

ALASKA STATE LEGISLATURE

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March 30, 2010

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

DEPARTMENT OF CORRECTIONS SELECTED HEALTH AND SAFETY ISSUES, PART 2

March 5, 2010

Audit Control Number
20-30053B-10

The purpose of the audit was to determine the validity of the Department of Corrections, Division of Institutions' methodology used for staffing patterns at the correctional facilities and the reasonableness of the staffing policies and procedures, including the minimum level of correctional officers on shift at the correctional facilities. This report addresses two of the five objectives of the original audit request, and as such, is identified as Part 2.

The audit was conducted in accordance with generally accepted government audit standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Fieldwork procedures utilized in the course of developing the findings and recommendations presented in this report are discussed in the Objectives, Scope, and Methodology.

A handwritten signature in black ink that reads "Pat Davidson".

Pat Davidson, CPA
Legislative Auditor

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Title 24 of the Alaska Statutes and a special request by the Legislative Budget and Audit Committee, we conducted a performance audit to determine: (1) the extent of Methicillin-Resistant Staphylococcus Aureus (MRSA) infections among inmates; (2) the frequency of MRSA infections among the DOC, Division of Institutions' (DOI) correctional officers (CO); (3) the adequacy of protocols for staff when handling incidents of MRSA among inmates; (4) the validity of DOI's methodology used for staffing patterns at Alaska's correctional facilities; and (5) the reasonableness of the staffing policies and procedures, including the minimum level of correctional officers on shift at the correctional facilities.

Objectives

The objectives of Part 2 of the audit are two-fold. The first objective is to determine the validity of the DOC, Division of Institutions' (DOI) methodology used for staffing patterns at Alaska's correctional facilities.

In order to determine the validity of DOI's methodology for staffing patterns, we considered three elements: (1) whether the overall approach to establishing staffing was nationally recognized; (2) whether the factors used to determine the shift relief factor (SRF) are still valid; and (3) whether the currently utilized posts are efficient and effective.

The second objective is to determine the reasonableness of DOI's staffing policies and procedures – including policies for establishing the minimum number of correctional officers on shift at the correctional facilities.

Scope

The scope of the audit was limited to a sample of the in-state correctional facilities. Four of the twelve in-state correctional facilities were selected: Anchorage Correctional Complex (ACC), Anvil Mountain Correctional Center (AMCC), Fairbanks Correctional Center (FCC), and Spring Creek Correctional Center (SCCC).

The selection of these facilities provided a cross-section of the in-state facilities. The selection factors included:

- Major intake facilities (ACC, AMCC, and FCC had 69 percent of the in-state facilities' inmate intakes in 2008);
- Facilities located in both rural and urban communities;
- A facility with long-term sentenced inmates (SCCC); and
- Facilities with security classifications of Level 2 or Level 3.¹ All facilities house all four custody levels of inmates: minimum, medium, close, and maximum.²

¹The three security level classifications of correctional facilities, based on design, are: *level 1* - minimum and community; *level 2* - close and medium; and *level 3* - maximum and close.

²There is also a community classification, but the community classification is generally applicable to prisoners housed in a community residential center, restitution center, or other residential program approved by the DOC commissioner.

As of December 31, 2008, these facilities held 51 percent of the approximately 3,400 statewide inmate population.³

Methodology

In 2005 and 2007, DOC contracted with a corrections consultant. In 2005, the DOC consultant determined a statewide SRF to identify the number of employees necessary to staff existing posts. In 2007, the same consultant performed an evaluation of the security posts at five of DOC's in-state correctional facilities.⁴ We reviewed both studies and performed the following in relation to the studies:

- Compared the methodology used in the 2005 study to the methodology described in a National Institute of Corrections' (NIC) publication.⁵
- Compared the studies to similar staffing studies for other states' correctional facilities.
- Interviewed DOC's consultant regarding the scope, methodology, and results of the two studies.
- Interviewed the superintendent at each of the three reviewed facilities that were included in the 2007 study to determine whether or not the recommendations made by DOC's consultant were implemented.
- Interviewed DOI's deputy director concerning the methodology DOC used to determine staffing needs for FY 09.
- Evaluated the "*Staffing/Post Review*" document⁶ written by the DOI deputy director as it related to the implementation of the studies.

We utilized the *Prison Staffing Analysis, a Training Manual*,⁷ Chapter 8, "*Developing the Shift Relief Factor*" as a guideline for the staffing analysis. Certain definitions are helpful in understanding this staffing methodology; they include:

³This does not include any inmates held outside the State.

⁴The five facilities of the 2007 study were the Anchorage Correctional Complex, the Fairbanks Correctional Center, the Hiland Mountain Correctional Center, the Spring Creek Correctional Center, and the Palmer Correctional Center.

⁵Dennis R. Liebert and Rod Miller, *Staffing Analysis Workbook for Jails*, 2d Ed., National Institute of Corrections, Washington D.C., March 2003, pp. 8 – 10.

⁶This document discusses the staffing issues the new 2007 administration faced and the measures DOC management took to begin addressing those issues, including changing the emergency and maximum capacity level of the in-state facilities based on their count of beds and applying the SRF from the 2005 staffing study to determine the budgeted CO positions for FY 09.

⁷Camille Graham Camp et al, *Prison Staffing Analysis, a Training Manual*, National Institute of Corrections, Washington D.C., 2008.

- A *relief factor* is the number of full-time equivalent positions (FTE) needed to fill a post on a continuous basis during a single shift.
- A *post* is a correctional officer (CO) position that is defined by the location, time and duties but may be staffed interchangeably by a number of COs. Posts are either *mandatory*, meaning they may not be left unmanned; *essential*, meaning they may be temporarily left unmanned; or *important*, meaning that they may be manned on a irregular basis without adversely affecting operations.

The SRF required may vary according to job classification and the post schedule. In calculating staffing requirements, the SRF is multiplied by the number of positions assigned to a specific post to determine the number of staff necessary to provide relief for the post. Relief of a post may be necessary if the assigned CO is on leave, away for training, or needs a meal or personal break. If the assigned CO separates from the job and leaves the position vacant, the time that it takes to fill the vacancy must also be covered by relief. (See Exhibit 1 below for the calculation worksheet.)

Exhibit 1

Calculation Worksheet for Shift Relief Factor Using Net Annual Work Hours	
1. Total hours per employee per year	_____
2. Average number of leave hours per employee per year (this includes personal, sick, court, union business, military, workers' compensation, disciplinary leave without pay, and other leave without pay)	_____
3. Number of hours for meal/break per employee per year	_____
4. Average number of initial training hours per new employee per year	_____
5. Average number of training hours per employee per year	_____
6. Average number of hours of vacancies until positions are filled	_____
7. Total Hours off per employee per year (add lines 2 through 6)	_____
8. Net annual work hours (subtract Line 7 from Line 1)	=====
9. Hours in basic shift	_____
10. Shifts per day	_____
11. Days per week	_____
12. Total hours post staffed per year ((Line 9 X Line 10 X Line 11) X 26 weeks) ⁸	=====
13. Shift Relief Factor (Line 12/ Line 8)	_____
14. Shift Relief Factor for one 7-day, 12 hour post (Line 13 X 2)	_____
15. Shift Relief Factor for one 7-day, 24 hour post (Line 14 X 2)	_____

⁸COs work 26 weeks of the year due to the one week on, one week off schedule.

In order to recalculate the SRF for each facility, we:

- Identified if the post had been designated by management as mandatory, essential, or important.
- Reviewed the post orders⁹ at each facility to determine (a) the duties and (b) the shift hours and days that the post is required to be manned.
- Analyzed the final personal services management plans obtained from DOC's Division of Administrative Services staff for FY 06 through FY 10. Through discussions with facilities' management, comparing the position control numbers to positions that received compensation from January 1, 2007 through May 15, 2009, and reviewing data in the state's payroll system, we determined the positions listed on the management plans that were actually funded and allowed to be filled.
- Determined the pay periods that a position was vacant by utilizing the payroll data for the timeframe mentioned above.
- Obtained the *Detail Leave Transactions* reports for calendar years (CY) 2007 through April 2009. Using these reports, we determined for each CO the personal leave accrued¹⁰ and taken, and other leave taken – such as worker's compensation leave, union business leave, military leave, donated leave used, leave without pay, and disciplinary leave without pay.
- Reviewed the CY 07 and 08 records for trainings held at DOC's Training Academy to determine the number of training hours for COs at the four facilities. Additionally, we analyzed in-house training records from each of the four facilities for the same period. These training sessions required COs to be in a classroom setting or other location away from his/her assigned post. Using the academy and in-house records, we determined the average number of training hours that required the absence of a CO from a post.

Based on the information obtained and utilizing the worksheet in Exhibit 1 (previous page), we recalculated the SRF for each of the four correctional facilities. This revised SRF was then compared to DOI's SRF calculated in 2005.

⁹Post orders are written descriptions of the duties, responsibilities, and emergency procedures for a CO assigned to a particular post.

¹⁰According to DOC's consultant, an estimate of accrued leave was used for the 2005 SRF because DOC management and union representatives believed it was more appropriate than leave taken. Therefore, we calculated both actual leave accrued and leave taken. The difference was immaterial, and all NIC's staffing analysis publications since 1981 state that actual time off is to be used; so, we used actual leave taken.

In order to gain an understanding of each of the facility's staffing patterns, during April and May 2009, we toured each facility to observe the facility layout, procedures for relieving posts, types of supervision,¹¹ and interviewed various COs at their posts and other administrative correctional officers.¹² Discussions regarding staffing issues and minimum staffing levels were held with the superintendents and other management staff at each facility.

In order to gain an understanding of the operations of each facility and to assist in the evaluation of the security posts, we obtained the following information for each facility:

- A facility mission statement and organization chart;
- The discretionary and nondiscretionary programs for inmates;
- An operations functions schedule (i.e., shift changes, meals, showers, lockdowns, and counts);
- A program/services activities schedule (such as visitation, work programs, education classes, group therapy, and religious services);
- The blueprint plans of the facility identifying housing units and cells, and areas for medical, booking/intake, programs, recreation, etc.;
- The general and maximum capacity for inmates;
- The reports on incidences of inmate misconduct for CY 07 through September 2009; and
- The CO overtime usage reports for CY 07 through April 2009.

The evaluation of the efficiency and effectiveness of security posts in a correctional facility requires expertise the audit staff did not possess. Therefore, we contracted with a consultant through the American Correctional Association (ACA) to assist in the evaluation of the security posts at each of the four facilities. (See Appendix F for the consultant's resume.)

Prior to his arrival, the consultant was provided a written summary of each facility's operations – including the general institutional information regarding each facility's description, mission, goals, and demographic information relative to offender population and staffing. Additionally, we provided detailed post plans for each facility.¹³

The consultant and audit staff toured each of the four facilities during the week of June 1, 2009. The consultant interviewed various COs at posts, administrative sergeants, and

¹¹Supervision of inmates in housing units is direct, indirect, or a combination thereof. Direct supervision requires a CO in the housing unit to allow for face-to-face, substantive communications with the inmates. Indirect supervision is provided by a CO with barriers between the officers and inmates (e.g., officers stationed in a control room with access to locking controls for the unit).

¹²Administrative or 'non-shift' CO positions perform duties related to inmate and facility records, inmate discipline procedures, inmate time accounting records, compliance with facility and departmental policies and procedures, overall security of the facility, and inmate property records. Duties generally do not include inmate custody responsibilities, except as a secondary responder to a special incident or emergency.

¹³We did not provide him with copies of the 2005 or 2007 studies that were conducted by a consultant for DOC. This allowed our consultant to form his own opinions regarding the establishment of posts and related staffing at each facility.

lieutenants. We met with the superintendent of each facility prior to the tour to explain the process and again after the tour to discuss the consultant's observations.

Based on the information gathered on each of the four facilities, interviews, and observations of facility operations, the consultant provided a synopsis regarding proposed changes to the number and location of posts.¹⁴

We reviewed the following information to gain an understanding and to determine the reasonableness of the staffing policies and procedures of Alaska's correctional facilities, including the minimum level of COs that should be on shift at the correctional facilities.

- Alaska Statute 33.30, Prison Facilities and Prisoners;
- Alaska Administrative Code 22.05, Adult Facilities;
- Alaska Statute 18.65, Alaska Police Standards Council;
- Alaska Administrative Code 13.85, Article 2, Minimum Standards for Probation, Parole, Correctional, and Municipal Correctional Officers;
- Alaska Administrative Code 13.87, Article 2, Certification of Probation, Parole, and Correctional Officer Training Programs;
- Alaska Department of Corrections policies and procedures;
- Standard operating procedures¹⁵ (SOPs) for each of the four facilities; and
- Post orders for the correctional officer posts at each of the four facilities.

Then, we interviewed the DOC Operations deputy commissioner, DOI's deputy director, and the Training Academy director concerning the hiring and training of COs.

Each facility has a minimum level of CO staffing¹⁶ that is required to be on shift. We reviewed each facility's shift supervisor reports for the last six months of CY 08 to determine whether the number of COs on duty at each shift met the minimum level staffing requirement.

We did not calculate staff to inmate ratios for each of the facilities for comparison purposes. The staff to inmate ratio is not an accurate measure of the adequacy of staffing. Since 1988, experts have discouraged using staffing ratios.¹⁷ In 2008, an NIC specialist wrote, "*ACA and NIC do not advocate using inmate-staff ratios as a means for determining adequate supervision of offenders or post coverage.*"¹⁸

¹⁴The consultant's professional background makes him aware that fiscal limitations will always, to some degree, have a role in determining overall staffing. So while the consultant's recommendations will be made with the recognition of an overall fiscal limitation, he was given no specific fiscal limitations on his recommendations.

¹⁵These procedures are specific to the facility and are used to implement certain departmental policies.

¹⁶Minimum staffing levels have been identified by the facility superintendent.

¹⁷Barbara Krauth, *Staff/Inmate Ratios: Why It's So Hard to Get to the Bottom Line*, National Institute of Corrections, Washington, D.C., 1988

¹⁸Quote from an August 14, 2008 email from Sandy Schilling, a Jail Specialist with NIC.

ORGANIZATION AND FUNCTION

The mission of the Department of Corrections (DOC) is to protect the public by incarcerating and supervising offenders who have been convicted of violating state law. DOC provides offenders with reformatory programs and a supervised community reintegration process. To carry out these responsibilities, the department utilizes around 1,500 personnel and an operating budget of more than \$248 million.

DOC is composed of three divisions and the commissioner's office. Discussed below is the mission of each division.

Commissioner's Office: The commissioner's office is responsible for direct oversight of classification, population management, training, prisoner transportation, compliance, audits, policy and procedures, victim's advocacy, rural affairs, and establishing policy for the three divisions. This office also coordinates inter-governmental affairs with other federal, state, and local governments, courts, legislature, media, public, and special interest groups.

Division of Administrative Services (DAS): DAS provides services in the areas of budget, human resources, accounting, procurement, and data processing that allow DOC's divisions or components to accomplish their respective missions.

Although the majority of the inmate medical services provided by Inmate Health Care (IHC) are conducted in the correctional facilities, in January 2003¹⁹ IHC was transferred from DOC's Division of Institutions (DOI) to DAS. Approximately 70 percent of IHC's funding is provided by the general fund. The remaining funding is from the Alaska Mental Health Trust Authority and the Alaska Permanent Fund Dividend appropriation in lieu of dividends to inmates since they are ineligible to receive the funds while incarcerated.

During FY 09, IHC had 160 budgeted positions²⁰ spread throughout the 12 correctional facilities in Alaska. These positions provide essential, legally required medical and mental health services to inmates who are committed into the custody of DOC.

Division of Probation and Parole: The mission of the Division of Probation and Parole is to provide public safety through the supervision of adult felons in its jurisdiction.

Division of Institutions: The mission of DOI is to provide overall leadership to support the incarceration and supervision of offenders that are committed into the custody of DOC.

¹⁹Administrative Order No. 207 required the transfer.

²⁰Budgeted positions include: 96 medical, 42 mental health, 21 support, and 1 dental staff.

DOI operates 12 correctional facilities which are located around the State and house approximately 3,400 inmates. DOI contracts with an out-of-state private correctional facility to house approximately 1,000 state offenders.

All of the in-state correctional facilities are overcrowded to varying degrees. DOC is currently building a new medium-security correctional center, Goose Creek Correctional Center (GCCC), in the Point McKenzie area of the Mat-Su Borough.²¹ DOC expects GCCC to be fully operational by June 2012. This facility will have 1,536 beds for long-term sentenced male inmates. DOI plans to bring most prisoners housed out of state to the facility. However, it will also provide overflow capacity for un-sentenced prisoners from local pre-trial facilities (i.e., Mat-Su Pretrial Facility and Anchorage Correctional Complex) until additional jail beds are constructed.

The FY 10 appropriations for the 12 in-state facilities totaled over \$116.5 million with about \$97 million for personal services. DOI employs almost 800 correctional officers (CO) and another 280 management and non-security personnel at the facilities.

This audit included four of the 12 in-state facilities. The following is a brief description of the four facilities.

