

Assessment and Recommendations Mississippi Department of Corrections Mississippi State Penitentiary, Unit 32

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Background

This report summarizes the major findings and recommendations for altering the current manner in which prisoners are assessed, referred to and managed at Unit 32 at the Parchment Prison. It is based on a meetings held on December 8, 2006 at the Mississippi Department of Corrections (MDOC) administrative offices, a site visit to Unit 32 on May 9-10, 2007, a review of electronic data files provided by the MDOC and several calls with senior MDOC staff. These report is separated into two three sections: 1) issues that pertain specifically to Unit 32, 2) those that pertain to the overall classification system, and 3) a series of recommendations that should be made to improve the current situation at Unit 32..

Unit 32 Findings

1. A substantial number of the approximately 1,000 prisoners who are housed in Unit 32 do not require such confinement.
2. Based on an audit of the case files of the prisoners who are housed in Unit 32 it is estimated that only 200 prisoners will require such placement on any given day.
3. There are several reasons for the excessive number of prisoners assigned to Unit 32 which can be summarized as follows:
 - a. The MDOC is inappropriately using its custody classification system in assigning prisoners to Unit 32. MDOC's custody classification system, which I helped design, was only intended to assign inmates to general population. It was never designed or intended for assigning prisoner to isolated confinement in a maximum-security facility like Unit 32.
 - b. Based on the audit conducted in May at Parchment, there are large numbers of prisoners who have been assigned to Unit 32 for refusing to work. While such behavior should be sanctioned, it does not justify placement in a locked-down unit for extended periods of time.

- c. A significant number of prisoners have had no misconduct reports for many months and no longer require confinement at Unit 32.
 - d. Prisoners labeled as protective custody are housed in Unit 32 even though they have no record of violent or aggressive behavior within the MDOC.
 - e. Prisoners whose initial classification to Unit 32 might have been appropriate tend to remain in Unit 32 far longer than necessary because credit for good behavior is not awarded in a timely and adequate manner under the current classification instrument's point system.
4. The assignment of prisoners to Unit 32 should be based on a very narrow set of criteria that clearly reflects the prisoner's potential for violence, largely based on recent assaultive acts while in custody resulting in serious injury to staff or other inmates. .
 5. Part of the problem is that the MDOC does not have clearly stated definitions of what constitutes the following standard population categories:
 - a. General versus Special Populations
 - b. Protective Custody
 - c. Administrative Segregation
 - d. Disciplinary Segregation
 - e. Mental Illness
 - f. Medical
 6. Case manager caseloads are excessive (180 – 200) and their contacts with prisoners are not intensive or effective. Caseloads should be reduced to 50 per caseworker.
 7. The high caseloads means that prisoners are not being seen for treatment or even for their basic reclassification review which is supposed to be conducted every six months. Sizeable numbers (over 200) of the current Unit 32 population have not had their reclassification completed.
 8. There is not a formal housing plan at Unit 32 that would clearly designate what types of prisoners should be housed there, based on their potential for violence and progress within the unit. This is an essential component of any high security unit.
 9. The suitability of Unit 29 as a step down unit needs to be re-evaluated. There are indications that the conditions of confinement may be worse in Unit 29 than in Unit 32 thus discouraging the level of motivation for prisoners to program and exit Unit 32.

Overall Classification System

1. The MDOC has made substantial progress in moving from a subjective to an objective classification system since 2002.
2. With a few but important exceptions, the new classification system is suitable for making a custody determination for the general population.
3. Several of the items on the classification forms are not weighted properly.
4. For example, under the classification instrument inmates cannot get their points lowered through good behavior in a reasonably timely manner.
5. There are also some indications that the items on the classification forms are not being interpreted properly by the staff resulting in scoring errors and hence custody designation errors.
6. The current classification system needs to be re-validated to ensure the current weights and scales are appropriate.
7. A separate system should be developed for the females to reduce the extent of over-classification.
8. The type of over-rides being used should be re-assessed and modified.
9. There needs to be a review and modification of the way that classification points for prior escapes and history of violence are being applied, to eliminate the potential for double-counting of these items.
10. Housing plans need to be prepared and implemented for each of the MDOC's units.

Recommendations

To address these issues and recommendations the following recommendations are proposed. The MDOC has formally requested technical assistance from the National Institute of Corrections (NIC) to help defray the costs of Dr. Austin's participation in the development and implementation of this action plan. The MDOC has established a classification task force under the direction of Emmitt Sparkman, Deputy Director of Operations, to work closely with Dr. Austin. The Task Force also includes the Deputy Director of Operations, Director of Classification, and the Director of Management Information Services.

The MDOC also made a site visit to the Ohio Department of Corrections to learn how that DOC has designed and implemented its program for housing high risk and violent prisoners in a controlled environment.

The following section describes the major tasks that need to be completed. In some instances the tasks have been completed or are now underway. These tasks are separated by work associated with Unit 32 and work on the general classification system.

