

JPS Oversight Committee Meeting

January 25, 2018

Thank you Mr. Chairman and members of the Justice and Public Safety Oversight Committee. We are here today to discuss how we can improve the Safety and Security of our prisons, implement best practices for prison operations, mitigate the inherent dangers, and enhance the working environment for our criminal justice professionals who serve in our facilities.

We owe it to the public and to our employees to keep state prisons secure, and we owe it to our fallen employees and their families to do all we can to prevent a similar tragedy from ever happening again.

As you are aware, I came into the role of Secretary in January 2017. And just as I did in 1989, when I started as an SBI Agent, I took an oath to faithfully discharge the duties of my office and to support and defend the constitution of this state as well as the constitution of our country. This remains my solemn duty to this day. This duty transcends all personal preferences and politics.

We are all deeply affected by the two tragic incidents in our prison facilities. No words will adequately express the grief the families, friends and co-workers have experienced

during this past year. I like many of our employees have spoken with, prayed for and with, and wept for the families most affected by these incidents. Beyond our grief, we have seen a resolve by families, co-workers, Prisons Administration, this department, the Governor, and the legislature to bring about substantive change.

The problems faced by Prisons are not unique to North Carolina and did not begin in 2017. However, I am not here to make excuses. We are here to outline real solutions, actions we have implemented and to take suggestions as we work collaboratively on this important issue. DPS nor one individual can solve the issues alone, and I welcome the oversight this body offers to the process of improvement. I have been forthright with the committee chairs and the Governor and I expect that dialogue will continue.

In some public venues, my concerns about compromising five criminal trials has been inappropriately cast as a desire to hide behind secrecy. This is simply not true. We have publicly shared the Governor's Crime Commission report. I have clearly indicated that public information from the National Institute of Corrections Report will be shared accordingly.

However, I do not think it is appropriate to undermine by public commentary, the prosecution by two District

Attorneys who are seeking justice for the families and society as a whole. Likewise, the General Assembly and the Courts have consistently recognized that safety and security information is not a matter of public record and I have abided by the law in this regard.

Prison Population

Policy decisions aimed at managing the growing population and reducing the number of offenders with misdemeanor and probation violations in North Carolina prisons have resulted in an inmate population with a higher concentration of volatile and potentially violent offenders. The challenging task of supervising this more dangerous population, while ensuring the safety of staff and inmates, requires a renewed focus on safety and security.

In 2011, the General Assembly passed the Justice Reinvestment Act. This Act made several key changes to sentencing policy to reduce admissions to prisons and to increase accountability in the community with probationers. One significant change in the Act was to redirect all misdemeanants into county custody. This reduction in the prison population meant that the lower-risk inmates were moved out and the population in state prisons became more concentrated into a group of violent repeat offenders. In 1997 the percentage of Class A-E felons in

prison was 38%. As of June 2017, 68% of the prison population was Class A-E felons.

The present sentencing structure was enacted to reserve prison for the most aggressive, high-risk offenders coming through the courts and to hold lower-risk offenders accountable in the community. The current inmate population, made up of those convicted of violent crimes and those who continue to break the law habitually, is the intended result of two decades of sentencing policy choices.

In addition, the prison population is currently seeing a higher number of inmates diagnosed with, and requiring treatment for, mental health issues. The number of inmates diagnosed and treated for mental illness has increased by 65 % in the last 10 years.

January 2017

As you are aware, ensuring the safety of our employees, visitors and inmates within prison facilities is my top priority for the Division of Adult Corrections and Juvenile Justice. During my first year, I conducted site visits, met with prisons staff at all levels individually and through staff meetings, and solicited employee feedback on ways to enhance safety and improve operations at prison facilities and to identify ways to retain staff.

During the first quarter of 2017, we were engaged in discussion about vacancies and hiring rate as well as corrupt activity within Prisons. I actively sought to improve intelligence sharing from the Division of Adult Corrections with our law enforcement entities. I sought out the support of district attorneys and federal prosecutors to encourage prosecution and cooperation.

April 2017

On April 26 at approximately 5:30 pm, Sergeant Meggan Lee Callahan was assaulted. She was responding to a trashcan fire in a dormitory at Bertie Correctional Institution. After responding to the fire, Sgt. Callahan was attacked by inmate Craig Wissink. Sgt. Callahan sustained injuries from the attack which led to her death. Wissink has been charged with first degree murder.

A Criminal Investigation was conducted by the State Bureau of Investigation and the Windsor Police Department. The prosecution of that case is in the purview of District Attorney Valerie Asbell. The division has cooperated fully with the law enforcement investigation and the Office of Special Investigations (OSI), which has completed its internal investigation. The OSI Investigation is under review.