Anchorage Correctional Complex (ACC)

This facility is a close and medium security (Level 2) institution serving as an intake facility for the Anchorage Bowl area. ACC consists of two buildings: ACC-West and ACC-East. The buildings are not connected. The booking function is located in ACC-East. The institution houses pre-trial and sentenced male inmates of all custody levels. Females are housed in the booking area at ACC-East for up to 24 hours and then transferred to the female facility, Highland Mountain Correctional Center, in Eagle River, Alaska.

ACC-East has six housing modules each with 32 cells and 64 beds. Two of these modules have been split in half by a wall with a window to allow the housing officer to view both sides and access doors between the two units. Additionally, ACC-East has a segregation unit that houses 16 maximum custody inmates and 32 inmates in protective custody or administrative segregation. ACC-East has the State's only medical infirmary segregation unit for up to 10 inmates. The current general capacity at ACC East is 400 inmates, and the maximum capacity is 416 inmates. The daily inmate population for this building during calendar year (CY) 2009 averaged 449 inmates.

There are 11 housing modules at ACC-West with a total of 216 cells and 454 beds. These housing modules include: the acute mental health unit for the state facilities; a 40-bed dorm that was formerly the building's gymnasium; and an 18-cell segregation unit with 36 beds.

²¹The Mat-Su Borough will own the facility and lease it to the State. The Borough sold revenue bonds to finance the project with an estimated construction cost of about \$240 million.

At ACC West, the general capacity is 418 inmates, and the maximum capacity is 436 inmates. The daily inmate population at this building during CY 09 averaged 437 inmates.

Anvil Mountain Correctional Center (AMCC)

AMCC is a small, well designed close and medium security (Level 2) institution located in Nome and serves as an intake facility for Northwestern Alaska. The facility houses pre-trial and short-term sentenced, male and female inmates of all custody levels.

AMCC has 11 distinct inmate housing areas. These consist of six dorms that house 66 male inmates; two dorms that house 13 female inmates; 24 single bunk cells that house male inmates; and 8 single bunked cells for maximum custody level and newly admitted inmates. The general capacity is 102 inmates, and the maximum capacity is 104 inmates.²² The daily average inmate population during CY 09 was 110 inmates.

Fairbanks Correctional Center (FCC)

FCC is a close and medium security (Level 2) institution serving as an intake facility for Northern Alaska. The facility houses pre-trial and sentenced male and female prisoners of all custody levels.

FCC is an architecturally challenging facility in which to provide security. The 16 small housing areas, corridors, and blind-spots prevent efficient CO staffing.

There are seven dorms that house 74 male inmates and two dorms that house 20 female inmates. Additionally, there are 72 cells with 144 beds for male inmates. There is an annex in the front of the facility's gymnasium that is used as a dorm with 10 beds. The three segregation units have 21 cells with one bed each. The general capacity is 248 inmates, and the maximum capacity is 259 inmates. The daily average inmate population during CY 09 was 271 inmates.

Spring Creek Correctional Center (SCCC)

SCCC is a close and maximum security (Level 3) institution for adult male inmates. The facility is multi-functional as it is both a training facility and a custodial institution. A small part of SCCC's population is made up of what is considered "*hard-core*" felons; the felons have committed violent crimes, such as murder, and will probably spend the rest of their lives in prison. SCCC also houses prisoners serving three to 10-year sentences for committing less violent crimes such as burglary or assault.

SCCC is designed as a decentralized campus with three separate houses that are separated from the major administration/support complex by a large recreation/exercise yard.

²² In 2010, some of the cells were double bunked, adding 26 beds. The new general capacity is 128 inmates, and the maximum is 130.

SCCC has three separate, two-level housing buildings with four modules.

- House 1 is used for the maximum/close custody-level inmates and administrative segregation inmates with 64 cells each with a single inmate.
- House 2 has the youthful offender program module with 62 inmates in 32 cells and the mental health module with 60 inmates in 32 cells. The two other modules in House 2 hold 128 general population inmates in 64 cells.
- House 3 has a module for inmates who are either over 50 years old or have disabilities. It holds 62 inmates in 32 cells. The other three modules in House 3 hold 192 general population inmates in 96 cells.

There are six additional single cells in the administrative building used to house minimum custody level inmates. The general capacity is 541 inmates, and the maximum capacity is 557. The daily average inmate population during CY 09 was 548 inmates.

BACKGROUND INFORMATION

With a mission to protect the public while providing secure confinement and reformative programs for inmates, the Department of Corrections (DOC) operates a “*unified correctional system*”²³ as it oversees both sentenced and pretrial offenders. DOC’s Division of Institutions (DOI) provides the support for incarcerating and supervising offenders committed to the department’s custody.

DOI’s management initially determines the location of security posts at each facility during the design and construction phases of the buildings. The factors considered include, but are not limited to the following:

- Facility missions (intake facility versus sentenced inmate facility, or a combination thereof);
- Facility security levels;
- The custody levels of inmates to be housed;
- The supervision strategies to be utilized at the facility (direct, indirect, or a combination thereof);
- Housing unit configurations (dormitory versus housing units with cells);
- Segregated cell locations;
- Master control room placements;
- Medical areas and their proximity to housing units;
- Kitchen areas;
- Meal service locations (large common dining area versus smaller day areas with tables);
- Outdoor recreation areas;
- Visitation areas (both unsecured and secured);
- The types of education and activity programs to be offered and the scheduling and location in the facility for such activity; and
- Operational function schedules (counts, lockdowns, medication distribution, exchange of clothing and linens, food service, recreation, telephone usage, commissary, visitation, inmate disciplinary hearings, inmate medical services, law library usage, etc.).

After the initial establishment of the security post locations, DOI’s management provides safety at the facility, in part, by:

- Determining a shift relief factor (SRF) to calculate the number of positions needed to provide coverage of the posts on a continuous basis – for security posts, generally 12 or 24 hours, 7 days per week, and for administrative posts, 8 hours, 5 days per week.

²³Only six states operate a unified correctional system: Connecticut, Delaware, Vermont, Rhode Island, Hawaii, and Alaska.

- Hiring qualified, professional staff who are appropriately trained.
- Providing written policies and procedures, including post orders, to ensure the staff adheres to a set of best practices.

According to the *Prison Staffing Analysis, a Training Manual* (Staffing Manual),²⁴ reassessment of security posts should be done when the mission of the facility changes; the facility is added on to or renovated; new technological security systems are installed; the inmate population changes significantly; incidences of major inmate misconduct increases; or correctional officer (CO) overtime costs become excessive. Interim measures that facility management can use prior to the addition of posts include, but are not limited to:

- Adjusting program and activity schedules.
- Changing or shortening visitation hours while still complying with legal requirements.
- Adjusting CO shift hours to ensure coverage of peak activity hours.

Similarly to other states' correctional administrators, DOI must manage its security positions with limited fiscal resources. Much of the decision-making associated with staffing requires administrators to decide how much risk is tolerable. All parties (the department, governor, legislature, and public) involved in determining the budget for Alaska's correctional facilities know that the number of staff must be sufficient to keep prisoners from escaping and to provide for the safety of prisoners, officers, staff, visitors and the general public. The Staffing Manual authors, observed, "*Budget reductions often continue until the governing body perceives more risk than can be tolerated.*"²⁵

The following discusses the methods used by DOI to determine the staffing needs for its 12 in-state correctional facilities.

DOI uses the 2005 SRF as a basis for CO positions at correctional facilities.

DOI annually develops the operating budget for each of the in-state correctional facilities. The budget includes the number of CO positions requested for funding. According to a document provided by DOI's management, FY 10²⁶ personal services budgeted positions for COs was determined by applying the 2005 SRF.

In 2005, DOC hired a contractor to calculate the SRF.

In 2005, DOC management contracted with a consultant to determine a statewide SRF to identify the number of employees necessary to adequately staff existing posts. The contract did not include evaluating the number or location of posts at each facility.

²⁴Camp et al, p. 3, Introduction, page xviii.

²⁵Camp et al, p. 3, Introduction, pages xv and xvi.

²⁶There was no change in the budgeted and funded CO positions between FY 09 and FY 10 for each of the four facilities.

Exhibit 2 (below) shows the 2005 SRF calculation. The SRF determined by the study was 2.4 positions for one 12-hour/7-day shift post, which was doubled to 4.8 positions for a 24-hour/7-day shift post. The data used by the consultant for the calculations was from FY 04 and was applied to the CO positions listed on the FY 05 personal services management plan for each facility. The consultant used a nationally recognized and published methodology²⁷ for determining the SRF with some deviations. The SRF was based on statewide data rather than data for each individual facility. The consultant also used estimates rather than data based on actual experience.²⁸ Additionally, it did not provide for different SRFs for posts that require relief for meals and breaks.

Exhibit 2

2005 Relief Factor Calculation Summary for 12-Hour Shifts	
1. Total hours per CO per year	<u>2,184</u>
2. Average number of leave hours per employee per year (this includes personal, sick, court, union business, military, workers' compensation, disciplinary leave without pay, and other leave without pay)	240
3. Number of hours for meal/break per employee per year	0
4. Average number of initial training hours per new employee per year	46
5. Average number of training hours per employee per year	32
6. Average number of hours of vacancies until positions are filled	<u>41</u>
7. Total hours off per CO per year	<u>359</u>
8. Net annual work hours	<u>1,825</u>
9. Hours in basic shift	12
10. Shifts per day	1
11. Days per week	7
12. Total hours post staffed per year	<u>2,184</u>
13. Shift Relief Factor	1.2
14. Shift Relief Factor for one 7-day, 12-hour post	2.4
15. Shift Relief Factor for one 7-day, 24-hour post	4.8

In 2007, DOC hired a consultant to evaluate the security posts at correctional facilities.

In 2007, DOC's management contracted with the same corrections consultant who performed the 2005 study to evaluate the security posts at five of its in-state correctional facilities. The number of positions required for the recommended posts were calculated by using the SRF determined in the 2005 study.

DOI's management stated that the above SRF was applied to each facility's posts to determine the number of CO positions needed for the FY 10 budget request that was submitted by the governor to the legislature.

²⁷Liebert and Miller, p. 2, pages 8 - 10.

²⁸The 2003 staffing analysis workbook published by the National Institute of Corrections (see preceding footnote) recommends utilizing hours rather days in the shift relief calculation. However, hours can be readily converted to days, but the SRF remains unchanged.

Qualified applicants are hired and trained.

DOI recruits, hires, and trains correctional officers to staff the in-state correctional facilities. Statutes, regulations, and policies and procedures assist the division in ensuring that qualified applicants are hired and trained for CO I positions. Additionally, annual training is provided to COs at all levels.

Recruitment of COs is handled by DOC's Training Academy. Each applicant for a CO position must meet the basic employment standards set by the Alaska Police Standards Council.²⁹ These standards require six-weeks of basic correctional officer training conducted by the academy. Upon completion of this basic training, the CO receives 168 hours of on-the-job training by shadowing an experienced CO.

Annual training includes courses related to firearm qualification and certification, medical emergency skills, fire safety and emergency procedures, health precautions, suicide prevention, use of restraints, use of force, prisoner transports, hazardous material controls, ethics, and leadership development. The four facilities in our scope averaged about 41 hours per CO for annual training.

Union agreements govern COs' work schedules.

The Alaska Correctional Officers Association represents CO levels I through III (sergeant). CO IVs (lieutenants) are represented by the Alaska Public Employees Association, Supervisory Unit. The bargaining agreements with these unions include provisions related to hours of work, shift assignments, holidays, overtime, shift differentials, leave, and meal and break periods.

Correctional officers' shifts vary.

Generally, COs work 12-hour shifts every day of the week with one week on and one week off. COs assigned to duties that are administrative in nature (such as records, compliance, training, security oversight, and inmate discipline) typically work an 8-hour/5-day shift.³⁰

Correctional facilities have minimum staffing requirements.

Each facility has a minimum level of COs that must be on shift (aka 'on the floor'). The superintendents have identified which posts must be filled to meet minimum staffing levels. If any of those posts are not filled, the appropriate supervisor will call in a CO to work overtime to cover that post. There is no written policy or consistent documentation identifying the posts to be included in minimum staffing levels.

²⁹13 AAC 85.200 - .280.

³⁰Officers work 8.5 hours for four days and 8 hours on the fifth day for a total of 42 hours for the week.

REPORT CONCLUSIONS

The objectives of Part 2 of this audit are two-fold. The first objective is to determine the validity of the Department of Corrections (DOC), Division of Institutions (DOI) methodology used for staffing patterns at Alaska's correctional facilities.

In order to determine the validity of DOI's methodology for staffing patterns, we considered three elements: (1) whether the overall approach to establishing staffing was nationally recognized; (2) whether the factors used to determine the shift relief factor (SRF) are still valid; and (3) whether the currently utilized posts are efficient and effective.

The second objective is to determine the reasonableness of DOI's staffing policies and procedures – including policies for establishing the minimum number of correctional officers (CO) on shift at the correctional facilities.

As previously discussed in the Background Information section of this report, DOC's corrections consultant calculated a statewide SRF in 2005 and, in 2007, determined the number of required security posts at five of the in-state correctional facilities. According to DOI's management, they applied their consultant's SRF to the posts at each of the in-state facilities to determine the number of budgeted CO positions required for the FY 10 operating budget.

DOI's overall approach to determining staffing is a method recognized by the National Institute of Corrections and is used by other states' correctional facilities. However, the approach deviated from the national methodology for determining the SRF factor in three ways.

1. The SRF calculation did not include meal and break hours for mandatory posts requiring relief for such absences;
2. The SRF was calculated on a statewide basis rather than on a per-facility basis; and
3. The SRF calculation used leave earned rather than actual leave taken.

Additionally, for some facilities, DOI's management did not accurately calculate the number of CO positions needed to implement the 2005 SRF study or the 2007 post study.

The factors used to calculate staffing had changed since the 2005 studies. Based on our recalculations using more current information, we conclude DOI should update their SRF calculations for determining CO staffing requirements.

DOI needs to update its post analysis and address current posts' efficiency and effectiveness issues.

Staffing policies and procedures as well as each facility's standard operating procedures are deficient. There is no written policy identifying the minimum staffing level posts that must

be filled on a shift; post orders do not reflect current practices, and some posts do not have a written post order. Additionally, some of the policies and procedures are not consistently followed.

These conclusions are further discussed in the following pages.

DOI’s staffing methodology is valid but not accurately applied.

Using DOI’s 2005 SRF, we recalculated the required number of positions needed to cover the posts at each of the four facilities. We determined that three of the four facilities’ FY 10 budgeted CO positions were not correctly determined using the 2005 SRF and the 2007 post analysis. Based on our recalculations, ACC, AMCC, and SCCC should have additional full-time equivalent positions (FTE). Specifically, ACC should have 15 additional FTEs; AMCC should have 2 additional FTEs, and SCCC should have 2 additional FTEs

The inaccuracies in the number of positions were due to multiple factors including:

- Not identifying omissions by the consultant in the number of posts included in the 2007 study;
- DOI managements’ failing to account for changes in posts and positions since 2007;
- Misapplying an SRF for administrative CO positions that do not require a relief factor; and
- Applying post reductions recommended in the 2007 study even though the facility was unable to make the operational changes necessary to support the post reductions.

Refer to Recommendation No. 1 under the Findings and Recommendations section of this report.

Factors for determining staffing need to be updated.

We recalculated the SRF for each of the four facilities by primarily using data from January 2007 through April 2009. Exhibit 3 shows the 2005 SRF compared to the recalculated ones for each of the four facilities.³¹

Exhibit 3

<i>Comparison of 2005 and 2009 Shift Relief Factors for 24-Hour Posts</i>			
Facility	Statewide 2005 SRF	2009 SRF	
		Mandatory Posts	Essential Posts
ACC	4.8	5.2	4.6
AMCC	4.8	5.4	5.0
FCC	4.8	5.4	4.8
SCCC	4.8	5.2	4.6

Isolating the effect of the updated SRF on a corrected post count results in a decrease in the number of FTEs to cover the established posts.

³¹The 2005 study did not distinguish between mandatory and essential posts. The consultant treated all posts as essential posts that could be temporarily left unmanned. If a separate 2005 statewide SRF factor had been calculated for both types of posts as required, the mandatory post SRF would have been 5.3.

The combined overall effect of correctly applying and updating the SRF would be an increase in 17 positions. Exhibit 4 (below) illustrates the combined effect on each facility.

Exhibit 4

<i>Number of CO Positions Required with Corrected and Updated SRF</i>				
	ACC	AMCC	FCC	SCCC
No. of Positions with Corrected and Updated SRF	181	31	67	137
No. of Positions in FY 10	<u>169</u>	<u>28</u>	<u>66</u>	<u>136</u>
Additional Positions	<u>12</u>	<u>3</u>	<u>1</u>	<u>1</u>

In order to be an effective management tool, the SRF should be periodically recalculated. (See Recommendation No. 1.)

Current facility operations and configurations are not as efficient and effective as possible.

