

PRELIMINARY REPORT: INDEPENDENT REVIEW OF SECURITY ISSUES AT THE JAMES T. VAUGHN CORRECTIONAL CENTER

Commissioned by The Honorable John C. Carney, Jr., Governor of the State of Delaware on February 14, 2017

Led by:

The Honorable William L. Chapman, Jr., Judge (ret.)

And

The Honorable Charles M. Oberly, III, United States Attorney (ret.)

With Support from:



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Executive Summary

Introduction

The James T. Vaughn Correctional Center is the only adult, male correctional center run by the State of Delaware that houses minimum, medium, and maximum security inmates, as well as pre-trial detainees. On Wednesday, February 1, 2017, inmates housed in C-building of the JTVCC took control of the unit and held staff hostage. The hostage situation lasted into the early hours of Thursday, February 2, ultimately resulting in the death of one correctional officer and injury to other corrections personnel.

The February 1-2, 2017, hostage incident at James T. Vaughn Correctional Center (JTVCC) ended after almost 15 hours, but the investigation into the event continues. Existing security issues within the facility that may have served as precursors to the incident remain to be addressed.

The purpose of this Independent Review is to “review the events surrounding the hostage incident and related security issues at the James T. Vaughn Correctional Center.”¹ This preliminary report provides an initial overview of policies, procedures, practices and technology at the JTVCC, and within the DOC, that could have contributed to the incident. In addition, the report recommends actions that, if taken, may prevent a similar incident, as well as improve the safety, security, and operations of the JTVCC and the DOC. A final report is scheduled to be released in August 2017.

Key Themes of the Review

This Independent Review provides an overview of JTVCC issues from the perspective of correctional officers, executives, staff, inmates and other community members. The review identifies security issues that likely contributed to the February 1st incident. Recommendations center on corrections philosophy and leadership; institutional culture; staffing; policy, procedure and practice; officer training; communication; and equipment and technology.

Some of the overarching themes in this report include the following:

- **Establish and communicate a strategic plan for the future of corrections in Delaware.**
- **Address staffing issues and support correctional officer (and inmate) wellness.**
- **Improve communication and consistency of policies, procedures, and practices.**
- **Evaluate equipment, technology, and management needs of the department.**
- **Continue efforts to address the institutional culture within the JTVCC.**

This preliminary report is intended to provide actionable recommendations that inform the State of Delaware’s budget and policy decisions to address security in Delaware corrections.

¹ Delaware Executive Order No. 2 is attached to this report as Appendix B.

Section 1. Introduction

Background

The James T. Vaughn Correctional Center (JTVCC) is the State of Delaware’s largest adult male correctional facility, and is located near Smyrna, Delaware. It is a ‘Level 5’ prison currently housing approximately 2,500 minimum, medium and maximum security inmates.²

On February 1-2, 2017, inmates in the C-Building of the JTVCC took staff hostage for a period of close to 15 hours. Beginning at 10:38 a.m. on Wednesday, February 1st, when a correctional officer made a call for immediate assistance in C-Building, inmates in the building took control of all three tiers of the main floor of the building, holding four correctional staff members hostage.³ Through the next several hours, the Delaware Department of Correction (DOC), Delaware State Police (DSP) and others responded. The incident ended after 5:00 a.m. on Thursday, February 2nd, following a breach of the building.⁴ The incident ultimately resulted in the death of one correctional officer and injury to other corrections personnel.

This act of aggression and violence by Vaughn inmates is criminal, and the murder of Lieutenant Steven Floyd is an enormous loss – not only to his family and loved ones but to the Department of Correction, and the entire State of Delaware.

Purpose of this Preliminary Report

On February 14, 2017, following the February 1-2, 2017 incident at the JTVCC, Governor John C. Carney signed an Executive Order⁵ to launch an independent review into the security of the JTVCC to “review the events surrounding the hostage incident and related security issues at the James T. Vaughn Correctional Center.”⁶ According to Governor Carney, the State of Delaware is determined to identify what went wrong and how to address it. “We will leave no stone unturned in our efforts to find out exactly what happened inside Vaughn and what we can do prevent that from happening again,” said Governor Carney during a press conference.⁷

At the time, Governor Carney appointed former Delaware Chief Justice Henry DuPont Ridgely (ret.) and former Judge William L. Chapman, Jr. (ret.) to lead this work. In April 2017, Justice Ridgely recused himself and former United States Attorney for the District of Delaware, Charles M. Oberly, III was

² James T. Vaughn Correctional Center. <http://www.doc.delaware.gov/BOP/PrisonDCC.shtml> (accessed May 25, 2017).

³ Independent Review Team interview, May 3, 2017.

⁴ Ibid.

⁵ Delaware Executive Order No. 2. (2017).

⁶ State of Delaware. (2017, February 14). Governor Carney announces selections to lead independent review of hostage incident at James T. Vaughn Correctional Center. <http://news.delaware.gov/2017/02/14/governor-carney-announces-selections-to-lead-independent-review-of-hostage-incident-at-james-t-vaughn-correctional-center/> (accessed May 30, 2017).

⁷ Lamar, A. (2017, February 2). Delaware prison hostage dead, Gov. Carney vows justice. *Dover Post*. <http://www.doverpost.com/news/20170202/delaware-prison-hostage-dead-gov-carney-vows-justice> (accessed May 29, 2017).

appointed in his place. The Police Foundation was chosen to support the work, conduct interviews, compile recommendations, and draft preliminary and final reports.

The purpose of this preliminary report is to evaluate policies, procedures, practices, and technology at the facility and within the DOC that could have contributed to the incident, and to recommend actions, that if taken, may prevent a similar incident, as well as improve the safety, security, and operations of the JTVCC and the DOC.

According to the Executive Order, this Preliminary Report, “will address the following issues:

- a. Initial findings concerning any conditions at the James T. Vaughn Correctional Center that contributed to the hostage situation on February 1, 2017; and
- b. Initial findings and recommendations for improving security concerns at the James T. Vaughn Correctional Center.”⁸

Methodology

The Police Foundation has a proven track record of commitment to learning and change by conducting in-depth, independent incident and organizational reviews. Recent Police Foundation critical incident reviews include:

- [Bringing Calm to Chaos: A critical incident review of the San Bernardino public safety response to the December 2, 2015 terrorist shooting incident at the Inland Regional Center](#)
- [Managing the Response to a Mobile Mass Shooting: A Critical Incident Review of the Kalamazoo, Michigan, Public Safety Response to the February 20, 2016, Mass Shooting Incident](#)
- [Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to the Protests, Demonstrations, and Occupation of the Minneapolis Police Department’s Fourth Precinct](#)
- [Critical Incident Review of the Orlando Pulse Nightclub Terrorist Shooting \(To Be Released August 2017\)](#)

Upon selection, the Police Foundation created an Incident Review team comprised of subject matter experts in corrections, public safety and critical incident response to support Judge Chapman and U.S. Attorney Oberly on the Vaughn review. The team developed and executed a comprehensive methodology to critically review and assess the incident (to the extent possible), and circumstances leading up to it in order to develop findings and recommendations for improving security at the JTVCC. The methodology includes an extensive review of DOC policies, procedures, practices, and training materials; interviews of current and former Delaware DOC and JTVCC administrators; site visits and tours of JTVCC for direct observation; focus groups and interviews of JTVCC corrections personnel and inmates; interviews of key stakeholders such as advocacy groups and union leadership; as well as reviews of relevant literature and media coverage. A more detailed methodology is attached in Appendix C.

⁸ Delaware Executive Order No. 2. (2017).

Limitations of this Report

The State of Delaware provided the Independent Review Team exceptional access and assistance in gathering information for this review. The Delaware Department of Correction and JTVCC staff should be commended for their assistance throughout this process. Their consistent and unwavering support with scheduling and communication with staff and inmates within the prison was invaluable to the Team.

Due to the on-going criminal investigation, the Independent Review Team did, however, face some restrictions regarding many of the important details regarding the February 1-2, 2017 hostage incident. The team has not reviewed any police investigative reports or DOC Internal Affairs reports, as a result of the on-going criminal investigation. These parameters were put in place to ensure that the criminal investigation is not compromised in any way, and to maintain the integrity and focus of this preliminary report. In addition, the Independent Review Team faced an exceptionally short timeline in which to provide this preliminary report by the June 1, 2017 deadline so that the Governor and the General Assembly had time to consider the recommendations for policy and budget implications. These limitations should be noted when reviewing the Preliminary Report.

Next Steps

While this report outlines the broad focus areas that will improve security at the JTVCC, the Independent Review Team will continue to research, investigate, and analyze the security issues at the JTVCC. The Independent Review Team will provide a more detailed assessment of JTVCC issues in a final report that is scheduled to be issued in August 2017.

Section 2. Correction Philosophy & Leadership

Overview & Observations

When examining an event as serious as the James T. Vaughn Correctional Center (JTVCC) hostage situation that occurred on February 1-2, 2017, and the death of a correctional officer, one may consider organizational philosophies, such as mission or vision statements trivial. However, there is a compelling reason to discuss them. When written clearly, and backed with determined leadership, political and stakeholder support, as well as the use of evidence-based practices; such statements provide a foundation upon which to build and maintain a unified approach to operations, a sense of purpose, support for officer and inmate safety, and a touchstone for the thousands of decisions that are made in a correctional center every day.

When written clearly, and backed with determined leadership, political and stakeholder support, as well as the use of evidence-based practices, [mission and vision] statements provide a foundation upon which to build and maintain a unified approach to operations, a sense of purpose, and a touchstone for the thousands of decisions that are made in a correctional center every day.

During interviews with Delaware Department of Correction’s leadership, staff, stakeholders and inmates, it became clear that there is no unifying sense of purpose or approach to the management of the JTVCC. Line officers were most concerned with only trying to get through the day safely so that they could get home at the end of their shift. Not one officer could provide a consistent response when asked what was expected of them as an employee of the DOC. Supervisors also described inconsistency in how they supervised staff at the JTVCC, as well as inconsistency throughout the organization. Inmates expressed frustration with the shifting interpretations of rules and policies, as well as enforcement of those rules and policies by some staff. Nearly everyone with whom the Independent Review Team spoke complained about poor communication regarding policies, operational changes, and day-to-day issues. These patterns of operation and management have led to a sense of chaos where “getting through the day” becomes the norm rather than actually achieving a purpose. In this environment, most everyone—administrators, supervisors, and line staff—end up “doing their own thing” rather than following a clear and unified plan or strategy.

The Delaware Department of Correction’s mission is to: “Protect the public by supervising adult offenders through safe and humane services, programs and facilities.”⁹ The questions then become:

- What does this mission statement mean?

⁹ Delaware Department of Correction Annual Report 2016.

http://www.doc.delaware.gov/downloads/DOC_2016AnnualReport.pdf (downloaded May 23, 2017).

- How are people protected?
- Is it simply by confining inmates in correctional facilities until they are scheduled to be released?
- Does it involve any kind of preparation for the safe and successful return of inmates to the community?
- What is the purpose of the programs provided; to keep inmates busy and constructively occupied; to help them develop more pro-social behaviors; to reduce their risk of re-offending?

During our assessment, we found no evidence of a unifying plan or strategy for the Department. Similarly, no evidence exists that employees (at various levels) have a clear understanding of how their respective roles fit into such a plan, nor how their actions either support or undermine that plan or the associated goals. In the absence of a clearly defined and consistently communicated plan, staff simply “fill in the blanks” with their own interpretation of what good correctional operations are, which contributes to the high level of inconsistency and apathy reported.

The Mission Statement of the Bureau of Prisons is somewhat more specific. It reads: “Mission: To provide overall administrative support to prison facilities, which enforce judicial sanctions for offenders and detentioners in a safe, humane environment. The Bureau also provides protection for the public with incarceration and rehabilitation programs that address societal and offender needs.

