Department of Corrections

Presentation for
Senate Finance Committee
June 15, 2017

Harold W. Clarke, Director
Offender Recidivism
Recidivism

- At 23.4%, Virginia has the lowest three-year re-incarceration rate among the forty-five states that report this rate for felons.
- Virginia’s leading rate is attributable to the effective Re-Entry Programming and treatment offered by VADOC during an offender’s incarceration and its effective supervision in the community after release.

Three Year Re-Incarceration Rates: A State Comparison

*Unified State, rate includes local and state responsible offenders.
**Missouri’s recidivism rate excludes the release of parole violators who have previously been returned to prison for a violation of supervision within the commitment year.
*** Recidivism rates based on CY instead of FY.

Note: Re-Incarceration rates do not represent released offenders from one particular year, but from the most recent year for which that state calculated its three-year re-incarceration rate. Texas rate excluded because their release cohort included misdemeanants and felons. Illinois excluded because their release cohort included releases from incarceration, probation, and parole. Georgia and Maryland excluded because they report re-conviction rate. Hawaii excluded because it reports re-arrest rate.
Factors Impacting Recidivism

• Incarceration Location and Mental Health Impairment
  – Offenders incarcerated in VADOC Facilities receive re-entry programming tailored to
    address the offenders’ criminogenic risks and needs. Offenders who spent a portion of
    their incarceration in a VADOC Facility recidivated at lower rates than offenders who
    spent their entire incarceration in a local/regional jail
  – Offenders with mental health impairment recidivated at substantially higher rates than
    offenders with no known mental health impairment
  – Offenders with mental health impairment who spent their entire incarceration in a
    local/regional jail were re-incarcerated more than twice the rate for mental impaired
    offenders who were in VADOC facilities

<table>
<thead>
<tr>
<th>Three Year Re-Incarceration Rates</th>
<th>Overall (n=12,045)</th>
<th>Local/Regional Jail* (n=4,793)</th>
<th>VADOC Facilities** (n=7,252)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mentally Impaired Offenders</td>
<td>31.0%</td>
<td>55.6%</td>
<td>25.2%</td>
</tr>
<tr>
<td>No Known Mental Health Impairment</td>
<td>21.3%</td>
<td>24.2%</td>
<td>19.2%</td>
</tr>
</tbody>
</table>

* Offenders spent entire sentence in a local/regional jail
** Offenders spent a portion of their sentence in a VADOC facility
Recidivism

• Since 2010 DOC has established many business practices with a greater focus on risk reduction and long term public safety.

• DOC has established evidence based practices across prisons and community corrections systems.

• An actuarial risk and needs assessment is conducted on all offenders under correctional or community supervision. The assessment identifies the risk of recidivism and the needs (such as substance abuse or education) that if addressed through programming can mitigate risk.
Recidivism

• Intensive Reentry programs have been implemented at 16 medium security prison facilities. Offenders are transferred to the program closest to their release location 12 months before release.

• The Intensive Reentry Programs include cognitive-community peer model of operation, workforce development, family seminars, support from Reentry Probation Officers, Life Skills, job fairs and identification cards.
Recidivism

• Reentry programs have been implemented at all security levels and adapted to operations of those facilities.

• DOC implemented a reentry program at Red Onion State prison to ensure that offenders assigned to the highest security level are able to function without restraints prior to release.

• DOC has trained some correctional officers as Treatment Officers, who are able to deliver programming to offenders while also providing supervision.
Recidivism

• DOC has included trade certifications within prison work programs:
  – ServSafe national restaurant credential for offenders working in food service
  – Wastewater treatment plant certification
  – Agribusiness certification training
  – Beef cattle vet certificate
  – Dairy plan operation certification
  – Commercial driver’s license
  – OSHA
Recidivism

• Community Corrections treatment provider contracts have been restructured to require delivery of evidence based practices.

• Mental health specialist positions were provided by the General Assembly effective July 1, 2016 after data was presented showing that 25% of DOC recidivists had mental health issues.