Based on the evaluation of the current security posts, DOI needs to address post efficiency and effectiveness issues. There are a number of alternatives that DOI could use to address the issues of maximizing the efficiency and effectiveness of posts. These could be addressed by one or the combination of a number of alternatives including:

1. Making physical, technological, or operational modifications at the facility;
2. Adding posts and CO positions;
3. Shifting inmates to the Goose Creek Correctional Center after it opens; or
4. Having management recognize and accept any potential risks involved in having less than fully efficient and effective posts.

If DOI chooses to address the staffing concerns solely by adding posts and CO positions, it would need an additional 13 posts requiring 47 FTEs (17 at ACC, 5 at AMCC, 20 at FCC, and 5 at SCCC).

Refer to Appendixes A through D, for more details on the calculations and to Recommendation No. 2 for further discussion.

Post orders do not reflect current practices at the facilities.

The post orders do not accurately convey either DOI managements' intent or actual facility practices in relation to which posts require another officer's presence to relieve the assigned CO of a specific post for meals, breaks or other activities.

Refer to Recommendation No. 3 for additional discussion.

Departmental policies and procedures are reasonable, but compliance with certain policies is not consistent.

Minimum staffing levels are not consistently maintained for shifts as required. ACC, the facility with fewer positions than required by the 2005 SRF and the highest amount of overtime, had the highest percentage of shifts staffed under the minimum level. Furthermore, the minimum staffing level requirement for each facility should be included in the facility's operating procedures.

For further discussion of these areas of noncompliance with DOC policies and procedures, see Recommendation No. 4.

In summary, DOI's management adopted a generally acceptable methodology to determine CO staffing requirements; however, there are a few minor deviations from recommended steps, and DOI has not correctly applied the methodology to all correctional facilities. DOI should update their SRF for all in-state facilities and periodically update the SRFs thereafter to maintain their validity. DOI should address efficiency and effectiveness issues with the current posts. The superintendents should update the post orders and appropriately document which posts are included in minimum staffing levels. Additionally, the superintendents should meet the minimum staffing level for each shift.

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Department of Corrections (DOC), Division of Institutions (DOI) director should address staffing deficiencies due to inaccuracies, update the shift relief factor (SRF) for each facility using current data, and appropriately apply the SRF to determine the number of correctional officer (CO) positions needed.

In 2005, a consultant engaged by DOC calculated a statewide SRF to be used for determining the required number of CO positions at each in-state correctional facility. In 2007, DOC engaged the same consultant to analyze the posts in five correctional facilities. DOI utilized the results of the 2005 SRF and the 2007 post studies to determine CO positions for the FY 10 budget request.

DOI's application of these studies has created staffing deficiencies. The deficiencies are partially offset by the fact that the data supporting the 2005 SRF study is now out-of-date.

The results of the 2005 SRF and the 2007 post study are not accurately applied.

Using DOC's 2005 SRF, we recalculated each facility's number of CO positions needed for FY 10. Anchorage Correctional Complex (ACC) is short 15 positions, while Spring Creek Correctional Center (SCCC) and Anvil Mountain Correctional Center (AMCC) are each short 2 positions. The number of FY 10 positions for Fairbanks Correctional Center (FCC) is correctly calculated.

At ACC, the 2007 study recommended operational changes that could have resulted in reducing the number of CO positions. Even though ACC was unable to implement these recommended changes due to legal requirements³² and housing unit design,³³ DOI's management excluded these posts in calculating the number of CO positions to be funded. This results in a shortage of 12 positions. The remaining three-position shortage is a result of inaccuracies³⁴ in the 2007 study.

The 2005 SRF study did not differentiate between mandatory and essential posts.

³²Visiting rover posts cannot be reduced from 24-hour shifts to 12-hour shifts due to the prisoner's rights to see an attorney or any relatives or friends within the first 24 hours of admission to the facility on new criminal charges (AS 12.25.150, 22 AAC 05.130, and DOC Policies 808.01 and 810.02).

³³The doors leading into the units and the cells doors in the 11 housing units at ACC-West are manually locked. Additionally, due to the facility layout, it became problematic for officers to rotate through the units. Therefore, some of the reductions in housing unit officers were not implemented.

³⁴The study mistakenly omitted the ACC module supervisor 12-hour post, listed the ACC operations supervisor post as a 12-hour post when it is a 24-hour post and included one lieutenant position that was never funded for ACC. DOI's management added one FTE to the 2007 recommended total of 168 making the net difference 3 FTEs.

The 2005 study provided an SRF only for essential posts. However, DOI’s management has identified posts that are mandatory.³⁵ Mandatory posts require that a CO be relieved by another CO before leaving that post. A CO at an essential post can have a temporary absence from the post for tasks, such as prisoner escort, meals, or breaks. Therefore, a mandatory post will have a higher SRF than will an essential post. Calculating the SRF with the assumption that all posts are essential will understate the number of positions required to fill the posts. The significance of the understatement will depend on the number of posts in the facility that are established as mandatory posts.

The 2005 SRF data is out-of-date.

The underlying data supporting the 2005 SRF study is out-of-date. Utilizing current data and calculating SRFs for each facility and each post type (mandatory versus essential) shows minor differences between facilities but more significant differences compared to the 2005 SRF study results. (See Exhibit 3 on page 16.)

Exhibit 6 (below) presents the updated SRF for a 12-hour, mandatory post at each facility.

Exhibit 6³⁶

2009 Relief Factor Calculation Summary for 12-Hour Shifts, Mandatory Posts				
Mandatory posts that must be continually manned	ACC	AMCC	FCC	SCCC
1. Total hours per CO per year	<u>2,184</u>	<u>2,184</u>	<u>2,184</u>	<u>2,184</u>
2. Average number of leave hours per employee per year (this includes personal, sick, court, union business, military, workers’ compensation, disciplinary leave without pay, and other leave without pay)	150	197	161	128
3. Number of hours for meal/break per employee per year	182	182	182	182
4. Average number of initial training hours per new employee per year	67	23	56	69
5. Average number of training hours per employee per year	12	68	44	40
6. Average number of hours of vacancies until positions are filled	<u>70</u>	<u>124</u>	<u>123</u>	<u>62</u>
7. Total hours off per CO per year	<u>481</u>	<u>594</u>	<u>566</u>	<u>481</u>
8. Net annual work hours	<u>1,703</u>	<u>1,590</u>	<u>1,618</u>	<u>1,703</u>
9. Hours in basic shift	12	12	12	12
10. Shifts per day	1	1	1	1
11. Days per week	7	7	7	7
12. Total hours post staffed per year	<u>2,184</u>	<u>2,184</u>	<u>2,184</u>	<u>2,184</u>
13. Shift Relief Factor	1.28	1.37	1.35	1.28
14. Shift Relief Factor for one 7-day, 12-hour post	2.6	2.7	2.7	2.6
15. Shift Relief Factor for one 7-day, 24-hour post	5.2	5.4	5.4	5.2

³⁵Except for FCC, many posts orders include language such as, “Assigned staff will remain on post until properly relieved.”

³⁶Exhibits were inadvertently misnumbered. This report does not contain an Exhibit 5.

Each facility also has essential posts that do not require a CO to be relieved by another CO for temporary absences from the post, like meals and breaks. For these posts, the 182 hours for the annual number of hours for meals/breaks was not included in the SRF. The SRF for these essential posts at each facility is shown below in Exhibit 7.

Exhibit 7

2009 Relief Factor Calculation Summary for 12 Hour Shifts, Essential Posts				
Essential posts that may be temporarily unmanned (i.e. meals/breaks)	ACC	AMCC	FCC	SCCC
1. Total hours per CO per year	<u>2,184</u>	<u>2,184</u>	<u>2,184</u>	<u>2,184</u>
2. Average number of leave hours per employee per year (this includes personal, sick, court, union business, military, workers' compensation, disciplinary leave without pay, and other leave without pay)	150	197	161	128
3. Number of hours for meal/break per employee per year	0	0	0	0
4. Average number of initial training hours per new employee per year	67	23	56	69
5. Average number of training hours per employee per year	12	68	44	40
6. Average number of hours of vacancies until positions are filled	<u>70</u>	<u>124</u>	<u>123</u>	<u>62</u>
7. Total hours off per CO per year	<u>299</u>	<u>412</u>	<u>384</u>	<u>299</u>
8. Net annual work hours	<u>1,885</u>	<u>1,772</u>	<u>1,800</u>	<u>1,885</u>
9. Hours in basic shift	12	12	12	12
10. Shifts per day	1	1	1	1
11. Days per week	7	7	7	7
12. Total hours post staffed per year	<u>2,184</u>	<u>2,184</u>	<u>2,184</u>	<u>2,184</u>
13. Shift Relief Factor	1.16	1.23	1.21	1.16
14. Shift Relief Factor for one 7-day, 12-hour post	2.3	2.5	2.4	2.3
15. Shift Relief Factor for one 7-day, 24-hour post	4.6	5.0	4.8	4.6

The net effect of an updated SRF and correctly calculating the number of positions based on the 2007 post study shows that ACC, AMCC, FCC, and SCCC are short 12, 3, 1, and 1 positions, respectively. (See Exhibit 4 on page 17.)

Staffing deficiencies result in excessive overtime and leave limitations.

During calendar year (CY) 2007 through April 2009, DOC has paid an average of almost \$2.8 million annually in overtime costs for the four facilities we reviewed. While overtime should be expected at any facility, according to the National Institute of Corrections' Staffing Manual, "*When overtime is regularly needed to cover posts, the reason most often is that the shift relief factor has been miscalculated or calculated using old data.*"³⁷ Exhibit 9 (following page) analyzes the average annual overtime by facility in terms of the full-time

³⁷Camp et al, p.3, Chapter 8, page 39.

equivalent positions (FTE). Given the staffing deficiencies caused by not accurately applying the 2005 SRF and the 2007 post studies (Exhibit 4, page 17), ACC should have the highest percentage of overtime FTEs. As shown below in Exhibit 9, as expected, ACC has the highest percentage of overtime.

Exhibit 9³⁸

Analysis of Average Annual Overtime by Facility				
	<u>ACC</u>	<u>AMCC</u>	<u>FCC</u>	<u>SCCC</u>
Analysis of Average Annual Overtime by COs	81,463	3,617	14,221	15,871
Equivalent No. of Overtime CO FTEs	37	2	7	7
Budgeted Facility CO FTEs	169	28	66	136
Percentage of overtime CO FTEs to budgeted CO FTEs	22%	7%	11%	5%

At ACC, which has the greatest staffing deficiency, the superintendent has taken steps to limit COs' leave and modify the administrative COs' duties to help ensure sufficient coverage of posts and to reduce the facility's overtime costs which average \$2 million per year. The specific actions include:

- In May 2009, ACC's management limited CO personal leave to one scheduled week per year. Up to five COs per shift rotation can be on leave at one time. Rather than lower the number of COs that can be on leave during a rotation, ACC's management decided to limit the amount of leave so everyone had a chance to take at least one week. Any additional leave may be taken if it does not create overtime costs. If it will create overtime costs, then the leave must be approved by the superintendent, and the leave must be for an extraordinary circumstance such as a death in the family, or a sick child.
- Since early in FY 10, ACC's management began pulling the 42-hour/5-day administrative sergeants onto the shifts (also known as moving to 'on the floor') for both planned and unplanned absences of shift COs.³⁹ In order for the sergeants to work a full 12-hour shift, a five-day notice must be provided as required by the union agreement. If this is not possible due to an unplanned absence, the sergeant is still pulled on to the floor to work his/her 8-hour shift. However, the remaining four hours of the 12-hour shift of the absent CO is covered by calling another CO in for overtime hours.

³⁸Exhibits were inadvertently misnumbered. This report does not contain an Exhibit 8.

³⁹Concerns were expressed by COs about this practice as these sergeants are normally available as second responders in case of emergencies in accordance with each facility's emergency plan. If too many second responders are on duty at a post that is a first responder to incidences, the safety net of having second responders is compromised.

We recommend that DOI’s management address the CO staffing deficiencies discussed in the previous pages. We recognize that additional positions result in increased costs; however, a substantial amount of this increase should be offset by a reduction in the amount of overtime costs being incurred by the correctional facilities. Additionally, DOC should perform periodic updates to the SRF calculation to ensure the data used effectively represents the current leave and training activities, vacancies, and other relevant factors.

Recommendation No. 2

DOI’s management should address post efficiency and effectiveness issues.

For current operations, facility configurations, and inmate populations at ACC, AMCC, FCC, and SCCC, there are post efficiency and effectiveness issues.

Some of these issues have long been recognized by DOI’s management, and they have decided to accept the associated risk. For example, at FCC, the perimeter is deficient in both physical barriers and CO patrol. At FCC, there is no security fence or gates nor is there a perimeter post. Additionally, DOC’s 2007 study identified safety concerns regarding the supervision of inmates in both the ACC and the FCC kitchen, but no actions were taken.

Overcrowding is currently an issue at the facilities. (See Exhibit 10 below.) The overcrowding has required DOI to double bunk most of the cells and use alternative areas such as gyms to house the inmates. In these circumstances, DOI’s management has difficulties in providing efficient CO coverage for these inmates. See Appendix E for the extent of overcrowding at each of the facilities during CY 09.

Exhibit 10

Percentage of Days That Inmate Population Exceeds Capacity Standards⁴⁰			
<u>Facility</u>	<u>Time Period</u>	<u>General Capacity</u>	<u>Maximum Capacity</u>
ACC-East	January 2007 – October 2009	99%	95%
ACC-West	January 2007 – October 2009	92%	77%
AMCC	January 2007 – November 2009	84%	76%
FCC	January 2007 – October 2009	92%	78%
SCCC	January 2007 – November 2009	44%	2%

An increase in the prohibited behavior of inmates is another indicator for management to reassess security posts. As shown in Exhibit 11 on the next page, since 2007, ACC has had a steady rise in most every incident category. At ACC, from January through September 2009, there were 22 assaults on COs compared to 14 assaults per year in 2007 and 2008. Twelve of

⁴⁰DOI’s management defines *general capacity* as all hard beds at the facility, including those in the gym. *Maximum capacity* is defined as all hard beds in the facility plus one-half of the segregation beds.

the 22⁴¹ in 2009 involved physical contact with the CO by an inmate. Two of these incidences required the COs to be examined at a local hospital.

Exhibit 11

<i>Inmate Incidences during 2007, 2008, and 2009 (projected)</i>						
	ACC-East			ACC-West		
Incident Category	2007	2008	Projected ⁴² Annual 2009	2007	2008	Projected Annual 2009
Major	60	66	121	34	34	47
High-Moderate	394	464	533	360	530	423
Low-Moderate	26	43	47	77	51	60
Minor	<u>1</u>	<u>6</u>	<u>17</u>	<u>68</u>	<u>43</u>	<u>25</u>
Totals	<u>481</u>	<u>579</u>	<u>718</u>	<u>539</u>	<u>658</u>	<u>555</u>

If DOI were to address all of the efficiency and effectiveness issues discussed below simply by increasing the number of positions, it would require an additional 13 posts with 47 positions to cover the posts: 17 at ACC, 5 at AMCC, 20 at FCC, and 5 at SCCC. However, some of these issues can be addressed through operational changes or facility modifications. Finally, DOI management may choose to recognize and continue to accept any risk associated with less than fully effective posts. In the long term, some post efficiency and effectiveness issues related to overcrowding could be partially mitigated with the opening of the Goose Creek Correctional Center in 2012.

Below is a detailed discussion of the staffing concerns at each facility.

Anchorage Correctional Complex

- Master control posts at both ACC-East and ACC-West

ACC-East and West each have a master control room with one officer assigned to the post for each shift. The master control room post monitors multiple complex functions. The post is responsible for internal movement control, monitoring radio activity, and viewing activity on multiple camera monitors for both internal facility areas and the buildings' perimeters.

It appears that the on-shift CO is continually busy with opening and shutting sally ports and other doors, thus leaving insufficient time to watch the camera monitors or listen and respond to radio activity. This post is also responsible for distributing and accounting for COs' keys. This same post is the one that is responsible for the control panels and other

⁴¹The remaining ten were incidences in which the inmate threw a non-life threatening object or substance at the CO.

⁴²We used actual data from January 2009 through September 2009 to project the annual amount of incidences in 2009.

responsibilities such as locks and lights, when the assigned officer locks down the inmates and leaves the housing unit for a meal or break.

According to ACC's management, the CO assigned to each control room is rotated out to other posts on the floor in the middle of the shifts to mitigate burn-out. A CO rover assists with the key collection and distributions for shift changes.

While these steps lessen risks associated with a less than fully effective post, they do not fully address all the issues. An additional 12-hour, day shift position to each buildings' master control room would enable the officers to more effectively monitor critical safety systems during peak periods.

- Housing unit C at ACC-West

At ACC-West, housing units A and C⁴³ are used to house inmate workers and do not have an assigned officer at the post in each unit. In contrast, the unit that houses inmate workers at ACC-East has a 24-hour manned post.

