



THE UNITED STATES VIRGIN ISLANDS
BUREAU OF CORRECTIONS



2017 BUDGET HEARING TESTIMONY
BEFORE THE
31ST LEGISLATURE OF THE VIRGIN ISLANDS
COMMITTEE ON FINANCE

Good Afternoon Honorable Clifford F. Graham, Chairman of the Committee on Finance, Committee members, other distinguished Senators of the 31st Legislature, legislative staff, BOC staff, persons present and those listening via radio, television and the Internet. I am Rick Mullgrav, Director of the Virgin Islands Bureau of Corrections (BOC). Joining me today are members of my Executive staff: Mr. Everett Hansen, Assistant Director; Mr. Calvin Herbert, Assistant Warden of the Golden Grove Adult Correctional Facility and Detention Center (GGACF) on St. Croix, Ms. Vernita Charles, Territorial Health Services Administrator; Dr. Linda Callwood, Medical Director; Ms. Sonia Maynard Liburd, Programs and Grants Manager; Ms. Shari D 'Andrade, Legal Counsel; Ms. Valencia Henry, Administrative Services Supervisor; Ms. Bernadette Clarke , Human Resource Manager; as well as other Bureau of Corrections support staff present in the gallery.

Senators, when I appeared before this committee one year ago to present the FY 2016 Budget, I was conducting assessments of staff, resources, condition of facilities, and determining the status of compliance with existing Settlement Agreements . I am now poised to deliver the 2017 budget presentation to this Committee after having the opportunity and time to conduct a thorough assessment of the operations and facilities of the Bureau of Corrections.

This year has been filled with 24/7 non-stop responses to a multitude of issues, many of which have been unanticipated and unexpected. It has certainly been round the clock crisis management, however, that is the state of Corrections in this Territory, and just as the system did not deteriorate overnight, so too will the solutions to the myriad of issues warrant dedicated time, money and resources.

Despite the short initial assessment period, last year's budget process and subsequent appropriation enabled the Bureau to begin making some improvements. During the course of fiscal year 2016 critical repairs were completed to one of the Bureau's generators, as well as to one of the main central air conditioning systems. Repairs were also conducted on one of the sally port gates, the inner and outer security sliders of admissions, and the inner gate of the East tower at the main facility on St. Croix. Additionally, the main gate security check point has been completed, the pump room has been constructed, and work has begun on building the construction and the grounds facility. The kitchen renovation project is also

well underway, and the installation of blower and exhaust fans for the inmate housing units has also commenced.

I am also happy to report that funding provided in Fiscal Year 2016 has also enabled the Bureau to begin to address most of the outstanding payroll obligations to existing employees, including the payment of hazardous duty pay, career incentive and Acting supervisor pay. Though we have been able to address some of our career incentive, and Acting supervisor pay issues we still have many more pending.

Personnell

The Bureau of Corrections has **304** positions funded by the General Fund. There are presently 230 filled positions: **145** of these positions are sworn correctional staff and **85** are civilian staff. There are 74 vacancies, 44 of which are correctional officer positions along with **30** civilian vacancies. These vacancies are advertised at the department of personnel, Indeed, and the newspaper.

During the past year, the Bureau has continued to struggle with redressing stagnant staffing levels. While critical vacancies such as Medical Director, Human Resource Manager, Chief Inspector, PREA Coordinator, Investigators, a part time Physician and Nurses are being filled, the Bureau has had great difficulty with the staffing of necessary correctional officers.

We recently selected 7 potential corrections officers to proceed with the hiring process (ie: agility and psych evaluation process) and are in the process of scheduling interviews for 7 additional candidates. Additionally, we participated in numerous job fairs throughout the Territory targeted at increasing the staffing at the Bureau. While our efforts are ongoing, a qualified applicant pool continues to be lacking despite the implementation of a new entrance exam for Corrections Officers. These challenges continue to severely impact the Bureau's ability to effectively manage and contain overtime expenses. As of June 30, 2016, the Bureau has hired 11 new correctional officers, has had to discipline or suspend 5 officers, and has paid a total of **\$3.8 million** in overtime.

PHYSICAL PLANT AND FACILITIES

Our physical plant and facilities continue to rapidly deteriorate. Repairs are necessary on a daily basis, and while our maintenance professionals perform a herculean job keeping up with the demands, the repairs have become more than the team can handle. Repairs are necessary due to vandalism as well as natural wear and tear, and despite our best efforts at preventative maintenance, we continue to experience significant failures in our plant operations.

The list of repairs and projects include without limitation, lighting which is outdated and in need of replacement with energy efficient LED lighting; interior perimeter fencing that has deteriorated and is compromised in certain areas; installation of exterior perimeter fencing for added security to the Bureau and its immediate surroundings; installation of updated technology in motion sensors and camera surveillance on perimeter fencing; and leaking roofs on practically every structure within the facilities, just to name a few. Estimates for roofing repair are over \$1 million on each island, replacement of interior perimeter fencing is estimated to cost over \$1 million, and preliminary estimates to install exterior perimeter fencing is approximately \$1.5 million. The overall cost of repairs presently needed to sustain our facilities is approximately \$ 476,328.00 at the Alva A. Swan Annex; \$1,087,500.00 at the Criminal Justice Complex and \$13,460,840.00 at the Golden Grove Correctional Facility. Total repairs territory wide is estimated to be \$18,526,668.