• The Mental Health Specialists provide support, monitoring and service referral to offenders in need when CSBs have long waiting lists or refuse to provide services.
Recidivism

• Collaborations with faith based partners, non-profit organizations and local and state agencies have been significantly increased to assist with reentry housing, training, mentoring and veterans services.

• DOC is currently transforming the detention and diversion centers to Community Corrections Alternative Programs (CCAP) which operate based on evidence based practices.
Recidivism - ACE (American Council on Education) Program Jan. 1 2014 to May 1, 2017

• The American Council on Education has certified several education programs offered at DOC to receive college credits.
Efforts to Reduce the Usage of Restrictive Housing
Correctional Management: History of Administrative Segregation

- Typically, offenders are assigned to Administrative Segregation due to **assaultive** and **disruptive behaviors**, **escape histories**, or **extremely violent** and/or **notorious crimes**.

- During the 1990s, to manage their growing Administrative Segregation populations, many states built **“super-max” prisons** designed to house the **“worst of the worst”** offenders.

- The state of Virginia was no exception and in 1998 the Department of Corrections opened **Red Onion State Prison** to manage its growing number of **Administrative Segregation** offenders.

<table>
<thead>
<tr>
<th>CY Year</th>
<th>ROSP Releases from Level S Directly to the Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>CY2010</td>
<td>68</td>
</tr>
<tr>
<td>CY2011</td>
<td>62</td>
</tr>
<tr>
<td>CY2012</td>
<td>28</td>
</tr>
<tr>
<td>CY2013</td>
<td>17</td>
</tr>
<tr>
<td>CY2014</td>
<td>7</td>
</tr>
<tr>
<td>CY2015</td>
<td>4</td>
</tr>
<tr>
<td>CY2016</td>
<td>3</td>
</tr>
<tr>
<td>CY2017 (Present Date)</td>
<td>0</td>
</tr>
</tbody>
</table>
2011 Objectives

- Creation of **Pathway out of Long-Term Restrictive Housing** through the use of Evidence Based Practices
- Change the Institutional Culture
- Perception of Offenders towards Authority
- Retention of Staff at Red Onion State Prison
- Train all Staff in Effective Communication and Dialogue
- **Take the Initial Risk within the Institution to Enhance Public Safety**

Secure Unrestrained Mass Movement

Increased Programming
“Fighting Crime Through Education”

The DOC built and opened a school at Red Onion State Prison on July 26, 2013. In addition we continue our Long Distance Learning.

Since Grand Opening
765 Enrollments in the School
Library Book Circulation has increased by 27%
14 GED Graduates

• The DOC built and opened a school at Red Onion State Prison on July 26, 2013. In addition we continue our Long Distance Learning.
<table>
<thead>
<tr>
<th>Calendar Year*</th>
<th>Regular Grievances</th>
<th>Informal Complaints</th>
<th>Incident Reports (IRs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>1,848</td>
<td>8,628</td>
<td>570</td>
</tr>
<tr>
<td>2012</td>
<td>1,727</td>
<td>5,158</td>
<td>299</td>
</tr>
<tr>
<td>2013</td>
<td>1,469</td>
<td>3,926</td>
<td>292</td>
</tr>
<tr>
<td>2014</td>
<td>557</td>
<td>2,558</td>
<td>183</td>
</tr>
<tr>
<td>2015</td>
<td>528</td>
<td>2,094</td>
<td>202</td>
</tr>
<tr>
<td>2016</td>
<td>507</td>
<td>2,603</td>
<td>181</td>
</tr>
</tbody>
</table>

*Based on date when the grievance or incident was reported

- The number of Security Level “S” offenders totaled at approximately 511 upon implementation in 2012
- 155 Level “S” offenders are currently housed between Wallens Ridge and Red Onion State
- Approximately 23 offenders who have completed the Administrative Step Down process have returned to a Security Level “S” status from a Security Level “5” population setting due to disciplinary issues.
- 75% reduction of Security Level “S” offenders since the Administrative Step-Down Program Implementation to May 2017

* Reflective as of 5-23-2017
VADOC Recognition: STAR Award

- July 2013, Virginia was recognized for its diligent work toward reducing administrative segregation through receiving the State Transformation and Action Recognition (STAR Award)
In January 2016, the United States Justice Department denoted the efforts being made in 5 different states to include: Colorado, Washington State, New Mexico, (Hampden County) Massachusetts, and Virginia (Red Onion State Prison).