DOI management's rationale for leaving the ACC-West posts unmanned is that these units house institutional inmate workers⁴⁴ who pose less of a risk than the general population inmates. For example, Unit A has been unmanned since the west building was opened. Each cell in Unit A has an intercom that inmates can use to contact the master control officer if they have a medical or other emergency.

However, housing unit C was unmanned as a cost saving measure at the end of August 2008. While there is an intercom in the day room, the cells in Unit C do not have intercoms. ACC management installed additional cameras in Unit C and placed the monitor for the cameras in the ACC-West booking area. The effectiveness of the camera is compromised because the booking area is busy, allowing little time to view the monitor.

Unmanned posts in housing units provide a very limited ability for the COs to be aware of medical emergencies or minor disturbances such as fights, or incidents of sexual or other abuse.

DOI's management believes that once a new classification system for inmate custody levels is fully implemented, housing risks associated with inmates will be reduced. Facilities will be required to classify inmates within the first five days of incarceration – although only minimum custody level inmates can be intermittently supervised in their

⁴³Unit A has 24 beds, and Unit C has 36 beds.

⁴⁴These inmates work in the west building's kitchen, laundry, or provide cleaning and other services for a small hourly stipend.

housing unit.⁴⁵ However, until this is fully implemented, there remains a safety risk in housing unit C in ACC-West that could be addressed by an additional 24-hour post.

- Perimeter security post

ACC is located in a light, industrial area in Anchorage and close to a heavy traffic area for the city's homeless, inebriated, or addicted population. There is a high potential for contraband introduction and inmate contact with people outside the back of ACC-West when inmates are in the recreation yards. Yet, neither ACC-East nor ACC-West has a perimeter security post. Instead, it is the responsibility of the officer in each master control room to view monitors for the perimeter cameras.

Furthermore, the current practice is to use non-security staff⁴⁶ to check delivery and other vehicles as they enter and leave the facility. However, as emphasized by SCCC's practice, security checks are normally performed by COs. The SCCC perimeter patrol officer's duties include security checks of vehicles entering and leaving the facility.

The addition of one 12-hour perimeter post would improve security at the delivery gate and help minimize the contraband and inmate contact issues with the ACC-West recreation yards.

- Rover posts to both ACC-East and ACC-West

There are not sufficient CO positions available to effectively handle minor internal disturbances, to cover inmate transports and movement, or to conduct shakedowns. The holding area in ACC-East has cell space for up to 50 inmates awaiting transport. However, once the inmates are escorted to the area, the officer(s) vacate the area, leaving the inmates by themselves with partial camera coverage⁴⁷ until their transport. Also, no security CO is assigned to the program or the kitchen area. Instructors are given radios so they may contact security in the event of an emergency or disturbance.

Inmate workers in the kitchen do not have adequate security supervision. Additionally, inmate workers routinely start the breakfast meal in the kitchen before the food service staff is on shift.

If DOI staffs ACC with the positions as recommended in Recommendation No. 1, the day shift should have sufficient CO rover posts during the day to cover the routine support functions and to provide adequate security in the program and kitchen areas. However, ACC-East and ACC-West would still need one 12-hour post at each building.

⁴⁵Camp et al, p. 2. The guidelines for supervision by classification custody level on page 82 state, "*Supervision of these inmates* [minimum custody level] *may be intermittent.*" According to the guidelines, the higher custody level inmates (medium, close, and maximum) require continual supervision.

⁴⁶ACC environmental services staff performs the security checks.

⁴⁷The monitor for the cameras is in the master control room.

Anvil Mountain Correctional Center

- Housing unit rover post

This facility is in the process of completing a 21-bed expansion to house additional inmates.⁴⁸ Even though this facility is small and well-designed, the minimum level staffing is marginal: 5 COs on day shift and 4 COs on night shift. The expansion will require an additional 24-hour housing rover. The one housing rover post is currently responsible for 11 distinct housing areas; with the expansion, the post will provide inadequate security of the housing areas.

Fairbanks Correctional Center

FCC is an architecturally challenging facility in which to provide security. The sixteen small housing areas, corridors, and blind-spots prevent efficient CO staffing. All this results in the need to assign additional staff beyond the number required for a similar sized, well-designed facility in order to promote adequate safety.

- Master control room

The FCC master control room manages all internal movements as well as the video monitoring capabilities, radio communications, key distribution and accountability, monitors perimeter cameras, and numerous other tasks.

A CO on the day shift should be added to this post. This would provide maximum effectiveness in monitoring video screens and performing ancillary functions.

- Unit 2

The single CO assigned to Unit 2 is responsible for a 10-cell segregation unit, two small dormitories, two larger dormitories, housing in the gym overflow annex, and housing in the gym itself if there are fewer than 30 inmates present. Additional responsibilities include kitchen worker shakedowns and contact visiting supervision.

At this staffing level, Unit 2 is not effectively being supervised. It is the practice to move one of the two Unit 1 officers to manage the gym when the number of inmates housed in the gym exceeds 30. However, this leaves Unit 1 ineffectively supervised. Therefore, to effectively supervise Unit 2 without reducing the effectiveness of the supervision in Unit 1, an additional 24-hour post should be added.

⁴⁸The expansion was recently accomplished by double bunking the 24 cells for males and the 1 cell for females for a total increase of 25 beds.

- Gym utilized as a housing unit

FCC has frequently housed inmates in the gym due to overcrowding. This was the practice noted by DOC's consultant during the 2007 study and remains the current practice. During 2007 and 2008, it was not unusual for the number of inmates housed in the gym to approach 100. This is a safety risk and possibly a health violation as there are only two toilets in the gym.⁴⁹

A 24-hour post should be established and manned whenever there are more than 30 inmates held in the gym. FCC's management should not pull from other unit posts that are already minimally staffed.

- Support rover posts

There is no security staff assigned to the kitchen which occupies the majority of the second floor of the facility. A lead, food service employee supervises up to 20 inmate workers at a time. The only security measure for the food service employees and inmates is that the lead, food service employee occasionally wears a radio to communicate with the facility's officers. There are limited camera views of the kitchen on the monitor in the control room. A roving officer performs a security check of the kitchen if time allows.

The addition of one 12-hour day-shift support rover would improve the effectiveness of the supervision in the kitchen area and provide support for other security support functions throughout the facility.

- Perimeter post

FCC is located near a major highway in a populated, mixed-use area that includes a multiple screen cinema adjacent to the property. The outer perimeter of the property does not have security fencing or gates. There is potential for a person to simply drive into the building.⁵⁰

The perimeter camera is currently off-line as it is not compatible with the new video monitoring system installed in 2008. FCC's perimeter security is deficient both in physical barriers and CO patrol. One 24-hour perimeter security post would promote security and assist in contraband interdiction.

⁴⁹The City of Fairbanks, Code of Ordinances, Part II, Ch. 10, Article V, Section 10-137, requires one toilet for every 10 males. The FCC gym only has two toilets which is not in compliance with the code if more than 20 inmates are housed in the gym.

⁵⁰In 2004, a woman rammed a front end loader through the facility's yard fencing and attempted to pick up the roof to free her boyfriend.

Spring Creek Correctional Center

- Redeploy housing rovers

It is commonplace for all inmates in housing units 2 and 3 to be offered the opportunity to leave their housing units to go out in the yard or into the administrative/program services (APS) building area from 8:50 a.m. to 11 p.m. This means that potentially over 500 inmates could be freely moving about in the yard or APS area. However, COs estimate the average number of inmates out in these areas at any one time during the day to be approximately 300 with the remaining 200 choosing to stay in the housing unit for a time.

There are three rover posts to cover the two areas (two 24-hour rover posts and one 8-hour rover post). One of the rovers is also frequently pulled from the post to check in visitors and escort them to the visiting area.

Because of the size of the yard and the APS area, it is difficult to identify the assigned officers. The APS building alone is 84,165 square feet and contains a gym, commissary, inmate club office, inmate toilets, book library, chapel, hobby shop, law library, barber shop, program rooms, property, medical, wood furniture shop, and other rooms. The yard area is large and includes two baseball diamonds.

DOI's management should consider redeploying the housing unit rovers to the yard and into the APS area when a significant number of inmates have left the housing units. The current staffing of the housing units was established when the facility held only maximum custody level inmates. However, only about 50 maximum custody inmates are currently housed at the facility. The remaining 500 plus inmates are special needs inmates, youthful offenders, and minimum and medium custody level inmates.

If SCCC returns to its maximum custody mission, the housing unit rovers should remain assigned to posts within the units. Maximum custody inmates are kept in their cells for the majority of the time, and their movement in the yard or the APS area is limited to significantly fewer inmates at any given time.

- Main entrance reception area

Professionals, family, and friends visiting the facility must check in at the reception desk at the main entrance to the facility. This is the security check point before entering other areas of the facility. Currently, this post is unmanned. An APS rover or other CO must leave their assigned posts to log in the visitor and perform a security check. At times, the staff occupying the administrative office that adjoins the reception area performs the check-in process when a CO is unavailable.

The front entrance is a pivotal access point to the facility and should be staffed by a 24-hour CO. SCCC management agrees this is a safety risk. The facility used to have a CO posted in the area; eventually, a clerk/receptionist was assigned to the area to cut costs. However, that position was eliminated to create additional cost savings. A 24-hour post would effectively address the front entrance access point.

Discussions with the facilities' superintendents during this audit provided resolution to some of the efficiency and effectiveness issues we noted. Some of the solutions were addressed by changing nightly lock-down times and limiting contact visiting⁵¹ hours to the day shift. DOI is also working on a new inmate classification system that will improve each facility's ability to design post requirements based, in part, on the risks associated with a particular custody class of inmates.

We recommend that DOI address the efficiency and effectiveness issues in the most cost efficient means. Resolutions to these issues may include the following:

- Operational changes;
- Facility modifications;
- Transfers of inmates to GCCC after it opens;
- Changes in CO positions; or
- Acknowledgement and continued acceptance of any risks associated with inefficient or ineffective posts.

Recommendation No. 3

DOI's director should ensure the superintendents update post orders.

The current post orders of the four facilities reviewed do not establish the requirements for minimum staffing levels. Furthermore, the post orders do not accurately convey either DOI managements' intent or actual facility practices in relation to which posts are considered mandatory. A mandatory post requires another officer's presence to relieve the assigned CO of a specific post for meals, breaks or other activities.

Neither post orders nor any other approved written policy identify which posts in the facility must be staffed in order to meet minimum staffing levels. We determined which posts are parts of the minimum staffing plan through information provided by each facility's superintendent. Including information concerning whether or not a particular post must be staffed in the post orders will help to ensure that the DOI director and facility superintendents have a common understanding of which posts must be covered during each shift to meet minimum staffing levels.

⁵¹Contact visiting allows inmates and visitors to be in the same room together. DOC Policy 810.02 states the facility must make reasonable efforts to accommodate day and night work shifts of potential visitors.

Post orders also need updating to identify mandatory posts. According to DOI's management, the only posts that should be treated as mandatory are:

- Master/central control posts;
- Perimeter patrol posts;
- Observation tower posts;
- At ACC-West, the Mike module (mental health) post and the Bravo module (maximum custody inmates) post;
- At ACC-East, the Medical Segregation Unit post; the Segregation Control Unit post, and the Echo Module (intakes) when inmate count exceeds maximum capacity.

In addition to those designated by DOI's management, there are other housing unit posts that are being treated strictly as mandatory by the facilities' superintendents.⁵² These posts include:

- ACC-West's November module, the gymnasium converted to a 40-bed dorm.
- ACC-East's Echo module, regardless of inmate count.
- FCC's Unit 2 area, which include the gymnasium that houses inmates.
- SCCC's Echo module, the mental health housing unit, and the Fox module that houses youthful offenders.

Adding to the confusion is the presence of post orders (for posts other than those being treated as mandatory) containing language such as, "*Assigned staff must remain on post until properly relieved.*" Such post orders indicate that the post is mandatory. The ACC, SCCC, and AMCC have post orders that contain language indicating more mandatory posts than those identified by DOI's management. A few of the post orders for ACC and AMCC have been signed and approved by the current DOI director. At SCCC, over half of the post orders have been signed and approved by the current DOI director. In contrast, FCC's post orders do not clearly indicate if any of the posts should be considered mandatory.

In addition to the post orders not reflecting DOI managements' intent regarding mandatory posts, the operational norms in the facilities also diverge from the post orders. For example, some facilities' management do not require the physical presence of the assigned CO at some of the posts identified in the post orders as mandatory. It is typical for facility management to pull COs off mandatory posts to utilize them to perform routine correctional support functions.⁵³ Additionally, the COs assigned to the housing unit posts, predominately

⁵³These routine correctional support functions include, but are not limited to: inmate medical and other transport; inmate movement within the facility; scheduled inmate and area searches (also known as shakedown); security support for maintenance personnel; and transfers to holding, program, kitchen, and visiting areas.

at ACC and SCCC, vacate their posts for breaks and/or meals⁵⁴ by locking down the inmates.

Post orders ensure that DOI's management, the facilities' superintendents, and all COs are familiar with the security procedures of the facility. The importance of post orders is outlined in DOC Policy 1208.01 as follows:

Policy

There must be a well developed post order outlining the duties, responsibilities, and emergency procedures of that post...

B. Superintendents shall develop appropriate post orders and submit them to the Director of Institutions for approval.

C. All Correctional Officers shall be familiar with the security post orders of the institution in which they are working. . . .

1. Post orders shall be reviewed and, if necessary, revised annually by the assistant superintendent and/or security officer, subject to review and approval by the superintendent and Director of Institutions.

2. Before the first time an officer assumes a post, the officer must certify by signing an attached sheet . . . that all provisions of that post's orders have been read and understood. Subsequent signing of post orders is necessary each time an officer assumes a new post or when a post order is revised or changed.

Procedure

C. Supervisory Review

1. Upon initial assignment to a post, the contents of that post's orders shall be discussed with the officer by the officer's immediate supervisor.

National staffing guidelines indicate that, overall, post orders should be developed to reflect security procedures that have been agreed upon through consensus of the facilities' superintendents and DOI's management. We recommend that the post orders be updated and approved by DOI's management in order to establish a common basis of expectations between COs, superintendents, and DOI's management.

Recommendation No. 4

DOI's management should ensure that facility management complies with policies for minimum staffing levels and, if needed, provide the resources to allow compliance.

DOI is not consistently following departmental policies and procedures regarding minimum staffing levels. Each facility has a required minimum number of COs to be on duty during

⁵⁴Article 18 of the union agreement provides for meal breaks and relief periods. It states that a CO working a 12-hour shift shall receive a one-half hour, duty-free paid meal break and two paid 15 minute paid relief periods. However, it is generally the practice to have the CO take only a one-hour meal/relief break per shift.

each shift.⁵⁵ DOC Policy 1208.11 requires each facility to maintain an institutional log. The shift supervisor records various information, including:

- Changes in shift information – including names of all shift staff on duty;
- Employees reporting sick or otherwise absent from duty;
- Shift staff leaving early and their reasons for leaving; and
- Employees who were called in on overtime.

The institutional log allows facility management to determine whether the minimum shift staffing levels were met for each shift.

We reviewed the shift supervisor reports to determine if the posts identified by the superintendent as being part of minimum staffing had a CO on duty. Facilities’ staffing was below the minimum level to varying degrees. See Exhibit 12 for the percentage of those shifts that were staffed below the minimum level.

Exhibit 12

Percentage of Shifts Staffed below Minimum Level from July through December 2008					
	ACC-East	ACC-West	AMCC	FCC	SCCC
Percentage of Total Shifts Staffed at less than Minimum Level	11%	8%	1%	4%	5%

The minimum staffing level is specified to promote adequate safety for the visiting public, inmates, correctional officers, and staff. Any downward deviation from the minimum staffing level should only happen in declared emergency situations.⁵⁶

We recommend that DOI’s management ensure that facilities are able to consistently meet minimum staffing levels for the safety of inmates, officers, facility staff and visitors.

⁵⁵ACC and SCCC Policy 202.01 and AMCC memorandum dated March 3, 2009 require maintenance of minimum staffing levels. FCC does not have a policy regarding minimum staffing levels. However, the superintendent provided us with the minimum staffing levels for each shift.

⁵⁶SCCC has three minimum staffing levels: a day shift (6:00am to 6:00pm); an evening shift (6:00pm to 11:00pm) and a night shift (11:00pm to 6:00am). The evening shift minimum staffing level is 24 COs, and no exceptions were noted in our review for this shift.

