

# Department of Corrections Task Force

## Final Report

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### Creation

On August 24, 2015 Jackson County Executive Mike Sanders issued Executive Order 15-15 establishing the Department of Corrections (DOC) Task Force to look into the policies and procedures within the Jackson County Detention Center (JCDC) facility at 1300 Cherry Street, Kansas City, MO.

The task force was formed, in part, due to internal county discoveries, self-reported by the county, that are related to a limited number of DOC employees who may have been involved in recent excessive use of force incidents. At the request of the county, the Federal Bureau of Investigation is looking into any possible wrongdoing regarding use of force or other inmate/detainee abuse. That is not a function of this Task Force.

The members of the Task Force commend Jackson County Executive Mike Sanders for proactively creating an open and transparent process to investigate policies and procedures at the JCDC.

### Scope

According to Executive Order 15-15 the Task Force has the following scope:

***The DOC Task Force shall review and make recommendations related to detainee housing; access to mental health and other services; employee retention and training; and, other issues related to detainee and staff welfare including facilities condition.***

***The Task Force is charged with presenting findings and recommendations to the County Executive and County Legislature on or before November 2, 2015.***

### Report

This document constitutes the report as charged by the Executive Order. The Task Force has received over 3000 pages of DOC and JCDC based documentation, has taken a 3 hour tour of the JCDC and participated in over 12 hours of testimony from subject matter experts within the JCDC as well as those in other Jackson County departments, Truman Medical Center and Correct Care Solutions (CCS), the contracted health-care provider. This report is a culmination of the Task Force findings and ultimate recommendations for the Jackson County Executive and Legislature per our mandate.

## **Jackson County Department of Corrections**

### **DOC and JCDC History**

The Jackson County DOC was established by county ordinance in 1974 after the county's first charter was adopted in 1973. The change to a civilian operated jail followed long-standing concerns about jail operations under the sheriff.

The current JCDC was constructed in 1984 with a capacity for 524 inmates/detainees. The facility was expanded in 1999 to add capacity for an additional 196 inmates/detainees. Both the construction of the new facility and the expansion followed federal consent decrees regarding over-crowding.

JCDC holds primarily state inmates/detainees. About ninety-seven percent of the daily population are held on state-related charges.

Pursuant to the county charter and ordinances, the Director of Corrections is appointed by the Jackson County Executive. In June 2015, Joseph Piccinnini was appointed acting director of the DOC. Since June, the acting director has taken a pro-active and hands-on approach to assessing JCDC's policies and procedures and has already begun implementing some new approaches to improve the quality of operations.

The JCDC is operated under the provision of Jackson County Ordinances (8000. – 8019.), and RSMo Ch. 221.

### **JCDC Status Quo**

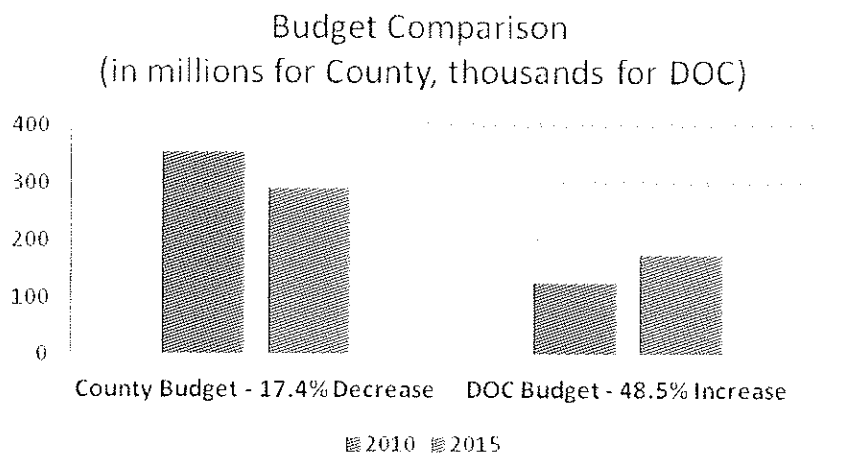
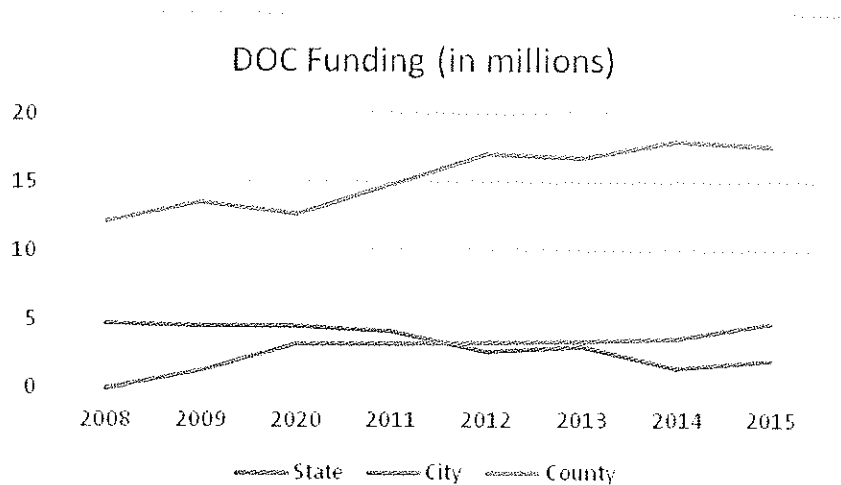
The JCDC is faced with a series of challenges, but the economic recovery of early 2015 seems to have created a significant personnel crisis. The personnel crisis was caused by increased turnover of corrections officers and less qualified candidates replacing them. A major cause was rooted in the pay structure for Corrections Officers (COs), as the county did not keep salaries in pace with regional market rates. As a result of an improving economy, the existing pay structure is not sufficient to retain well trained employees. The other significant challenge is the lack of accreditation. Having accreditation provides external oversight and a provision for establishing standard practices for operations. Many of the issues brought out through this process can be addressed by establishing an accreditation process. This is the single most important change to enable JCDC to address most of the issues heard by this task force.

