

BOARD OF CORRECTIONS
February 4, 2010
Atlanta, Georgia

MEMBERS PRESENT:

Mr. Larry Wynn, Chairman
Mr. Wayne Dasher
Mr. Carl Franklin
Sheriff Roger Garrison
Mr. Bruce Hudson
Mr. Robert E. Jones
Mr. John Mayes
Chief George Potter
Mr. Tommy Rouse
Mr. Roger Waldrop
Ms. Rose Williams

MEMBERS ABSENT:

Mr. Bill Acuff
Sheriff Carlton Powell
Mr. Jim Whitehead, Sr.
Mr. Justin Wiedeman

PRESENT VIA CONFERENCE PHONE:

Sheriff Cecil Nobles

ATTORNEY GENERAL'S OFFICE:

Mr. Joe Drolet, Senior Assistant Attorney General

DEPARTMENT OF CORRECTIONS:

Commissioner Brian Owens
Assistant Commissioner Derrick Schofield
Ms. Laura Jones, Board Liaison
Ms. Becky East, Division Director of Administration Division
Mr. Harris Hodges
Mr. Michael Nail, Division Director of Corrections Division
Mr. David Roussell, Office of Investigations and Compliance
Mr. Mark Guzzi, Legal Services
Mr. Wes Landers, Health Services
Chaplain Danny Horne

VISITORS:

Ms. Diane Avery, Liaison from State Board of Pardons and Paroles
Mr. John Clayton, Corrections Corporation of America
Mr. Tommy Alsup, Corrections Corporation of America
Mr. Lewis Massey, Massey & Bowers
Mr. Brandon Hembree, Massey & Bowers
Ms. Kathryn Hammondah, Southern Center for Human Rights

Chairman Larry Wynn called to order the meeting of the Board of Corrections. Chairman welcomed everyone to the meeting and requested Chaplain Horne start the meeting with the invocation. Chairman Wynn welcomed visitors and requested they tell the Board who they are.

Chairman Wynn requested a motion to accept the February Agenda. Mr. Rob Jones made the motion, which was seconded by Chief George Potter, and voted approval by the Board members.

Chairman Wynn requested a motion to adopt the Minutes of the January meeting. Sheriff Cecil Nobles made the motion, which was seconded by Mr. Roger Waldrop, and voted approval by the Board.

Chairman Larry Wynn called on Commissioner Brian Owens to present his report.

COMMISSIONER'S REPORT

Commissioner Brian Owens started with asking Mr. Michael Nail and Mr. Harris Hodges to stand. Commissioner stated that Mr. Hodges will retire from the Department of Corrections with 34 years of service. For the past couple of years, Mr. Hodges has tutored Mr. Michael Nail. Commissioner Owens announced that Mr. Michael Nail has been appointed the Corrections Division Director to replace Mr. Hodges, effective February 1st. Commissioner Owens stated Mr. Nail's background is 20 years with the Department, starting out as a street probation officer. Mr. Nail has a Bachelor's degree, a Masters degree from Command College. Commissioner Owens stated that Mr. Hodges has given the Department 34 great years.

Commissioner Owens began his Commissioner's Report with thanking Board members Wayne Dasher, Justin Wiedeman, Tommy Rouse, George Potter, Rose Williams, Carl Franklin, and Rob Jones, who were able to attend the Tift Academy Open House. Commissioner stated that Governor Perdue enjoyed himself and was surprised about the quality of the work done by the inmates. Commissioner Owens stated the rest of Department of Corrections will be moving to the new location later this year. The deadline for having the new location done is October, if the

weather cooperates. Commissioner Owens thanked Mr. Wayne Dasher for hosting Mr. Harris Hodges down at Glennville. Commissioner Owens stated that when Mr. Dasher and Sheriff Nobles hold their event each spring, Mr. Sonny Dixon, who is with the WTOC Savannah television station, typically emcees that event. Last week, Mr. Dasher and Mr. Hodges were interviewed by Mr. Dixon to talk about Corrections issues. That night Mr. Dasher, who is the incoming President of the chamber, hosted the Glennville Chamber of Commerce dinner. Mr. Dasher also thanked Mr. Hodges for being there; with 30 years of Corrections history, Mr. Hodges is the 'go-to' man.