- Protection for the public through incarceration of the offender.
- Protection for the public through rehabilitation of the offender to prevent future crime.
- A safe and humane living environment for the incarcerated offender.
- A safe and appropriate working environment for staff.
- A range of correctional programs necessary to meet the needs of both society and the individual while implementing court-ordered sanctions in the least restrictive environment consistent with public safety.”¹⁰

The Independent Review Team saw no reason to believe that the Delaware DOC is deficient in its ability to minimize the probability of escapes from custody. What is more concerning, however, is the approach being used to meet the rehabilitation and prevention of future crime described in the second paragraph of the Bureau of Prisons’ mission statement. What are the rehabilitation methods used within the facilities? How are offenders assigned to them? What can staff do to support those methods? What can they do to inadvertently undermine rehabilitation efforts?

One complaint heard repeatedly from staff during interviews was the lack of regular training and the quality of the training provided. Anecdotally, we learned that Correctional Emergency Response Teams (CERT)¹¹ received regular and intensive training, and were viewed by administration as the “diamonds of the Department.”¹² It is important that CERT members receive regular and high quality training and that they practice those skills frequently; the roles they may be expected to perform are critical. However,

¹⁰ “Mission Statement.” Bureau of Prisons. <http://www.doc.delaware.gov/BOP/index.shtml> (downloaded May 23, 2017).

¹¹ Correctional Emergency Response Teams (CERT) is a division of the DOC’s Special Operations Unit. CERT oversees the selection, training, and operation of tactical responders. For more information, see: http://www.doc.delaware.gov/downloads/policies/policy_9-20.pdf.

¹² Independent Review Team interview, May 5, 2017.

when something goes wrong in a prison, it is rarely due to something as dramatic as a breakdown in CERT operations.

In the JTVCC, the accumulation of small errors, omissions, and oversights such as errors in classification calculations, failures to follow procedures, and/or mistakes made by fatigued and inexperienced staff were among the failures identified. These failures were exacerbated by perceived injustices, grievances, overcrowded and/or poorly maintained facilities, a lack of programming and work opportunities, inappropriate staff-inmate interactions, and the inconsistent application of policies and procedures by corrections staff.

All staff, not just specialized units, should receive regular and quality training, skills practice, and testing so that they are able to perform their jobs as well as CERT members perform theirs. When staff see attention, perks, and praise focused primarily on specialized units, it sends the message that they are less important, less valued, and command a lower priority within the facility. Our discussions with staff left a clear sense that this might be true at the JTVCC. All staff want to know that what they do has value and significance, yet we found few people at the JTVCC who were able to describe their contribution to the mission and success of the department.

Corrections agencies that have made great and rapid improvements generally have strong leadership that sets clear and measurable goals; a plan for achieving those goals; an explanation to all staff regarding their role in accomplishing the task; and skills and training needed to succeed. Commissioner Perry Phelps articulated a clear vision of where the Delaware DOC should be heading, and how it should get there.¹³ Department of Safety and Homeland Security Secretary Robert Coupe, who preceded Commissioner Phelps, was recognized for his strong leadership as well as the policy changes he made during his tenure as the commissioner. Commissioner Phelps is committed to continuing and building on Secretary Coupe's vision for Delaware's DOC.

Corrections agencies that have made great and rapid improvements generally have strong leadership that sets clear and measurable goals; a plan for achieving those goals; an explanation to all staff regarding their role in accomplishing the task; and skills and training needed to succeed.

A clear sense of mission and vision, combined with a detailed plan for carrying out that mission, that includes roles for all staff, conveys a sense of value and purpose for those involved and will provide the foundation upon which to move individual facilities and the department in a unified direction. Even the most talented and energetic corrections leader cannot accomplish this alone. It is imperative that

¹³ Commissioner Perry Phelps, Independent Review Team interview, May 2, 2017. Commissioner Phelps mentioned planning a visit to the Virginia DOC to discuss with Director Harold Clarke the best practices they have implemented statewide. Delaware may consider adoption of their leadership program. VA also has a 2-week program by executives from UVA, and offer a 2-year program for others who are promoted.

endorsement and support of reform efforts come from elected officials, stakeholders, and other interested parties.

Recommendations

- 1. *The DOC Commissioner should develop a detailed strategic plan and implementation process for the Delaware DOC that not only explains what is to be done, but also how it is to be done (in considerable detail so that each staff member can see where they fit), how it will be measured, and why it is important to embark on this effort.*** Once the plan is finalized, it should be discussed regularly with staff, stakeholders, and the public. Feedback regarding progress in accomplishing the goals of the plan must be provided to staff and stakeholders, so that they all have a sense of participation and accomplishment.
- 2. *DOC should hold a one-day conference or similar event to discuss the future of corrections in Delaware.*** The purpose of the convening would be to allow the Governor and Commissioner, preferably in conjunction with bipartisan legislative leadership, to explain in some detail their vision and strategic plan for the agency, and to provide an opportunity to solicit feedback and input into the plan. Part of the conference should explore national trends, the current state of research, and what has and has not worked in other jurisdictions. Finally, the conference should conclude with a request for support for the vision and implementation plan from those in attendance with a commitment from them to execute, sustain, and regularly evaluate the plan in their respective roles.¹⁴
- 3. *The DOC should use the strategic plan and implementation process to inform policies, procedures, and operations; security; budgeting; executive, mid-level and staff training; infrastructure, inmate programming, and services.*** The strategic plan and the implementation process are disciplined efforts that will produce fundamental decisions and actions that shape and guide what the DOC is, who it serves, what it does, and why it does it, with a focus on the future. Effective strategic planning articulates not only where the DOC is going and the actions needed to make progress, including making Delaware DOC an attractive place to work, but also how it will know if it is successful.¹⁵
- 4. *DOC executive leadership should endeavor to build and maintain strong relationships with correctional officers and administrative personnel throughout the agency.*** The quality of executive leadership's internal communication influences their *credibility*. Effective communication with employees—that is two-way, open, responsive, sincere, compassionate, and respectful—can instill in correction's staff a sense of empowerment and appreciation. Such communication efforts create an empowered workforce that is happier and more committed to the organization, which eventually contributes to the agency's performance. Moreover, such employees identify more with their

¹⁴ Ongoing work that may tie in with this the Justice Reinvestment Initiative (JRI) as well as the National Criminal Justice Reform (NCJR) effort, both of which the State of Delaware are involved with.

¹⁵ For an example, see <http://www.balancedscorecard.org/>.

organization and are more willing to go the extra mile, express their opinions, and make a difference in the organization.¹⁶

¹⁶ Men, L.R. (August 13, 2014). Chief Engagement Officer. The role of CEOs in internal communication. *Institute for Public Relations*. <http://www.instituteforpr.org/chief-engagement-officer-role-ceos-internal-communication/> (accessed May 27, 2017).

Section 3. Resources & Staffing

Overview

Most of the staffing-related issues at the James T. Vaughn Correctional Center (JTVCC) identified by the Independent Review Team fell into two categories: resource/staffing levels and officer safety and wellness. The review indicates that the JTVCC is critically understaffed, and as a result, officers are physically and mentally exhausted. With this combination of factors, the risks for burnout, apathy, and turnover are high, further straining already critically low staffing levels. Physical and mental exhaustion not only negatively impacts officer safety, health and wellness, but also poses significant security risks to individuals and the institution.

Observations

Resources / Staffing Levels

The current union-negotiated standard work week for correctional staff at the JTVCC is 40 hours per week, and consists of five consecutive workdays followed by two consecutive days off during each seven-day period.¹⁷ Three work shifts exist: the morning shift runs from 8 a.m. to 4 p.m., the evening shift from 4 p.m. to 12 a.m., and the overnight shift from 12 a.m. to 8 a.m.

The current union negotiated overtime policy indicates that the State of Delaware will determine overtime availability, with the union participating to ensure a fair distribution of overtime. Need for overtime within four hours can result in that overtime being offered on site to employees on the overtime list who are on duty at the time. The State can designate mandatory overtime if the union distribution of overtime “fails to meet operational or security needs.”¹⁸

Officers at the JTVCC report working significantly more hours than the standard hours of work and schedule. Officers report routinely working double shifts (16 hours), being frozen upwards of 2-5 times per week¹⁹ for a total of up to 80 hours of overtime in addition to the standard 80 hours per pay period. Although the excessive overtime is not necessarily at odds with the union negotiated overtime policy currently in effect, it seems that the State is overly relying on overtime at the JTVCC to compensate for high rates of turnover and high numbers of vacancies. The State of Delaware, Office of Auditor Accounts found that in Fiscal Year (FY) 2016 and part of FY 2017, nearly \$39 million of overtimes costs were paid

¹⁷ Article 21: Hours of Work and Work Schedules, in The State of Delaware and Department of Correction State Merit Bargaining Unit 10 Agreement (includes, Correctional Officers Association of Delaware (COAD), and the American Federation of State, County, and Municipal Employees, AFL-CIO, Council 81, Locals 247, 3384 and 2004, effective July 1, 2015 – June 30, 2018). Reviewed by the Independent Review Team, May 2017.

¹⁸ Article 24: Hours of Work and Work Schedules, in The State of Delaware and Department of Correction State Merit Bargaining Unit 10 Agreement (includes, Correctional Officers Association of Delaware (COAD), and the American Federation of State, County, and Municipal Employees, AFL-CIO, Council 81, Locals 247, 3384 and 2004, effective July 1, 2015 – June 30, 2018). Reviewed by the Independent Review Team, May 2017.

¹⁹ Independent Review Team interview, May 1, 2017.

by the Department of Correction (DOC), “with JTVCC incurring the highest cost of all DOC divisions.” During the reviewed FY 2017 period, the average OT cost was \$838,839 per pay period.²⁰ The overtime paid to DOC employees during FY 2016 and 2017 amounted to nearly 38 percent of all overtime for all State employees.²¹

The use of overtime to compensate for insufficient staffing has resulted in several irregular and unsystematic scheduling practices that have increasingly become standard practice. For example, “getting frozen” at end of shift has reportedly been a standard practice at the JTVCC for the past 6 years.²² A second unsystematic practice that has resulted from unscheduled overtime is the extension of shifts from 8 to 10 hours, which has only displaced the understaffing problem from one shift to the next. For example, a logged staff grievance indicates that “the creation of 10 hour shifts has left insufficient staffing on the night shift,” posing a safety risk.²³ A third irregular practice due to insufficient staffing has been the collapsing and/or shutting down of posts when there is not sufficient staff to cover them. Although the administration reportedly works to rotate collapsing posts when short staffed,²⁴ the shutting down of post coverage, even if reserved for non-critical posts only, negatively impacts the facility’s ideal operations. Finally, insufficient staffing has caused the cancellation of in-service and other training opportunities that are critical to staff performance and security operations.

In addition to excessive overtime, the low starting salary in conjunction with the lack of any substantial pay increases, and promotional opportunities, have contributed to high rates of officer turnover. The table below indicates that officers at the JTVCC can expect to earn less than \$10,000 over their starting salary after 20 years of service in the Department, and this has been consistent across fiscal years.

Table 1: Delaware DOC Pay Scale, Correctional Officer²⁵

	0-2 years	2-5 years	5-10 years	10-15 years	15-20 years	20+ years
FY 2016	\$31,586.00	\$32,059.79	\$33,021.58	\$34,672.66	\$37,099.75	\$40,438.73
FY 2017	\$32,059.79	\$32,540.69	\$33,516.91	\$35,192.75	\$37,656.25	\$41,045.31
FY 2018	\$32,540.69	\$33,028.80	\$34,019.66	\$35,720.64	\$38,221.09	\$41,660.99

According to the Correctional Officers Association of Delaware (COAD), the low salary for Delaware DOC correctional officers is a primary source of grievance and has contributed to a “16-year average, 57

²⁰ Thomas Wagner, Jr., R., CFE, CGFM, CICA. Department of Correction Overtime Analysis. (2017). State of Delaware, Office of Auditor of Accounts. <http://auditor.delaware.gov/wp-content/uploads/sites/40/2017/05/Department-of-Correction-Overtime-Analysis-Inspection-1.pdf>.

²¹ Ibid.

²² Independent Review Team interview, May 1, 2017.

²³ JTVCC Staffing Grievances. (2016). Reviewed by the Independent Review Team, May 2017.

²⁴ Independent Review Team interview, May 19, 2017.