The following is an overview of information shared during these hearings

### **Funding**

The JCDC is funded through multiple sources. Most of the funding comes through the county budget. The county also receives funding from the state through a per diem arrangement for state prisoners. Housed separately from state inmates, the JCDC also oversees Kansas City Regional Corrections Center (RCC) detainees and receives funding from the city for those detainees. Jackson County, despite decreasing overall county budgets, has continued to protect and increase the DOC budget.

- From 2008 – 2015 the Jackson County supported overall budget for DOC has increased from \$12.2 million to \$17.7 million, a 45.1% increase.
- During the same timeframe, state reimbursements have decreased from \$4.7 million to \$2 million. A 57.4% decrease, due to consistently lowered per diem reimbursement amounts (\$22 per day in 2008 to \$20.58 in 2015.)
- Excluding state and city reimbursements, the DOC budget has grown by 48.5% since 2010, while the overall county budget has decreased by 17.4 %.



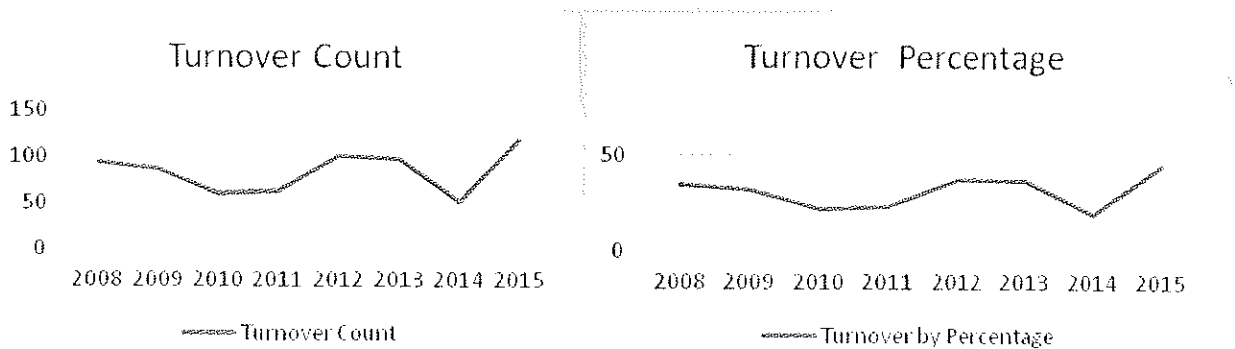
Pay

The JCDC has the lowest starting salary for COs in the region. This is due, in part, to the use of non-sworn personnel as mandated in 1974. Other local facilities use sheriff deputies who are, generally, paid at a higher level due to the higher level of training, education and certification required. The JCDC starting rate is still below other non-sworn COs in the area, however. The JCDC starting salary is \$11.45 per hour. Prior to 2015 the pay structure was strong enough to attract and retain COs during years of recession and slow recovery. That seems to be no longer true.

- Budgeted total salaries for DOC have risen from \$9.7 million to \$11.8 million from 2008 – 2015, a 21.6% increase. During that same period, annual mean wages in the metropolitan area increased by only 10.5%.

Turnover

- Prior to 2015, turnover was mostly steady and controlled at the JCDC.
  - From 2007 – 2013 turnover was between 22-37% representing less than 100 COs leaving.
  - Turnover in 2014 was 19.62% with only 52 COs leaving, the lowest turnover rate since 2004 and the second lowest level in two decades.