Highlighted effective strategies, success in the percentage of reduction seen in Restrictive Housing, and strategies to motivate change.
Collaborative Partnerships: Safe Alternatives to Segregation Initiative

- In **September 2016**, The U.S. Department of Justice’s (DOJ) Bureau of Justice Assistance announced a grant of $2.2 million to the Vera Institute of Justice to continue and expand its Safe Alternatives to Segregation Initiative, to reduce the use of restrictive housing.

- **Virginia**, along with Louisiana, Minnesota, Nevada, and Utah were selected to participate in this **21 month** partnership beginning in **January 2017**.

- Virginia has been recognized for our **outstanding** current efforts in **restrictive housing reduction** therefore will receive **modified assistance**.
A Memorandum of Understanding (MOU) was signed on February 14, 2017 establishing an official partnership between VADOC and the U.S. Department of State Bureau of International Narcotics and Law Enforcement (INL).

The MOU states that VADOC will provide training, mentoring and advising to foreign governments as it relates to corrections and international criminal activities.

INL will train VADOC personnel on international correctional standards, programs, country profiles and foreign assistance goals.

The MOU also allows for the development of projects and activities to mutually benefit the participants.

All costs for this program are assumed by the Department of State.

The MOU continues until December 31, 2021.
DOC Key Operational Performance Measures
Escapes & Absconders

• Escapes
  – Since 2010, the Department has had no escapes from a secure facility.
  – 3 offenders incarcerated in VADOC Work Centers have walked away from an outside work detail since CY2012; all were returned in less than 24 hours
    • 2 in CY2012 (one incident)
    • 1 in CY2013

• Absconders (Community Corrections Facilities)
  – 22 offenders absconded from a VADOC Community Corrections Facility between CY2012 and CY2016; all were returned (median=11 hours)
  – 1 offender has attempted to abscond from a VADOC Community Corrections Facility since CY2012
Serious Assaults in VADOC Facilities

- The number of Offender on Offender Serious Assaults has remained relatively steady since CY2013, following a high of 50 in CY2012.
- In CY2014, Sussex II State Prison and Marion Correctional Treatment Center each reported one serious assault by an offender on a staff member.
- In CY2015, one serious assault by an offender on a staff member was reported at Red Onion State Prison.
- There were no serious assaults by an offender on a staff member in CY2016.
Serious Assault Rates
How VADOC Compares

- FBI’s *Crime in the United States 2015* reported that the national rate of aggravated assault was 237.8 per 100,000 inhabitants and Virginia’s rate was 110.2; the fourth-lowest rate for a state in a range from 69.3 to 497.1*

- In a comparison of 15 southern states, the Southern Legislative Conference survey reported that, in FY2015, Virginia had the third-lowest rate of assaults on offenders (0.95 per 1,000), after Louisiana at 0.05 and West Virginia at 0.86 (based on June 30 offender populations)**

- From a low of 0.82 per 1,000 offenders in CY2014, the rate of offender on offender serious assaults has risen to 0.98 per 1,000 offenders in CY2016 (based on total confined offender population through the year)***

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**https://www.slcatlanta.org/Publications/cdrs/2015/2015_CDR_CORRECTIONS.pdf

***This increase in the rate of serious assaults is attributed to: 1) a 2.9% decrease from CY2014 to CY2016 in the number of offenders who had an opportunity to commit an assault moving in to and out of VADOC facilities; and 2) improved data quality assurance of incident data in VirginiaCORIS
Opioid Impact on Community Corrections

Overdose (CY2016)
- An average of 13 offenders per District experienced at least one opioid overdose
- An average of 4 offenders per District died as a result of opioid overdose

Addiction (As of January 31, 2017)
- 6,720 offenders on supervision were estimated as current opioid addicts or abusers.
- Approximately 1,500 offenders have been identified as being on Medication Assisted Treatment (MAT) for opioid use/abuse.