²⁵ Attachments A/B/C: Unit 10, Correctional Officer Annual Base Salaries, FY 2016 in The State of Delaware and Department of Correction State Merit Bargaining Unit 10 Agreement (includes, Correctional Officers Association of Delaware (COAD), and the American Federation of State, County, and Municipal Employees, AFL-CIO, Council 81, Locals 247, 3384 and 2004, effective July 1, 2015 – June 30, 2018). Reviewed by the Independent Review Team, May 2017.

percent turnover rate.”²⁶ In a review of employee “terminations” from the JTVCC from January 1, 2016, through March 31, 2017, 62 out of 75 employees that left the department resigned voluntarily.²⁷

Officer Safety and Wellness

Observations and interviews by the Independent Review Team strongly suggest that JTVCC staff are burned out as a result of long-term untreated stress, as well as emotional, cognitive, and physical exhaustion, stemming in large part from the excessive overtime that is being worked.

Although overtime is voluntary, the overtime requirements are so excessive that correctional officers report routinely missing out on important family events due to being “frozen” at the end of their shift or being denied vacation time even when a request is put in “six months in advance.” This level of work intrusion into correctional officers’ personal lives has eliminated any sense of work-life balance with significant impacts on their individual, and most probably their family’s mental health and wellness.

It is also likely that some members of the staff may be suffering from mental health issues such as depression, anxiety, and post-traumatic stress disorder, tied to the February 1, 2017 uprising. An officer whose capabilities, judgment, and behavior is adversely affected by poor physical or psychological health may not only be a danger to her or himself, but also to other officers, inmates, and to the community she or he serves.

Findings

“What is the point in asking for more positions when you can't keep the ones you have filled?”²⁸ Line staff work excessive amounts of overtime impacting their performance and ability to function in a safe and effective manner. At the same time, the correctional staff has come to rely heavily on overtime as a supplement to their low salaries. Current DOC administration reliance on overtime to compensate for critically low staffing levels is a risky practice. The recent Community Legal Aid Society, Inc. (CLASI) lawsuit²⁹ has added an additional layer of concern and confusion to this already critical staffing situation. The correctional officer staff is deeply concerned over the staffing implications of CLASI, yet, the JTVCC administration does not believe that implementing CLASI recommendations will require additional staff. Due to this combination of factors, the overall quality of the workforce has progressively declined at JTVCC and complacency and acceptance of marginal performance has become the norm.

²⁶ Independent Review Team interview, May 1, 2017.

²⁷ Delaware DOC, List of Employees Terminated from JTVCC, CY 2016 Through March 31, 2017. Reviewed by the Independent Review Team, May 2017.

²⁸ Statement by corrections staff and the union to the Independent Review Team regarding the Governor’s announcement on March 13, 2017, that the FY 2018 budget plan would add 50 correctional officers at JTVCC. Independent Review Team interviews, May 1-5, 2017.

²⁹ The CLASI lawsuit, filed by the Community Legal Aid Society, Inc. of Delaware (CLASI) argues that the treatment of inmates with mental illness within Delaware DOC facilities, and specifically within JTVCC, is in violation of both the U.S. constitution and the constitution of the State of Delaware. A settlement reached in September 2016 resulted in a number of recommendations for implementation by JTVCC administration to improve conditions for inmates with mental illness currently housed in secure/restrictive housing units.

"A breathing body is better than no body at all." Correctional staff at the JTVCC feel undervalued and dehumanized, which seem to have significantly impacted their mental health and overall wellness. There is ample evidence of burnout throughout the rank and file. Information collected indicates that since the February 1st incident, a number of officers who used to take overtime assignments have backed off or quit altogether.³⁰ Organizational leadership should ensure that all personnel involved in or affected by the incident feel valued and are provided access to the physical and mental health resources. Research indicates that correctional officers use sick leave as a way of coping with this type of stress,³¹ and the JTVCC has already experienced a "planned" sickout.³² Along with high rates of turnover, this combination of factors only exacerbates the already critical staffing issues at the JTVCC.

Recommendations

1. **Conduct a comprehensive staffing study to identify proper staffing levels at the JTVCC.** Fatigue impacts judgment, tolerance for stress, and increases irritability and opportunity for error. It also makes the job less attractive for new recruits and impacts the organization's ability to recruit and retain quality employees. A comprehensive staffing study will provide insight into the appropriate staffing requirements for maintaining continuity of operations in a safe manner that does not negatively intrude on the staff's personal lives.³³
2. **Update and implement a practical fatigue/stress policy that accounts for work-life balance.** Given the current overtime practices at the JTVCC, it is important to ensure that there is a clear and practical fatigue/stress policy in place that prioritizes the safety of officers. Many fatigue policies require an uninterrupted 8-hour fatigue recovery period, but this is unrealistic if it does not take into account commuting time, and other typical family and personal life requirements. In a recent study, Van Dongen, James, Paech, Hinson, Whitney and Vila (2017) found that impaired cognitive flexibility due to sleep deprivation predicted degraded deadly force decision-making in law enforcement simulations.³⁴
3. **Create a promotional career ladder with competitive salaries, and merit-based recognition.** Corrections administrators, staff and union officials expressed concern that the current salary for the correctional officer position in Delaware is inadequate for the demands of the job, and there are no additional incentives to overcome the low salary. It is likely that staff are working external jobs to "make ends meet" exacerbating the fatigue risks of routine double shifts. The non-competitive salary has created a situation for the JTVCC in which new staff have no intention of staying or putting in

³⁰ Independent Review Team interview, May 19, 2017.

³¹ Bureau of Labor Statistics. Nonfatal occupational injuries and illnesses requiring days away from work for state government and local government workers, 2008 & 2009. (Washington, D.C.: 2010).

³² Email (April 17, 2017) where DOC commissioner asks correctional officers not to participate in coordinated sick calls. For more information see: http://www.wdel.com/news/e-mail-doc-commissioner-asks-correctional-officers-not-to-participate/article_df1067d2-23a6-11e7-8a94-ef7df3609eaf.html.

³³ At time of printing, with the assistance of the National Institute of Corrections, the Delaware DOC had begun a staffing study at the JTVCC.

³⁴ Van Dongen, H., James, S.M., Paech, G.M., Hinson, J.M., Whitney, P., Vila, B.J. (2017). Impaired cognitive flexibility due to sleep deprivation predicts degraded deadly force decision-making in high-fidelity law enforcement simulations. *Sleep*, 40 (suppl.1): A57-A58.

much effort beyond the minimal effort required because they don't believe their efforts are valued. The perceived lack of organizational commitment and staff dissatisfaction contributes to staff feeling disconnected from fellow officers, which negatively impacts camaraderie. Research indicates that turnover has "devastating effects on correctional facilities" with direct implications for safety.³⁵

4. ***Provide Critical Incident Counseling and Training in Stress Management and Reduction, such as Mindfulness Training.*** It is likely that some officers assigned to JTVCC may be in need of immediate and continued mental health services in the wake of the incident. It is not unusual for post-traumatic stress to manifest itself several weeks or months after a traumatic event. Stress reduction and mindfulness training are highly recommended. Recent research with police officers receiving a form of mindfulness training indicates reductions in perceived stress and anger, and improvements in mental health, physical health, fatigue, and sleep disturbances,³⁶ and is a way for the JTVCC to potentially counteract the adverse health impacts of chronic stress.

³⁵ Lambert, E. & Paoline, E.A. (2010). Take this job and shove it: An exploratory study of turnover intent among jail staff. *Journal of Criminal Justice*, 38(2), 139-148.

³⁶ Christopher, M.S., Goerling, R.J., Rogers, B.S., Hunsinger, M., Baron, G., Bergman, A.L. & Zava, D.T. (2016). A pilot study evaluating the effectiveness of a mindfulness-based intervention on cortisol awakening response and health outcomes among law enforcement officers. *Journal of Police and Criminal Psychology*, 31(1), 15-28.

Section 4. Policy, Procedure & Practice

Overview

The James T. Vaughn Correctional Center (JTVCC) has been operating as an overcrowded facility with insufficient staff for several years.³⁷ A June 2000 Design Capacity Study conducted by Tetra-Tech Inc. concluded that a sizeable portion of the inmate housing at the JTVCC is extremely crowded and insufficient from both space and functionality standpoints.³⁸ The Delaware Center for Justice has also raised the issue of overpopulation at the JTVCC, contending that Delaware’s prison facilities are functioning above operational capacity.³⁹

Most recently, JTVCC has been mandated to implement the Community Legal Aid Society, Inc. (CLASI) agreement to ensure the fair treatment of inmates challenged by mental health issues and to limit inmate time in solitary confinement. In an attempt to comply with the court mandated agreements, Delaware Department of Correction (DOC) policies and procedures were sometimes modified by JTVCC administrators and staff as they endeavored to maintain operations while managing the new requirements. In some cases, procedural modifications may have impacted the safety and security of the institution, putting staff and inmates at risk.⁴⁰

Observations & Findings

Impact of Infrastructure on Policy Enforcement

Since it was opened, the JTVCC has gone through multiple transitions, and currently houses inmates classified at pre-trial, minimum, medium, and maximum security levels. The JTVCC is the only Delaware Correctional Facility that houses maximum security inmates on a permanent basis.

The prison’s infrastructure has changed to help accommodate the inmate population. For example, the C-Building originally designed to house maximum security inmates was re-purposed to house medium security inmates.⁴¹ Operating a housing unit that it is inconsistent with the population it was designed to house poses potential security concerns. Maximum security housing units are designed to limit and control the movements of high risk inmates. Medium security inmates, have more “freedom” of movement within housing units and other areas of the facility. In C-Building, inmates were allowed to

³⁷ JTVCC CY16 and CY17 overtime usage; S10 and S11: 2016 and 2017 Staffing Grievances; 2005 Task Force Final Report; S9: Security Vacancies, JTVCC. Reviewed by the Independent Review Team, May 2017.

³⁸ Tetra-Tech, Inc. June 2000. Design Capacity Study.

³⁹ Statement by the Delaware Center for Justice Incorporated. <http://www.djustice.org/wp-content/uploads/2013/08/Vaughn-response-FINAL.pdf> (downloaded May 27, 2017).

⁴⁰ Community Legal Aid Society, Inc. v. Robert M. Coupe, solely in his official capacity as commissioner of the Delaware State Correction. (D. Del. 2016). <https://www.aclu-de.org/wp-content/uploads/2016/09/CLASI-v-Coupe-Agreement-and-Order-09-02-2016.pdf>.

⁴¹ Information provided by Bureau Chief Christopher Klein, Deputy Bureau Chief Robert May, and Major John Brennan during Independent Review Team’s Site Visit and Tour of JTVCC on May 2, 2017.

occupy areas of the housing unit that were difficult for staff to safely observe and control because of the building's design.

Staff members advised that inmates who were “flowing down” from the Medium-High Unit (MHU) and inmates “flowing-up” from medium-only housing units converged in C-Building prior to the February 1st incident. The use of C-Building for this purpose was fairly new and post orders were not revised or updated to specifically address the convergence of inmates with different security levels in the housing unit. Additionally, staff members who had worked in C-Building prior to the incident, advised that they all ran the tiers differently, in part because of the lack of updated post orders. The staff comments were similar to the lack of consistency noted by inmates.

Staff Complacency and Inconsistent Administration of Policies and Procedures

Some officers and supervisors have become complacent, others are unaware of what their job duties are, and others are very strict and operate their units in a very controlled manner, rarely deviating from the Delaware DOC policies and procedures. The lack of consistent operations as well as the inconsistent administration of policies and procedures were identified as significant areas of concern by staff and inmates.

The “team concept” may also be a contributing factor to the complacency of JTVCC officers generally, and to officers assigned to C-Building. The team concept assigns a defined group of officers to a post or unit for an undisclosed length of time. Some officers advised that they have been assigned to the same housing unit for years. In speaking with staff, it was discovered that the security in C-Building was unsatisfactory. Officer discretion was the leading factor in how the tiers operated each day and on each shift. Due to inconsistencies from shift to shift and officer to officer, the inmates had little or no structure and were given different answers by correctional officers in response to their questions regarding the policies and procedures they were expected to follow. The lack of effective communication and inconsistent operations within the housing unit became a point of contention among the inmates. More than one inmate stated that consistency in following procedures was more acceptable than inconsistency, which seems to be the prevailing norm.⁴² Officers and inmates are concerned about retaliation if they report an officer for not enforcing the rules appropriately or performing their duties unprofessionally.

