	minimum security female	54	813	2
FCI and FPC Beckley	medium and minimum security male	164	medium: 172 minimum: 386	2
FCI Morgantown	minimum security male	59	1,135	1
FCI and FPC Hazelton*	maximum and minimum security male	220	maximum: 1,000 minimum: 150	N/A
FCI Glenville*	minimum security male	180	medium: 1,152 minimum: 150	N/A
Total		677	4,958	5
*currently under construction				

Table 7 illustrates the minimum salary received by a Correctional Officer 1, which is the entry-level rank for officers. An officer typically stays at this rank for two years. Beginning salaries for entry-level officers have not changed quickly during recent years. Despite the fact that the DOC has uncompetitive salary levels compared to most adjacent states and the FBP, entry-level salaries were not increased for five years prior to the recent pay increase.

Prior to FY 1994, a correctional officer was given a \$600 raise after six months to an annual rate of \$13,824. After FY 1994, entry-level pay was increased to \$16,116 with a raise to \$17,252 after completion of a two-year apprenticeship. While probation and parole officers were given a \$3,000 pay raise effective FY 1996, correctional officers did not receive entry-level pay increase

until FY 1997. At that time, officers were given an increased entry-level rate of \$18,120, with a raise to \$19,256 after the two-year apprenticeship. Clearly, barring an increase in rank, officers historically have not received substantial pay raises for the first two years of service.

<b>Table 7</b> <b>West Virginia Division of Corrections</b> <b>Correctional Officer 1</b>	
Fiscal Year	Minimum Salary
2002	20,124
2001	18,120
2000	18,120
1999	18,120
1998	18,120
1997	18,120
1996	16,116
1995	16,116
1994	16,116
1993	13,224
1992	13,224
1991	13,224

### **The DOC Experiences High Turnover of Officers Each Year**

Table 8 lists the number of correctional officers lost by each DOC institution for each year 1996-2000. Turnover is greatest in the Correctional Officer I category (see Appendix A). This indicates that the largest number of officers are lost early in their careers, during the first year of duty. Also note that there has been a trend towards losing larger numbers of experienced correctional officer II's (see Appendix A). Losses of officers at this rank have increased from 11 in 1996 to 37 during 2000. The Mt. Olive Correctional Center accounts for a large proportion of officer losses each year, just as the same facility accounts for a disproportionate share of the current shortage in required numbers of officers (see Issue 1). The Anthony Correctional Center, which lost no officers during 1996 and only two officers during 1997, began to experience much higher loss rates in later years. The Anthony Center lost 13 officers during 1999 and 24 during 2000. The number of losses equaled that of the Huttonsville Correctional Center during 1999 and exceeded Huttonsville's total (16) during 2000. This occurred in spite of the fact that Huttonsville employs 183 officers and the Anthony Center only employees 54. Correctional Officer I losses were



particularly severe. The total number of officers lost by the DOC was relatively stable for the first three years examined, remaining at no more than 100 each year. During 1999, this figure increased to 125 officers. The total reached 140 during 2000. The loss of increasingly larger number of officers appears to be another emerging trend.

<b>Table 8</b>					
<b>Correctional Officer Losses 1996-2000</b>					
Location	1996	1997	1998	1999	2000
Central Office					
Parole Services					
Charleston Work Release Center				3	1
Beckley Cor. Center		1	2	1	2
Huntington Work Release Center		1		2	3
Anthony Cor. Center		2	5	13	24
Huttonsville Cor. Center	8	8	16	13	16
Corrections Academy					
Special Services					
Pruntytown Cor. Center	1	7	4	5	9
Denmar Cor. Center	11	3	6	9	7
Mt. Olive Cor. Complex	70	62	36	52	48
Northern Cor. Center	10	11	7	11	5
Ohio County Cor. Center			1	2	3
Prison Industries					
St. Mary's Cor. Center			12	14	22
<b>Total</b>	<b>100</b>	<b>95</b>	<b>89</b>	<b>125</b>	<b>140</b>

Table 9 shows the percentages of officers employed at each institution which were lost in 2000. Losses increased to their highest point during 2000. Table 9 also shows that the proportion of officers that the DOC currently loses makes it difficult for it to reach ideal staffing levels.