With a powerpoint presentation, Commissioner Owens started with the slide on Upcoming Events. Commissioner Owens stated wardens are rotated, and Change of Responsibility Ceremonies will be held for them. If Board members in those areas are interested in attending, the Department would love to have that support at those ceremonies. Commissioner Owens stated the March Board meeting will be in Atlanta, and, the April meeting will be down in Glennville. Commissioner Owens stated that every month either Wardens or Probation Chiefs come up and spend the day in headquarters, just to be in tune with what is going on.

Commissioner Owens stated, with the next powerpoint slide, the jail backlog number is 2,992, and the Sheriffs' count is about 5,000. Commissioner Owens stated the Department is working hard to keep that number down.

Commissioner Owens stated he likes to brief each month on the status of active duty military, which is down to 134 total. Of those, 65 are in the 48th Brigade in Afghanistan. Commissioner Owens then read a thank-you card from Henry McLain, who is one of the deployed. Commissioner thanked the Board members for sending cards, letters, care packages, and gifts to the deployed employees.

Commissioner Owens stated the Department of Corrections received Governor's Recommendations on budget. He stated that Ms. Becky East will follow with a briefing on the details about what Governor's recommendations are for FY 10 Amended and FY 11. By way of background, Commissioner Owens stated in FY 08 the Department had 14,648 employees. As of last week, the count for FY 10 is 13,201 employees. Commissioner Owens stated the Department managed to fulfill the mission of public safety, keep the prisons safe, keep probationers supervised, while at the same time reducing 1,447 positions through attrition. The Department managed the attrition, and kept all those remaining employees employed with the Department. Commissioner Owens stated that is equivalent of return of \$65 million a year to the taxpayers. Commissioner stated he is pleased that no one was sent home.

Commissioner Owens reported that last year the Department left the General Assembly with a \$70 million budget reduction. The Governor's Recommendation is an additional \$35 million for this fiscal year. The Department will have cut \$105 million from the budget.

Commissioner Owens reported on a couple of updates. One being three facilities went tobacco free on January 1. The Department will continue to escalate the tobacco free initiative at other facilities in order to be tobacco free by December 1, 2010. Commissioner stated he noticed in this news this morning that Virginia state prison system just went tobacco free; this is a trend across the nation. Commissioner Owens stated that everybody was notified six months ago that this was going to happen, and, the facilities are being brought in waves to make sure it is done appropriately. The second update, Commissioner Owens stated the Department implemented a fitness standard for the Department effective January 1st. The Department of Corrections adopted the Department of Public Safety/Highway Patrol's fitness standards. An officer must pass a fitness test. Commissioner Owens stated those two initiatives over the years will benefit with having healthier employees.

Commissioner Owens stated he will call on Ms. Becky East to come forward and give details about the budget. Commissioner Owens stated that Mr. Michael Nail will follow with a briefing on the merge of probation and parole officers under the Department of Corrections. The first committee hearing on that legislation will be this afternoon before Representative Terry Barnard's committee members with the intent to pass the bill out of committee today.

Mr. John Mayes stated that he wanted to take an opportunity to thank Mr. Schofield. Mr. Mayes had requested a representative speak before the U.S. Civil Rights Commission Regional Meeting. Assistant Commissioner Derrick Schofield was the person who spoke to the Commission last week. Mr. Mayes stated he wanted to commend Mr. Schofield, because when he finished speaking, everybody was nodding and saying yes.

Ms. Becky East, Division Director of Administration Division, began with saying she will brief on the points of an email that Commissioner Owens' sent to the Board members highlighting the Governor's Recommendations.

Ms. East explained that the Department's total net reduction for FY 10 is \$35.7 million. The Department's Total Funds are right under \$1.1 billion and State Funds are \$950 million.

Ms. East reported that the Department closed Scott State Prison back in August of 2009, and is set to close Bostick State Prison in May of 2010. Some of the other recommendations from Governor's office include closing three additional probation detention centers by April of this year. Ms. East stated the Department took three furlough days in the first six months of this fiscal year. Governor Perdue has recommended an additional three for Corrections staff; as well as Georgia Correctional Health Care staff taking furlough days, along with private prison partners giving back an equivalent amount of money for three furlough days. Ms. East stated the Department is delaying the fasttrack beds for Telfair State Prison from FY 10 and FY 11. The Department of Corrections received \$1.4 million to increase jail subsidy funds; this does not

increase the payment to the county jails but that it only increases the amount of budget that is available to pay the counties.