Concerns about the Uniform Classification System

Classification systems are used by most corrections agencies to determine an inmate's risk level for escape and behavior while incarcerated. The system helps guide corrections officials in making decisions about housing, programming, and job assignments. Most often, the intent of internal classification systems is to ensure that prisoners who are at risk for placement in a special management population are supervised accordingly.⁴³ As noted throughout this report, officers and supervisors alike complained about the classification system allowing inmates who they believe should be in higher levels of security

⁴² Independent Review Team interviews, May 4-5, 2017.

⁴³ Austin, J. & Hardyman, P. “Objective Prison Classification: A Guide for Correctional Agencies.” National Institute of Corrections. 2004. <https://s3.amazonaws.com/static.nicic.gov/Library/019319.pdf> (accessed May 27, 2017).

to be moved to less secure housing units. Issues about overrides and inmates' affiliation with gangs were also described to the team. Delaware DOC Policy #4.6, Classification, Section IV states that, "The Bureau Chiefs of Prisons and Community Corrections are responsible to develop and routinely evaluate and monitor compatible classification systems for their respective populations."

There appears to be some misunderstanding about a supervisor's authority to move problem inmates immediately off the tier, without reclassification. The supervisors do not have faith in the classification system and believe that if they move an inmate to a higher security housing unit without reclassification; the inmate will just be moved back. During the supervisory focus group, multiple Captains and Lieutenants provided examples of a Major moving an inmate back to a housing unit within 24 hours of his removal.⁴⁴ The staff believe that this empowers the inmates and further shows the lack of support from upper prison management. The upper prison management does agree that all inmate moves will be investigated, but encourages supervisors to move inmates if they deem it necessary.⁴⁵

A Disconnect between JTVCC Administrators and Supervisors

There appears to be a divide between DOC executives, mid-level managers, shift supervisors, and line officers. Some supervisors advised that they have not received appropriate supervisory training, which impacts their ability to perform their duties as effectively as they should. Some supervisors advised that they are uncomfortable making decisions without approval from a Major or Deputy Warden, which in turn could be detrimental to daily operations and facility security. Supervisors do not believe that they are supported by upper management at the JTVCC or the DOC, and fear disciplinary action if they do something out of the norm without prior approval. On the other hand, JTVCC senior management believes they are very supportive of their supervisors and have given supervisors the authority to do what is in the best interest of the safety and security of the correctional center. They advised that they believe in their supervisors and expect them to do what is necessary to keep the facility operating safely.

Supervisors believe that there is an adversarial relationship between upper management and them; an "us against them" mentality.⁴⁶ Supervisors are aware that some decisions need to be made immediately, without prior approval from higher levels of management. For example, the immediate placement of inmates who pose a threat to involuntary administrative segregation, pending investigation. However, they do not exercise this authority citing the fact that the classification system limits their ability to move inmates. Comments from the supervisory focus group indicate that some supervisors feel micro-managed and some are afraid to make decisions, while others are slow to respond to issues. The clear disconnect between JTVCC administrators and supervisors negatively impacts the implementation of policies and procedures, as well as undermines the day to day operations and security of the facility.

Inmate Programs and Incentives for Good Behavior

⁴⁴ Independent Review Team interview, May 5, 2017.

⁴⁵ Independent Review Team interviews, May 4-5, 2017.

⁴⁶ Independent Review Team interview, May 5, 2017.

Multiple inmates and inmate advocates contend that the inmate population does not have sufficient educational, vocational and substance abuse programs. The JTVCC does offer programs, however inmates must be assigned to a certain classification and housing unit in order to participate in the programs. Due to the overcrowded prison, inmates are on waiting lists to participate in programs, even programs that are court ordered.

Inmates are also concerned about the lack of job opportunities. Many inmates expressed that they were bored and had no incentives to do right or comply with the rules at the JTVCC. For example, one inmate advised that “Honor Visits”⁴⁷ were removed by the current prison administration. Both inmates and officers contended that when the prison is short staffed the visits are cancelled first and the visiting room posts are collapsed to send officers onto the compound. The inmates feel that this is unfair and something else that is taken away from them. Correctional officers also echoed that inmates do not have sufficient work options. All correctional officer’s interviews expressed the opinion that idleness was a problem, and that they would much rather see inmates working or learning job skills.⁴⁸

The civilian staff in the education, medical, and legal departments are short staffed as well. As the inmate population grows the demands for services and programs increases. The administration is very concerned about the need for custody staff; however, support staff is also needed to ensure the operation of the prison. Good credits are acquired when an inmate is assigned to a work detail or program; an incentive for inmates to behave appropriately. With the lack of programming and the ability to earn “good credits” the day-to-day routine is centered on getting through the day and avoid being disciplined versus promoting rehabilitation and good behavior.

Recommendations

1. **Review, revise and update policies, procedures and post orders annually.** Review and update all institutional policies, procedures, and post orders annually to reflect what is necessary to effectively and safely operate a post. All housing unit post orders should be modified to specifically address how recreation, meals, and outside escorts for inmates should be conducted. When a post order is modified prior to the annual review, all staff should be made aware of this modification via email and roll call briefings. All memorandums modifying policies, procedures, or post orders should be on post for officer’s review.
2. **Conduct a review the DOC Uniform Classification System and related practices at James T. Vaughn Correctional Center.** A national classification expert should be retained to review the classification system used by DDOC and, in particular, at the JTVCC. As part of that review, if warranted, the expert should conduct a Reliability Assessment (degree of consistency of the system) and Validity Study (review of the items used in classifying and statistical test of its ability to predict risk). The

⁴⁷ An Honor Visit is a specialized privilege that allows an inmate a contact visit with their family members outside in a picnic area. Outside food is also allowed during honor visits. Inmates must be recommended for honor visits and meet eligibility criteria such as six-months of full-time work activity. For more information, see:

<https://www.law.umich.edu/special/policyclearinghouse/Documents/DE%20-%20JTVCC%20Inmate%20Housing%20Rules%20and%20Reference%20Guide.pdf>.

⁴⁸ Independent Review Team interviews, May 4-5, 2017.

Department could ask the National Institute of Corrections for technical assistance to assist with this issue and to identify national experts. Even if no changes are needed, it would restore some level of confidence in the classification system and perhaps even help improve morale.

3. **Implement Roll Calls to communicate more effectively with staff.** Shift roll calls give supervisors and officers the opportunity to share information about the prison. This forum is where officers may raise concerns about posts or shakedown procedures as well as get information from prior shifts. It is recommended that even if it is not feasible to have a shift roll call that there be team rolls calls, were Lieutenants can verbally communicate with the staff about new policies and procedures and answer any questions staff may have.
4. **Break the Code of Silence and bridge the gap between line officers and the corrections administration.** There is a clear peer expectation that officers will keep what happens behind the prison wall and out of the public eye. The JTVCC needs to address the code of silence issues with its middle level management. Line officers appear to be communicating concerns to mid-level management, but upper management is not receiving the information. Majors and Deputy Wardens at JTVCC should be more accessible to the line staff. For example, administrators could hold “line staff only” Town Hall meetings and should routinely walk the compound and engage officers on shift.⁴⁹
5. **Immediately address the disconnect between JTVCC administrators and supervisors.** The lack of communication and differences in perception regarding the relationship between facility senior administrators and supervisors is negatively impacting the implementation of policies and procedures, and may in fact jeopardize the safety and security of staff and inmates. This inconsistency should be addressed through a culture assessment and more immediately by the DOC Human Resources staff.
6. **DOC should research, identify and implement a performance management system that holds all staff accountable for the implementation of and adherence to policies and procedures, safety and security practices, as well as efficient and effective operations.** DOC should consider performance management systems similar to the New York City Police Department’s CompStat or New York City Department of Correction’s T.E.A.M.S. performance management and accountability system to support effective, efficient, safe and secure facility operations.⁵⁰
7. **Decrease the inmate population or encourage alternatives to incarceration programs.** The Independent Review Team is aware that staffing the JTVCC is a challenge for the State of Delaware. In addition, consideration of sentencing length is a legislative matter, and discussions regarding changes in Delaware’s laws could result in reducing the prison population. Alternative sentencing and reentry services (including training of all staff to support and complement those services) could

⁴⁹ Dennehy, K. & Nantel, K. (2006). Improving prison safety: breaking the code of silence. *Washington University Journal of Law & Policy*, 22(175). http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1352&context=law_journal_law_policy (accessed May 27, 2017).

⁵⁰ See for example – Straub, Frank and Paul E. O’Connell (1999). “Why the Jails Didn’t Explode.” *City Journal*.

also help reduce the prison population, and at the same time possible reduce the continuing need or more correctional officers.

- 8. *Research other Departments of Correction structures in the surrounding area.*** Comparing policies regarding incarceration rates, recidivism, staff turnover and benefits may be beneficial in revising Delaware DOC policies. Consider reviewing sentencing and bail proceeding guidelines in Delaware to determine how they may be contributing to the increase in the prison population. It would also be enlightening to review changes made in sentencing laws over the last decade to better understand incremental movement in sentencing practices. The review would also help to determine if those changes have yielded quantifiable improvements in public safety, and whether the changes were worth the costs.

It should be noted that the State of Delaware has begun working toward a number of these recommendations already by participating in two federal initiatives that will provide support and resources to these reform efforts. The [Justice Reinvestment Initiative](#) through the U.S. Department of Justice, Bureau of Justice Assistance provides policy guidance to assist in justice reinvestment. In March 2017, the State of Delaware also partnered with the National Governors Association and the National Criminal Justice Association's [National Criminal Justice Reform Project](#). The Project, in its planning phase, will provide support to the state in making some of the reforms listed above.

Section 5. Officer Training

“Inmate rehab doesn’t happen here. Promoting inmate development and discipline doesn’t happen. They have too much idle time and the ACLU (CLASI) agreement took [our] ability to discipline away.”⁵¹

Overview

The James T. Vaughn Correctional Center (JTVCC) appears to operate under an “enforcement and compliance,” oriented philosophy with limited focus given to effective programming and rehabilitation. As such, according to those interviewed by the Independent Review Team, much of the training resources are directed toward specialized team training and equipment for units held in high regard such as CERT, while other more basic training has been overlooked.

During interviews, correctional officers reported that training at the JTVCC is limited and “horrible.”⁵² In those rare instances that training is provided to officers and supervisors, it is one dimensional, static, and overly elementary. JTVCC employees at all levels indicated they had only participated in basic security related training during the past several years. Supervisors report that subject matter experts are not used for in-service training classes (with very few exceptions), and administration notes that since 2010, most of the training has moved to online platforms.⁵³ When in-person training is conducted, it is reportedly carried out by people who have worked in the training division for many years with no recent facility experience or familiarity in evidence-based correctional practices.⁵⁴

The Correctional Officers Association of Delaware reports that there have been no formal changes in DOC training since 1985,⁵⁵ suggesting that training issues may extend beyond the JTVCC and may be a department-wide challenge. Among the overall issues identified in the delivery of training and education within Delaware DOC are budget constraints and insufficient staffing levels that limit training opportunities and the ability of personnel to participate in training because of the demands of maintaining basic facility operations.

The continued use of outdated training exposes the Delaware DOC to operational risks, safety and security issues, low morale and litigation. The Delaware DOC should address training deficiencies to identify and implement best practices, mitigate risk, improve safety and security, increase professionalism, improve operations, and reduce exposure to adverse litigation at the department and facility levels.

⁵¹ Independent Review Team interview, May 5, 2017.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Independent Review Team interview, May 1, 2017.

⁵⁵ Ibid.

