

BOARD OF CORRECTIONS

May 7, 2009

Atlanta, Georgia

MEMBERS PRESENT:

Mr. Robert Jones, Chairman
Mr. Bruce Hudson
Chief George Potter

MEMBERS ABSENT:

Sheriff Roger Garrison
Sheriff Cecil Nobles
Mr. Roger Waldrop
Mr. Wayne Dasher
Mr. John Mayes
Mr. Kris Nordholz
Mr. Jim Whitehead, Sr.

MEMBERS PRESENT VIA TELECONFERENCE:

Mr. Bill Acuff
Mr. Carl Franklin
Sheriff Carlton Powell
Mr. Tommy Rouse
Ms. Rose Williams
Mr. Larry Wynn

ATTORNEY GENERAL'S OFFICE:

Mr. Joe Drolet, Senior Assistant Attorney General

DEPARTMENT OF CORRECTIONS:

Commissioner Brian Owens
Ms. Laura Jones, Board Liaison
Ms. Diane Avery, Liaison from State Board of Pardons and Paroles
Mr. Derrick Schofield, Assistant Commissioner
Ms. Becky East, Division Director of Administration Division
Mr. Danny Horne, Director of Chaplaincy Services
Ms. Patricia Smith, Executive Assistant
Mr. Mark Guzzi, Legal Services
Mr. Mark Waldron, Director of Planning and Analysis

VISITORS:

Mr. Jim Scott, citizen

Mr. Brandon Hembree, Massey & Bowers
Ms. Sara Totonchi, Southern Center for Human Rights

Chairman Robert E. Jones called to order the May meeting of the Board of Corrections. He first explained this meeting is being held on the computer and conference phone. Chairman then requested Chaplain Danny Horne to open the meeting with prayer.

Chairman Jones requested a roll call of the Board members connected via computer. He then called on three guests attending this meeting to introduce themselves.

Chairman Jones announced the appointment of a new Board member, Chief George Potter. Chief Potter is the Public Safety Director for the City of Perry, and, has many years of experience in law enforcement. Chairman Jones welcomed Chief Potter, who responded that he is looking forward to working with the Board of Corrections.

Chairman Rob Jones requested approval of the May Agenda, which was given by a motion by Mr. Bruce Hudson, seconded by Chief George Potter, and voted approval by the Board members attending and the Board members via the conference phone.

Chairman Rob Jones requested approval of the April Minutes, which was given by a motion by Ms. Rose Williams, seconded by Mr. Larry Wynn, and voted approval by the Board members attending and the Board members via the conference phone.

COMMISSIONER'S REPORT

Commissioner Brian Owens, with a powerpoint slide presentation, began with reporting on the Jail Backlog. Commissioner stated the Offender Population is 58,125, which had increased by 277 since last month's population number. The Jail Backlog is 2,345, which has decreased from last month. The Probation Population is 160,139 which is an increase from last month's number.

With the next slide, Prison Capacity Update, Commissioner Owens explained that there are fast track beds which are operational funded and are projected to be opened this year. There will be 256 beds at Valdosta State Prison, 256 beds at Ware State Prison, also 256 at Hays State Prison, and 256 beds at Coastal State Prison. There are fast track beds which are funded for construction, and those are beds for Augusta State Prison, for Telfair State Prison, Central State Prison, and for Georgia Diagnostic Classification State Prison. Those four locations are scheduled for construction during 2010. Commissioner Owens reported that the Private Prison Bed Expansion Request for Proposal (RFP) will include expansion of up to 1500 private prison beds. The Department of Administrative Services is handling the bid process and a Notice of Intent to Award should be announced in the next week. Commissioner Owens reported the new

Private Prison Facility RFP will include a facility of 1,000 beds but be expandable to up to 2,500 beds. The evaluation of this Proposal is being evaluated by a team of people from Department of Corrections and Department of Administrative Services. Commissioner Owens stated he will brief the Board in the future, as this Proposal progresses.

With the next powerpoint slide, Upcoming Events, Commissioner Owens reported that May 4th – 8th is the celebration of Employee Recognition Week. During that week, each division or section will celebrate its employees. Commissioner Owens stated a Senior Leadership Off Site will be held on May 12 and 13; this being a notable event because it will be held in the Rutland Building on Tift Campus. He invited the Chairman and those Board members in the area to attend the two-day Leadership sessions. Commissioner Owens stated the Family Day event will be held on May 15th in Milledgeville. At the end of May, a Faith and Character Based Advisory Board meeting will be held. Commissioner Owens announced the Annual Employee Awards ceremony, which will be held on May 27th on Tift Campus. Commissioner Owens stated that the upcoming Board meetings will be June 4th and July 2nd.