Drug Tests
- Female opioid positivity rates were higher than male positivity rates for all offenders under 55 years of age
- The average age for males testing positive was 36.9, while the average for females were slightly lower at 34.9
Opioid Impact on VADOC Facilities

Overdoses
- There were 5 confirmed opioid overdose deaths among VADOC Facility Offenders in CY2015
- Preliminary data for CY2016 shows there were 4 confirmed opioid overdose deaths among VADOC Facility Offenders (with 6 causes of death still outstanding from the Office of the Chief Medical Examiner)
- So far in 2017, there was one confirmed opioid overdose death in January

Drug Tests
- There were 289,142 drug tests conducted on 31,536 unique offenders in DOC Facilities in CY2016
  - There were 2,968 positive drug test results among 2,019 offenders
- There were 131,358 tests for opioids conducted in DOC Facilities in CY2016
  - There were 1,140 positive drug test results for opioids among 781 offenders
    - 184 offenders had positives for opioids on multiple dates
VADOC Opioid Epidemic Response

• Incident reporting model was amended to enable a more systematic collection of information on drug incidents
• Narcan is available in all DOC facilities (summer 2016)
• Operations Executive Dashboards have been developed for wardens, chiefs and superintendents to closely monitor measurers (fall 2016)
• Statewide Opioid Symposium (March 2017) to be followed by regional events
• Intensive treatment path developed in the Community Corrections Alternative Program (May 2017)
• Opioid Education for VADOC staff is ongoing
• Policy and Procedural Changes:
  – Additional technology employed to detect contraband
  – Mail and visitation procedures have been tightened to reduce the possibility of drugs and other contraband entering facilities
  – Prescription Monitoring procedure developed and employed in community corrections
Offenders Eligible for Geriatric Release Consideration*

- Offenders who were NOT convicted of a Class 1 Felony are eligible for Geriatric Release consideration according to §53.1-40.01 when they satisfy the following age and length of stay criteria:
  - At least 60 years old AND served at least 10 years
  - At least 65 years old AND served at least 5 years
- Between 2007 and 2015 there has been a 107% increase in the number of offenders eligible for Geriatric Release (from 511 to 1,058)
- 507 of the 1,058 eligible offenders applied for Geriatric Release. 15 have been granted
- The majority of geriatric offenders released were released after completing their sentence, NOT through this special release mechanism

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</tr>
</thead>
<tbody>
<tr>
<td>60 to 64</td>
<td>250</td>
<td>49%</td>
<td>311</td>
<td>50%</td>
<td>380</td>
<td>53%</td>
</tr>
<tr>
<td>65+</td>
<td>261</td>
<td>51%</td>
<td>309</td>
<td>50%</td>
<td>339</td>
<td>47%</td>
</tr>
<tr>
<td>Total Eligible</td>
<td>511</td>
<td>100%</td>
<td>620</td>
<td>100%</td>
<td>719</td>
<td>100%</td>
</tr>
</tbody>
</table>

*In FY2015, the Parole Board began reviewing all Truth-In-Sentencing geriatric eligible offenders regardless of whether they apply; offenders with Parole Eligible sentences must apply to be considered for geriatric release.
Employee Compensation
### DOC Turnover Rates

#### Annual – Fiscal Year ending June 30, 2014

<table>
<thead>
<tr>
<th>Department</th>
<th>Turnover %</th>
<th># of DOC Separations</th>
<th>State Turnover %</th>
</tr>
</thead>
<tbody>
<tr>
<td>All DOC</td>
<td>13.24%</td>
<td>1562</td>
<td>11.74%</td>
</tr>
<tr>
<td>Corrections Officer and Senior</td>
<td>16.98%</td>
<td>997</td>
<td>21.11%</td>
</tr>
<tr>
<td>Probation Officer</td>
<td>11.83%</td>
<td>74</td>
<td>9.85%</td>
</tr>
</tbody>
</table>