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Appendix A – ACC Schedule of Posts and Number of FTEs Required Using the Three Scenarios

	Post Priority	No. of Posts	Post Hours	(A)	(B)	(C)	
				2005 SRF No. of FTEs	2009 SRF No. of FTEs	2009 SRF & Proposed Posts No. of Posts	No. of FTEs
ACC-West Shift Officers							
Operations Supervisor	E	1	24	4.8	4.6	1	4.6
Module Supervisor	E	1	12	2.4	2.3	1	2.3
Master Control Officer	M	1	24	4.8	5.2	1	5.2
Master Control Officer	M	0	12	0	0	1	2.6
Booking Officers	E	1	12	2.4	2.3	1	2.3
Module Units D – L and N Officers	E	9	24	43.2	41.4	10	46.0
Module Units B and M Officers	M	2	24	9.6	10.4	2	10.4
Rover Officers	E	3	24	14.4	13.8	3	13.8
Rover Officers	E	0	12	0	0	1	2.3
Subtotal Minimum Staffing		18		81.6	80.0	21	89.5
ACC-East Shift Officers							
Shift Supervisor	E	1	24	4.8	4.6	1	4.6
Booking Supervisor	E	1	24	4.8	4.6	1	4.6
Master Control Officer	M	1	24	4.8	5.2	1	5.2
Master Control Officer	M	0	12	0	0	1	2.6
Booking Officers	E	2	24	9.6	9.2	2	9.2
Booking Rover Officer	E	1	12	2.4	2.3	1	2.3
Module Units A – F Officers	E	6	24	28.8	27.6	6	27.6
Segregation Officer	M	2	24	9.6	10.4	2	10.4
Medical Segregation Officer	M	1	24	4.8	5.2	1	5.2
Perimeter Control Officer	M	0	12	0	0	1	2.6
Rover Officers	E	3	24	14.4	13.8	3	13.8
Rover Officers	E	3	12	7.2	6.9	4	9.2
Subtotal Minimum Staffing		21		91.2	89.8	24	97.3
ACC Administrative Officers							
Lieutenant	I	2	8	2	2	2	2
Sergeant	I	8	8	8	8	8	8
CO I/II	I	1	8	1	1	1	1
Subtotal Administrative Staffing		11		11	11	11	11
Total Officer Staffing		50		184	181	56	198
FY 10 Funded CO Positions				169	169		169
FTEs to be Funded (rounded)				15	12		29
Additional FTEs Estimated Costs per Year ⁵⁷ (rounded)					\$ 889,100		\$2,148,600
Average Overtime Costs per Year					\$2,000,000		

Legend: SRF (Shift Relief Factor) and FTE (Full-Time Equivalent positions)

Post Priority: M – Post may not be left unmanned.

E – Post may be temporarily left unmanned (e.g., break or meal).

I – Post may be manned on an irregular basis without adversely affecting operations.

⁵⁷Estimated costs are \$74,089 per year per FTE. This amount was determined by averaging the FY 10 annual budgeted costs for a CO I of \$72,070 and CO II of \$76,108.

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Appendix B – AMCC Schedule of Posts and Number of FTEs Required Using the Three Scenarios

				(A)	(B)	(C)	
	Post	No. of	Post	2005 SRF	2009 SRF	2009 SRF & Proposed Posts	
	Priority	Posts	Hours	No. of FTEs	No. of FTEs	No. of Posts	No. of FTEs
AMCC-Shift Officers							
Shift Supervisor	E	1	24	4.8	5.0	1	5.0
Master Control Officer	M	1	24	4.8	5.4	1	5.4
Segregation/Booking Officer	E	1	24	4.8	5.0	1	5.0
Housing Quad Officer	E	1	24	4.8	5.0	1	5.0
Housing Quad Rover Officer	E	0	24	0	0	1	5.0
Basic Operations/Program Area Rover Officer	E	1	24	4.8	5.0	1	5.0
Subtotal Minimum Staffing		5		24	25.4	6	30.4
AMCC Administrative Officers							
Lieutenant	I	1	7.5	1	1	1	1
Sergeant	I	2	8	2	2	2	2
CO I/II ⁵⁸	I	2	8	2	2	2	2
CO I/II	I	1	8	1	1	1	1
Subtotal Administrative Staffing		6		6	6	6	6
Total Officer Staffing		11		30	31	12	36
FY 10 Funded CO Positions				28	28		28
FTEs to be Funded (rounded)				2	3		8
Additional FTEs Estimated Costs per Year ⁵⁹ (rounded)					\$290,700		\$775,100
Average Overtime Costs per Year					\$111,000		

Legend: SRF (Shift Relief Factor) and FTE (Full-Time Equivalent positions)

Post Priority: M – Post may not be left unmanned.

E – Post may be temporarily left unmanned (e.g., break or meal).

I – Post may be manned on an irregular basis without adversely affecting operations.

⁵⁸Administrative COs and sergeants are normally on 8-hour, 5-day shifts. However, to provide coverage for relief, these officers are on 7-day, 12-hour shifts. The extra 2 FTEs for the rotation of one week on, one week off are considered part of the FTEs needed for relief.

⁵⁹Estimated costs are \$96,888 per year per FTE. This amount was determined by averaging the FY 10 annual budgeted costs for a CO I of \$92,348 and CO II of \$101,427.

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Appendix C – FCC Schedule of Posts and Number of FTEs Required Using the Three Scenarios

				(A)	(B)	(C)	
	Post	No. of	Post	2005 SRF	2009 SRF	2009 SRF & Proposed Posts	
	Priority	Posts	Hours	No. of FTEs	No. of FTEs	No. of Posts	No. of FTEs
FCC-Shift Officers							
Shift Supervisor	E	1	24	4.8	4.8	1	4.8
Master Control Officer	M	1	24	4.8	5.4	1	5.4
Master Control Officer	M	0	12	0	0	1	2.7
Perimeter Control Officer	M	0	24	0	0	1	5.4
Booking Officers	E	2	24	9.6	9.6	2	9.6
Unit 1 Officers	E	2	24	9.6	9.6	2	9.6
Unit 2 Officer	E	1	24	4.8	4.8	1	4.8
Unit 2 Officer	E	0	24	0	0	1	4.8
Gym Housing Officer (only if gym used)	E	0	24	0	0	1	4.8 ⁶⁰
Unit 3 Officers	E	3	24	14.4	14.4	3	14.4
Rover Officers	E	1	12	2.4	2.4	2	4.8
Rover Officer	E	1	24	4.8	4.8	1	4.8
Subtotal Minimum Staffing		12		55.2	55.8	17	75.9
FCC Officers							
Transportation Officer	E	1	12	2.4	2.4	1	2.4
Laundry Officer	E	1	12	2.4	2.4	1	2.4
Recreation Officer	I	1	8	1	1	1	1
Subtotal Other Officers		3		5.8	5.8	3	5.8
FCC Administrative Officers							
Lieutenant	I	0		0	0	0	0
Sergeant	I	5	8	5	5	5	5
Subtotal Administrative Staffing		5		5	5	5	5
Total Officer Staffing		20		66	67	25	87
FY 10 Funded CO Positions				<u>66</u>	<u>66</u>		<u>66</u>
FTEs to be Funded (rounded)				<u>0</u>	<u>1</u>		<u>21</u>
Additional FTEs Estimated Costs per Year ⁶¹ (rounded)					\$ 73,400		\$1,541,800
Average Overtime Costs per Year					\$345,000		

Legend: SRF (Shift Relief Factor) and FTE (Full-Time Equivalent positions)

Post Priority: M – Post may not be left unmanned.

E – Post may be temporarily left unmanned (e.g., break or meal).

I – Post may be manned on an irregular basis without adversely affecting operations.

⁶⁰If FCC does not use the gym for housing, this post is not necessary and would reduce the required number of COs to 82. This revised number is still more than the 66 currently funded positions; the estimated cost for the additional 16 FTEs is \$1,174,700.

⁶¹Estimated costs are \$73,417 per year per FTE. This amount was determined by averaging the FY 10 annual budgeted costs for a CO I of \$72,133 and CO II of \$74,700.

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Appendix D – SCCC Schedule of Posts and Number of FTEs Required Using the Three Scenarios

	Post Priority	No. of Posts	Post Hours	(A)	(B)	(C)	
				2005 SRF No. of FTEs	2009 SRF No. of FTEs	2009 SRF & Proposed Posts No. of Posts	No. of FTEs
SCCC Shift Officers							
Shift Supervisor	E	1	24	4.8	4.6	1	4.6
Master Control Officer	M	1	24	4.8	5.2	1	5.2
Visiting Control Officer	E	1	12	2.4	2.3	1	2.3
Observation Tower Officer	M	1	24	4.8	5.2	1	5.2
Reception/Admin. Area Control Officer	E	0	24			1	4.6
Operations Officer	E	1	24	4.8	4.6	1	4.6
Kitchen Control Officer	E	1	12	2.4	2.3	1	2.3
Perimeter Patrol Officer	M	1	24	4.8	5.2	1	5.2
Medical Segregation Rover Officer	E	1	24	4.8	4.6	1	4.6
House Control Officers	M	3	24	14.4	15.6	3	15.6
House 2 and 3 Module Unit Officers	E	8	24	38.4	36.8	8	36.8
House 1 Rover Officers	E	2	24	9.6	9.2	2	9.2
House 1 Rover Officer	E	1	12	2.4	2.3	1	2.3
House 2 and 3 Rover Officers	E	2	24	9.6	9.2	2	9.2
APS Area Rover Officers	E	2	24	9.6	9.2	2	9.2
Kitchen Area Rover Officer	E	1	12	2.4	2.3	1	2.3
APS/Kitchen/Maintenance/ PEP Areas Rover	E	1	8	1	1	1	1
Subtotal Minimum Staffing		28		121	119.6	29	124.2
SCCC Housing Supervisors							
House 1 and 3 Sergeant	I	1	24	4	4	1	4
House 2 Special Unit Sergeant	I	1	12	2	2	1	2
Subtotal Housing Supervisors		2		6	6	2	6
SCCC Administrative Officers							
Lieutenant	I	2	7.5	2	2	2	2
Sergeant	I	3	8	3	3	3	3
CO I/II ⁶²	I	4	8	4	4	4	4
CO I/II (Intake/Mail Room)	E	1	12	2	2.3	1	2.3
Subtotal Administrative Staffing		10		11	11.3	10	11.3
Total Officer Staffing		40		138	137	41	142
FY 10 Funded CO Positions				136	136		136
FTEs to be Funded (rounded)				2	1		6
Additional FTEs/ Estimated Costs per Year ⁶³ (rounded)					\$74,800		\$448,600
Average Overtime Costs per Year					\$340,000		

Legend: APS (Administrative/Program Services), PEP (Prisoner's Employment Program), SRF (Shift Relief Factor) and FTE (full-time equivalent positions)

Post Priority: M – Post may not be left unmanned.

E – Post may be temporarily left unmanned (e.g., break or meal).

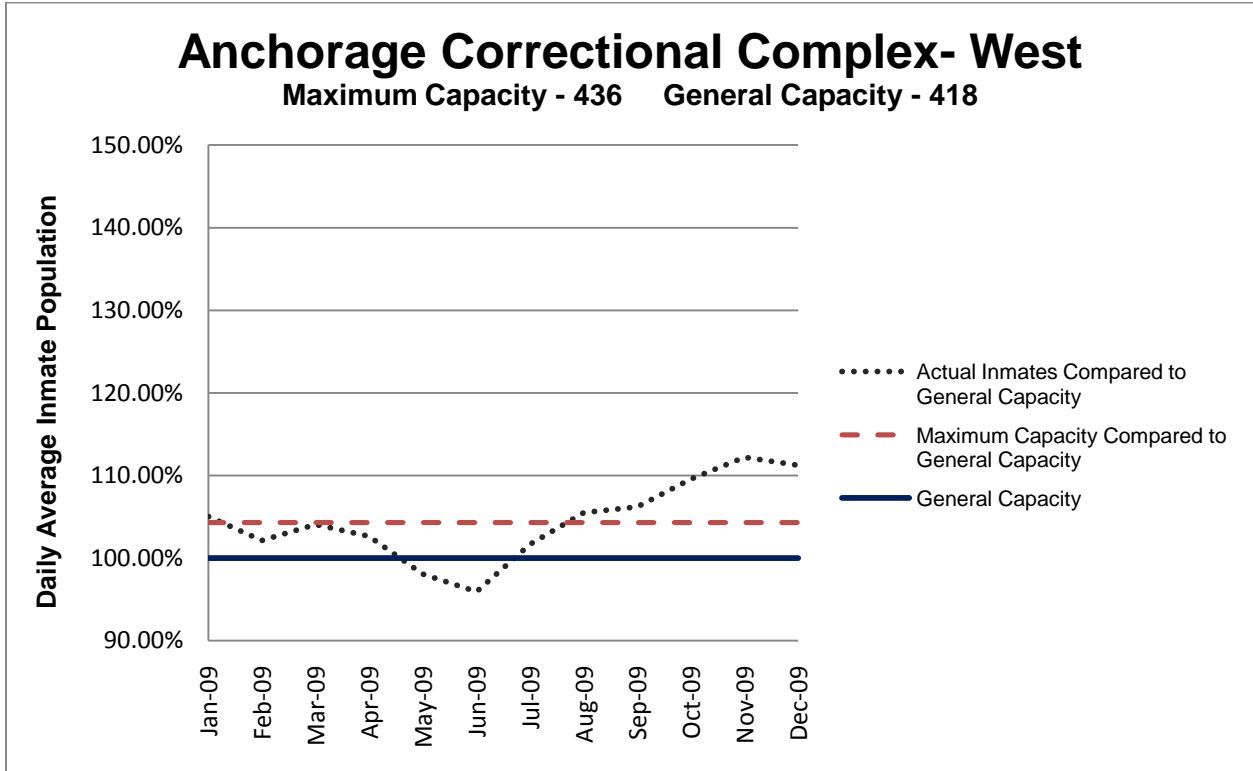
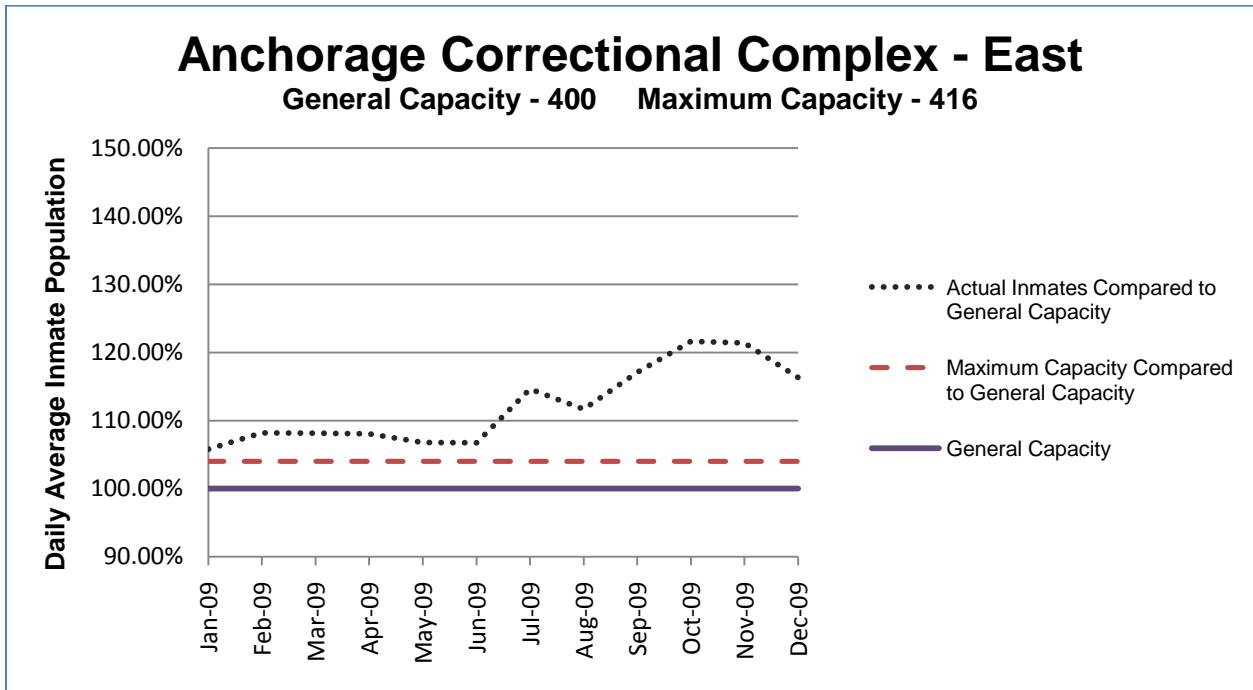
I – Post may be manned on an irregular basis without adversely affecting operations.

⁶²Administrative COs and sergeants are normally on 8-hour, 5-day shifts. However, to provide coverage for relief, these officers are on 7-day, 12-hour shifts. The extra 6 FTEs for the rotation of one week on, one week off are considered part of the FTEs needed for relief.