*2015 numbers are though September*

- Turnover has dramatically increased in 2015 to 44.91%, with 119 COs leaving.
  - Of those COs leaving in 2015, 102 of 119, or 86%, worked as COs for JCDC less than three months.

Overtime

Prior to 2015, the use of overtime was under control and even decreasing as staffing steadied.

- Overtime spending was flat from 2011 – 2014 at about \$1.6 million per year.
- Overtime as a percentage of payroll decreased from 17.4% in 2011 to 13.6% in 2014.
- 2015 overtime spending has increased to \$2.05 million (as of the end of September).



*2015 numbers are though September*

### **Executive Summary**

All of the data that we've received indicates two distinct factors, exasperated by the economic recovery, have played into challenges associated with inmate/detainee custody; lack of accreditation and a long-term practice of using a less than market level pay scale combined with retention issues and training issues. JCDC is the largest facility of its type in the state of Missouri, and with that comes the largest exposure to risk to inmates, staff and operations, including the financial risk to the loss of state and federal funding.

Navigating the inherent challenges associated with the legal custodianship of the mixed type population of the facility as well as the coordination of intake/release and transportation logistics and the complex and time-consuming interactions with the myriad of law enforcement, medical, local constituents and judicial entities makes it of paramount importance that the 362 budgeted corrections employees (250 of which are COs) are professionally astute, physically fit and mentally sharp at all times. It is essential that they receive proper training from qualified trainers and that procedures for promotion are clear, fair and based on performance and qualifications.

It cannot be emphasized enough that, within JCDC, an 'all hands on deck' sense of urgency on the part of staff regarding safety, control and structure as it pertains to inmates/detainees and visitors is necessary in order to maintain a safe, healthy and efficient operation. These efforts have been hampered in the past year, however, as a result of high CO turnover, particularly with new hires, which has stemmed from, as far as we can determine, a vast and swift economic recovery within our region. This has put an enormous amount of pressure on the system.

This rapid recovery in the local economy has caused CO turnover rates to grow faster than in recent years, and has affected the quality of applicants. High turnover has also affected the

ability to allocate time and resources to training and staff development. As well, it has affected the employee career path and everything from inmate/detainee and staff safety, medical and mental health service, inmate/detainee and staff morale, the overall staff to inmate/detainee ratio, and inmate/detainee programs and services, including reentry programs.

In keeping with this information, the DOC task force makes its recommendations directed at establishing an accreditation process, increasing employee compensation starting at the lowest paid personnel first, and instituting proper and mandatory training. Goals for are needed to improve overall conditions at the JCDC facility. The result would affect the welfare of the inmate/detainee population as well as the expansion of necessary programs and services to inmates/detainees and staff including enhanced training of JCDC staff in order to mitigate and resolve current challenges as well as preventing similar challenges from arising in the future.

While accreditation, compensation, and training are the keys to correcting recent problems, other issues arose during our hearings as well. There is an immediate need to explore funding to upgrade and repair the facility and a potential long-term need to research options for a future facility.

Challenges regarding the medical and mental health needs of inmates were raised during our discussions. They include intake procedures, availability of medical and mental health professionals, and proper and prompt approval and distribution of prescription medications. A thorough review of both JCDC health policies, and the contractors who carry out those policies, is warranted. Mental health issues are a growing concern in correctional institutions nationwide, and JCDC would be wise to focus attention on that issue.

### **Acknowledgement of Successes**

The DOC Task Force would like to acknowledge the hard work and dedication of all JCDC staff and the administration for their ongoing diligence regarding the difficult task of maintaining a healthy and productive environment for the inmate/detainee population. We applaud their tireless efforts to consistently improve upon conditions at the facility and their contribution to the overall public safety for all the citizens of Jackson County.

The Task Force appreciates the acting director's openness and willingness to work with us on finding solutions to recent issues.

The Task Force also appreciates the county executive's commitment to finding solutions and make the JCDC a safer, more efficient facility.

Among the recent "successes":

- The present problems, including the potential use of excessive force by individual COs, once discovered, were internally reviewed and quickly turned over to proper authorities.

- An independent group led by the Presiding Judge, is a unique, cross-bureaucratic endeavor with a long history that continues to examine JCDC issues.
- The vast majority of COs are good employees trying to do their best and dedicated to improving their work environment.
- The current county Human Resources leadership is extremely professional, has a clear vision, is working on and implementing strategies, and has been doing so since before the Task Force was formed. We commend the HR Director for his vision and the direction he brings to the position.
- The acting director has already taken steps to address some concerns, and clearly has the respect of his subordinates.