The Beckley Correctional Center, the Charleston Work Release Center and the Huntington Work Release Center each employ eleven officers with a required strength of 12.6 officers. None of these facilities lost more than three officers during 2000. The Ohio County Correctional Center also lost three officers in 2000 out of a required and an actual strength of 19 officers. The most important information illustrated by Table 9 is that the number of officers lost by some of the larger institutions is equivalent to a substantial percentage of the total number of guards actually employed by these facilities. Facilities with the most serious officer-retention problems include the Anthony Correctional Center, Mt. Olive Correctional Center and St. Mary's Correctional Center. The

Anthony Center lost 24 officers during 2000 which was equal to 44.45% of the 54 officers it employed at the time. The Mt. Olive Correctional Center lost 48 officers which was equal to 22.1% of the total number of officers employed. The St. Mary's Correctional Center lost 22 officers, which was equal to 16.4% of its officers. Each of these facilities already employed fewer officers than the 2000 personnel study recommended. The loss of additional officers has made it difficult for the DOC to achieve adequate staffing.

<b>Table 9 Correctional Officer Losses as a Percentage of Officers Employed During 2000</b>	
Location	%
Anthony Correctional Center	44.4
Beckley Correctional Center	18.2
Charleston Work Release Center	9.0
Denmar Correctional Center	12.1
Huntington Work Release Center	27.3
Huttonsville Correctional Center	8.7
Mt. Olive Correctional Complex	22.1
Northern Correctional Center	6.3
Ohio County Correctional Center	15.8
Pruntytown Correctional Center	10.7
St. Mary's Correctional Center	16.4
Total	16.3

### **The Costs Associated With High Correctional Officer Turnover**

Correctional officer turnover presents problems for the Division of Corrections in addition to its negative impact on staffing. One consideration is the cost of pre-employment testing and processing. A psychological evaluation is administered to each candidate for employment at a cost of \$157.50 each. In addition, there is another \$325.00 in administrative costs. These administrative costs include a background check by the West Virginia Criminal Investigation Bureau and the

Federal Bureau of Investigation, the investigation of references, the costs of an interview team, physical agility testing, a physical exam and human resources processing. As officers resign, additional officers must be hired to replace them, thereby creating additional pre-employment costs.

Another important consideration when considering the costs of high turnover rates is the associated costs of overtime pay earned by officers who must work extra hours to compensate for the lack of staff. Overtime costs increased by 46% to approximately \$2.6 million from FY 2000 to FY 2001 (See Table 10). This increase in overtime costs is roughly equivalent to 129 Correctional Officer I positions.

The DOC's high overtime costs are, however, not only due to the resignation of officers already employed by the DOC, but are also caused by the demand for additional officers that has been created by the expansion of existing facilities. Facilities which were already understaffed, have had substantial numbers of beds added during recent years. One example is the Huttonsville Correctional Center, which employed 183 officers during 2000. At that time, The DOC conducted a manpower study in cooperation with the National Institute of Corrections. The study indicated that Huttonsville required 197.5 officers. For FY 1999, the DOC requested funding for an addition of 240 beds at Huttonsville and requested an additional 61 officers. For FY 2001, the DOC made a supplemental appropriation request to fund an additional 36 officers. This illustrates the increased demand for officers as the DOC expands previously under-staffed facilities.

<b>Table 10</b>			
<b>Overtime Costs by Correctional Institution</b>			
Facility	FY 1999	FY 2000	FY 2001
Anthony Correctional Center	\$95,005.05	\$21,211.31	\$100,698.92
Beckley Correctional Center	\$10,952.63	\$7,783.97	\$7,737.00
Charleston Work Release Center	\$19,222.67	\$12,899.11	\$18,704.39
Denmar Correctional Center	\$38,891.21	\$35,906.76	\$57,747.49
Huttonsville Correctional Center	\$475,516.70	\$463,919.13	\$683,972.12
Huntington Work Release Center	\$1,538.83	\$11,533.01	\$5,742.97
Mt. Olive Correctional Complex	\$970,025.15	\$1,024,062.55	\$1,261,278.97
Northern Correctional Center	\$82,868.28	\$44,008.89	\$46,072.14
Ohio County Correctional Center	\$7,702.07	\$6,826.04	\$20,170.61
Pruntytown Correctional Center	\$103,861.36	\$75,309.63	\$110,142.46
St. Mary's Correctional Center	\$52,114.59	\$77,694.20	\$295,185.62
Total	\$1,857,698.54	\$1,781,154.60	\$2,607,452.69

### **The DOC Has Only Recently Begun to Conduct Exit Interviews**

The DOC began conducting formal exit interviews with resigning correctional officers after July 1, 2001. Data collected from interviews will be collected by the DOC's Planning/Research Division. Without this data, it has not been possible for the DOC to target its recruitment/retention efforts. In the future, exit interview data should permit the DOC to identify the leading causes of officer resignations and act accordingly.