Commissioner Brian Owens stated that he will call on Ms. Becky East to brief about the Budget, and, Assistant Commissioner Derrick Schofield to brief the Board about Legislation and Warden Reassignments.

Ms. Becky East, Division Director of Administration Division, began her briefing with a powerpoint slide, Amended FY 2009 HB 118 Budget. For FY 2009, the original appropriation is \$1.1 billion. The Governor Perdue's Original Recommendation was \$116 million. Thereafter, the Governor's Revised Recommendation was \$114 million. The Final Appropriation for HB 118 FY 09 is \$114 million. Ms. East stated the Total Appropriation for FY 09 is \$1,043,637,575.

Ms. East continued with reporting how the Department approached the Budget Reductions that were tasked by Governor Perdue early on in the fiscal year. When the Department first received notice of the plan to cut possibly 6% or 8% or 10% in the budget, the Department took a long look at how the Department could accomplish that. It was done by looking at the Master Plan for infrastructure; looking at which facility could be closed, how to move employees around. The Department came up with a plan of RIF Through Attrition. The Department used the high turnover rate of correctional officers and staff to an advantage. The Department loses between 100 to 150 individuals per month. In looking at that and knowing of that high attrition, the Department did cross leveling and moved staff to other facilities within their vicinity. The Department was able to gain \$52.7 million in RIF Through Attrition. This included closing four state prisons, two probation detention centers, one transitional center that actually never opened, and one pre-release center.

Ms. East reported that the Department also had some Austerity Budget Reductions of \$5 million. These reductions are where the Wardens and other Staff pulled together to come up with cost

saving measures. Those measures involved water usage, lights, looking at how to trim utility budget. The \$5 million represents an across-the-board cut from field and central office budgets.

Ms. East stated that in moving staff around and cross leveling, the Department was able to reduce the need for overtime in the facility. Because the Department was able to put more staff in the facilities where having the highest occurrence of overtime, this allowed \$4.3 million reduction in overtime costs this year.

With the Fast Track Delays, Ms. East stated the Department did have construction delays. Once those beds were available to open, the Department was able to open the facilities.

Ms. East reported that there was a Private Prison CPI reduction.

Ms. East continued with stating the Board members would remember that the Department had talked about the possibility of maybe implementing four furlough days for staff. Ms. East stated she is pleased to say that through a lot of hard work and diligence by all staff, the Department is able to avoid those furlough days for staff.

Ms. East stated that Total Reductions came to right at 6%; \$66.5 million. She stated she is pleased to state that the Department is able to stay at the lower level of the reductions that were deemed for agencies this FY 09 and FY 10.

For FY 10, the Department started out with the same base of \$1.1 billion. The Department will see \$986 million in State Funds for next year. Ms. East stated a big reason for that is the federal stimulus dollars, or \$97 million, that actually replace \$97 million in state dollars which is the reason the Department fell under a billion.

Many of the same Reductions for FY 09 carries forward to FY 10, such as all Facility Closures. Ms. East explained that the Department will realize a full year of savings in staffing for those closures for FY 10. The Austerity Operating Reductions are still in place, along with the Overtime Reduction. Ms. East stated the Department received a Health Reduction for FY 10, which is related to the legislation that was put in place regarding the Medicaid rate for emergent care. Relating to Fast Track Annualization, Ms. East stated the Department received some funding for those and those are the ones that will open. Ms. East stated Tift Academy will be opening at the end of this calendar year; and that \$2.7 million represents the operating dollars. Ms. East stated in the end, the Department does have funding for the Private Prison bed expansion. The Department anticipates the possibility of those beds coming on line late in FY 09. Ms. East stated the Total Reductions for FY 10 came to \$73.7 million, and, that is little over 6%.

Ms. East stated the Department is very pleased with the way the budget plan was implemented this year.

Chairman Rob Jones thanked Ms. East for her work at the Legislative session, and, in working with Commissioner Owens in coming up with these reductions and manage not to have to furlough any employees. Chairman Jones stated that is a significant thing for lot of folks.

Commissioner Brian Owens stated he is asking Assistant Commissioner Derrick Schofield to brief on Legislation that passed this year, as well as talk about the Warden reassignments. Commissioner stated that what the Department likes to do is rotate Wardens every three or four years in an effort to keep the wardens from being too familiar with inmate population or the inmates become too familiar with the wardens. This is also a training opportunity for the Department, wherein someone typically starts off as a deputy warden in a small facility or medium facility. When that person becomes very experienced, then that person goes to the large facilities. Commissioner Owens also stated that he was pleased that the six pieces of legislation that Governor Perdue approved, were introduced at the session, and all six were passed by the General Assembly. That was an incredible amount of work led by Mr. Schofield. Several Board members, Mr. Jim Whitehead in particular, lobbied on behalf of the Department on these pieces of legislation.