The Task Force would also like to thank the dozens of people who gave testimony, both when called to do so and while volunteering during public hearings or comment periods. The hearing process, including the availability of county employees (including current COs) and contractors, has made this Task Force's job much easier.

### **Recommendations**

1. Increase JCDC personnel compensation (front line personnel in particular) and training in the 2016 budget:
  - a. JCDC should work to fully staff their COs and provide them with starting pay and other compensation that is commensurate with the region. Higher pay should immediately help to lessen turnover and overtime.
  - b. JCDC should further reduce the incidence of turnover through employee satisfaction programs.
  - c. JCDC should further reduce the use of overtime by extending the current pilot program offering a 12 hour shift to enhance employee satisfaction.
  - d. JCDC should provide staff the ability to be appropriately trained and mentored for their respective duties. Suggestions include:
    - i. The continued use and enhancement of an internal training academy.
    - ii. The use of training materials provided by accredited sources, or
    - iii. Contracting with accredited sources such as the Missouri Sheriffs Association.
  - e. JCDC should develop updated job descriptions and a comprehensive career path for all employees of the JCDC department and facility, including all COs and adjacent and supportive administrative staff to include:
    - i. Specific Key Performance Indicators (KPIs) that must be met in order to advance to the next level of opportunity.
    - ii. An evaluation training process for supervisors to ensure transparency and accountability of staff and managers.



- iii. An evaluation procedure for employees, in conjunction with the county's human resources department, which ensures employees have and maintain the skill sets needed to perform their job professionally.
  - f. Implement policy and standard operating procedures to ensure consistency of behavior at all times.
  - g. Provide an open and receptive avenue for COs to report issues to leadership or human resources, without threat of retaliation.
  - h. Create an increased culture of professionalism in all aspects of JCDC operations.
- 2. Pursue American Correctional Association (ACA) Accreditation immediately, understanding the process can take several years. The benefits of accreditation for the JCDC include, but are not limited to:
  - a. Creation of standards and best practices models.
  - b. Assessment of program strengths and weaknesses.
  - c. Improved staff morale and professionalism.
  - d. Safer environment for staff and inmates/detainees.
  - e. Defense against lawsuits and reduced liability insurance costs.
  - f. Provide empirical evidence of the need for adequate funding.
- 3. JCDC should create programs, and better utilize current programs, to help inmates/detainees including:
  - a. A reentry program that will reduce recidivism.
  - b. A work release program.
  - c. Coordination of both internal and external programs with successful area organizations, including for mental and medical health.
- 4. Improve facilities for safety and efficiency:
  - a. JCDC should increase funding for facility maintenance and repair to ensure continued safety for inmates/detainees and COs.
  - b. JCDC should commission a feasibility study for a new facility that will reduce operational costs and provide a safer environment for inmates/detainees and COs.
- 5. JCDC should immediately evaluate both medical and mental health issues:
  - a. Create a medical and mental health ombudsman position to provide a resource for inmates/detainees.
  - b. Enhance inmate/detainee intake screening assessments including an evaluation of intake questions and the possibility of more professional intake personnel.
  - c. Increase availability of medical and mental health professionals.
  - d. Explore options for Medicaid payment of medical and mental health needs.
  - e. Develop a policy and procedure for the medical approval and distribution of prescription medications.
  - f. Provide for regular reviews of outside contracts regarding medical and mental health.
  - g. Work with area organizations to coordinate post-release referrals for medical and mental health issues
  - h. Work to create an environment of "cultural competence" by ensuring that all systems account for the diversity of inmates/detainees.

6. JCDC and the county should aggressively lobby state and federal officials to:
  - a. Increase per diem reimbursement rates to previous levels.
  - b. Provide funding for the medical and mental health needs of state inmates/detainees.
  - c. Provide funding options for facility maintenance and upgrades, and/or
  - d. Provide funding options for a new JCDC facility.
7. The county executive should continue to support the new leadership and management at DOC to ensure a smooth transition and continued commitment to these recommendations. The director should have full control over all aspects of JCDC operations including medical and mental health programs to ensure unity of command.
8. The director should consider the appointment of an ombudsman or committee to regularly review the progress of these recommendations.

These recommendations have been respectfully submitted on October 29th, 2015 to the County Executive and the Jackson County Legislature. It has been our honor and pleasure to serve the citizens of Jackson County, Missouri in order to assist the JCDC facility.

Respectfully yours,

## **DOC Task Force**

Alvin Brooks, Chairman  
John Fierro  
Dr. Karen Curls  
Dr. William Eckhardt  
List Pelofsky

**The Department of Corrections Task Force encourages Jackson County residents to volunteer for the various programs offered at the Jackson County Detention Center. For more information, contact the Jackson County Department of Corrections at (816) 881-4200.**