## **Conclusion**

It is clear that retaining officers has become more difficult for the DOC in recent years. Substantial costs are associated with high turnover rates among correctional officers and include additional overtime costs and pre-employment costs. However, high turnover can contribute to a more stressful and less safe environment when it is accompanied by overcrowded conditions. High turnover rates can be traced to the non-competitive salary levels for officers employed by the DOC when compared to those of other states and the Federal Bureau of Prisons. The lack of adequate staff and overcrowded facilities are intrinsic to DOC's problems and therefore need to be addressed simultaneously. The DOC cannot hope to hire adequate numbers of officers given current salary levels. To simply focus on providing additional bed space to alleviate overcrowded facilities ignores safety issues if there is inadequate staffing.

### **Recommendation 3:**

*The Legislature should consider appropriating additional funds for correctional officer salary increases in order to make the Division of Correction's salary levels more competitive with those of the Federal Bureau of Prisons and surrounding states and to provide an adequate supply of recruits to staff additions to existing institutions and any possible newly-constructed facilities.*

### **Issue 3: The Division of Corrections and the Regional Jail and Correctional Authority still use Separate Inmate Tracking Systems that are not Linked.**

This issue was originally identified in a 1994 report released by the Legislative Auditor's Office. The DOC's Prime computer system was originally installed by Main Hurdmand Certified Public Accountants during the last quarter of calendar year 1984. The tracking system (TRACK) was written for the Prime system in 1994 and is a text-based program that does not allow inmate pictures or graphics of any type. After issuing an RFP for a new tracking system, the DOC chose the Syscon Justice Systems, LTD. Inmate Information System in 1999. This is a PC-based system. The DOC did not obtain funding for implementation of the project until after a needs analysis was completed and cost projections were possible. The needs analysis indicated the need for this system. The DOC made budget requests for funding the new system each fiscal year from 1999 to 2002. The Legislature approved \$2,070,000 to fund implementation of the new system during FY 2002. A federal grant will provide another \$1,227,394. This will cover networking and wiring, hardware and printers, and software programs and licenses.

At present, the DOC is performing an internal implementation process to identify changes needed in the new system for proper operation with the Division. The interface with the Regional Jails portion of the new system should begin after partial or full implementation with the DOC.

### **Some Inmate Information is Only Available in Paper Form**

The Division of corrections has never had an adequate automated information system to either track or compute population projections. A great deal of inmate population data necessary to make accurate projections must be manually extrapolated from paper records provided by the Regional Jails. Creating a link between the DOC's new inmate tracking system and that of the Regional Jails will provide rapid access to accurate data.

In the past, the DOC usually had little or no information regarding an inmate's status other than that provided in the legal commitment order from a court. The physical and mental condition of inmates was seldom known prior to intake. Additionally, information regarding special management needs for threatened inmates, co-defendant separation, etc. was not available prior to intake.

### **Separate Computer System Currently Tracks Inmates in Jails**

The DOC developed an in-house computer program to better track DOC inmates currently housed in jails rather than DOC institutions. The computer program was on-line in mid 1993 and is being utilized as the systems data base for inmates housed in jails. This system has no connection with the courts or the jails and thus depends on the arrival of paper records in order to update the system.

The waiting list for transfer from regional jails to DOC institutions is maintained as the County Jail Inmates Sentenced to DOC (CJISD) computer program and is updated when additional information is received from courts and/or jails. This may include information on additional sentences, amended orders, jail releases, custody documents following re-consideration hearings, etc. Notification of changes in status may come from courts or jails. Although the DOC needs copies of all actions by a court following an original commitment, such information is usually provided by jail staff who, upon request, provide the Division Of Corrections Movement Officer with copies of jail release forms which are completed when an inmate goes to court and is released from custody. The CJISD program records the information and the inmate's transfer status is changed. Also any information received through written or verbal communications between the Division Of Corrections Movement Unit and jails regarding special needs, management problems, specific incidents, co-defendant separation, suicide or escape attempts, etc. is noted in the CJISD program. The inmate's CJISD record is utilized by intake staff at DOC institutions upon arrival and intake processing. The jail staff communicates inmate information to the Central Office Movement Unit where they enter the data. The availability of this information is dependant on cooperation from jail staff. Upon transfer to a DOC institution, an inmate's record is no longer maintained on the CJISD system but rather on the TRACK system mentioned earlier.

## **The Regional Jail and Correctional Facility Authority Inmate Tracking System**

The Regional Jail and Correctional Facility Authority currently uses the TAG system, Process and Financial Modules, as the primary software vehicle to track inmates within each facility. The system was first implemented at the South Central Regional Jail in June 2000 and is now operational at all eight Regional Jail facilities.

The DOC has been identifying components of its new tracking system that need to be modified to be compatible with the TAG system. The DOC is scheduled to implement the DOC specific TAG components in July 2002. Modifications in the DOC's new system should be adequate to create the link with the TAG system, however, the Regional Jail and Correctional Authority currently does not have funds earmarked for this project.