The dining area in the Golden Grove Adult Correctional Facility kitchen is presently under repair. The ceiling is collapsing and specifically there are metal and wood chips that fall out of the ceiling onto the inmates, their food or anyone sitting in the cafeteria area. Birds are able to fly in and out and contaminating the kitchen with their feces. Tiling is falling off of existing walls and lifting off of the floor, and the kitchen itself is extremely hot due to a failed ventilation and exhaust

system. In this regard, the Bureau of Corrections sought and received funding assistance through a grant from the Department of Interior. This grant will only allow us to repair the walls, floors, ceiling, and replace tables and chairs. We continue to actively pursue available grant funding to assist us in tackling these projects. Completion of the renovation will allow inmates to dine outside of their housing units. Ultimately, the future of the Bureau of Corrections lies in the construction of new facilities across the Territory.

The nature and complexity of much of the work that needs to be performed, at the facilities in both Districts, is far greater than what can be maintained or sustained by the Bureau's maintenance team and inmate workers. Ultimately, the cost of ongoing repairs, litigation, and the housing of inmates on and off-island under current conditions, will have to be weighed against the cost of constructing new facilities on both islands. While both of these scenarios are extremely costly, clear funding priorities and foresight must be established, both in terms of what is necessary and what is feasible both in the short term and long term.

The cost of constructing new facilities in both districts could easily run the Territory roughly \$120 million; approximately \$50 million dollars for a new facility on St. Thomas; and \$70 million dollars on St. Croix. Actual construction could also take anywhere from a year and a half to three years to complete.

Presently, the prison population in the Territory has been reduced to 197. Specifically, there are 12 inmates and 51 detainees on St. Thomas, and 36 inmates and 98 detainees on St. Croix. As you are aware, 237 inmates and detainees have been relocated to facilities in Arizona, Florida, and Virginia, and this number does not include 5 residents who were adjudicated Not Guilty by Reason of Insanity (NGRI) and who are presently housed in California. The cost to house an inmate or detainee (FY 2015) in the Territory is approximately \$253.24 per day. The cost to house inmates outside of the Territory is approximately \$86.55 per day. Additionally, the 5 NGRI inmates are currently presently costing the Territory \$ 800,000 to be housed annually.

While the numbers may be daunting, the investment in constructing modern facilities in the simplest of terms would allow for a safer environment for officers, inmates and the surrounding community over time. Modern facilities offer a more efficient working environment, and by sheer design and operation, reduce the demand for overtime pay, and would permit the facility to be fully manned with the amount of manpower that currently exists. New facilities will also provide the proper environment for desired rehabilitative and skill building programming, and enable the housing of all inmates. With proper maintenance on new construction, the demand for repairs and overtime will also be significantly diminished.

In the interim, we continue to repair and renovate wherever and however feasible. In this regard, I would like to take this opportunity to thank the Division of Property & Procurement, the Department of Education, and Department of Public Works and the Department of Finance for all assistance provided up to and during ongoing renovation projects and repair periods. I would also like to thank all of the employees of the Bureau of Corrections for their hard work, dedication and support during these trying times.

HEALTHCARE SERVICES

The Bureau of Corrections continues to ensure that adequate health care services are made available to our inmate population. Hiring staff in Health Services has been a priority as we are actively recruiting new RNs, a part time physician, and staff for the Mentally Ill. Our staff is committed to carrying out its mission while attaining partial compliance in Health Services. We continue to provide timely assessments of health care and the needed follow-up care to our chronically ill inmates. However, the fastest growing and most fragile segment of our inmate population, relates to inmates faced with mental health issues that require services on a continuous basis. In this regard, there continues to be a critical need to expand our Mental Health Team. However, even with an expansion in services locally, our mental health population is requiring clinical

residential treatment, which we neither have the facility nor full-time resident professionals to provide. Accordingly, cognizant of the constitutional mandate to treat this increasing population of inmates and the expense of treatment, we continue to search for facilities outside of the Territory which are better equipped and staffed to handle treatment for this segment of our inmate population. We presently have 32 mental health patients on St. Thomas and 36 on St. Croix, for a total mental health population of 68 inmates. The cost of maintaining just one of these inmates is over \$385 dollars a day in the mainland and is considerably more here in the Territory.

OFF ISLAND HOUSING

On March 8 of this year we transported approximately 106 individuals to off island facilities in Florida and Arizona. These inmates were relocated for several critical reasons: 1) Security & Staffing Concerns, 2) Cost and 3) Facility Rehabilitation.