Assistant Commissioner Derrick Schofield began his report with giving a quick overview of the legislative results and where the Department is today. The Department had the initiative of six particular legislation pieces that the Department wanted to push through the Legislative session. Mr. Schofield described the status of each and where the Department is. With a powerpoint slide, Mr. Schofield began with the first one. Senate Bill 24, which is an extension of Probation Options Management, gives the Department statewide expansion on that program and allows flexibility in how to handle probationers. This enhances public safety by allowing partnering with Hearing Officers to apply immediate sanctions. This gives significant savings in not having to take somebody back to jail or back to court to wait in jail for a revocation hearing. There is no Board rule required on that legislation, and, it was effective April 21, 2009. The Department is in the process of implementing this statewide.

The second bill is Senate Bill 193, which gives the placement of offenders convicted of the Seven Deadly Sins to go into a transition center during that offender's last year in prison. This better prepares the Department in allowing the offender to be more prepared to get out. Mr. Schofield stated that previously those inmates did not have that opportunity. This now gives the opportunity during their last year of confinement the option of putting them in transition centers. Commissioner Owens added that this is one thing that Board Member Wayne Dasher is passionate about. Commissioner stated that under previous law, if convicted of one of the seven deadly sins, the inmate was not allowed to go through work release center prior to being released; the inmate was released directly from the prison gates with \$25 and a bus ticket back home. This new bill gives the Department the authority to again place selected individuals, that the Department assess are appropriate, to transition out to one year in a work release program, so

they can earn some money, get a job, and make sure they have the best opportunity to transition out safely. Mr. Schofield continued with explaining this becomes effective on July 1, 2009.

Mr. Schofield reported that House Bill 226 gives credit for time served while waiting for placement in a probation detention center. That decreases the number of offenders to process through those centers; giving the credit for time served upon the judge's order, eliminates the need for long term. This will garner the Department quick turnover. That is effective on July 1, 2009.

Mr. Schofield reported that House Bill 344 is the Day Reporting Centers fees. This bill allows the Department an opportunity to collect fees from the probationer, once that person is in the program. Mr. Schofield stated this will help offset some of the financial burden relating to that, and, it gives opportunity and flexibility to build those programs and expand into the future. Commissioner Owens added that the Department will not begin to collect the fee until the offender is gainfully employed; will not collect if it is a hardship and there are children to support. The only time that the Department is going to collect that fee is if they have the capability to pay. By no means does the Department intend to reject somebody from a day reporting center solely because the offender cannot afford to pay that fee. This will be managed very carefully. Mr. Schofield reported this bill will be effective July 1, 2009.

Mr. Schofield reported that the final two bills were combined into House 464. The first portion authorizes inmate prescription drug co-payment; and, the second part provides Medicaid rate on the emergency medical treatment of offenders. The first section, inmate prescription co-payment, is intended to defray the costs of what is associated with prescriptions inside the facility; very similar to medical co-payments. That particular legislation will require a Board Rule, which the Department has already acted on. The bill was signed April 21, and, it has been posted for a Board vote next month. Mr. Schofield continued with his report of the second portion of the bill. This is excellent for the Department in that it affects the financial responsibility of those inmates going to emergency care. Previous to the signing of the legislation, the Department had been paying full rate at certain hospitals. This new bill gives the Department the authority to negotiate with those hospitals. If the hospitals do not want to negotiate a contract, the Department will only be charged the Medicaid rate for those emergency treatment services.

Assistant Commissioner Derrick Schofield then began reporting on Wardens reassignments. Mr. Schofield stated that every two to three years, the Department reassigns the Wardens and Facility Operations Managers (FOM's). With a powerpoint slide, Mr. Schofield pointed to the list. Mr. Schofield announced that Mr. Guy Hickman is being reassigned to the central area of the state. The first promotion is Warden Hilton Hall, who is being promoted to FOM. Mr. Schofield stated that Warden Hall is the warden at Georgia Diagnostic and Classification prison; has met the challenge to run that place extremely well, and, is being promoted to FOM of the north area of the state. Warden Hall will maintain oversight of the diagnostic facility and also take on some toughest facilities from a broader perspective. Warden Steve Upton, who is currently Warden at