## **Conclusion**

The implementation of the Syscon Justice Systems, LTD. Inmate Information System during FY 2002 will replace the old Prime inmate tracking system and should facilitate the flow of data between the DOC and the Regional Jails. The inadequacy of the previous data system was identified by the Legislative Auditor's Office as far back as 1994. It is important that full implementation of the new system is carried out and that the DOC ensures that it functions in the manner in which it is intended.



**Recommendation 4:**

*The Division of Corrections should ensure that data on inmate legal status and other information that impacts inmate management is incorporated into its new inmate tracking system.*

**Recommendation 5:**

*The Division of Corrections, with the cooperation of the Regional Jail Authority, should ensure that its new inmate tracking system is linked with that of the Regional Jail and Correctional Authority when it is fully operational.*



**Issue 4: The Lack of Stable Tenure of the Commissioner Position Impairs the Division’s Long-Term Planning.**

The DOC has had a turnover of new leadership on the commissioner level during recent years (see Table 11). The DOC has frequently been led by acting commissioners while awaiting the appointment of permanent commissioners. Three different commissioners have led the DOC since 1999. This lack of stable leadership has coincided with a failure to act in a timely and adequate manner regarding the Supreme Court of Appeals’ requirement for a long-term housing plan to deal with inmate overcrowding. **Logically, long-term planning for significant problems is not facilitated by the Division’s unstable leadership.**

07/01/80 through 02/28/85	Joe McCoy	Commissioner
03/01/85 through 12/30/88	A.V. Doddrell	Commissioner
12/31/88 through 01/16/89	William Whyte	Acting Commissioner
01/16/89 through 03/16/92	Ronald Gregory	Commissioner
03/17/92 through 03/31/92	William Whyte	Acting Commissioner
04/01/92 through 07/31/97	Nick Hun	Commissioner
08/01/97 through 03/10/99	William Davis	Commissioner
03/11/99 through 04/03/99	William Duncil	Acting Commissioner
04/04/99 through 02/13/01	Paul Kirby	Commissioner
02/14/01 through present	Jim Rubenstein	Commissioner

**Conclusion**

The DOC’s unstable leadership has inhibited the Division’s ability to conduct long-term planning. The result has been a reliance on short-term solutions to the problem of inmate overcrowding and staffing issues that require sustained and detailed planning. Therefore, the following recommendation is made.

**Recommendation 6:**

*The Legislature and the Secretary of Military Affairs and Public Safety should consider methods to improve tenure stability in the commissioner position of the Division of Corrections.*



**APPENDIX A**

**Transmittal Letter to Agency**



**WEST VIRGINIA LEGISLATURE**  
*Performance Evaluation and Research Division*

Building 1, Room W-314  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0610  
(304) 347-4890  
(304) 347-4939 FAX



John Sylvia  
Director

November 28, 2001

Jim Rubenstein, Commissioner of Corrections  
West Virginia Division of Corrections  
112 California Ave.  
Bldg. 4, Room 300  
Charleston, WV 25305

Dear Mr. Rubenstein:

This is to transmit a draft copy of the Full Performance Audit on the Division of Corrections. This report is scheduled to be presented at the Sunday, December 9, 2001, interim meeting of the Joint Committee on Government Operations. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committee may have. We would like to schedule an exit conference to discuss the report with you at 10:00 a.m. on Friday, November 30, 2001 or Monday, December 3, 2001, if this is convenient with you. The copy of the report you receive may be slightly different from the final report given to the legislative committee as we are awaiting additional data. We will inform you of any changes made to the report. We would appreciate your written response by noon on Thursday, December 6, 2001 in order for it to be included in the final report.

Thank you for your cooperation.

Sincerely,

Handwritten signature of John Sylvia in cursive script.  
John Sylvia

JS/ec

c: Joe Martin, Secretary, Department of Military Affairs and Public Safety

\_\_\_\_\_ *Joint Committee on Government and Finance* \_\_\_\_\_





**APPENDIX B**

**Correctional Officer Losses: 1996-2000**



Correctional Officer Losses 1996								
Location	CO I	CO II	CO III	CO IV	CO V	CO VI	CO VIII	Total
Central Office								
Parole Services								
Charleston Work Release Center								
Beckley Cor. Center								
Huntington Work Release Center								
Anthony Cor. Center								
Huttonsville Cor. Center	3	5						8
Corrections Academy								
Special Services								
Pruntytown Cor. Center		1						1
Denmar Cor. Center	11							11
Mt. Olive Cor. Complex	66	2		1		1		70
Northern Cor. Center	4	3		1	1	1		10
Prison Industries								
St. Mary's Cor. Center								
Total	84	11		2	1	2		100