Ms. East reported on some Statewide Changes; such as State Health Benefit Plan reduction that the Department pays into that plan, reduction in payment to Workers Compensation, and reduction of the amount into Georgia Technology Authority for its Georgia Information Technology (GAIT) project.

Ms. East continued her report with briefing on FY 11. For FY 11, the Department fared pretty well; receiving additional \$1.3 million. The Total Funds are over \$1.1 billion and State Funds are around \$987 million. Ms. East stated that basically what happens is the same list of those facilities closed are listed again but are annualized. She stated that, as an example, for Scott State Prison, the Department annualized that amount at \$2.1 million to realize a full twelve month savings. Ms. East stated the Department is set to close two additional facilities in FY 11, and those are Montgomery State Prison in August of 2010 and Men's State Prison by January of 2011. The Office of Planning and Budget did take out the Telfair State Prison fasttrack dollars for startup. Another recommendation included is the transfer of the Family Violence to the Department of Human Services. Ms. East stated that, again, there will be some Statewide Changes in FY 11, such as Georgia Building Authority rent, Workers Compensation, and the funds for GAIT.

Ms. East stated that one important thing to note is that the stabilization dollars in FY 11 were reduced by \$12.3 million and the Governor's office did choose to back fill those with State Funds. Ms. East stated that the Department still has \$85 million in FY 12 and will have to look for a back fill of State Funds.

Commissioner Brian Owens added, by way of explanation, that a fiscal year begins July 1 in the State of Georgia. Last year, the Department had \$97 million in Stabilization Funds from the federal government that was applied to Department of Corrections for payroll. For FY 11, Governor Perdue has recommended replacing \$12 million of those dollars to State Funds. Commissioner Owens stated that come this time next year, the Department will be looking at an \$85 million deficit because that money goes away in FY 12. Commissioner Owens stated he wanted the Board members have that information in the forefront of their minds as the Department moves forward. Even though it appears the Department may be coming out of this, there is an \$85 million deficit that will occur at the FY 12 budget.

Ms. East continued with her report in stating the Department received funding for the four fasttrack buildings that are coming on line in FY 11. Those are Telfair State Prison, Central State Prison, Georgia Diagnostic and Classification Prison, and Augusta State Medical Prison.

Mr. Roger Waldrop complimented the Department; stating that with the discussion held at the December Board meeting about the budget, the Board had been told the Department could not afford any further cuts. At that Board meeting, Mr. Waldrop had recommended that the

Department have a contingency, and, apparently the Department came up with a plan on these restrictions. Mr. Waldrop stated he is glad to see the way the plan has been done in maintaining good staff. Mr. Waldrop stated the question he had is the additional portion of the growth of prison population versus where the Department is getting and where it is going to be; will there be a lapse over. Commissioner Owens responded that it will be explained with the next powerpoint slide.

With the next slide, Commissioner Owens explained that the chart on the slide shows Bed Loss numbers. The losses are that Bostick State Prison is coming off line, Montgomery State Prison is coming off line, Men's State Prison is coming off line, and D. Ray James prison is coming off line, for a net reduction of 3,500 beds. Commissioner Owens stated there have been discussions with Office of Planning and Budget about D. Ray James prison terminating their contract this summer. The Department may have to push the plans for Montgomery State Prison back to FY 12 to give additional time. Commissioner Owens stated that last year the General Assembly funded and approved private prison expansion beds at two facilities, Coffee Correctional Facility and Wheeler Correctional Facility by 750 beds apiece, which will be ready in July. The intent is essentially transfer 1,500 inmates out of D. Ray James prison into other prisons. Commissioner Owens explained the Department may keep Montgomery State Prison open for additional beds; explaining that that prison is the best of the worst in terms of infrastructure. With the fasttrack beds coming on line, there will be 1,500 beds. Commissioner Owens stated that any day now the Notice of Intent Award should be done on a new private prison in the State of Georgia, and, this will come on 18 months after the award. Commissioner Owens stated that as the Department takes down the old aged infrastructures, the Department is adding new modern infrastructure that is far more staff friendly. Commissioner Owens addressed questions from Board members relating to how many facilities have possible sites to add construction; how many non-enduring facilities are closed and how many are open; legislation that would affect judicial capacity that would impact the prisons capacity-wise; the effect of capacity and how the prison system cannot keep going this way and compromise safety; also, the issue of long sentences and the impact on prison population.