Georgia State Prison, will go to Georgia Diagnostic and Classification prison. Warden Upton has prepared himself for the next level and will be moving up to take charge of the diagnostic facility; this is a natural step up for him; has skills necessary to continue to build that team and make sure operate a safe facility there. Warden Don Jarriel, currently the Warden of Smith State Prison, will be going to Georgia State Prison; is moving to the prison following the footsteps of some significant wardens who ran that prison. This will give Warden Jarriel an opportunity to run Georgia State Prison; this is the prison where Warden Jarriel started as a correctional officer, and, will be able to finish his career where he started. Commissioner Owens added that Warden Jarriel's both grandfathers, as well as his father, worked at Georgia State Prison. Mr. Schofield reported that Warden Dannie Thompson, who is a very seasoned warden down at Calhoun State Prison, is going over to Smith State Prison and will continue to build that program at Smith. Warden Clay Tatum, who is the Warden at Lee State Prison, will have some growth as he goes to Calhoun State Prison, which has double the inmate population. Mr. Schofield reported that the next one is a promotion. Mr. Gregory McLaughlin has been a Deputy Warden for a while at Valdosta State Prison. As Commissioner has indicated, it is good to get experience as Deputy Warden of Security and then be promoted to a medium or small size facility. With being a Warden at Lee State Prison, it gives Mr. McLaughlin that next step to prepare him for greater things. Mr. Schofield reported the next one being a switch of two wardens. Warden David Frazier, who is warden at Hancock State Prison is going to Washington State Prison that has a similar mission. Mr. Schofield stated they do not want the wardens to get too comfortable at one location. So, the Department is moving Warden Steve Roberts, the Warden at Washington State, over to Hancock State Prison to take command of that facility. Warden Donald Barrow, Warden at Wilcox State Prison, has worked in a difficult prison and will be moved to Telfair State Prison. Warden Fred Barnett, at Telfair State Prison, will be retiring. Mr. Schofield stated that Superintendent Alan Carter, Superintendent at Southwest Probation Detention Center, will be promoted and moved to Wilcox State Prison; stepping up in that transition to go to bigger and better things. Deputy Warden Christopher Railey will be promoted to Superintendent at Southwest Probation Detention Center. Mr. Schofield stated that all these moves are effective June 29th of this year.

Mr. Mark Guzzi, Legal Services, stood to present two property Resolutions. To insure there was a quorum today, Chairman Rob Jones requested another Roll Call. After a roll call made, it was established there was not a quorum to vote on property resolutions. After discussion, it was decided that the property resolutions could be voted on at another time. Chairman Jones requested Mr. Guzzi to briefly explain the property resolutions, and, that a formal vote will be set up for a later time. Mr. Mark Guzzi began with explaining the first resolution relates to a 3.14 acre parcel of property located in Hancock County near the City of Sparta. This property is adjacent to a farmer's property; wherein, the gentleman approached the Department to purchase that particular parcel of land. The Department looked at the parcel and does not use that parcel for anything in particular, and, decided it could be put it up for sale. This will go before the State Properties Commission and they will put it out for sale on a competitive bid basis. Mr. Guzzi stated the second piece of property is located in Lamar County in the City of Barnesville. The

City approached the Department with looking to lay a water main across the property. The Department looked at the request and does not see any problems with interfering with the operations of the facility. The City of Barnesville is looking for two easements; one is a temporary construction easement of .91 acre. Once the water main is laid, the City will want a permanent easement of .68 acres for the water main to remain there and be operational. Chairman Rob Jones requested these property resolutions be emailed to the Board members.

Commissioner Owens concluded his report with thanking Mr. Wayne Dasher and Sheriff Cecil Nobles for their great hospitality down at their Law Enforcement Supper. They were great hosts, not only for the members of the Board, but great hosts for the Department. Commissioner stated he wanted to thank them for the work they do every year down there.

CHAIRMAN'S REPORT

Chairman Rob Jones began his report with stating that Assistant Commissioner Schofield mentioned that the Board will take action to authorize inmate prescription drug co-pay issue in addition to the Medicaid rate issue. Chairman Jones stated those are under the jurisdiction of the Operations Committee. He stated that Mr. Bill Acuff is Chair of that Committee, and, presently there are only two members of that Committee. Chairman Jones requested Chief Potter serve on the Operations Committee. Chairman Jones requested Mr. Acuff to hold a meeting prior to the June Board meeting and provide a recommendation regarding the Rules the Department has drafted. These Rules changes will be necessary in order to appropriately enact that change.

The next Board meeting will be here in Atlanta. Chairman Jones stated he looks forward to seeing all here. Some were not able to make the meeting in April, but, that was an abbreviated meeting. Chairman Jones said there are a number of things that the Board needs to do; he is hoping all will be able to join here to kick back into gear.

Chairman Jones reminded the Board members about Sheriff Nobles and his continuing cancer treatments; he requested prayers for the Sheriff.

There being no further business, the meeting was adjourned.

Robert E. Jones, Chairman

James L. Whitehead, Sr., Secretary

Laura Jones, Board Liaison