Correctional Officer Losses 1997								
Location	CO I	CO II	CO III	CO IV	CO V	CO VI	CO VIII	Total
Central Office								
Parole Services								
Charleston Work Release Center								
Beckley Cor. Center		1						1
Huntington Work Release Center	1							1
Anthony Cor. Center	2							2
Huttonsville Cor. Center	5	2	1					8
Corrections Academy								
Special Services								
Pruntytown Cor. Center	1	4	1			1		7
Denmar Cor. Center	2	1						3
Mt. Olive Cor. Complex	55	7						62
Northern Cor. Center	7	2			1	1		11
Ohio County Cor. Center								
Prison Industries								
St. Mary's Cor. Center								
Total	73	17	2		1	2		95

Correctional Officer Losses 1998								
Location	CO I	CO II	CO III	CO IV	CO V	CO VI	CO VIII	Total
Central Office								
Parole Services								
Charleston Work Release Center								
Beckley Cor. Center		2						2
Huntington Work Release Center								
Anthony Cor. Center	1	2	1		1			5
Huttonsville Cor. Center	5	6	3		1	1		16
Corrections Academy								
Special Services								
Pruntytown Cor. Center	2	2						4
Denmar Cor. Center	4	1	1					6
Mt. Olive Cor. Complex	25	6	2	2	1			36
Northern Cor. Center	2	3	2					7
Ohio County Cor. Center	1							1
Prison Industries								
St. Mary's Cor. Center	10	1			1			12
Total	50	23	9	2	4	1		89

Correctional Officer Losses 1999								
Location	CO I	CO II	CO III	CO IV	CO V	CO VI	CO VIII	Total
Central Office								
Parole Services								
Charleston Work Release Center	1	2						3
Beckley Cor. Center		1						1
Huntington Work Release Center	1	1						2
Anthony Cor. Center	10	3						13
Huttonsville Cor. Center	10	2					1	13
Corrections Academy								
Special Services								
Pruntytown Cor. Center	2	1		1			1	5
Denmar Cor. Center	4	4	1					9
Mt. Olive Cor. Complex	39	11		1		1		52
Northern Cor. Center	8	2	1					11
Ohio County Cor. Center	2							2
Prison Industries								
St. Mary's Cor. Center	11	2	1					14
Total	88	29	3	2		1	2	125

Correctional Officer Losses 2000								
Location	CO I	CO II	CO III	CO IV	CO V	CO VI	CO VIII	Total
Central Office								
Parole Services								
Charleston Work Release Center		1						1
Beckley Cor. Center	1	1						2
Huntington Work Release Center	1	2						3
Anthony Cor. Center	19	4		1				24
Huttonsville Cor. Center	6	7	1		1	1		16
Corrections Academy								
Special Services								
Pruntytown Cor. Center	7	1	1					9
Denmar Cor. Center	3	3		1				7
Mt. Olive Cor. Complex	32	14	2					48
Northern Cor. Center	3	1		1				5
Ohio County Cor. Center	2		1					3
Prison Industries								
St. Mary's Cor. Center	18	3	1					22
Total	92	37	6	3	1	1		140





**APPENDIX C**

**Correctional Officer Positions by Facility: 1996-2000**



FY 1996 Correctional Officer Positions														
	CO I		CO II		CO III		CO IV		CO V		CO VI		CO VII	
Facilities	Total	Vacant	Total	Vacant	Total	Vacant	Total	Vacant	Total	Vacant	Total	Vacant	Total	Vacant
<b>MOC C</b>	203	12	7	1	2	0	8	0	3	0	5	3	0	0
<b>HCC</b>	44	0	46	0	33	4	12	0	4	0	5	0	1	0
<b>SMC C</b>	----	-----	----	-----	----	-----	----	-----	----	-----	----	-----	----	-----
<b>PCC</b>	10	1	21	2	1	0	8	0	2	0	3	0	1	0
<b>DCC</b>	19	2	5	3	4	0	1	0	3	0	0	0	1	0
<b>ACC</b>	8	0	11	0	1	0	7	1	1	0	1	0	0	0
<b>BCC</b>	7	0	2	0	0	0	0	0	1	0	0	0	0	0
<b>OCC F</b>	----	-----	----	-----	----	-----	----	-----	----	-----	----	-----	----	-----
<b>NCF</b>	14	0	38	0	6	0	7	0	4	0	3	0	1	0
<b>CWR</b>	7	0	2	0	0	0	0	0	1	0	0	0	0	0
<b>HW R</b>	9	0	0	0	0	0	0	0	1	0	0	0	0	0
<b>Total s</b>	321	15	132	6	47	4	43	1	20	0	17	3	4	0