Basic Training for Correctional Officers

Per Department of Correction Policy, all new correctional officers must successfully complete the Correctional Officer Employee Initial Training (CEIT), a 10-week training course.⁵⁶

As of FY 2016 CEIT training consists of:⁵⁷

Table 2: Correctional Officer Employee Initial Training (CEIT)

CEIT Course	Hours
Basic Training Orientation	5.5
Personnel Office Briefing	1.0
Overview of Criminal Justice System	1.0
Professional Ethics/Codes of Conduct	1.5
Tours	8.0
Ethics and & Professionalism	1.5
Sexual Harassment	2.0
CPR, Hanging, AED, Cut down tool	8.0
Diversity	1.5
Security	1.5
Classification	1.5
Rules for Treatment of Offenders	2.5
DTAC/Red Man	40.0
Use of Force	7.0
Population Count	2.0
Conducting Post Assumption & Inspections	1.5
Key & Tool Control	1.0
Transportation of Offenders	1.5
Use of Restraints	4.0
Staff Manipulation	2.5
Cyber Awareness	4.0
Contraband & Searches	16.0
Emergency Preparedness	24.0
Interpersonal Communications	21.0
IPC Conflict Resolution	7.0
Cross Gender Supervision	3.0
Stress Awareness/HMS Briefing	1.5
Report Writing	24.0
Prison Gangs	4.0
Legal Issues	4.0

⁵⁶ State of Delaware, Department of Correction, Policy Manual, Chapter 16, Employee Development/Staff Training.

⁵⁷ Delaware DOC Training Plan, FY 2016/17. Reviewed by the Independent Review Team, May 2017.

Chemical Agent Munitions	4.5
Evidence Handling and Documentation	3.0
Fingerprint Training	2.0
Special Medical Topics/Epilepsy	7.0
The AID Epidemic	4.0
Controlled Substances/Street Drugs	3.0
Self-Contained Breathing Apparatus & Practical	5.0
Portable Fire Extinguisher w/ Practical	1.0
Use of Force	7.0
Quick Response Team Training	7.0
QRT – Riot Control	7.0
Observation	40.0
700 MHz Radio	2.0
Food Services Orientation	1.0
40 cal/12 Gauge Basic	40.0
Suicide Prevention	8.0
Drugs in the Workplace	0.5
Hazardous Chemicals Right to Know	0.5
Education	1.0
PREA	3.0
Union Presentation	1.0
Business Office Briefing	1.0
Fleet Cards	0.5
Deferred Compensation	0.5
K-9 Briefing	0.5
Aerobic	30.0
Total number of hours	383.5

In-Service Training

DOC training policy requires that each officer complete 40 hours of subsequent in-service training on an annual basis. Per the policy, that training should, at a minimum, include the following training areas:

- Standards of conduct/ethics
- Security/Safety/Fire/Medical/Emergency/Preparedness
- Offender Supervision/PREA/Suicide Prevention
- Use of Force
- Cyber-Security
- Sexual Harassment
- Quick Response Team
- Firearms Requalification

DOC has delineated a training plan for FY 2016/17 that includes achieving American Correctional Association (ACA) Accreditation for training within two years. As of May 2017, it is reported that only the Central Office, Sussex, Parole, and the Halfway House have received ACA accreditation.⁵⁸

Observations & Findings

"We are trying to do 2017 corrections in a 1972 facility." The Correctional Officers Association of Delaware reports that there have been no formal changes in DOC training since 1985.⁵⁹ The continued use of outdated training creates an organization that is out of touch, one dimensional, and unable to cope with current correctional thinking and practices that often drive policies and court orders impacting corrections across the country.

Among the overall issues identified in the delivery of training and education within Delaware DOC are budget constraints, inadequate staffing, insufficient pay, lack of diversity among JTVCC employees, and the lack of open-mindedness among JTVCC employees. For example, the Commissioner observed that inadequate staffing led to the cancellation of scheduled training. In some isolated cases, training classes had to be cancelled mid-stream to meet security-based staffing requirements.

"There is no field training officer(s) in JTVCC." A recurring theme heard throughout interviews with staff is that the JTVCC is a challenging environment, and is often the first facility that newly graduated correctional officers are assigned to. It is likely that the current training curriculum is inadequate for the challenging conditions of the JTVCC, and that new recruits need additional on the job training in basic jail operations.

Recommendations

- 1. Prioritize achievement of American Correctional Association (ACA) accreditation at the JTVCC.** This accreditation will require the facility to meet a threshold of standards to improve existing conditions.
- 2. Ensure training topics and hours meet national corrections standards and include real world scenarios.** The ability to understand and apply response strategies in a high-stress environment improves performance. Training should be contemporary, robust, multi-dimensional, and prepare public safety personnel to confront novelty as well as develop and implement a response amidst chaos and uncertainty.⁶⁰ Consideration should be given to augmenting the JTVCC staff with personnel from other facilities or the Central Office to ensure training is conducted and all personnel are able to participate.

⁵⁸ ACA, personal communication, May 2017.

⁵⁹ Independent Review Team interview, May 1, 2017.

⁶⁰ "In order to perform effectively under stress, law enforcement training should strive to provide stressful encounters that replicate challenging, real life situations and encounters." U.S. Department of Homeland Security, Federal Law Enforcement Training Center, Training Research Branch, Training Innovation Division publication – "Stress and Decision Making" (July 11, 2011), p. 2-3.

3. **Provide refresher and specialized training, such as Crisis Intervention Training (CIT) and leadership training, on an annual basis.** In-service training, regardless of the topic, should be updated on an annual basis and meet federal, state, and other appropriate certification standards. Leadership training for middle management is highly recommended. It should be noted that Delaware DOC is currently working towards the implementation of CIT training for corrections personnel. So far this year, 94 officers have been sent to 40-hours of CIT training.⁶¹

4. **Develop a Field Training Officer program.** Pairing new recruits with more senior officers who could act in the capacity of a field training officer may help overcome some of the current training limitations by providing additional on the job training for new officers. Current seniority based scheduling practices, which distribute senior officers to day shifts and new officers to overnight shifts, however, makes this difficult by significantly limiting the contact they have with each other.

⁶¹ Independent Review Team interview, May 1, 2017.

Section 6. Communication

Overview

Communication at the James T. Vaughn Correctional Center (JTVCC), and to some extent, the Delaware Department of Correction (DOC), is another consistent challenge identified by the Independent Review Team.

Observations & Findings

JTVCC staff of all levels interviewed by the Independent Review Team identified communication as the number one problem at the JTVCC. This is not simply a case of the "right hand not knowing what the left is doing;" it seems even the fingers (staff) on the same hand (within the JTVCC) do not effectively communicate with each other. The Team was told that policy and rule change are often made verbally, by memo or e-mail.⁶² As a result, policies and procedures are not updated and are not followed. This leads to inconsistency in the way the supervisors run their shifts, causing stress and confusion among both correctional officers and inmates, significantly increasing the likelihood of conflict between staff and supervisors and staff and inmates.⁶³

"Systems are not communicating."⁶⁴

While information on activities from previous shifts can be seen by checking the Delaware Automated Correctional System (DACs), no roll call occurs prior to shift, nor is there a shared officers dining room or congregation area where information may more easily flow. The only break room is a small room on the admin floor that the officers said they barely use because it's not close to any compound posts. New policies are emailed, however if the email is not consistently checked, staff may not receive the information. Roll call briefings could provide a useful platform to give and receive information about previous shifts as well as get clarification of the implementation of new institutional directives.

Inconsistency among Supervisors

Related to the communication issue outlined above, line staff made similar observations, but also pointed to inconsistency in supervision by lieutenants as a "huge" problem.⁶⁵ During the site visit, the Independent Review Team observed considerable inconsistency in JTVCC practices such as pat searches, staff entry through the security systems at the gatehouse, and rules posted on bulletin boards. Some staff hypothesized that perhaps the switch to the Team concept gave lieutenants more control and took

⁶² Independent Review Team interviews, May 4, 2017.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

some from Captains, which may have led to more inconsistency. Lieutenants were described as being so micro-managed that some are afraid to make decisions while others are slow to respond. Line officers described their main concern of just trying to get through the day and could offer no consistent answer as to what is expected of them. Supervisors themselves complained of inconsistency, and of inconsistency at higher levels within the organization.⁶⁶

The consistency issue bleeds over to the inmate population as well. Inmates expressed frustration with the shifting interpretations of rules and policies and their enforcement by staff. Line staff admitted that some correctional officers are strict in enforcing rules while others are lax. Inmates are uncertain which rules apply on which shifts. When officers are stationed in housing units where inmates are unfamiliar with them, it creates stress and uncertainty for all involved. This was a strongly held belief by both inmates and line staff as well as supervisors we interviewed.⁶⁷

JTVCC correctional officers also expressed a lack a trust for their supervisors. They believe the supervisory staff do not look out for them, and will “throw them under the bus” any chance they get.⁶⁸ Line staff also described their relationship with the warden, deputy warden, and majors as adversarial; adding, “it’s always them against us.”⁶⁹ While this attitude exists at some level in most correctional organizations, it was widespread and pervasive at the JTVCC.

Such patterns of operation can lead to a sense of chaos where just “getting through the day” becomes the only staff goal. In such cases, staff often end up “doing their own thing,” rather than following a clear plan or strategy.⁷⁰ Line staff reported that they have even stopped writing up inmates for misbehavior because they are usually overruled by supervisors and there are few negative consequences for the inmate so “why bother?”⁷¹ This is clearly a reflection of inconsistent supervision, and can lead to more and more aggressive behavior by inmates. One quote from a correctional officer summed this issue up well; “We need consistency to restore confidence in DOC leadership.”⁷² A high level JTVCC official summed this issue up perfectly when he stated, “each shift is its own little island; there is no consistency. Shift change changes the entire way the jail is run.”⁷³

Line staff are largely uninformed about the gang members they supervise

The disconnect between line staff and administration extends to the level and significance of Security Threat Group (STG, i.e. gang) activity in the facility. Sharing of gang information and intelligence within the facility or among facilities does not appear to be happening. The STG team identifies and validates gang involvement, researches additional information regarding their gang involvement on the street and enter the information into IntelliDACS. This is all that is required by policy. However, the only gang

⁶⁶ Ibid.

⁶⁷ Independent Review Team interviews, May 4-5, 2017.

⁶⁸ Independent Review Team interview, May 4, 2017.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Independent Review Team interviews, May 4-5, 2017.

⁷² Independent Review Team interview, May 4, 2017.

⁷³ Independent Review Team interview, May 5, 2017.

information line staff can see in DACS is a checked STG box, which indicates the inmate is either a gang leader, member or associate. For legal reasons, access to IntelliDACS is limited. Another problem is that line staff can also only see who is an identified gang member by searching on the individual inmate's name in DACS. Staff reported that in C-Building, gang members were not only housed in the same cell, but also in adjacent cells and across the hall from each other – making communication and planning much easier. This situation was compounded by the fact that since October, all three tiers of C-Building were in the yard for recreation together.

Case managers reported they do not access the details of gang members, and that information is not considered in classifying inmates. Although gang information is shared with the Security Team, the STG system is not linked to the classification system. The level of gang involvement should be factored in to decisions about security level and housing assignments.

Emergency Response Silos

During the incident on February 1-2, 2017, three command posts existed, leading to some confusion according to those we interviewed. The primary Command Post inside of the JTVCC was led by the Warden, who by policy is in charge of the incident. DOC leadership, along with IT staff and officials from Homeland Security and State Police were at the DOC Central Administration Emergency Operations Center on McKee Road in Dover. The third command post was the Delaware State Police (DSP) mobile command post outside of Vaughn where DSP, FBI, and others congregated. While this situation is not entirely inappropriate, the communication and decision making process was reportedly confused by the three locations. While some chaos and confusion is expected during an incident involving so many agencies, this situation could serve as an example for policy revision and training for future events. Although not totally preventable, disparate radio frequencies used by various agencies also complicated the situation to some degree. A result of the confusion caused by the three command posts was that the Wilmington Police Department was asked by DSP to deploy a drone to fly over C-Building and monitor conditions live. The Warden was unaware that it had been requested by the outside command post and at first threatened to shoot it down because he thought it was a news media drone.⁷⁴

Recommendations

1. ***The Commissioner should order a review of the current structure and communication practices of the James T. Vaughn Correctional Center, and perhaps the entire Department.*** The review must examine related specific JTVCC policies. This should occur under the guidance of the new Warden with the assistance of the Warden from or Deputy Warden from Sussex. The outcome would either be reinforced policies or revised policies that ensure that information flow occurs both up and down the ranks of officers but also to line staff (including civilians) as appropriate. It is the Independent Review Team's understanding that due to retirements, as many as eight new lieutenants may be at JTVCC in the next few months. This provides an excellent opportunity for a new approach to leadership and communication.