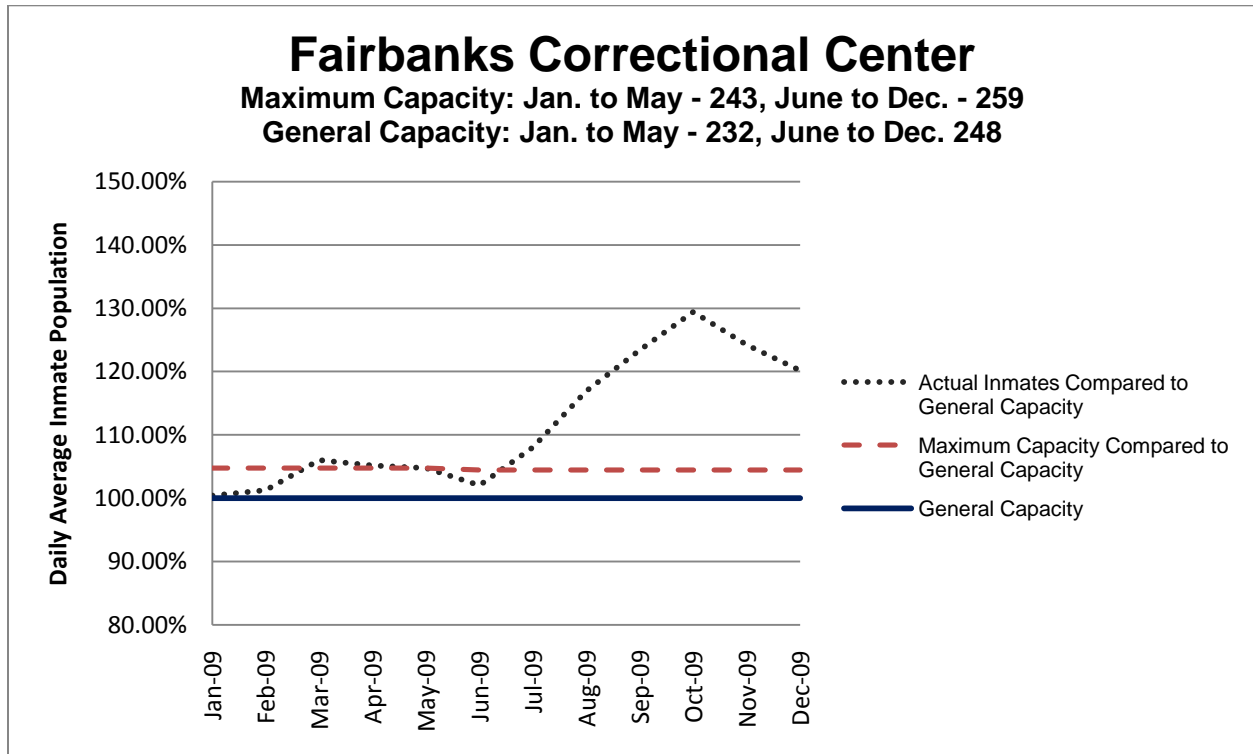
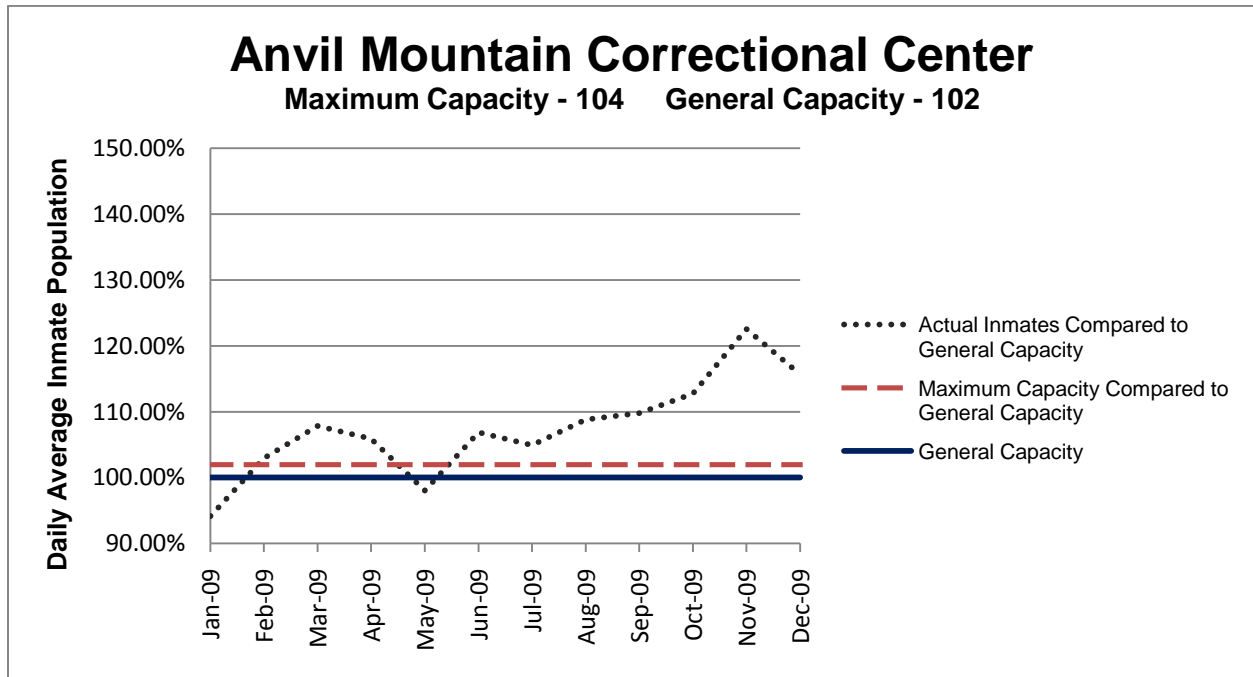
⁶³Estimated costs are \$74,759 per year per FTE. This amount was determined by averaging the FY 10 annual budgeted costs for a CO I of \$71,168 and CO II of \$78,349.

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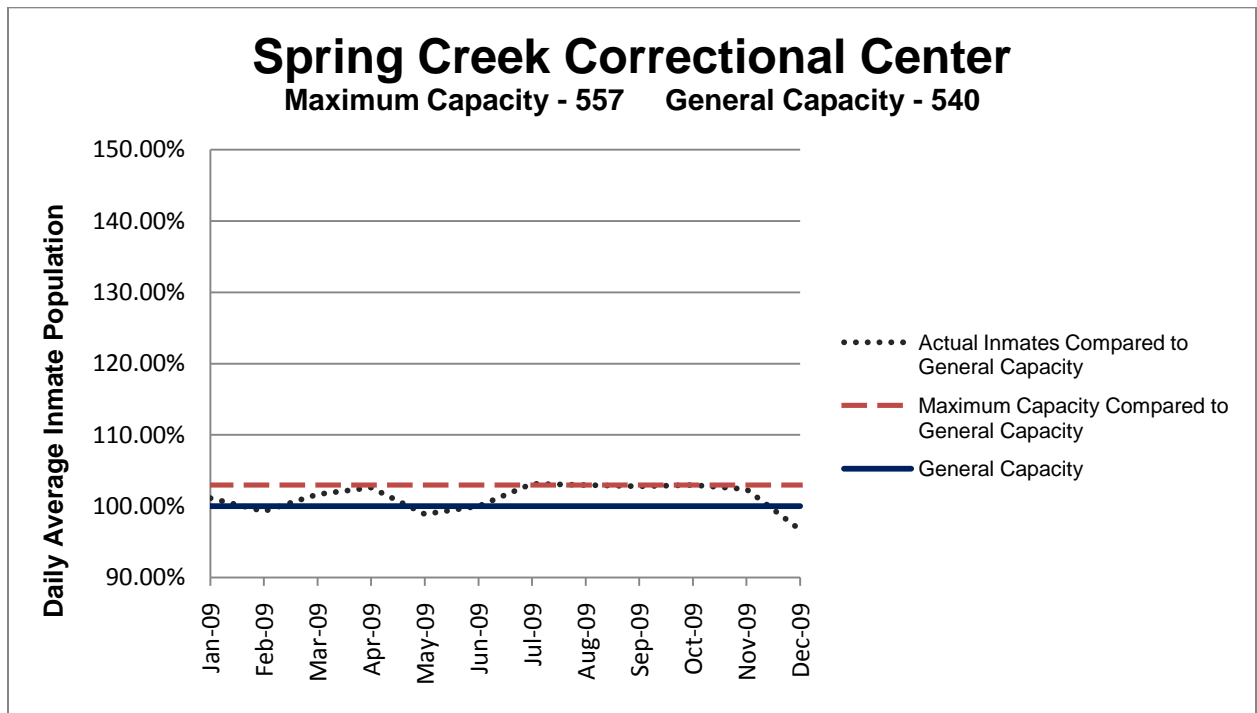
Appendix E - CY 09 Daily Average Inmate Counts Compared to Capacity Standards by Month



Appendix E - CY 09 Daily Average Inmate Counts Compared to Capacity Standards by Month



**Appendix E - CY 09 Daily Average Inmate Counts Compared to Capacity Standards
by Month**



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Appendix F – ACA Consultant’s Resume

Richard L. Stalder

Education

College Undergraduate - Louisiana State University, Baton Rouge - B.A. in Economics conferred August 1973

Graduate - Louisiana State University, Baton Rouge - M.S. in Economics conferred December 1978

Principal Areas of Study: Econometrics; Labor Economics; Agricultural Economics; Economic Theory

Employment History

1/92 – 1/08 **Secretary**

- Responsible for the operation of Corrections Services with 6,300 employees, 102,000 offenders (adult prisons, adult probation and parole and community services), and an annual operating budget of \$712 million;
- Provides support as needed to the Deputy Secretary of Public Safety Services responsible for 3,000 employees and an annual operating budget of \$393 million.
- Provides support as needed to the Deputy Secretary of Office of Youth Services responsible for 1,190 employees and an annual operating budget of \$186 million.

2/87 - 1/92 **Warden** - 1,200-bed medium and maximum custody adult male prison with 374 staff and an annual budget of \$12 million.

5/85 - 2/87 **Deputy Warden** - 974-bed medium custody adult male prison. Responsible for supervision of all security and support functions.

12/78 - 9/81 **Superintendent** - 300-bed juvenile correctional facility. Responsible for the administration of a staff of 212 and an annual operating budget of \$3.25 million.

6/78 - 12/78 **Agri-Business Planning and Management Officer** (detail of Corrections Budget Officer position) - performed professional planning and administrative work in directing the program and management development activities of the Agri-Business Division.

1/76 - 6/78 **Corrections Budget Officer** - responsible to the Undersecretary for the total budgetary program of the Department including procurement, federal grant administration, property and inventory control, capital outlay budgeting, operating budgets, expenditure analysis, and communications systems.

7/75 - 1/76 **Federal Programs Administrator** - responsible for the administration of all federal grants received by the Department. Served as liaison with federal funding agencies. Responsible for review and processing of all grant applications. Initiated, developed, and disseminated the first guideline manual of federal grant administration in the Department.

1/74 - 6/75 **Training Officer I and II** - functioning as the Assistant Director of Training. Developed and conducted training programs in all adult and juvenile institutions.

5/71 - 12/73 **Correctional Officer I and II** - Performed routine security functions in the adult and juvenile systems. Functioned as a Shift Supervisor and worked with the Classification and Disciplinary systems of both institutions.

Professional Affiliations

American Correctional Association (ACA):

2008 - Present	Member – Legislative Committee
2006 - 2008	Co-Chair – Legislative Committee
2006 - 2008	Member – Election Process Subcommittee
2004 - 2006	Member – Correctional Awards Committee
2002 - 2008	Member – Correctional Intelligence Task Force
2000 - 2002	Immediate Past President
2000 - 2006	Member – Constitution and Bylaws Committee
2000 - 2002	Member – Correctional Awards Committee
2009 - Present	Member – Correctional Awards Committee
1998 - 2000	President
1997 - 1998	Member – Youthful Offender Task Force
1996 - 1998	President – Elect
1996 - 2002	Member – Executive Committee
1996 - 2002	Member – Board of Governors
1996 - Present	Member – Delegate Assembly
1995 - 1997	Chairman – Subcommittee on Performance Based Standards for Juvenile Community Residential Facilities
1995 - 1996	Member – Standards and Accreditation Director Search Committee
1994 - 1996	Member – Standards Committee
1994 - 1998	Member – Commission on Accreditation for Corrections
1994 - 1996	Member – Exhibitor Relations Committee
1994 - 1996	Member – Constitution and Bylaws Committee
1990 - Present	Consultant Auditor – Commission on Accreditation for Corrections
1978 - 1981	Member – American Correctional Association
1985 - Present	Member – American Correctional Association

STATE OF ALASKA

Sean Parnell,
GOVERNOR

DEPARTMENT OF CORRECTIONS *Office of the Commissioner*

P.O. Box 112000
Juneau, AK 99811-2000
PHONE: (907) 465-4652
FAX: (907) 465-3390

April 28, 2010

RECEIVED

APR 28 2010

LEGISLATIVE AUDIT

Danna Moser
In-Charge Auditor
Alaska State Legislature
Legislative Budget and Audit Committee
P.O. Box 113300
Juneau, Alaska 99811

Re: The Alaska Department of Corrections' Response to Preliminary Report, Department of Corrections Selected Health and Safety Issues, Part 2, Audit control Number 20-30053B-10

Dear Ms. Moser,

Thank you for the opportunity to respond to the Division of Legislative Audit's (DLA) Preliminary Report (Report) on the Alaska Department of Corrections' (ADOC) correctional officer (CO) staffing audit. We appreciate the work you and other members of your office put into this audit. The goal of our response is to set forth the actual steps taken by my management team to staff for safe and well-run facilities while upholding the public's trust to responsibly spend limited state resources.

Summary of the ADOC's Response to the DLA's Preliminary Report on ADOC Correctional Officer Staffing

The DLA performed a staffing audit on four of ADOC's facilities: the Anchorage Correctional Complex (ACC), Spring Creek Correctional Center (SCCC), Anvil Mountain Correction Center (AMCC) and Fairbanks Correctional Center (FCC).

The impetus for this audit came as a result of the Alaska Correctional Officer's Association (ACOA) claims against the ADOC in 2008. The ACOA alleged that MRSA posed a serious threat to correctional officer (CO) safety. The DLA's audit report, Part 1 published on July 21, 2009, proved this allegation to be without merit. The ACOA further claimed that the ADOC facilities were understaffed, a claim it believed would be proved by examining prisoner/correctional officer (CO) ratios. As a

follow-up to these allegations, an Alaska State Senator requested this audit asking specifically how Alaska's CO/inmate ratios compared with nationally recommended levels. The Preliminary Report did not address the question, but since the Senator requested the information, it is provided here.

The ADOC compares very well to national CO to inmate ratios. In 2006, Alaska's statewide CO to inmate ratio was 1 CO for every 5.1 inmates. The national average, according to the American Correctional Association in 2006, was 1 to 6.7. Today the Alaska statewide ratio is 1 to 4.7, the national average in 2008 (the most recent ACA data collected) was to 1 to 6.35.

The Director of Institutions (DOI) agrees there were minor inaccuracies in its 2007 SRF calculations. These inaccuracies, however, resulted in immaterial differences between the SRF determined by DLA and the one utilized by DOI. The ADOC disagrees with the DLA's assertion that this difference created staffing shortages.

The DLA's Preliminary Report makes a number of state employee staffing increase recommendations. In making these recommendations, the DLA failed to identify how any specific problem or incident would have been avoided or will be avoided in the future with such substantial personnel expenditures. **The total recommended state employee personnel increases will cost the State of Alaska \$4.4 million dollars per year.¹ Recommendation No. 1 asserts that the ADOC add 17 positions at a cost to the State of \$1,282,310 in additional state personnel per year. Recommendation No. 2 asserts that the ADOC needs to add seven 12-hour posts and five 24-hour posts at a cost of \$3,122,571 to the State.** This 4.4 million would be multiplied if the same rationale were applied to the remaining unaudited eight facilities and the Goose Creek facility when it opens in Spring 2012.

Such a substantial expenditure of limited state resources should be accompanied by a fact-based explanation as to how spending this money would have prevented some identifiable harm that has previously occurred or is substantially likely to prevent future harm. That has not been done here. Without such, these recommendations amount to theoretical niceties that are not grounded in fiscal reality. One of the ADOC's responsibilities is to be a responsible steward of limited state resources while also ensuring the safety and security of its institutions.

¹ These numbers are based on the current contract between the State and the ACOA. The legislature just approved an arbitrator's award which will increase CO wages and leave time thus inflating these numbers.

In attempting to provide a balance between safety and fiscal responsibility, the ADOC has reduced overtime by more than half, from 174,794 hours in 2006 to 80,074 hours in 2009. Meanwhile, this administration increased CO staffing. In 2006, the ADOC employed 696 security staff. Today, the ADOC employs 774, an increase of 78 COs.

The ADOC submits that in a system where the State spends \$44,000 per year per inmate, no additional state employees should be hired without a specific showing of how some safety incident would have been avoided by virtue of that new position and how that position will avoid a future reoccurrence.