Mr. Michael Nail, Division Director of Corrections Division, began his briefing with explaining that this week House Bill 1030 was introduced and will be presented today to the House State Institutions and Property Committee. This bill impacts only field supervision from parole; does not transfer the clemency division; that will remain intact under the constitutional authority of the State Board of Pardons and Paroles. Mr. Nail requested that the Board members remain mindful that this part is being policy driven; not being budget driven. This speaks to the fact that it is all about public safety.

With a powerpoint slide, Mr. Nail further reported that 30 states operate parole and probation supervision functions within one agency, and 18 states have that function under their Department of Corrections. Mr. Nail stated that the Georgia Department of Corrections has 150,000 offenders serving on probation and 22,000 offenders serving on parole. Mr. Nail stated this is a

fragmentation of the service delivery. Right now, there could be one offender who goes to prison, then goes to parole, and then goes to probation. The handoffs that are taking place is that an offender comes out of one agency to go to another agency for supervision, only to return back to the original agency that was responsible for care and supervision of the offender. The Offense percentage breakdown is very similar as to who is being supervised on parole and who is being supervised on probation. Mr. Nail stated the more serious and violent offenders will spend a longer time in prison, but those who are paroled run neck-in-neck with probation population. Mr. Nail stated that 53% are going to prison on a split sentence, meaning that over half that are in prison now will eventually come out under probation. When referring to the core mission of community supervision, there is not a great deal of difference between supervising a parolee in the community and supervising a probationer in the community.

With the next powerpoint slide, Mr. Nail showed Advantages. Some advantages of this merge will be having enhanced community supervision model. Mr. Nail stated what is talking about here is taking parole field supervision and probation field supervision and combining these two good agencies and supervision systems to create an exceptional supervision system. Another point is enhancing public safety by allowing for consistent sanctioning; not operating under two philosophies of supervision. Mr. Nail stated that research shows that with the handoff the offender goes through, the likelihood to re-offend increases. This will allow, in essence, instead of one offender involved in three parts, that this will eliminate all those handoffs. In fact, there will be no handoff because the supervision is operating under the same assessment, operating off the same treatment plan. Mr. Nail made another point in that it will maximize the use of sentencing alternatives for revocations. Right now, parole is limited in the alternatives they have for parolees. Probation detention centers, intensive probation, community supervision, and day reporting centers will be an opportunity for parolees in lieu of being returned to prison. Mr. Nail made a point that another advantage is decreasing duplicative services and finding operational efficiencies.

Mr. Nail showed his next powerpoint slide, an organizational chart to show what the merger will look like. On the left side is the organization line of Pardons and Paroles Board, and, on the right side the organization line of Department of Corrections. Mr. Nail pointed out that the right side shows an important point; the statute calls for the Chairman of the Parole Board to serve in an ex-officio capacity as a member of the Board of Corrections. Mr. Nail stated that will insure that Parole does have input in the policy decisions. Looking at the lower left-hand side of the chart, it reflects Parole Field Operations and Probation Operations being combined. Mr. Nail stated he wanted to mention the process as Mr. Lientz has charged the Steering Group. The Steering Group has been created and it consists of representatives of Pardons and Paroles, Corrections, the Attorney General's office, and the Governor's office. This steering group meets every Tuesday from 8:00 to 10:00 a.m. at the Capitol. Out of the steering group, there have been seven committees formed. Each of these committees has co-leads from each of the respective agencies. Organizational Structures, Supervision Integration, Human Resources, Budget/Fiscal Affairs, Information Technology, Training, and Legal are the committees that have been formed. These committees began meeting weekly and will report to the Steering Committee. Mr. Nail