Security & Staffing

Due to staffing shortages, the ratio of inmates to officers prior to March 8, 2016 was 13 inmates to 1 officer on St. Croix and 11 inmates to 1 officer on St. Thomas. The ratio represented a hazard to both the officers, inmates and posed serious security risks, under our facility design conditions. Post March 8th, the ratio

has been reduced to 11 inmates to 1 officer on St. Croix and 7 inmates to 1 officer on St. Thomas, and though still not ideal, has significantly reduced the security risks.

Additionally, the reduction of our inmate population has allowed us the opportunity to close four housing units in St. Croix and an entire building in St. Thomas, and enabled us to redeploy our manpower to other housing units, concentrating the limited manpower resources we have. Additionally, security is necessary in other areas, because while our inmate numbers have decreased, the detainee population has increased significantly, and continues to do so. This detainee population is young, violent, and requires a majority of the mental health resources.

To date, with the exception of the facility in Sylmar, California, I have personally taken trips to all transfer facilities. I am pleased to report that our inmates are being provided a much higher level of care than we are able to provide locally. They have access to educational and other programming opportunities which we are currently unable to provide due to diminished funding, staff resources, and proper facilities. They also have continuous on-sight medical service and treatment facilities which we are also currently unable to provide in the Territory at this time. Additionally, with respect to familial and attorney visits for our transfer population, we have introduced technology and innovation into the

prison system to facilitate communication through video conferencing from within our facility.

Please know that I am fully cognizant of the fact that many in our community may debate the adequacy of video visitation and find it impersonal or even impractical. However, in the current age of technology, with Face-Time, Skype, Instagram, WhatsApp, and the rising costs of travel intra-island and abroad, we will begin to see greater trends in this regard. I would also like to re-emphasize that those currently housed off island are being held in modern constitutionally compliant facilities, with amenities, services and social programming not yet available in the Territory. I say yet, because with the continued assistance and support of the Governor and this Legislative body, we fully intend to transition our local prison facilities into the 21st Century.

Settlement Agreements

The Bureau of Corrections remains diligent in our efforts to attain compliance in the deficient areas outlined in the Settlement Agreements. I am pleased to announce that in the St. Croix case, we have completed all policies as mandated by the Agreement and have received approval from the USDOJ. With this approval, we will be moving forward with outlining a training schedule, and

conducting refresher and new training on the policies with the assistance of an outside contractor. Specifically, the contractor will provide training to the officers, complete lesson plans, and train the trainer opportunities to the Bureau.

Steady progress continues in the St. Thomas case with training having been completed on most of the Administrative Directives, related to housing and the immediate needs of the Criminal Justice Center. We remain committed to the work necessary to meet established goals and achieve full compliance with these Agreements.

PROGRAMMING & EDUCATION

As we look ahead to future budget cycles, requests submitted by the Bureau of Corrections will align with internal performance benchmarks and the significant progress and milestones dictated by the Settlement Agreements. Senators, I am asking for your support and assistance to continue in this direction, and taking the necessary and prudent steps towards implementing a 21st Century prison system with rivaled rehabilitative and educational programs. To date, however, due to security, the availability of local funding sources, and delayed release of federal grant funds, we have had to postpone reinstating many of the education and skill based programs. We acknowledge the value of such programs in curbing recidivism and installing pride and a sense of worth in our fellow Virgin Islanders

to assist them in their post release transition. With better resources we can improve and implement sustainable programs, such as: tilapia farming, bee keeping, chicken production, animal husbandry, crop production, wood working, upholstery, and auto body repair. These programs are practical as long as the resources are in place, and by resources I mean: funding, trained personnel, equipment, and contracted services. This will help to further existing programs and advance beyond the Settlement Agreements.

FY 2017 REQUEST

The Bureau of Corrections could use and additional 1.5 million dollars added to our personnel services and fringe benefits. These funds would be used to quickly implement pay increases to many of our employees whom did not receive pay increases.

For Fiscal Year 2017, Our recommended budget for a General Fund appropriation of \$35,941,013 as follows:

Personnel Services	\$15,114,273	42%
Fringe Benefits	\$5,897,066	16%

Supplies	\$1,237,733	4%
Utilities	\$2,500,000	7%
Other Services	\$11,191,939	31%
Capital Outlay	\$ 0	

The FY 2017 General Fund Budget will allow the Bureau to continue on its efforts to providing the care and supervision needed for its inmates and support for our employees. The Vision of the Bureau of Corrections is *“to enhance public safety by providing safe, secure, humane correctional facilities, and insure the safety of the Bureau of Corrections personnel,”* and I represent to this body that every request and recommendation made to this body serves this purpose.

Senators, I thank you in advance for your approval of a budget which will allow our agency to continue to negotiate in good faith with all Collective Bargaining Units and more importantly those Agreements governing Correctional Officers. I cannot emphasize enough how the loss of one (1) officer for one day has a significant impact on our ability to function, more so than most agencies, and especially as it relates to staffing violations under the consent decree.

. My staff and I stand ready to respond to any questions you may have.