ADOC RESPONSE TO DLA PRELIMINARY REPORT

The Report's Methodology

The ADOC objects to the methodology employed by the DLA in one significant respect. Report p. 3. It failed to perform a historical review of the ADOC's incidents of escape, serious assaults, suicides, staff turnover rates and other measures of safety and stability.² Significant posting recommendations should not be made based upon theoretical staffing approaches without a specific showing of how any single posting recommendation would actually improve safety. Recommendation Nos. 1 and 2 make new costly posting recommendations, yet the DLA fails to first explain how these additional posts would have prevented some past or future identifiable harm.³

The paid consultant upon whom the DLA relies almost exclusively in making its additional posting recommendations (Recommendation No. 2 pgs. 23-30), failed to review the Department's safety record and was free to opine without the realities of fiscal restraint. Report pgs. 5-6. The DLA placed no fiscal limitations on its consultant's recommendations. Report p. 6, fn. 14. The DLA essentially gave their paid consultant unbridled latitude to make "in a perfect world" recommendations that have no bearing on fiscal realities. Providing safe and secure facilities in a fiscally responsible manner is a mandate of the ADOC as a conscientious steward of limited State resources.

² Regarding the ADOC's safety history, its overall mortality rate stands up well to that of other states. In its entire history, the department has had only three in-custody inmate-on-inmate deaths and not a single correctional officer death due to inmate behavior.

³ For example, the DLA notes a rising increase in CO inmate incidents as a reason for increased staffing at ACC. The actual incidents of assault occurred in the "Bravo", "Mike", "Echo" and "Booking" units at ACC, units in which the DLA does not recommend increased staffing. Such recommendations should be based on eliminating actual and identifiable harms, not on speculative possibilities of harm.

Even though the DLA placed no fiscal constraints on its consultant, it cites the *Prison Staffing Analysis, a Training Manual*,⁴ (“Staffing Manual”) for the obvious proposition that fiscal realities are appropriate considerations for policy makers in making their staffing decisions. Report p. 12. The Preliminary Report author writes:

“Similarly to other states’ correctional administrators, DOI must manage its security positions with limited fiscal resources. Much of the decision-making associated with staffing require administrators to decide how much risk is tolerable. All parties (the department, governor, legislature, and the public) involved in determining the budget for Alaska’s correctional facilities know that the number of staff must be sufficient to keep prisoners from escaping and to provide for the safety of prisoners, officers, staff, visitors and the general public. *‘Budget reductions often continue until the governing body perceives more risk than can be tolerated.’*”

Report p. 12, citing the Staffing Manual. In a system which spends an average of \$44,000 per year per prisoner, no additional position should be added without specific justification including reference to a safety incident that would not have occurred if it had been staffed and with such staffing will not occur again in the future. As noted in the Staffing Manual, “[h]aving a plan that orchestrates the proper placement and functioning of all security staff at all times so that no one gets hurt and no one escapes during the facility operations, programs, and services is no small accomplishment.”⁵

The consultant spent a very limited amount of time touring the four ADOC facilities in question. He reviewed four facilities, ACC in Anchorage, FCC in Fairbanks, AMCC in Nome and SCCC in Seward over a four day period from June 1 through June 5, 2010. Given that two of these facilities require commercial airline travel and his visit to SCCC required a five-hour round-trip drive from Anchorage and back, the actual time he spent in these four institutions was limited at best. It is also worth noting that the DLA consultant never spoke to the ADOC management. Any serious effort by the consultant to gain a comprehensive and unbiased understanding of the ADOC’s staffing policies would necessarily include a conversation with management in order to understand its reasons for the posting decisions made.

⁴ U.S. Department of Justice, National Institute of Corrections, December 2008.

⁵ Staffing Manual, Introduction, page xvi.

Kay Walter, the consultant used by the ADOC in 2005 over a three month period, spent time in every single ADOC facility and an additional month in 2007 studying our postings, efficiencies and the overall safety of our correctional institutions. The level of her knowledge, time spent and expertise is noteworthy on the issue of the ADOC's staffing when compared to the four days the DLA consultant spent in the four facilities evaluated for this audit. Ms. Walter has years of experience in Washington state corrections and is highly regarded for her skill and expertise. See resume, Exhibit A attached hereto. Given her hands-on knowledge of our facilities, the ADOC stands firmly behind her work.

The Preliminary Report suggests failure on the part of the ADOC because it did not determine separate SRFs for each DOC facility. Report, p. 13 & 15. It is not possible to run a statewide corrections system with a separate SRF for each of our twelve correctional centers. This is because the ADOC has statewide union contracts that call for the same benefits for all its members. Consequently, the ADOC must use an averaged statewide SRF and will continue to do so. It will, however, use a separate SRF for mandatory posts and a SRF for essential posts as recommended in the Report.

Findings and Recommendations:

Recommendation No. 1:

The ADOC disputes the DLA's finding of staffing deficiencies. Contrary to the Report's findings, DOI did not reduce the number of CO funded positions at ACC resulting in a shortage of 12 positions. Report p. 19. This assertion is inaccurate. The 2007 Kay Walter study recommended certain efficiency staff reductions, but for a number of reasons none of those reductions were implemented. In 2008, ACC had 165 funded positions. In FY 2009 it had 170. Five positions were added at ACC. Later, DOI transferred one lieutenant position to transport, leaving ACC with 169 positions. Additionally, as a result of the 2007 study, various additional positions were added around the state.

The 2007 study also recommended additional staff reductions: 16.8 FTE's in efficiencies for SCCC, 14.4 for ACC and 7.2 for FCC. DOI did not implement these reductions.

With regard to the recommended posts at AMCC, FCC and SCCC, the audit fails to demonstrate how these positions would have prevented any identifiable harm or how these positions would make the institutions safer for the public, the COs and the inmates. **Yet, the cost to the**

State for these 17 recommended positions would be \$1,282,310 in additional state personnel spending.

The ADOC agrees that its posting orders should identify which posts are “mandatory” and which are “essential”. Report p. 3. The total posts statewide based on the ADOC’s current mandatory minimums are 152. 32 of these are considered “mandatory” and 120 are “essential”.⁶

Including an additional 180 hours for meal/leave breaks for 32 posts and using actual leave accrued and taken instead of leave taken resulted in an immaterial difference and results in no material staffing changes. The DLA admitted to as much in its Preliminary Report. Report, p. 4. fn. 10. Theoretically, the ADOC agrees with the DLA’s 2009 SRF determination for mandatory versus essential posts. The average between the 2009 SRF for mandatory and essential posts of the four facilities audited is 5.0 as opposed to the 4.8 currently being used by the ADOC. In terms of application, this makes no practical difference. Meal and leave breaks for mandatory posts are currently covered by rovers and when necessary by 42-hour sergeants. Under DOI’s practice this does not require an increased SRF factor and does not create a staffing shortage.

Alleged staffing deficiencies have not resulted in excessive overtime usage. Report p. 21-22. In fact, overtime has been reduced statewide from 174,794 hours in 2006 to 80,074 hours in 2009.

Report, p. 22, Exhibit 9 is an incorrect compilation of institutional overtime hours. An auditor explained how she obtained these numbers. She stated she added CO overtime hours in addition to overtime hours incurred at “swing” or “graveyard” differentials. For example, for FY 2007, to determine ACC overtime hours, the auditor calculated hours as follows:

FY 2007

Regular overtime:	73,884.25 hours
Swing:	35,292.25
Grave:	203.5 hours
Total:	109,381 hours

By adding in the “swing” and “graveyard” differentials, the auditor double counted and in some cases tripled counted overtime hours for FY 2007, FY 2008 and the ten pay periods through 4/15/09 of FY 2009.

⁶ Control rooms, towers and perimeter posts are the only posts considered “mandatory” by the DOI. ACC has 7 such posts, FCC 2, AMCC 1 and SCC 6.

Accordingly, Exhibit 9 should be removed from the Preliminary Report because it is inaccurate.

The following chart correctly reflects overtime hours at ACC for FY 07 through March 3, 2010.

	FY 07	FY 08	FY09	FY10
CO OT hours ⁷	90,216.25	58,301.75	40,384.75	21,001.00
Hospital OT hr ⁸	5,652.50	7,264.25	10,773.75	11,170.25
Total CO hrs – hospital watch	84,563.75	51,037.50	29,611	9,830.75

Actual CO overtime usage does not support the DLA's staffing deficiency contention at ACC.

The Report incorrectly assumes that by simply increasing the number of state employees the amount of overtime will correspondingly be reduced. The reality is that increasing the SRF by itself will never eliminate overtime. SRFs are based on averages of the amount of sick leave, training, personal leave, etc., taken by all COs over a year's time. For example, a flu season and other events such as military deployments during times of war will guarantee that overtime must be used. Or, if a CO is authorized personal leave in advance and then another CO calls in sick, overtime will be required. These unexpected contingencies cannot be covered by any relief factor. Any responsible administration will build in the funding for necessary overtime. This use of overtime is more cost effective than an attempt to hire the number of staff required to eliminate it.

According to the ACC Superintendent, managing leave by limiting a COs leave to one consecutive week has not created a morale problem.⁹ Because COs work one seven-day week and then have one seven-day week off, the one-week of leave time can be scheduled in between the week off on each end, creating 21 days of consecutive leave. Prohibiting more than one-week of consecutive leave under these circumstances is the very kind of efficiency any fiscally responsible management team should employ to reduce overtime and its overall staffing budget.

⁷ See Exhibit B, the ADOC spreadsheet showing overtime hours since FY 2005. This document was provided to the DLA.

⁸ Hospital watch overtime hours come directly from the records kept by the Superintendent at ACC.

⁹ There are exceptions to this policy based on unusual circumstances that might necessitate a CO requiring additional leave.

Recommendation No. 2

Of concern to the ADOC is the Report's assertion that there are "post efficiency and effectiveness issues" at ACC, AMCC, FCC, and SCCC. Report p. 23. This finding is not supported by any cited incident impacting the safety of COs, inmates or the public that could have been avoided by the additional posts recommended. Any recommendation for an additional post is simply not valid without solid evidence of an existing problem that will be solved by the additional post. See discussion above pages 2-4.

The ADOC submits that kitchen inmate workers at both ACC and FCC are adequately supervised. This is demonstrated by the lack of evidence showing any security incidents at either facility to establish that DOI's current staffing patterns are not safe. During the early morning hours when inmates begin breakfast preparation they are periodically supervised by a CO. When kitchen staff arrive soon thereafter, kitchen workers are supervised by kitchen staff, who like security staff, have radios in the event there is some kind of issue. All knives are locked to their respective work station by a CO and both kitchens are monitored by rovers. Additionally, inmates working in the kitchen are thoroughly screened, are lower risk inmates and appreciate that the ability to work in the kitchen is a privilege.

Using the percentage of days that inmate population exceeds capacity is misleading. As we have earlier noted, when the DLA uses this method the reader does not know if the overcapacity was by one inmate or by 200. The best method, therefore, is to illustrate the point by showing how many inmates per year by which an institution has been over-capacity. The ADOC, therefore, requests that Exhibit 10 be removed from the Preliminary Report and substituted with the chart set forth below or that the Report refer to the general capacity of each facility and the averaged inmate population for CY 2009 as set forth at pages 8 -10 of the Preliminary Report.

*Number of inmates averaged by year by which
each institution exceeded capacity*

ACC	AMCC	FCC	SCCC
2007:124 inmates	2007: 8 inmates	2007: 17 inmates	2007: 59 under capacity
2008: 86 inmates	2008: 11 inmates	2008: 31 inmates	2008: 24 under capacity
2009: 30 inmates	2009: 4 inmates	2009: 8 inmates	2009: 9 under capacity

As accurately illustrated here, the over-capacity numbers are not significant and have decreased in the last 40 months, which is largely attributable to our current population management plan. That plan incorporates the importance of housing by custody (having the right person in the right housing unit with other inmates of the same custody level) and having rehabilitative programs available to support the constructive use of inmate time.

The average number of inmates by which the ADOC has exceeded its maximum population capacity is insufficient to justify staffing increases. As noted in the Staffing Manual, “reassessment of security posts should be done when . . . inmate population **changes significantly**. Report p. 12 (emphasis added). In 2009, the inmate population exceeded maximum capacity by an average of 29 inmates that year.

Furthermore, staffing is driven by function, that is, the responsibilities of the assigned post, the assigned duties, the time associated with completion of counts, security checks, inmate contacts, etc. These concerns and issues as well as the current operations, facility configuration and inmate population determine staffing levels and staffing minimums. For example, at PCC the ADOC added housing. As a result, we demonstrated the need to increase our minimum staffing from 10 to 11. This staffing increase was due to a change in the physical plant, not just because population increased. Conversely, given this approach, posts are not eliminated simply because population numbers decrease. Under the DLA approach an argument could be made that staffing reductions should occur at SCCC because it has been under capacity. The ADOC would not make such staffing changes without significant changes in inmate population.

The Report asserts that increased prohibited inmate behavior is another indicator for management to reassess security posts. Report p. 23-24. That would be true if this increased prohibited behavior constituted “major inmate misconduct” (*Staffing Manual*, cited at Report, p. 12), interrupted facility operations, and the ADOC knew where in the institution these incidents were occurring and by whom. With this information, DOI could reassess its security posts. Exhibit 11, however, does not provide this necessary information. Report p. 24.

DOI, however, in response to this audit attempted to do just that. It examined every Serious Incident Report (SIR) for 2007, 2008 and 2009 at ACC. It analyzed each allegation of misconduct, where in the institution the act was committed and who committed the act. The chart below shows the number of SIRs filed and the number that constituted an actual assault. DOI defines an “assault” as an intentional physical contact, to include bodily fluids by an inmate to staff.

Year	ACC Incidents	Booking	Seg Unit ¹⁰	Mike	Echo	Open Pop
2007	14 incidents, of which 11 where assaults	0	3	5	1	2
2008	14 incidents, of which 10 where assaults	2	5	2	1	0
2009	27 incidents, of which 22 where assaults	2	11	4	3	2

The fact that ACC is a pretrial booking facility must be considered. Many of the individuals booked at ACC are under the influence of drugs and/or alcohol, mentally ill without the benefit of medication, hostile, and overall a bigger management challenge than inmates who have been incarcerated for several days or more.

These incidents are clearly driven by the type of inmate that ends up being placed in Segregation, Mike and Echo mods. In 2007, 11 out of the 14 incidents were actual assaults. In 2008, 10 out of 14 incidents were actual assaults, the number dropping by one. In 2009, when the assaults increased by 12, 12 of these 22 incidents were committed by the same four individuals.¹¹ As the chart reveals, the vast majority occurred in the segregation units or the mental health mod.

In order to know if increased Serious Incident Reports (SIR) actually support the need for additional staffing, management or auditors must first consider location and if the incidents are being committed by the same individuals. The Preliminary Report failed to make this analysis. It is important to note that the Preliminary Report **did not** recommend additional staffing in the units where the majority of SIRS actually took place. Since 2007, only two inmate/CO assaults took place in open population, areas in which the Preliminary Report recommends additional staffing. It is not possible to make responsible staffing decisions based on these unpredictable events that do not amount to a pattern of "major inmate misconduct".

Anchorage Correctional Complex

Master Control Room ACC East and West, Report p. 24

¹⁰ The inmates incarcerated in segregation units are generally in segregation for having committed rule infractions.

¹¹ For purposes of responding to this Preliminary Report, DOC does not have the data for 2007 and 2008 showing whether one inmate was responsible for more than one assault.

The report recommends an additional 12-hour day shift position to both the East and West master control room. The ACC East control room has been in continuous operation for eight years and the ACC West control room for twenty-seven years with no incident occurring in their respective facilities which could be attributed to having only one officer assigned to each. The Report suggests improvement to an already proven operation and at great expense to the State.

It would cost **\$355,627** using a SRF of 2.4 for one additional 12 hour post each for both ACCE and ACCW at a cost of \$74,089 per year for a first-year correctional officer.

Housing Unit C at ACC West, Report p. 25

The Preliminary Report acknowledges that housing by custody will resolve the alleged safety concern posed by leaving Unit C unmanned. The housing by custody classification is in place in all institutions which, according to the Preliminary Report resolves this issue. Report, p 25-26.

Perimeter security post, Report p. 26

Again, the audit fails to base this recommendation on any past, current or future identifiable problem that warrants the expenditure of state resource. Additionally, no perimeter road is possible at ACC without having to unsecure the gate. This would decrease security rather than increase it. The facility walls/building serve as the secure perimeter for ACC and allows no public contact with the prisoners. There is also no perimeter road around the facility for public access. The recreation yards are checked for contraband prior to prisoners being allowed access, there is CCTV coverage, brush has been cleared to improve visibility, and there is correctional officer coverage in each recreation yard.

A 12-hour post will cost **\$177,813** using a SRF of 2.4 for the 12 hour post at a cost per year of \$74,089 for a first-year correctional officer.

Rover post to ACC East, Report p. 26

Inmates being transferred for court are not in the holding area 24 hours, 7 days a week. Once the inmates are brought into this area, they are monitored by camera from the master control room. Additionally, COs may or may not be in the holding area depending on need. This practice has been in existence since 2002 and the Report fails to substantiate how having a fulltime posting in an area that is not occupied by inmates 24 hours, 7 days a week would reduce any cited incidents of harm. Without evidence of necessity this is not a reasonable expenditure of resources.

A 12-hour post will cost **\$177,813** using a SRF of 2.4 for the 12 hour post at a cost per year of \$74,089 for a first-year correctional officer.