⁷⁴ Independent Review Team interview, May 18, 2017.

- 2. The Department should conduct leadership development training for JTVCC supervisors to reinforce the need for consistent application of policies and procedures, and to educate them on the need to share information both laterally and horizontally throughout the entire chain of command.***

Lieutenants and captains appear to be tentative and afraid to make decisions or share information with each other or with their superiors. These leaders need to better understand their superiors' expectations. Lieutenants and captains need to understand that decisions need to be made, and that while they will be held accountable, they will not be punished for making decisions as long as they are based in policy. Training should occur once a new JTVCC Warden is in place so that he can be part of this training and make expectations clear. The new JTVCC Warden should participate in this training to incorporate clarification of his expectations. Beyond the training, follow up meetings should be held to regularly evaluate, make adjustments and reinforce weaknesses as needed.⁷⁵

- 3. Although limited, additional information about gang members (at least leader, member, associate) must be made available to line staff who supervise them in housing units in addition to the STG check box in DACS. Bulletins with important information that comes to the attention of the STG unit should also be shared as appropriate.*** Roll Calls are a good place to update staff on gang-related news without the risk of written documents falling into the wrong hands. Line staff need to feel they are a trusted part of the solution, and feel empowered to supervise the inmates as safely as possible. They also have a right to know who is under their supervision.⁷⁶

- 4. DACS should be programmed to enable officers to see all the identified gang members on a tier with one click – perhaps a snapshot of the floor plan with flags where gang members are housed.*** With the constant movement of inmates by staff on all shifts, it is easy to lose track of who is in your unit and such a feature would enable supervisors to easily see who is housed near whom and perhaps enable them to do a better job of separating gang members.

- 5. Conduct a joint debrief/table top review of the incident response with DSP and other emergency response agencies.*** The Independent Review Team understands that the debrief has been postponed due to the ongoing criminal investigation however, as soon as possible, the primary agencies involved in this incident should conduct a table top debrief of the incident and identify issues that need addressed in the form of revised policies, training and practice as well as possible technology needs and equipment (e.g., ramming equipment, drones, etc.). Issues such as multiple command posts discussed here, the need for a joint emergency frequency for all responding agencies, joint training for DSP and DOC emergency response teams, negotiators, IT personnel, etc.

- 6. DOC should conduct an internal debrief of the incident to identify and share lessons learned, provide an opportunity(s) for staff to contribute to the review process, and help bring closure to JTVCC staff and other units that responded to the incident.*** Internal after action reviews create opportunities for organizational learning and for staff to move forward from a critical event by

⁷⁵ Note - This recommendation is related to the recommendation in the Training Section regarding the need for supervisors to receive training when promoted. The absence of that training may well be part of this problem.

⁷⁶ Note - The Department has already taken steps in this direction. Several committees have been established by Commissioner Phelps after the incident. One is an STG Committee, which is led by Warden Wesley and Major Worsen. The committee is examining how each institution handles STG intelligence and will make recommendations to the commissioner.

openly and honestly discussing the event and identifying policies, procedures and practices to improve operations to prevent similar events.⁷⁷

⁷⁷ See for example – Darling, M., Parry, C., & Moore, J. (July-August 2005). “Learning in the thick of it.” Harvard Business Review.

Section 7. Equipment & Technology

Overview

Equipment and technology are critical tools for correctional institutions. Such resources not only extend the ability of corrections to operate a safe and secure facility for both staff and inmates, but they also serve a vital role when incidents do occur. As such, the State of Delaware should assist the Department of Correction (DOC) with requesting and purchasing needed equipment and technology systems, some of which may fall outside of normal procurement practices.

In our review of the equipment and technology at the James T. Vaughn Correctional Center (JTVCC), the Independent Review Team identified both equipment and technology needs as well as statewide purchasing practices that should be reviewed and potentially revised. The lack of the proper equipment and technology in a corrections environment could contribute to a serious incident, and/or inhibit the Department's ability to properly respond when an incident occurs—such as the one that occurred on February 1-2, 2017.⁷⁸

In March 2017, Governor Carney announced the investment of \$340,800 in new security and communications equipment to better equip correctional officers to respond to and prevent violent incidents at the JTVCC and in Level V facilities statewide. Governor Carney proposed another \$1.2 million for equipment purchases in his Fiscal Year (FY) 2018 Budget Proposal.⁷⁹

Observations

Purchasing Practices and Equipment Training

Currently, when the DOC purchases technology equipment (i.e. new phone system), such purchases are completed through the Department of Technology Information (DTI).⁸⁰ DTI's *2016-2019 Statewide Information Technology Strategic Plan* states their mission as "to provide technology services and collaborative solutions for Delaware."⁸¹ Corrections officials reported that during the February 1st and 2nd incident, DTI staff were extremely helpful and responsive to corrections and law enforcement official's needs and requests.

Undoubtedly, purchasing equipment and technology across state agencies is good business practice that enables significant cost savings and creates a more consistent infrastructure across the state. However,

⁷⁸ Some of the equipment and technology needs discussed in this report were in the process of being addressed at the time of this writing.

⁷⁹ State of Delaware. (2017, March 13). Governor Carney takes steps to address security concerns at James T. Vaughn Correctional Center. <http://news.delaware.gov/2017/03/13/governor-carney-takes-steps-to-address-security-concerns-at-james-t-vaughn-correctional-center/> (accessed May 27, 2017).

⁸⁰ DTI provides the IT infrastructure and applications for the state. DTI advocates for resources from the State legislature, federal agencies, or foundations to implement plans for IT systems integration.

⁸¹ Delaware Department of Technology and Information. *Statewide Information Technology Strategic Plan: 2016-2019*. <https://dti.delaware.gov/pdfs/strategicplan/Delaware-Statewide-IT-Strategic-Plan.pdf> (accessed May 22, 2017), p.8.

consideration must be given to the unique equipment and technology needs of the DOC. Although the DOC has many similar needs as other state agencies, they also have some needs that are unique to corrections. Corrections agencies have the responsibility to confine individuals, many for long periods of time. These confined individuals have the potential to be dangerous and unpredictable. Providing a safe and secure environment for both those confined and those who work in corrections facilities requires the use of specialized equipment and technology that other government agencies may not need.

Telephone Systems

The Department of Correction recently purchased a new telephone system for the JTVCC. Although the Department was interested in another telephone system made specifically for corrections, DTI reportedly purchased a Cisco Voice over Internet Protocol (VOIP) phone system telephone system to be consistent with other state agencies. The system was not believed to meet the unique needs of a corrections environment.

Several issues have been identified with the system, some of which compounded the February 1st JTVCC incident. Rather than use the Cisco system, which lacks call tracking or the ability to listen in and record conversations, officials were forced to use the inmate phone system for communications with the inmates in C-Building. Issues with the phones' Emergency Off Hook feature and switchboard have caused Primary Control to receive hundreds of false alarms and other calls that may hamper vital communications. Since the incident, the issue reported was that the wrong call center had been purchased and a new purchase would have to be made to fix the situation at an estimated cost of \$200,000 (\$1,000 license fee per phone for 200+ phones).⁸²

Cameras and Recorders

Cameras enable correctional officers to view inmates and operations beyond what staff can see themselves. Cameras that are capable of recording over a period are an essential tool for corrections. Additionally, cameras featuring microphones which provide the ability to not only view images, but also to listen in and record audio are especially helpful. Unfortunately, several buildings at the JTVCC do not have any type of cameras and few if any are believed to have audio capability. Some cameras are also not connected to recording devices, and those that are only retain footage for 15 days.

Unfortunately, several buildings at the JTVCC do not have any type of cameras and few if any are believed to have audio capability. Additionally, some cameras are also not connected to recording devices, and those that are only retain footage for 15 days.

⁸² Independent Review Team interview, May 18, 2017.

Various reasons, including the difficulty of running conduit/cables, low ceilings, cost, and reduced need due to low security levels, have been given to explain the absence of cameras in these buildings. Only one camera was installed to view the compound. On February 1st, this camera was used to record the outside of C-Building. The PTZ camera (pan, tilt, and zoom) was directed to focus on the front of C-Building. This camera was fed to a monitor capable of recording the event. This is the only camera that captured video of C-Building.⁸³

Responding to the tragic events on February 1st and 2nd was made even more difficult because there are no cameras inside C-Building. While cameras may not have prevented the incident from occurring, they could have had a deterrent effect and could have provided additional information for post incident investigations had they been installed inside the housing unit. Had the cameras been equipped with microphones, they could have enabled officials to listen to the events as they transpired even if the inmates covered the camera lenses.

Radios

There were two issues mentioned regarding the use of radios during the incident. First, the new 700 MHz system the DOC purchased several years ago is not encrypted. This allowed the transmissions during the early portion of the event to be broadcast over the internet by persons outside of Delaware. This was eventually stopped by reducing the range of the frequency to 10 miles. The department is reportedly in the process of encrypting the radios to prevent this issue in the future.⁸⁴

The second issue is that civilian staff (education, medical, etc.) mentioned that they do not have radios.⁸⁵ During the February 1st incident, many civilian staff did not know what was occurring until someone called them by telephone.

Information Systems (DACs and IntelliDACs)

The offender information management system used at the Department of Correction is the Delaware Automated Correction System (DACS). DACS contains complete demographic and programming information on inmates and detainees, grievances, etc. with the exception of medical, mental health, PREA, and gang information.

All correctional officers can access DACS from their post terminals and DOC policy 15.9 also authorizes controlled access to DACS by authorized employees of other State agencies and approved contract service providers (e.g. the medical and mental health and the substance abuse treatment provider). When correctional officers log into DACS at the start of their shift on their post, any messages and notifications will immediately pop up. Officers use DACS to record their counts throughout their shift as well.

⁸³ Discrepancies memo. 2014 equipment budget request and camera proposal. Reviewed by the Independent Review Team, May 2017.

⁸⁴ Independent Review Team interview, May 18, 2017.

⁸⁵ Independent Review Team interview, May 5, 2017.

The only PREA or STG (gang) related information that appears in DACS viewable by line staff is a check box to alert staff that a person is a suspected sexual aggressor or gang member. That is all that correctional officers can see regarding gang members among the population they supervise. The STG box will appear with a 'check' if the inmate has been confirmed as a gang member, associate or suspect. DACS is programmed to flag 'keep separate' or 'no contact' inmates, which alerts staff of the need to keep designated offenders separated.

Body Worn Cameras (BWC)

The use of Body Worn Cameras (BWC) by law enforcement agencies has increased dramatically over the past several years due to a number of high-profile incidents involving the use of deadly force.⁸⁶ Although this technology is beginning to find its way into institutional corrections, its use is so new that none of the national correctional organizations have adopted any policies or practice guidance on BWC use as of this writing. Several local corrections agencies across the country have equipped their correctional officers with body worn cameras due to litigation over use-of-force incidents.⁸⁷ In California, San Francisco, Santa Clara and Tulare Counties have equipped their jail officers with body cameras as of late 2015.⁸⁸ ⁸⁹In 2016, the City of Atlanta Department of Corrections purchased and issued 130 body worn cameras, suggesting a growing trend at the local level.⁹⁰

The use of BWC can have several advantages for corrections. For example, having an audio and video of an interaction or altercation between a staff member and an inmate that results in a grievance, injury or disciplinary action can help resolve the facts of the incident. The mere fact that officers are wearing them may impact how an officer interacts with an inmate and it may also impact an inmate's behavior. In a 2014, a U.S. Department of Justice report, *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*, several police executives said the presence of cameras leads to better behavior by both the officer and the person being recorded.⁹¹ Other benefits cited included defusing tensions during encounters with the public and improving relationships with the community. Police officers also reported a noticeable improvement in the quality of their encounters with the

⁸⁶ IJIS Institute. Corrections tech 2020: technological trends in custodial & community corrections. March 2017.

http://c.ymcdn.com/sites/www.ijis.org/resource/collection/93F7DF36-8973-4B78-A190-0E786D87F74F/Corrections_Tech_2020_FINAL_20170331.pdf (accessed May 22, 2017), p. 23.