#### Annual – Fiscal Year ending June 30, 2015

<table>
<thead>
<tr>
<th>Department</th>
<th>Turnover %</th>
<th># of DOC Separations</th>
<th>State Turnover %</th>
</tr>
</thead>
<tbody>
<tr>
<td>All DOC</td>
<td>16.68%</td>
<td>1902</td>
<td>13.66%</td>
</tr>
<tr>
<td>Corrections Officer and Senior</td>
<td>21.11%</td>
<td>1184</td>
<td>23.20%</td>
</tr>
<tr>
<td>Probation Officer</td>
<td>9.85%</td>
<td>61</td>
<td>10.99%</td>
</tr>
</tbody>
</table>

#### Annual – Fiscal Year ending June 30, 2016

<table>
<thead>
<tr>
<th>Department</th>
<th>Turnover %</th>
<th># of DOC Separations</th>
<th>State Turnover %</th>
</tr>
</thead>
<tbody>
<tr>
<td>All DOC</td>
<td>17.46%</td>
<td>1985</td>
<td>13.81%</td>
</tr>
<tr>
<td>Corrections Officer and Senior</td>
<td>23.20%</td>
<td>1301</td>
<td>25.42%</td>
</tr>
<tr>
<td>Probation Officer</td>
<td>10.99%</td>
<td>69</td>
<td>17.15%</td>
</tr>
</tbody>
</table>

#### Fiscal Year to Date (7/1/16 - 6/30/17)

<table>
<thead>
<tr>
<th>Department</th>
<th>Turnover %</th>
<th># of DOC Separations</th>
<th>State Turnover %</th>
</tr>
</thead>
<tbody>
<tr>
<td>All DOC</td>
<td>19.13%</td>
<td>1630</td>
<td>19.13%</td>
</tr>
<tr>
<td>Corrections Officer and Senior</td>
<td>25.42%</td>
<td>1074</td>
<td>25.42%</td>
</tr>
<tr>
<td>Probation Officer</td>
<td>17.15%</td>
<td>79</td>
<td>17.15%</td>
</tr>
</tbody>
</table>

**March 2017 Report**
DOC Correctional Officers

• 335 Applicants were hired as Correctional Officers in the 1st Quarter of 2017.

• 325 Correctional Officers separated from DOC in the 1st Quarter of 2017. This includes employees retiring, transitioning to LTD, separating for disciplinary reasons, and leaving DOC for other career opportunities.

• On April 30, 2017 there were 496 vacant Correctional Officer positions across DOC. (181 in the Central Region, 184 in the Eastern Region, 124 in the Western Region, 7 in Community Corrections)
DOC Correctional Officers

Examples of Average Facility Vacancy Rates – Last 12 months

• Augusta Correctional Center – 16.98%
• Sussex II State Prison – 14.20%
• Sussex I State Prison – 10.16%
• Haynesville Correctional Center – 12.74%
• Fluvanna Correctional Center for Women – 11.87%
• Virginia Correctional Center for Women – 16.76%
DOC Officer Salaries

- Correctional Officer/Senior
  - Starting Salary = $29,596
  - Ending Salary = $53,260
  - Average Salary = $34,700

- Probation Officer
  - Starting Salary = $35,661
  - Ending Salary = $47,168
  - Average Salary = $40,577
Challenges in Retention
Created by Low Compensation

Assuming a DOC employee is the sole income provider for a family of four then 1,370 current employees would be eligible for SNAP/food stamps based on the employee’s current compensation.

• The group would include 433 correctional officers and 388 correctional officer seniors
• The group would include DOC employees in 41 different roles including executive secretaries, fiscal technicians, dental assistants, nurse technicians, buyer, grounds supervisors, personnel assistants, and farm supervisors

This drives employees to seek higher levels of compensation with other employers.