Rover post to ACC West, Report p. 26

The Preliminary Report claims that an additional Rover post is required to handle minor internal disturbances, to cover inmate transports and movement and to conduct shakedowns. The Preliminary Report fails to substantiate how this additional post would reduce any actual incident of harm that has occurred in the past or is likely to occur in the future. Without evidence of necessity, this is not a reasonable expenditure of resources.

A 12-hour post will cost **\$177,813** using a SRF of 2.4 for the 12 hour post at a cost per year of \$74,089 for a first-year correctional officer.

Total increased personnel costs recommended for ACC is: **\$889,063.00.**

Anvil Mountain Correctional Center

Housing unit rover, Report p. 27

The Preliminary Report fails to substantiate how this additional 24-hour post would reduce any actual incidents of harm that have occurred in the past or are likely to occur in the future. Without evidence of necessity this is not a reasonable expenditure of resources.

It would cost **\$465,062** for one additional 24-hour post using a cost per year of \$96,888 for a first-year correctional officer using a SRF of 4.8.

Total increased personnel costs for AMCC: **\$465,062.**

Fairbanks Correctional Center

Master Control Room, Report p. 27

The Preliminary Report recommends an additional 12-hour day shift position in the master control room. The FCC control room has been in continuous operation for 30 years with no incident occurring which could be attributed to having only one officer assigned. The Preliminary Report suggests improvement to an already proven operation and at great expense to the State.

It would cost **\$176,200** for one additional 12-hour post using a cost per year of \$73,417 for a first-year correctional officer using a SRF of 2.4.

Unit 2 Report p. 27

The Preliminary Report fails to substantiate how this additional 24-hour post would reduce any actual incidents of harm that have occurred in the past or are likely to occur in the future. Without evidence of necessity this is not a reasonable expenditure of resources.

It would cost **\$352,401** for one additional 24-hour post using a cost per year of \$73,417 for a first-year correctional officer using a SRF of 4.8.

Gym utilized as a housing unit. Report p. 28

ADOC agrees that there are an inadequate number of toilets to accommodate the number of inmates who periodically need to be housed in the FCC gym. The ADOC has a long-term expansion plan to rebuild this facility and as additional resources come on-line, the ADOC would prefer to use the FCC gym as a gym and not as a housing dormitory.

Regarding the Preliminary Report's recommendation for an additional 24-hour post when the number of inmates housed in the gym exceeds 30, the Preliminary Report fails to substantiate how this additional 24-hour post would reduce any actual incidents of harm that have occurred in the past or are likely to occur in the future. Without evidence of necessity this is not a reasonable expenditure of resources.

It would cost **\$352,401** for one additional 24-hour post using a cost per year of \$73,417 for a first-year correctional officer using a SRF of 4.8.

Support Rover Posts p. 28

See response pages 6-7.

It would cost **\$176,200** for one additional 12-hour post using a cost per year of \$73,417 for a first-year correctional officer using a SRF of 2.4.

Perimeter Posts, p. 28

No demonstrable need has been established in the Preliminary Report for this additional post. FCC has operated for years in the current fashion and aside from the security breach caused by a front-end loader which would not have been prevented by the recommended 24-hour perimeter security.

It would cost **\$352,401** for one additional 24-hour post using a cost per year of \$73,417 for a first-year correctional officer using a SRF of 4.8.

Total increased personnel costs for FCC is: **\$1,409,603.00.**

Spring Creek Correctional Center

Redeploy housing rovers p. 29.

The housing rovers are deployed which has always been DOI's policy.

Main entrance reception area, p. 29-30

No one can enter the secure perimeter of the facility without control staff permission. The doors into the actual secured portion of the facility are secured and unauthorized entry is impossible. Operationally, a correctional or administrative staff has been assigned from other parts of the facility to process visitors during visitor hours. Visiting hours occur over an approximate 12-hour time frame. A 24-hour post cannot be justified to cover individuals visiting over a 12-hour period.

The staffing increase recommended for one 24-hour correctional officer post would cost the State **\$358,843** applying SRF factor of 4.8 for a 24-hour post using figure of \$74,759 per correctional officer per year.

Total increased personnel costs for SCCC: **\$358,843.00.**

\$3,122,571 million is the total increased personnel costs for all facility post recommendations.

Recommendation #3

The ADOC agrees with this recommendation and has implemented the recommendation. See Exhibit C attached hereto.

Recommendation #4

This has been done by DOI directive and is the responsibility of supervisory staff to ensure minimum mandatory staffing levels. See Exhibit C attached hereto.

CONCLUSION

The DLA agrees that the ADOC uses a staffing methodology recognized by the National Institute of Corrections. The Preliminary Report notes minor deviations from the national methodology which ADOC submits

have not resulted in staffing deficiencies. This conclusion is supported by the department's history of safety and stability. Nevertheless, the Preliminary Report makes a number of staffing increases with no relevant information to show how increased staffing would have prohibited some identifiable harm to the public, CO or inmates or how such staffing would prevent future harm. Without such, these recommendations amount to theoretical niceties un-tethered to fiscal reality. One of the ADOC's responsibilities is to be a sound steward of limited state resources while also ensuring the safety and security of its institutions. Should the State follow the unsubstantiated recommendations made here, it would result in additional costs to the State of approximately \$4.4 million in new state employee salaries.

In attempting to provide a balance between safety and fiscal responsibility, the ADOC has reduced overtime from 174,794 hours in 2006 down to 80,074 hours in 2009. We have also increased our CO staffing. In 2006, we employed 696 security staff. Today we employ 774, an increase of 78 COs.

The ADOC appreciates the opportunity to review this Preliminary Report. We have implemented some of your recommendations already and will continue to refine our staffing model to promote the ADOC's ability successfully achieve its mission and goals.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joseph Schmidt', with a long horizontal flourish extending to the right.

Joseph Schmidt
Commissioner,
Department of Corrections

Kathleen L. (Kay) Walter
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Employment History

- 2000-2010 **Consultant**--Assisted in development of two RFP's for prison services, negotiated and monitored \$18,000,000 + contract between Alaska DOC and private vendors for private prison services; established a monitoring instrument to ensure contract compliance; acted as liaison between DOC and private vendor to problem solve; completed a staffing study of 12 state jails/prisons for Alaska DOC; facilitated leadership transition planning for Montana DOC; evaluated a private prison facility for Idaho DOC; prepared expert witness reports for Alaska Department of Law.
- 2006-2007 **Operations Director** of Health Services Program for Washington Department of Corrections (DOC). Responsible for medical operations in 17 WA DOC prisons, appointing authority for 650 FTE and 200 contractors; supervision of Health Care Managers; policy development; oversight responsibility for capital improvements for medical areas; medical staffing development.
- 2000-2004 **Director** of an 80 bed contract work release facility operated by Pioneer Human Services. Established performance standards for staff; established staffing requirements and responsible for contract compliance.
- 1993-2000 **Superintendent** of a 2500 bed Washington State DOC medium custody prison with an \$80,000,000 budget. Responsible for policy development; establishment of staffing; administrative supervision; leadership development; oversight for expansion projects; appointing authority for 750 FTE and 40 contract staff.
- 1989-1993 **Assistant Director** of a 250 bed contract prison and a 60 bed work release facility operated by Spokane County in Spokane. Washington. Responsible for custody and medical operations, policy development, emergency response planning.
- 1983-1989 **Program Manager** of 84 bed pre release facility operated by Washington State Department of Corrections. Managed a variety of program areas to include custody, medical, education and case management; liaison with local courts and county jail operations.
- 1980-1983 **Supervisor** of Probation/Parole Officers in an intensive supervision and field unit operated by Washington State DOC.
- 1974-1980 **Parole Officer** for the Washington DOC. Supervision of convicted felons in the community.
- 1969-1974 **Social Worker** for the Washington State Department of Social and Health Services. Assisted recipients in development of employment and training plans; processed applications for services.

Exhibit A

Education/Specialized Training

- BA degree in Psychology/Sociology-Eastern Washington University
- National Institute of Corrections-Correctional Management
- University of Washington-Race Relations Training for Trainers
- National Institute of Corrections-Intermediate Sanctions
- National Institute of Corrections-Monitoring Private Prison Contracts
- Mediation Training-Volunteers of America
- Various corrections specifics training programs

Management and Administration

- Strategic planning and team development
- Policy and procedure development
- Budget Formulation and monitoring
- Labor Negotiations/ Problem Solving
- Human Resource expertise and management

Contract Monitoring

- Performance assessments
- RFP development/negotiation For prison services
- Problem Solving/liaison
- Establishment of accountability standards
- On-site observation/evaluation and summary reporting

Leadership Strengths

- Highly effective oral and written communication skills
- Excellent interpersonal skills
- Collaborative problem solving skills
- Ability to analyze, summarize and interpret complex issues
- Public speaking and group facilitation

Consulting

- Evaluation of proposals for National Institute of Corrections
- Expert witness on correctional lawsuits/tort claims
- Contract monitor/private prison site assessments
- Staffing analysis--Alaska Department of Corrections
- Conducted and reviewed numerous internal investigations
- Labor negotiations/mediation
- Administrative mentoring
- Trainer for National Institute of Corrections

Professional Affiliations

- Washington State Corrections Association

Department of Corrections
 Correctional Officer
 Overtime Hourly Comparison
 FY2005 / FY2006 / FY2007 / FY2008 / FY2009 / FY2010 YTD

	ANNUAL PFT EQUIVALENT										FY10 Average PP PFT Equivalent		
	FY 2005 Annual OT Hours	FY 2005 PFT Equivalent	FY 2006 Annual OT Hours	FY 2006 PFT Equivalent	FY 2007 Annual OT Hours	FY 2007 PFT Equivalent	FY 2008 Annual OT Hours	FY 2008 PFT Equivalent	FY 2009 Annual OT Hours	FY 2009 PFT Equivalent		FY 2010 Annual OT Hours	FY 2010 PFT Equivalent
Anchorage Complex	47,690.00	22	74,869.25	34	90,216.25	41	59,301.75	27	40,384.75	18	21,001.00	10	14
Anvil Mountain CC	4,775.75	2	9,115.50	4	4,680.75	2	2,660.25	1	1,940.50	1	2,442.50	1	2
Hiland Mountain CC	4,604.75	2	5,835.50	3	4,978.25	2	6,382.50	3	3,328.50	2	2,465.75	1	2
Fairbanks CC	10,235.50	5	19,013.75	9	18,803.20	9	14,920.25	7	4,136.50	2	1,712.25	1	1
Ketchikan CC	4,245.75	2	2,966.70	1	2,953.75	1	2,639.75	1	1,948.50	1	291.50	0	0
Lemon Creek CC	3,105.50	1	7,387.25	3	6,602.00	3	5,394.75	2	6,290.50	3	2,571.25	1	2
Mat-Su CC	4,036.50	2	4,148.50	2	3,291.00	2	2,465.00	1	844.50	0	857.00	0	1
Palmer CC	4,617.00	2	6,182.50	3	2,183.75	1	4,152.75	2	702.75	0	477.50	0	0
Spring Creek CC	15,247.00	7	20,190.75	9	16,697.00	8	10,848.75	5	9,650.50	4	7,282.00	3	5
Wildwood CC	3,987.75	2	13,286.00	6	9,491.00	4	8,236.75	4	4,775.75	2	871.50	0	1
Yukon-Kuskokwim CC	1,577.50	1	2,990.00	1	1,442.75	1	1,209.75	1	681.00	0	870.50	0	1
Pt. MacKenzie Farm	633.25	0	1,525.75	1	2,125.00	1	2,055.00	1	340.25	0	31.00	0	0
Non-Institutional CO OT His	391.50	0	16.00	0	48.75	0	0.00	0	0.00	0	0.00	0	0
Correctional Academy	250.00	0	190.25	0	437.50	0	674.50	0	374.50	0	31.00	0	0
Classification & Furlough	707.00	0	2,416.00	1	3,664.75	2	323.00	0	0.00	0	0.00	0	0
Electronic Monitoring									0.00	0	0.00	0	0
Transportation	4,269.25	2	4,750.00	2	4,555.75	2	4,693.25	2	5,275.50	2	3,313.75	2	2
TOTAL HOURS :	110,374.00	50	174,794.70	80	172,171.45	79	124,958.00	57	80,074.00	37	44,218.50	20	29

*FY10 accumulative hours thru PP ending 03/03/10.
 Information based on 18 of 26 processed pay-periods.

Exhibit B


STATE OF ALASKA
DEPARTMENT OF CORRECTIONS
Division of Institutions


SEAN PARNELL, GOVERNOR

Palmer State Office Building
515 E. Dahlia
Palmer, Alaska 99645
PHONE: (907) 761-5616
FAX: (907) 761-5609

TO: All Superintendents

DATE: 4/8/2010

THUR: Garland Armstrong 
Director of Institutions

FROM: Bryan Brandenburg 
Deputy Director of Institutions

SUBJECT: Staffing
Designation

Superintendents: please review your post orders and ensure that they are designated as either Essential or Mandatory. When completed please forward all of your post orders to the Director for signature. Include a short description of your mandatory minimum posting, identifying the location and hours of operation eg: 12 or 24 hr.

Essential-A post that is required for normal facility operations and activities but that may be temporarily left unmanned eg, meals and breaks.

Mandatory-A post that may not be left unmanned at any time such as control rooms, towers and perimeter patrols.

With the exception of ACC, mandatory post are restricted to control rooms, perimeter patrols and towers

In addition please ensure that your mandatory minimums are met. In the event these mandatory minimums are not met, Director Armstrong and/or myself are to be advised.

Thank you.

Exhibit C

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ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P.O. Box 113300
 Juneau, AK 99811-3300
 (907) 465-3830
 FAX (907) 465-2347
 legaudit@legis.state.ak.us

May 6, 2010

Members of the Legislative Budget
 and Audit Committee:

We have reviewed the Department of Corrections' (DOC) response to this audit and nothing contained in the response causes us to revise or reconsider the report's conclusions or recommendations. However, we offer the following points of clarification.

Recommendation No. 1

Anchorage Correctional Complex's (ACC) staffing deficiencies are not a result of the Division of Institutions (DOI) reducing the number of correctional officer (CO) funded positions. Rather, they are due to DOI not requesting a sufficient number of funded positions to staff ACC when the 2005 shift relief factor and the 2007 post study were first applied during the FY 09 budget preparation. These deficiencies continued into FY 10 because DOC did not request any changes in the number of funded positions in FY 10.

In its response, DOC states that the swing and grave shift differential overtime hours should not have been included in Exhibit 9 on page 22 of this report – we agree. A revised Exhibit 9 is presented below. However, the revised numbers continue to support the fact that ACC has a significantly higher percentage of overtime compared to the other facilities.

Exhibit 9 (Revised)

Analysis of Average Annual Overtime by Facility				
	ACC	AMCC	FCC	SCCC
Average Annual Overtime by COs	54,847	2,240	9,494	9,294
Equivalent No. of Overtime CO FTEs	25	1	4	4
Budgeted Facility CO FTEs	169	28	66	136
Percentage of overtime CO FTEs to budgeted CO FTEs	15%	4%	6%	3%

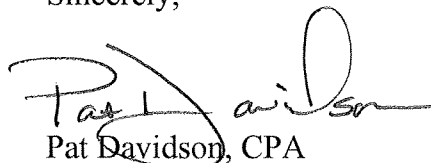
Recommendation No. 2

In 2007, DOI increased the inmate capacity standards for in-state facilities by double bunking inmates in most cells. Now, when a facility is overcapacity, it requires inmates to sleep in boats on the floor of the double bunked cell or in recreational areas of a facility. When inmates are routinely triple bunked in cells or a significant number of inmates are being housed in non-traditional housing areas such as a gym, DOI should re-evaluate if the existing posts maintain the level of effectiveness intended by the DOC.

As to portraying an accurate picture of the overcrowding issue,⁶⁴ we agree with the DOC that an annual daily average of the number of inmates over capacity does not provide a complete picture, however, nor does an annualized average number by facility. Inmate overcapacity can fluctuate significantly on a daily, weekly or monthly basis. For example, during October 2009, the number by which ACC-East's daily inmate count exceeded its general capacity of 400 ranged from 52 inmates to 105 inmates. Because of these fluctuations, we have included Appendix E which illustrates the average number of inmates by month as a percentage of the general and maximum capacity for each facility for calendar year 2009.

In summary, we reaffirm the conclusions and recommendations presented in this report.

Sincerely,



Pat Davidson, CPA
Legislative Auditor

⁶⁴DOI's website discusses the impact of the construction of Goose Creek Correctional Center (GCCC) on overcrowding stating:

All of Alaska's corrections system facilities are overcrowded. . . . [With GCCC] Existing correctional facilities in the state will be able to operate closer to normal capacities which would make them all safer and more effective. . . . In the near term, it [GCCC] will . . . provide overflow capacity for un-sentenced prisoners from local pre-trial facilities until additional jail beds have been constructed.

(http://ww1.matsugov.us/prison/index.php?option=com_content&view=article&id=68&Itemid=21#1)