The North Carolina Department of Labor conducted an independent investigation to determine compliance with work place safety laws. No citations were issued at the conclusion of this investigation.

May 2017

In May, 2017, we began attacking the backlog in training to ensure no officer is assigned to a post prior to receiving Basic Correctional Officer Training. We determined a need to have a nationwide review of best practices.

June 2017

Governor's Crime Commission

On June 14, 2017, I requested the Governor's Crime Commission (GCC) to complete a national review of best practices in prison management with a focus on hiring practices for correctional officers, training, staffing at prison facilities, security procedures to interdict contraband, and measures to detect and address staff misconduct. The Governor's Crime Commission engaged Duke University's Sanford School of Public Policy to complete this review. The report was presented to DPS late on December 7, 2017 and was provided to the General Assembly and the public on December 8, 2017.

Over the summer and early fall, we were very focused on increasing hiring, training officers before being placed on a post, reducing contraband and assessing security needs.

October 2017

In October, four prison employees died and several others were hospitalized during an attempted prison escape at Pasquotank Correctional Institution. Officers Justin Smith and Wendy Shannon, Correction Enterprises Supervisor Veronica Darden and Maintenance Employee Geoffrey Howe died as a result of the actions by four inmates. The attempted escape occurred on October 12 around 3 pm. Inmates started a fire in the facility's Specialty Sewing Plant where about 30 inmates work producing logo items, safety vests and other sewn items. After the fire was set, the four inmates unsuccessfully attempted to escape.

Indictments have been handed down against 28-year-old Mikel Brady, 29-year-old Wisezah Buckman, 33-year-old Seth J. Frazier, and 30-year-old Jonathan M. Monk charging each with four counts of first degree murder, five counts of assault with a deadly weapon along with several other charges including attempted escape.

A Criminal Investigation was conducted by the State Bureau of Investigation and the Pasquotank County Sheriff's Office. The prosecution of that case is in the

purview of District Attorney Andrew Womble. The division has cooperated fully with the law enforcement investigation. The internal investigation conducted by Office of Special Investigations (OSI) is ongoing.

The North Carolina Department of Labor is conducting an independent investigation to determine compliance with work place safety laws.

Immediately after the tragic events at Pasquotank, the following occurred:

- ✓ Pasquotank Correctional Institution was locked down restricting movement of all inmates and suspending all programmatic activities.
- ✓ Pasquotank Correctional Institution sewing plant was permanently shut down.
- ✓ I ordered the removal of more than 250 offenders who fit a specific profile of convictions for assaultive crimes from participation in Correction Enterprises operations across the state that involve the use of cutting and/or impact tools until further risk assessments could be completed.
 - I implemented a new policy prohibiting those with convictions of a violent crime against a government official and/or law enforcement officer from being assigned to any work station utilizing or providing access to cutting and/or

impact tools without expressed approval of the Director of Prisons.

- ✓ We increased the number of correctional officers providing security in Correction Enterprises areas, and increased the number of rounds by the officer in charge within those areas until such time as a full security review is conducted.

National Institute of Corrections

On October 20, 2017, eight days after the tragedy at Pasquotank Correctional Institution, I requested the Prison Division of the National Institute of Corrections (NIC) to conduct an independent review of all safety and security operations at Pasquotank Correctional Institution to include the adjacent sewing plant.

On Friday, January 19, I received the final NIC 78-page Security Operational Assessment which includes recommendations and observations. My staff and I have been reviewing these recommendations to formulate further action plans. There are a number of things that are troubling—ranging from staffing, policy guidance, tool control, communication and complacency—and we take the full report very seriously.

We appreciate the very in-depth review and the comprehensive list of recommendations provided by the

NIC in the report. There is still much work to be done to make our prisons safer, in addition to the dozens of actions already completed or underway, and we welcome continued help from the NIC.

PowerPoint Presentation

Our prison safety reform initiatives have focused on four primary areas which include: enhancing overall security policies and practices; increasing hiring and retention; improving training for new and veteran employees; and reducing contraband in prison facilities.

At this time, I would like to recognize Chief Deputy Secretary Pam Cashwell to provide a more detailed overview of the steps that have been taken in the last year. This PowerPoint presentation will highlight the measures completed, measures in ongoing or pending status, and next steps to be taken.

Conclusion

Prisons are dangerous places and the problems within them did not happen overnight. It will take a concerted effort by our department and this body to make our prisons safer. In reviewing the make-up of the inmate population, the incidents that occurred in April and October, and the prisons workforce, it is evident that the Prison System is facing many issues. As I have said countless times, the safety of our employees, visitors and inmates within in prison facilities is my top priority for the Division. Increasing safety and security will require a substantial financial investment and I look forward to working with you to accomplish this important mission.