FY 1997 Correctional Officer Positions														
Facilities	CO I		CO II		CO III		CO IV		CO V		CO VI		CO VII	
	Total	Vacant	Total	Vacant	Total	Vacant	Total	Vacant	Total	Vacant	Total	Vacant	Total	Vacant
MOCC	177	6	25	1	12	0	8	2	6	0	2	0	0	0
HCC	36	1	42	0	28	0	11	0	4	0	5	0	1	0
SMC	----	----	----	----	----	----	----	----	----	----	----	----	----	----
PCC	14	1	22	3	1	1	8	0	2	0	3	0	1	0
DCC	23	2	11	0	4	0	1	0	3	0	0	0	1	0
ACC	9	0	10	1	1	0	7	0	1	0	1	0	0	0
BCC	8	0	2	0	0	0	0	0	1	0	0	0	0	0
OCC	----	----	----	----	----	----	----	----	----	----	----	----	----	----
F	-		-		-		-		-		-		-	
NCF	16	0	40	2	7	0	7	0	5	0	1	0	1	0
CWR	1	0	9	0	0	0	0	0	1	0	0	0	0	0
HW	9	0	1	0	0	0	0	0	1	0	0	0	0	0
R														
Totals	293	10	162	7	53	1	42	2	24	0	12	0	4	0

FY 1998 Correctional Officer Positions														
Facilities	CO I		CO II		CO III		CO IV		CO V		CO VI		CO VII	
	Tot al	Vac ant	Tot al	Vac ant	Tot al	Vac ant	Tot al	Vac ant	Tot al	Vac ant	Tot al	Vac ant	Tot al	Vac ant
MOC C	133	29	66	4	16	2	6	1	6	1	2	0	0	0
HCC	23	0	54	2	28	1	12	0	4	1	5	0	1	0
SMC C	----	-----	----	-----	----	-----	----	-----	----	-----	----	-----	----	-----
PCC	13	1	22	0	1	0	8	0	3	1	3	0	1	0
DCC	24	1	9	1	5	1	1	0	3	0	0	0	1	0
ACC	22	14	25	15	5	3	7	0	5	4	1	0	1	1
BCC	4	0	6	0	0	0	0	0	1	0	0	0	0	0
OCC F	----	-----	----	-----	----	-----	----	-----	----	-----	----	-----	----	-----
NCF	20	0	37	0	7	0	8	0	5	1	1	0	1	0
CWR	0	0	10	0	0	0	0	0	1	1	0	0	0	0
HWR	5	0	5	0	0	0	0	0	0	0	0	0	0	0
Total	244	45	234	22	62	7	42	1	28	9	12	0	5	1

FY 1999 Correctional Officer Positions														
	CO I		CO II		CO III		CO IV		CO V		CO VI		CO VII	
Faci lities	Tot al	Vac ant	Tot al	Vac ant	Tot al	Vac ant	Tot al	Vac ant	Tot al	Vac ant	Tot al	Vac ant	Tot al	Vac ant
MO CC	11 1	22	80	16	18	2	8	1	8	2	2	1	1	0
HC C	55	3	57	7	31	1	11	1	4	0	5	0	1	0
SM CC	72	2	5	0	12	6	13	4	7	1	2	1	1	0
PCC	19	0	24	2	2	0	8	0	2	0	3	0	1	0
DC C	27	2	11	1	5	0	1	0	3	1	0	0	1	0
AC C	26	3	19	10	5	1	8	2	5	2	0	0	1	0
BC C	2	0	8	0	0	0	0	0	1	0	0	0	0	0
OC CF	16	2	1	1	0	0	0	0	1	0	0	0	0	0
NCF	21	2	35	2	9	2	8	0	4	1	1	0	1	0
CW R	0	0	10	0	0	0	0	0	0	0	0	0	0	0
HW R	4	0	6	0	0	0	0	0	0	0	0	0	0	0
Tota l	35 3	36	25 6	39	82	12	57	8	35	7	13	2	7	0