Unit 32

Task 1. Redefine what general and special population means and where such populations can be housed. (Completed)

It is essential that the MDOC develop and implement operational definitions for the major classification and custody designations. In particular, the MDOC will need to designate all prisoners into the following major categories:

1. General Population
2. Administrative Segregation
3. Disciplinary/Investigative Segregation
4. Protective Custody
5. Severe Mental Health Problems
6. Severe Medical Disabilities

These definitions are set forth by NIC in a publication written by Dr. Austin and Ken McGinnis in 2004 entitled “Classification of High Risk and Special Management Prisoners”.

Task 2. Establish new criteria and procedures for prisoners to be housed at Unit 32 and Unit 29. (Completed)

The MDOC has developed new criteria for the types of prisoners to be admitted to Unit 32 as well as any other special management unit. Such were based on the ones used by the Ohio Department of Correction and Rehabilitation and as suggested by Dr. Austin. The new criteria for assignment to Unit 32 and other special management units could be that the inmate, during his incarceration, has engaged in any of the following acts:

1. *Causing or attempting to cause serious physical injury or death to another person;*
2. *Compelling or attempting to compel another person, by force or threat of force, to engage in sexual conduct;*
3. *Extorting another, by force or threat of force, for property or money;*
4. *Coercing another, by force or threat of force, to violate any rule;*
5. *Leading, organizing, or inciting a serious disturbance that results in the taking of a hostage, major property damage, or physical harm to another person;*

6. *Procuring deadly weapons or other major contraband that poses a serious threat to the security of the institution;*
7. *Escaping, attempting to escape or facilitating an escape from a close or maximum security facility, or while under supervision outside of such a facility, resulting in physical harm or threatened serious physical harm to others, or in major destruction to the physical plant.*

It should also be noted that, pursuant to the work of the classification task force, prisoners are no longer being sent directly from the reception centers to the High Security section of Unit 32. As will be noted below, the Unit is being reconfigured to house both high security and maximum security –general population prisoners.

Task 3: Conduct audit at Unit 32 and transfer all eligible prisoners to general population units or other special population units (Partially Completed)

In May, an audit was conducted of the case files for prisoners assigned to Unit 32. This work resulted in the identification of significant numbers of prisoners who should be released to the general population, or to specialized mental health and medical units. As suggested above, it is expected that the Unit 32 population will be reduced by approximately 800.

Task 4: Develop General Population Housing Units and Program Space with Unit 32. (Partially Completed)

Due to a lack of housing space and the large number of Unit 32 prisoners to be transferred to the general population, it will be necessary to create a general population housing units within Unit 32 for maximum custody prisoners who do not require placement in a lock down unit. For this to happen, construction of program and recreation space, and the creation of meaningful work assignments, will need to be completed. This work is now underway and should be completed within the next few months.

Task 5: Develop detailed housing plan for Unit 32 (To Be Completed)

As the Unit 32 high security population is being reduced, there must a plan for how to house the residual population in accordance with the incentive based-program that will also need to be developed. Such a plan would identify areas in Unit 32 where prisoners are to be housed relative to their progress within the program.

Task 6: Develop an incentive-based program that allows prisoners to be released within a reasonable time framed, based on their conduct and participation in programs (To be Completed).

A core component of the new Unit 32 will be the establishment of a clearly defined incentive program that will allow prisoners to earn their return to the general population

as they meet certain behavioral based criteria. In such a program there would be a short period of orientation (1-2 weeks) for staff to evaluate the prisoner, develop a case plan for the inmate outlining specific program and behavioral achievements, and then an assignment to one of three program/security levels each with progressively higher levels of security and access to programs.

General Classification System

Task 1: Modify the MIS System So That Classification Record Can Be Stored On Data Base (Completed)

In order to re-evaluate the current classification system it was necessary to modify MDOC's information system so that it stores each prisoner's initial and reclassification record. This has now been accomplished which will make it relatively easy to conduct a wide variety of statistical tests to determine what factors are driving the scoring process, the use of overrides, and the relationship between the scoring system and prisoner misconduct.

Task 2: Conduct Full Assessment of Entire MDOC Population for Classification and Revalidation of the Current Custody Scoring System (To Be Completed).

Statistical analysis can now be conducted to determine how prisoners are being scored on both the initial and reclassification forms. A snapshot of the daily population is being taken and all related classification forms that have been completed on the prisoner will be downloaded to data files and transferred to Dr. Austin for analysis. A number of meetings will be held with the task force to review these results and make decisions on how the current system should be modified. Special attention will focus on the weights assigned to each item, the custody scales, and the use of over-rides.

Task 3: Implement Modified Classification System (To Be Completed)

Based on the above tasks, a modified classification system should be readied for implementation. The implementation process will need to include training of staff in the new system as well as adjustments to the MIS database. It is recommended that the new system be applied to all new prison admissions and to the existing prisoner population as they are re-classed as part of the normal re-class process.