completed his report and addressed questions from Board members. Questions relating to issue of what will be the title of the officers, wherein the legislation refers to them as State Supervision Officers; issue of whether or not there would be decrease or increase of positions, wherein it will move positions, instead of cut positions; the issue of what the ratio is, wherein the ratio is 1:180 officers to probationers and 1:70 officers to parolees; the issue of what is the timeframe, wherein it will go into effect July 1, 2010; the issue of training or re-training, wherein community supervision is very similar whether it is a parolee or a probationer; the issue of whether it addresses recidivism, wherein tracking has been at three and five years; the issue of increased percentage of those on probation, wherein Mr. Nail responded that more judges are sentencing offenders to prison followed by a period of probation; the issue of whether probation officers track whether offenders have a job, wherein it has been tracked on a monthly basis.

Mr. Wayne Dasher requested, in follow-up to spotlighting certain areas, if the Department could spotlight the transition centers; to see what the unemployment is, if it has changed, if there is something that can be done in areas, or if other areas in the state could help with that problem. Mr. Dasher requested the Board be told how much money is being put back in the budget from the transition centers. Mr. Roger Waldrop stated he has concerns about day reporting centers and the competition of jobs in this economy, and questioned if there are any community relations problems at those locations. Assistant Commissioner Schofield responded that none have been reported to the Department. Mr. Schofield explained there are the same difficulties that the general community is having with finding jobs. He stated the more challenging jobs are the lower paying jobs at McDonalds and others. The Department is working as hard as any employment agency in keeping folks employed but is seeing the numbers drop. Mr. Waldrop requested if the Department could look closer and further into community contacting with the Department. Mr. Waldrop stated it would be nice if each transition center or day reporting center would maybe compile empirical data that would help on overcoming those type challenges. Mr. Dasher stated that Chatham County has a wonderful connection with the Savannah Impact program, and do an outstanding job with community relations.

CHAIRMAN'S REPORT

Chairman Larry Wynn stated he wanted to speak to the probation and parole integration plan. Chairman Wynn stated he personally thinks a very good plan. As with everything else, this will be an opportunity to speak to legislators the Board members know and encourage them to pass this legislation. Chairman Wynn stated the main thing he sees is that it will avoid a lot of duplication; that it is a cost saver. Chairman Wynn reported if there is anyone that each Board member knows, to please speak to that person. Chairman Wynn commended Commissioner Owens for what they are doing to manage and to carry out their mission in difficult financial times.

Chairman Wynn stated that he mentioned at last month's meeting the committee reports. Chairman Wynn stated he would like to continue having different committees report; one key committee being the Recidivism Committee. Chairman stated he is going to send out a suggested format, and, over the next few months have each committee do a five-minute report for the Board to discuss those areas. Chairman Wynn stated the Board members will be hearing from him via email during the month of March.

OLD/NEW BUSINESS

Chairman Larry Wynn asked if there was any Old or New Business.

Mr. Rob Jones stated it has been a tradition to typically retire the badge of Board members following their service on the Board. Mr. Jones stated Mr. Nordholz was interested in Corrections and was glad to be a part of this Board, after he had left a position with Governor Perdue's office. However, Mr. Nordholz can no longer serve due to business and financial obligations. Mr. Jones made a motion that the Board formally retire the badge for Mr. Nordholz. Chief George Potter seconded the motion and the Board members voted approval.

Sheriff Roger Garrison stated that at the last meeting he mentioned that he was going to tour the prison at Jackson and Death Row. Sheriff Garrison went to the prison with Assistant Commissioner Schofield and a fine group of wardens and a field operations manager, who is a very sharp ex-warden. Sheriff Garrison stated it was a pleasant surprise to see how orderly Death Row was; and also toured the Hi-Max, which showed the same level of professionalism. Sheriff Garrison stated that, in follow-up to Commissioner's report last month of an escape attempt, it was nothing more than a dream that someone had. Sheriff Garrison said that everybody in prison is going to think about how to escape, and apparently one inmate verbalized it. Based on the scenario laid out, it was basically impossible to mastermind that escape. Sheriff Garrison found Mr. Schofield and the gentlemen who accompanied him, were very knowledgeable.

There being no further business, the meeting was adjourned.

Larry Wynn, Chairman

Tommy Rouse, Secretary

Laura Jones, Board Liaison