⁸⁷ Ibid.

⁸⁸ Tulare County Sheriff. (2016, October 10). Sheriff awarded grant for body-worn cameras in the jails.

<http://www.tularecounty.ca.gov/sheriff/index.cfm/media/news-releases/sheriff-awarded-grant-for-body-worn-cameras-in-the-jails/> (accessed May 30, 2017).

⁸⁹ Kaplan, T. (2015, September 15). Santa Clara County opts for body cameras on jail guards after inmate beating death. *The Mercury News*. <http://www.mercurynews.com/2015/09/15/santa-clara-county-opts-for-body-cameras-on-jail-guards-after-inmate-beating-death/> (accessed May 30, 2017).

⁹⁰ McCann, B. (2016, January 28). Atlanta department of corrections deploys body cameras. *CivSource*. <https://civsourceonline.com/2016/01/28/atlanta-department-of-corrections-deploys-body-cameras/> (accessed May 30, 2017).

⁹¹ Miller, L. and Toliver, J. 2014. *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*. Washington, DC: Office of Community Oriented Policing Services.

http://www.policeforum.org/assets/docs/Free_Online_Documents/Technology/implementing%20a%20body-worn%20camera%20program.pdf (accessed May 30, 2017).

public.⁹² Prince George County Department of Corrections in Maryland has issued body cameras to their emergency response teams, and observed that “inmates are beginning to show a little more restraint in their interactions with officers.”⁹³ Real-time sharing of body-camera video could improve situational awareness for outside response teams coming to incidents at jails and prisons.

Findings

Purchasing Practices (Telephones). Corrections agencies clearly have needs that are unique to their specific operating environment. The issues associated with the new phone system provide an example of this issue. Centralized purchasing at the state level is appropriate; however, the unique requirements of a corrections-based communication system should be considered and may necessitate a departure from current purchasing policies and procedures.

Cameras and Recording Devices. Corrections agencies use cameras to cover areas that officers are unable to continuously monitor. There were no cameras in C-Building and numerous other buildings in JTVCC. Of the cameras that are in use, few can be recorded and none are believed to have audio capability. The annual budget for camera maintenance and repair at JTVCC is \$25,000.

Radios. The 700 MHz radios were not encrypted which allowed communications during the incident to be monitored by persons outside of JTVCC and streamed over the internet. This was not only disturbing for the families of those involved in the incident but could have jeopardized emergency operations. Civilian staff were not equipped with radios and were therefore not immediately aware of the emergency until they were informed by officers later.

DACS. DACS technology is 5 years old and lacks redundancy and is costly to maintain. The Department is already taking steps to replace DACS and include some of these missing capabilities at an estimated cost of \$1.2 million.

Recommendations

1. ***With the review and approval of the newly appointed Warden, the Department should purchase all recommended cameras, recorders and related equipment necessary to adequately cover all of JTVCC as recommended by the recent review done by DTI and have the systems installed as soon as possible.*** DOC was already working on a plan to upgrade and expand the camera system prior to the event and those plans were reaching the final stage of pricing when the incident occurred. Since the incident, the Electronic Technicians and a company they work with have been tasked with submitting a plan for a total camera system upgrade for JTVCC with microphones and cables for recording. The estimated cost to purchase and install the needed equipment is approximately \$2.3 million and will take 18 months to complete.

⁹² Ibid.

⁹³ Bui, L. (2016, February 23). Maryland county equips some detention officers with body cameras. *Washington Post*. https://www.washingtonpost.com/local/public-safety/maryland-county-equips-some-detention-officers-with-body-cameras/2016/02/22/374ed9e6-c39b-11e5-8965-0607e0e265ce_story.html?utm_term=.13b07cd2e5a6 (accessed May 31, 2017).

2. ***The Department must expedite the encrypting of all the radios (agency wide) to prevent this issue in the future.*** It is the Team’s understanding that the radios assigned to personnel in JTVCC are being encrypted following the incident. If this process is not yet complete, the Department should expedite the process at JTVCC as well as at all facilities in the DOC system. Funds should be allocated to ensure an expedited system-wide process.
3. ***The Department should be authorized the funding needed for the replacement of the offender information system known as DACS including Access Points and Active Port costs.*** The DOC can ill afford DACS to go down or be disrupted, especially during an emergency. DACS and IntelliDACs were used heavily to inform emergency operations during the incident that occurred on February 1st and 2nd. One feature that should also be programmed into DACS is one that would enable correctional staff working housing units to be able to pull up all identified STGs in their tier or housing unit with one click. It is critical that DACS have a redundant platform as well as other features identified by DOC IT personnel.

With the trend toward the use of tablets in corrections, the Department should be authorized the necessary funds to purchase the Access Points needed now as well as to purchase additional Access Points as the use of these mobile technologies grows. Included in this funding authorization should be funding to support the Active Ports needed at DTI to support access points.

4. ***Delaware DOC should explore developing a policy and pilot test a Body Worn Camera program with their CERT Team. Based on this experience, the Department could expand the use of BWCs to officers who work in buildings where there are higher numbers of incidents and altercations (medium-high and high security).*** The Department should consult with correctional agencies already using body cameras to learn from their experience as a first step. A well-thought-out policy and implementation is essential before purchasing or deploying body cameras. Messaging should convey that the use of this technology is not because the Department lacks trust its correctional officers, but rather they want to provide them with a tool to help keep them safe. Issues such as privacy, when to activate, data storage and retention, integrity of data to be used as evidence, and public disclosure must all be addressed in a policy before equipment is used. The Department must also take into consideration the concerns of officers and conduct the proper training on the policy regarding the use of the technology. The use of Body Cameras can serve as a training tool by supervisors to assess an officer’s performance and provide constructive feedback. The Bureau of Justice Assistance, U.S. Department of Justice, has an excellent Body Worn Camera toolkit. Although designed to assist police agencies, this toolkit organizes frequently asked questions, resources, and other information including research, policy, technology, and privacy.⁹⁴

⁹⁴ For more information, see: <https://www.bja.gov/bwc/>.

Conclusion

“Officers are not doing their jobs because they are fearful, apathetic or feel no one cares about them. We need to fix our people by caring for them, proper training, enforcing policy, and holding people (staff) accountable.”⁹⁵

State of Delaware elected leadership and executives have an opportunity to make significant change and improvement in the JTVCC. The Independent Review Team noted, based on a materials and document review, that much of what was found during this review, and is presented in this preliminary report, echoes the same findings and recommendations found in the DOC security report issued on February 14, 2005, following a tragic incident that occurred in the JTVCC in 2004. The long-standing issues within the facility, if left unattended, will continue provide fertile ground for chaos and violence in the facility.

Based on the observations made, as well as the focus groups and interviews conducted, the Team found a clear and pervasive sense of frustration, cynicism, and apathy within the JTVCC. Staff conveyed that supervisors are reluctant to address performance issues for fear of being overruled or losing a badly needed body to fill a post. Non-custodial staff reported that morale is at its lowest it has been in 30 years. Many employees, the Team was told, had stopped trying because of fear, frustration, and/or exhaustion, and simply focus on making it through the day and going home.

During the course of this preliminary review, the Independent Review Team received inmate-based complaints during interviews of inmates, advocates, and attorneys. Inmate concerns expressed to external organizations included inconsistent discipline; lack of programming and medical care; a grievance process that most see as meaningless; the use of shaming tactics; and, the harassment of inmates by damaging or destroying their property under the guise of security searches and facility shakedowns. These complaints and other concerns will be referred to the DOC Commissioner and explored more fully in the final report.

The Independent Review Team notes that some progress has already begun. Indeed, several of the recommended actions in this report are also currently underway by the Delaware DOC.⁹⁶ Continued exploration of the role that culture plays at the JTVCC, as well as how the issues discussed in this report contribute to that culture, will continue to be examined by the Team. The recommendations contained in this report, if implemented, have the potential to transform the JTVCC, and lives of those who live and work in the facility.

⁹⁵ Independent Review Team interview, May 3, 2017.

⁹⁶ Delaware DOC Actions road to improvement chart. Reviewed by the Independent Review Team, May 2017.

Acronym List

ACA	American Correctional Association
ACLU	American Civil Liberties Union
BOP	Bureau of Prisons
BWC	Body Worn Cameras
CERT	Correctional Emergency Response Team
CIT	Crisis Intervention Training
CLASI	Community Legal Aid Society, Incorporated
COAD	Correctional Officers Association of Delaware
DACS	Delaware Automated Correctional System
DOC	Department of Corrections
DTI	Delaware Department of Technology and Information
JTVCC	James T. Vaughn Correction Center
MHU	Medium-High Housing Unit
OMB	Office of Management and Budget
PREA	Prison Rape Elimination Act
SHU	Security Housing Unit
STG	Security Threat Group
SMI	Seriously Mentally Ill

Glossary

American Correctional Association (ACA)—A private, nonprofit organization that administers the only national accreditation program for all components of adult and juvenile correction; purpose is to promote improvement in the management of correctional agencies through the administration of a voluntary accreditation program and the ongoing development and revision of relevant, useful standards. (11-A-06, Statewide Quality Improvement Program).

Classification—Prison classification is a method of assessing inmate risks that balance security requirements with program needs. Newly admitted inmates are transported from city or county jails to a prison receiving center where the risk assessment process begins.

Correctional Officer—An officer responsible for the custody, safety, security, and supervision of inmates in a prison or any other correctional facility.

Contraband—Anything that is not authorized on the grounds of the JTVCC.

Delaware Automated Correctional System (DACS)—A State of Delaware computer system containing the non-medical offender information concerning sentencing, housing, and programming.

Detainee—A person held in custody pending trial; not convicted of a crime but does not have bail or is being held without bail.

Grievance—A written complaint or petition, either informal or formal, by an inmate concerning an incident, procedure, or condition within an institution, facility or the Department which affects the inmate complainant personally.

Honor visit—Specialized privilege arranged by a housing unit counselor. Inmates must fulfill certain criteria to be eligible for an Honor visit. The visit is held outside in a picnic area with the inmate and his visitors. The visitors are allowed to bring “outside” food to the visit after being searched to dine with the inmate at the visit.

iCASH—A system used by JTVCC’s Business Office to track inmate accounts, including money received from family and friends, inmate wages, funds for commissary purchases and payments ordered by the courts.

Recreation—Recreation is time outside of the cell, not showering, or cleaning up; at a minimum recreation should be 1 hour three times a week.

Roll call—A roll call is a briefing where supervisors take attendance, inspect uniform and equipment, inform the oncoming shift of any outstanding incidents that may have occurred, inform officers of inmates or units to observe closely, related any law or procedural changes, and other similar issues.

Shakedown—A thorough search of a prison cell to uncover contraband and excessive property.

Appendix A: Full Listing of Recommendations

Recommendation 2.1

The DOC Commissioner should develop a detailed strategic plan and implementation process for the Delaware DOC that not only explains what is to be done, but also how it is to be done (in considerable detail so that each staff member can see where they fit), how it will be measured, and why it is important to embark on this effort.

Recommendation 2.2

DOC should hold a one-day conference or similar event to discuss the future of corrections in Delaware.

Recommendation 2.3

The DOC should use the strategic plan and implementation process to inform policies, procedures and operations; security; budgeting; executive, mid-level and staff training; infrastructure, inmate programming, and services.

Recommendation 2.4

DOC executive leadership should endeavor to build and maintain strong relationships with correctional officers and administrative personnel throughout the agency.

Recommendation 3.1

Conduct a comprehensive staffing study to identify proper staffing levels at the JTVCC.

Recommendation 3.2

Update and implement a practical fatigue/stress policy that accounts for work-life balance.

Recommendation 3.3

Create a promotional career ladder with competitive salaries, and merit-based recognition.