FY 2000 Correctional Officer Positions														
Facilities	CO I		CO II		CO III		CO IV		CO V		CO VI		CO VII	
	Total	Vacant	Total	Vacant	Total	Vacant	Total	Vacant	Total	Vacant	Total	Vacant	Total	Vacant
MOC C	88	19	99	16	19	3	11	1	8	4	3	0	1	0
HCC	56	7	55	4	32	5	15	0	5	0	5	1	1	0
SMC C	77	6	8	2	8	1	12	0	6	0	1	0	1	0
PCC	44	16	22	0	7	5	9	1	2	0	3	0	1	0
DCC	36	14	14	1	3	0	3	0	3	0	0	0	1	0
ACC	37	4	11	4	4	0	5	0	4	1	0	0	2	0
BCC	4	3	10	1	0	0	0	0	1	0	0	0	0	0
OCC F	15	0	0	0	3	0	0	0	1	0	0	0	0	0
NCF	29	5	29	1	7	1	8	0	5	0	1	0	1	0
CWR	4	1	10	1	0	0	0	0	0	0	0	0	0	0
HWR	6	1	7	0	0	0	0	0	0	0	0	0	0	0
Total	396	76	265	30	83	15	63	2	35	5	13	1	8	0





**APPENDIX D**

**Map of Correctional Facilities in West Virginia**



## WV Correctional Facilities





**APPENDIX E**  
**Agency Response**





STATE OF WEST VIRGINIA  
DEPARTMENT OF MILITARY AFFAIRS & PUBLIC SAFETY  
DIVISION OF CORRECTIONS



BOB WISE  
GOVERNOR

JIM RUBENSTEIN  
COMMISSIONER

JOE MARTIN  
SECRETARY

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112 CALIFORNIA AVENUE-STATE CAPITOL COMPLEX  
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PERFORMANCE EVALUATION AND RESEARCH DIVISION

December 5, 2001

RECEIVED  
DEC 05 2001

Mr. John Sylvia  
West Virginia Legislature  
Performance Evaluation and Research Division  
Building 1, Room W-314  
Charleston, West Virginia 25305

Dear Mr. Sylvia:

Thank you for the opportunity to review the draft version of the Full Performance Evaluation on the Division of Corrections. Attached please find our Division's response to the issues raised in the report.

I would like to take this opportunity to commend your Performance Evaluation and Research Division staff for their professionalism and demeanor in conducting this full performance evaluation. The PERD staff and the DOC staff cooperated fully, and we hope the result of this collaboration will be an improved Division of Corrections.

Should you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

Jim Rubenstein  
Commissioner

JR:lcb

enc.

cc: Joe Martin, Cabinet Secretary  
Wyetta Fredericks, Deputy Commissioner  
Loita Butcher, Executive Assistant

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**RESPONSE BY THE WEST VIRGINIA DIVISION OF CORRECTIONS  
TO THE FULL PERFORMANCE EVALUATION  
CONDUCTED BY THE  
PERFORMANCE EVALUATION AND RESEARCH DIVISION  
OF THE LEGISLATIVE AUDITOR'S OFFICE  
DECEMBER 4, 2001**

**ISSUE 1: LONG TERM PLANS TO EXPAND FACILITIES TO ADDRESS OVERCROWDED INMATE POPULATION MUST ALSO ADDRESS STAFFING AND TRAINING ISSUES AT NEW AND EXISTING DOC FACILITIES TO ENSURE SAFETY OF INMATES, DOC EMPLOYEES AND THE PUBLIC.**

**Recommendation 1: The Doc should monitor the length of time newly hired officers work in institutions before receiving their academy training and amend existing DOC policy to ensure that they receive their training in a more timely fashion.**

**RESPONSE TO RECOMMENDATION NUMBER 1**

*The Division of Corrections is aware of this security issue and shall track the timeliness of new hires receiving training. The Agency has, as Table 4 illustrates, trained one-hundred sixty-nine (169) Correctional Officers out of the two-hundred forty-nine (249) or 68% employed during the examination period within four (4) months of hire. Our current Policy requires this task be accomplished within twelve (12) months of employment. New employees also receive forty (40) hours of orientation at their respective facilities. We will examine the seventeen (17) or 7% who did not finish their Basic Training within twelve (12) months of employment as directed by current Policy.*

*We are currently in the process of putting in place a policy (proposed effective date of 01/01/02) requiring mandatory attendance of newly hired Correctional Officers in the first scheduled Basic Training Class provided by the West Virginia Correctional Academy. This should make the Academy process more efficient and provide us with greater latitude in scheduling Basic Training for new employees.*

**Recommendation 2: The DOC should increase its efforts to fill all vacant budgeted correctional officer positions as soon as possible.**

**RESPONSE TO RECOMMENDATION NUMBER 2**



*The Division of Corrections is exploring ways to enhance the number of qualified applicants from which we fill vacant positions. Correctional environments require close applicant scrutiny and a number of applicants do not meet our requirements. There are many barriers to effectively recruit Correctional Officers and other disciplines for the Division of Corrections, including mandated psychological testing, salary issues, general perception of the working environment, lengthy employment process and competition from the federal government to name a few.*