Recommendation 3.4

Provide Critical Incident Counseling and Training in Stress Management and Reduction, such as Mindfulness Training.

Recommendation 4.1

Review, revise and update the policies, procedures and post orders annually.

Recommendation 4.2

Conduct a review the DOC Uniform Classification System and related practices at James T. Vaughn Correctional Center.

Recommendation 4.3

Implement Roll Calls in order to communicate more effectively with staff.

Recommendation 4.4

Break the Code of Silence and bridge the gap between line officers and the corrections administration.

Recommendation 4.5

Immediately address the disconnect between JTVCC administrators and supervisors.

Recommendation 4.6

DOC should research, identify and implement a performance management system that holds all staff accountable for the implementation of and adherence to policies and procedures, safety and security practices, as well as efficient and effective operations.

Recommendation 4.7

Decrease the inmate population or encourage alternatives to incarceration programs.

Recommendation 4.8

Research other Departments of Correction structures in the surrounding area.

Recommendation 5.1

Prioritize achievement of American Correctional Association (ACA) accreditation at the JTVCC.

Recommendation 5.2

Ensure training topics and hours meet national corrections standards and include real world scenarios.

Recommendation 5.3

Provide refresher and specialized training, such as Crisis Intervention Training (CIT) and leadership training, on an annual basis.

Recommendation 5.4

Develop a Field Training Officer program.

Recommendation 6.1

The Commissioner should order a review of the current structure and communication practices of the James T. Vaughn Correctional Center, and perhaps the entire Department.

Recommendation 6.2

The Department should conduct leadership development training for JTVCC supervisors to reinforce the need for consistent application of policies and procedures, and to educate them on the need to share information both laterally and horizontally throughout the entire chain of command.

Recommendation 6.3

Although limited, additional information about gang members (at least leader, member, associate) must be made available to line staff who supervise them in housing units in addition to the STG check box in DACS. Bulletins with important information that comes to the attention of the STG unit should also be shared as appropriate.

Recommendation 6.4

DACS should be programmed to enable officers to see all the identified gang members on a tier with one click – perhaps a snapshot of the floor plan with flags where STG members are housed.

Recommendation 6.5

Conduct a joint debrief/table top review of the incident response with DSP and other emergency response agencies.

Recommendation 6.6

DOC should consider an internal debrief of the incident to identify and share lessons learned, provide an opportunity(s) for staff to contribute to the review process, and help bring closure to JTVCC staff and other units that responded to the incident.

Recommendation 7.1

With the review and approval of the newly appointed Warden, the Department should purchase all recommended cameras, recorders and related equipment necessary to adequately cover all of JTVCC as recommended by the recent review done by DTI and have the systems installed as soon as possible.

Recommendation 7.2

The Department must expedite the encrypting of all the radios (agency wide) to prevent this issue in the future.

Recommendation 7.3

The Department should be authorized the funding needed for the replacement of the offender information system known as DACS including Access Points and Active Port costs.

Recommendation 7.4

Delaware DOC should explore developing a policy and pilot test a Body Worn Camera program with their CERT Team. Based on this experience, the Department could expand the use of BWC to officers who work in buildings where there are higher numbers of incidents and altercations (medium-high and high security).

Appendix B: State of Delaware Executive Order #2

STATE OF DELAWARE



EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER TWO

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: NAMING RETIRED JUSTICE HENRY DUPONT RIDGELY AND RETIRED JUDGE WILLIAM L. CHAPMAN, JR. TO LEAD AN INDEPENDENT REVIEW OF SECURITY ISSUES AT DELAWARE CORRECTIONAL FACILITY

WHEREAS, on February 1, 2017, an event occurred at the James T. Vaughn Correctional Center, in which several inmates took several employees hostage, and assaulted a correctional officer leading to the correctional officer's death; and

WHEREAS, since February 1, 2017, the events leading up to the hostage incident, and the response thereto, are being reviewed by investigative authorities, including the Delaware State Police and the Department of Correction Internal Affairs Unit; and

WHEREAS, it is advisable and in the best interest of the State that independent examiners review the events surrounding the hostage incident and related security issues at the James T. Vaughn Correctional Center, and the findings from the investigations conducted by the Delaware State Police and the Department of Correction, and make recommendations to help assure the safety and security of all persons housed in and working at the James T. Vaughn Correctional Center.

NOW, THEREFORE, I JOHN C. CARNEY, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby DECLARE and ORDER the following:

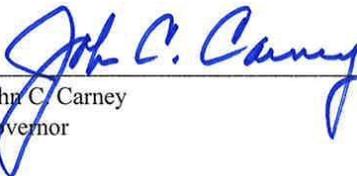
1. Retired Justice Henry duPont Ridgely and Retired Judge William L. Chapman, Jr. are hereby named to lead an independent review regarding any conditions at the James T. Vaughn Correctional Center that contributed to the hostage situation on February 1, 2017 (the “Independent Review Team”). Although the central focus of the review is the state of security and any potential changes that might be required at the James T. Vaughn Correctional Center, the Independent Review Team shall not be precluded from examining practices at other correctional facilities, in Delaware or elsewhere, should the Independent Review Team believe that such an examination is helpful to its review.
2. Justice Ridgely and Judge Chapman are appointed by the Governor as Co-Chairs and shall serve at the pleasure of the Governor.
3. The Governor may increase the size of the Independent Review Team and appoint additional members at his pleasure.
4. To assist the Independent Review Team in its investigative and administrative needs, the Independent Review Team is authorized to engage the services of necessary professional consultants, provided that the Independent Review Team shall first obtain the written consent of the Governor.
5. No later than June 1, 2017, the Independent Review Team shall issue a preliminary report addressing the following issues:
 - a. Initial findings concerning any conditions at the James T. Vaughn Correctional Center that contributed to the hostage situation on February 1, 2017; and
 - b. Initial findings and recommendations for improving security concerns at the James T. Vaughn Correctional Center.

6. The Independent Review Team shall issue a final report to the Governor as soon as practicable, but in no event later than August 15, 2017, regarding any conditions at the James T. Vaughn Correctional Center that contributed to the hostage situation on February 1, 2017. In the final report, the Independent Review Team shall also provide recommendations for improving security concerns at the James T. Vaughn Correctional Center, and it may, in its discretion provide recommendations for improving security concerns at other State correctional facilities should it have the basis to do so. The final report may also contain recommendations concerning additional relevant safety and security issues that may require further investigation in the near future.
7. The Department of Correction, the Department of Safety and Homeland Security, and any other executive agency with pertinent information concerning the investigation shall cooperate with the Independent Review Team and provide information to the Independent Review Team as requested. Additionally, the Independent Review Team is encouraged to consult with nationally recognized criminal justice agencies or organizations as the Independent Review Team shall deem necessary or useful.
8. To the extent reasonably required by the Independent Review Team, for the integrity of the investigation or because of security concerns related to the James T. Vaughn Correctional Center and/or the Department of Correction, the communications, deliberations and work product of the Independent Review Team shall be confidential. Further, the records, investigations, and deliberations of the Independent Review Team, along with all internal communications and communications with the Governor and his designees, are intended to be protected by the executive privilege. The final report of the Independent Review Team is intended to be a public document, except to the extent

that the Independent Review Team determines that the security of the Department of Correction or other State correctional facilities, or of any person, requires that specifically identified information remain confidential.

APPROVED this 14th date of February 2017.





John C. Carney
Governor

ATTEST:



Acting Secretary of State

Appendix C: Methodology

In February 2017, at the request of Governor John Carney and his Executive Order to launch an independent review into the security of the JTVCC, the Police Foundation (PF) created an Independent Review Team. The Team, comprising subject matter experts in corrections, public safety and critical incident response, developed and executed a comprehensive methodology to critically review and assess the incident and circumstances leading up to it in order to develop lessons learned and recommendations for improvement for the State of Delaware. Sources and types of information included: site visits to JTVCC to get a sense of the facility; focus groups of JTVCC correctional officers and inmates and interviews with key stakeholders to gain perspectives from those involved and affected; document reviews; and literature and media coverage reviews. The following sections detail the Independent Review Team's methods during the data-gathering phase.

On-site data collection

Site Visits

The Independent Review Team conducted two site visits: May 1-5, 2017 and May 18-19, 2017. During the month of May, the team interviewed 84 people, individually and in focus groups. Those interviewed included the following:⁹⁷

- Secretary of Safety and Homeland Security
- Commissioner, Department of Corrections
- Bureau Chief of Prisons, Department of Corrections
- Warden, James T. Vaughn Correctional Center, Department of Corrections
- Major, Delaware State Police
- JTVCC Supervisors
- JTVCC Correctional Officers
- JTVCC Civilian Staff
- JTVCC Inmates, housed in multiple security levels
- Community Leaders/Group Representatives

Materials collection and review

The Independent Review Team collected and reviewed numerous documents, data, reports, letters and other materials from the State of Delaware and community members through materials requests as well as collection of materials while on site. Review of these documents assisted in identifying findings and recommendations. Materials reviewed included the following:

- Department of Correction and James T. Vaughn Correctional Center policies and procedures
- Use of force reports

⁹⁷ Number includes interviewees who were DOC employees as of February 1, 2017. Some interviewees may have retired or otherwise left the department by the date of report release.

- Staffing-related assignments, plans, and reports
- Training materials
- Equipment inventories and plans
- Grievance-related logs and documents

Off-site data collection

Literature review

In addition to the information collected while on site, the Independent Review Team collected and reviewed relevant literature and media to critically assess the events surrounding the February 1, 2017, incident at the JTVCC and related security issues.

Media analysis

The February 1, 2017, hostage incident, death of a correctional officer, and subsequent events at the JTVCC were reported on television, the Internet, and social media. The Team read articles and reviewed other relevant media postings, websites, and audio.

Analysis

Based on the on- and off-site data collection and analysis, the Independent Review Team evaluated policies, procedures, practices and technology at the facility and within DOC that could have contributed to the February 1, 2017, incident. These and other related areas of focus were identified and used to develop the foundation for findings and recommendations.

Development of Recommendations

The analysis of key focus areas provided a foundation from which to develop findings and recommendations for improving security concerns at the JTVCC that can be used by the State of Delaware to take actions that can help prevent similar incidents in the future.

Appendix D: About the Police Foundation

The Police Foundation is a national nonmember, nonpartisan, nonprofit organization that has been providing technical assistance and conducting innovative research on policing for nearly 45 years. The professional staff at the Police Foundation work closely with law enforcement, community members, judges, prosecutors, defense attorneys, and victim advocates to develop research, comprehensive reports, policy briefs, model policies, and innovative programs. The organization's ability to connect client departments with subject matter expertise, supported by sound data analysis practices, makes us uniquely positioned to provide critical incident review, training and technical assistance.

The Police Foundation has been on the forefront of researching and providing guidance on community policing practices since 1970. Acceptance of constructive change by police and the community is central to the purpose of the Police Foundation. From its inception, the Police Foundation has understood that in order to flourish, police innovation requires an atmosphere of trust; a willingness to experiment and exchange ideas both within and outside the police structure; and, perhaps most importantly, a recognition of the common stake of the entire community in better police services.

The Police Foundation prides itself in a number of core competencies that provide the foundation for critical incident reviews, including a history of conducting rigorous research and strong data analysis, an Executive Fellows program that provides access to some of the strongest thought leaders and experienced law enforcement professionals in the field, and leadership with a history of exemplary technical assistance program management.

Other Police Foundation critical incident reviews include:

- [Managing the Response to a Mobile Mass Shooting: A Critical Incident Review of the Kalamazoo, Michigan, Public Safety Response to the February 20, 2016, Mass Shooting Incident](#)
- [Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to the Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct](#)
- [Bringing Calm to Chaos: A critical incident review of the San Bernardino public safety response to the December 2, 2015 terrorist shooting incident at the Inland Regional Center](#)
- [A Heist Gone Bad: A Police Foundation Critical Incident Review of the Stockton Police Response to the Bank of the West Robbery and Hostage-Taking](#)
- [Police Under Attack: Southern California Law Enforcement Response the Attacks by Christopher Dorner](#)