*We are currently involved in a Task Force, partnered with the West Virginia Division of Personnel, The Governor's Workforce Investment Board, the West Virginia Opportunity Council, the Regional Jails and Correctional Facilities Authority and the Division of Juvenile Services that is focusing on recruiting and retention efforts. During the last six (6) months, the number of vacancies at some facilities has decreased significantly. For example, given that numbers can change daily, Mount Olive Correctional Complex just recently had as few as 10 vacant security positions contrasted with Table 3's forty-three (43) vacant budgeted security positions for FY-2000. This is somewhat encouraging and in early January 2002, we will have in place a written plan for recruiting to be instituted and carried out by all facilities. We must expand our qualified applicant pool to select from in order to fill vacant budgeted positions and streamline the employment process to make it much more efficient. In addition, we have created an Exit Interview process that will provide valuable data as to why people sever their employment relationship with the Division of Corrections.*

**ISSUE 2: THE DOC'S CORRECTIONAL OFFICERS ARE PAID LESS THAN FEDERAL CORRECTIONAL OFFICERS AND THOSE IN SURROUNDING STATES, CONTRIBUTING TO HIGH EMPLOYEE TURNOVER RATES.**

**Recommendation 3: The Legislature should consider appropriating additional funds for correctional officer salary increases in order to make the Division of Correction's salary levels more competitive with those of the Federal Bureau of Prisons and surrounding states and to provide an adequate supply of recruits to staff additions to existing institutions and any possible newly-constructed facilities.**

### **RESPONSE TO RECOMMENDATION NUMBER 3**

*The Division of Corrections concurs with this recommendation. Since FY 1994, the Division of Corrections has requested salary upgrades for correctional officers and other employees in our budget requests with specific reference to the federal officer's salary. The Legislature has funded salary upgrades, which has increased the entry-level salary for correctional officers from \$13,224.00 in 1993 to the present salary in July 2001 of \$20,124.00. It is our position to continue requesting salary upgrades.*

**ISSUE 3: THE DIVISION OF CORRECTIONS AND THE REGIONAL JAIL AND CORRECTIONAL AUTHORITY STILL USE SEPARATE INMATE TRACKING SYSTEMS THAT ARE NOT LINKED.**

**Recommendation 4: The Division of Corrections should ensure that data on inmate legal status and other information that impacts inmate management is incorporated into its new inmate tracking system.**

**RESPONSE TO RECOMMENDATION NUMBER 4**

*We currently have funding through federal grants to convert existing data from our old inmate system over to the newer Syscon TAG inmate information system. There have been many meetings between the Corrections Information Technology Department, Syscon Justice Systems, Regional Jails Computer Department, and a consultant from MAPS. These group meetings are not only for conversion of data but also to insure that the newer TAG system incorporates data that was not included in the older inmate system. We essentially will have the same system as Regional Jails but with information unique to Corrections that is not required by Regional Jails. The conversion of data should take place within the first quarter of 2002. The implementation of the Corrections side of the Syscon TAG inmate system is scheduled to begin in early July 2002.*

**Recommendation 5: The Division of Corrections, with the cooperation of the Regional Jail Authority, should ensure that its new inmate tracking system is linked with that of the Regional Jail and Correctional Authority when it is fully operational.**

**RESPONSE TO RECOMMENDATION NUMBER 5**

*The Request for proposal, initiated approximately two years ago, was a joint effort between the Division of Corrections and the Regional Jail and Correctional Facility Authority. The system as proposed will be linked between both agencies. In fact, we are sharing management resources and the Regional Jail staff is an integral part of the Division of Correction's implementation of the system. We will continue to work together for the success of the system. The new Syscon TAG inmate information system for corrections will be housed at the Regional Jails computer department on computer equipment purchased by the Division of Corrections and currently in operation at Regional Jails central office. The location of the Syscon computer system at a single site will insure the sharing of inmate information and report capability. One of many meetings between Syscon, Corrections, and Regional Jails concerning the computer network and the information link will begin December 4<sup>th</sup> 2001 and continue until the project is completed.*

**ISSUE 4: THE LACK OF STABLE TENURE OF THE COMMISSIONER POSITION IMPAIRS THE DIVISION'S LONG-TERM PLANNING.**

**Recommendation 6: The Legislature and the Secretary of Military Affairs and Public Safety should consider methods to improve tenure stability in the commissioner position of the Division of Corrections.**

**RESPONSE TO RECOMMENDATION NUMBER 6**

*The position of Commissioner of the Division of Corrections is appointed by the Governor. The current administration and the Secretary of Military Affairs and Public Safety believe the current selection process is appropriate. The administration has in the past and will continue to devote the attention necessary to assure stability and continuity in the office of Commissioner to the highest degree possible.*

