

Senate Select Committee on Prison Safety
Monday, April 29, 2019 at 3:00 PM
Room 643 of the Legislative Office Building

MINUTES

The Senate Select Committee on Prison Safety met at 3:00 PM on April 29, 2019 in Room 643 of the Legislative Office Building. Senators present were Senators Jim Burgin, Tom McInnis, Norman Sanderson, Harper Peterson, Terry van Duyn, Joyce Waddell and Floyd McKissick.

Senator Bob Steinburg, Chair, presided.

Senator Steinburg recognized and welcomed Sgts. At Arms Terry Edmunson, Archie Smith, and Frank Urben.

Senator Sanderson moved to accept the minutes from April 15, 2019. The motion was seconded by Senator Burin. The motion carried unanimously.

The first presentation was done by Elizabeth Morris, CEO of the FMRT Group presented "Psychological and Medical Evaluations of Correctional Officers." The presentation and other supporting material can be found on the committee website.

Senator Steinburg opened the floor to questions.

Senator Waddell asked if there was any way, through observations to eliminate and streamline the testing process. Ms. Morris stated that it takes 5 to 7 business days, using national standards, once a psychologist has been seen for a screening report to be given. She further stated that they are looking for other processes that take less time. Senator Waddell followed by asking about legal implications after changing processes, asking if it has happened yet. Ms. Moss stated that it happened in 2013, which is why FMRT's assistance was requested. Senator Waddell further followed up by asking if it was worth the cost of testing given that the average tenure of a correctional officer is two years, and also asked how expensive it was. Ms. Morris stated that a retention issue was an issue within the system, and stated that some states are spending as little as \$1000 per new correctional officer for pre-employment screening, with the psychological screening costing \$395. Senator Waddell further followed up by asking there were continuing evaluations offered during the tenure of the corrections officers. Ms. Moss stated that she would like to do testing, supporting correctional officers throughout their careers, especially after critical incidents.

Senator Burgin began by asking Ms. Morris about the cost of the psychological screening. Ms. Morris stated that the cost of screening was \$1.5 million, out of a \$2.3 billion budget. Senator Burgin followed up by asking Ms. Morris about the number evaluations that were done last year, juxtaposing this number with the fact that the number of officers leaving the system are even with the number screened. Ms. Morris stated that their job was make sure applicants had the proper pathologies to do the job, and that they are healthy enough to do the job, not to take care of them within the facility when the problem is retention within the system. Senator Burgin

followed up by asking if it was possible to do a quick test, which would shorten the time and the dollars spent when the turnover rate is so high, and the hiring process in the prison system is 120 days. Ms. Morris stated that their step is not the rate limiting step, and stated there are uncontrolled variables outside the psychological, physical, and drug screen evaluations. Senator Burgin followed up by asking if there had been any legal issues with FMRT. Ms. Morris stated that with respect to their prison services, there were none.

Senator McKissick began by asking Ms. Morris about the percentage of people found to be not suitable. Ms. Morris stated there were 11% found to be not suitable, and 6% found to have weak suitability out of 18,000 screenings. Senator McKissick followed up by asking Ms. Morris if these were the people who would be person who would not perform well in their jobs. Ms. Morris confirmed by stating that these folks has malignant personalities, and asked the clinical psychologist from the FMRT group be recognized.

Dr Peter Shoals, forensic psychologist who works with FMRT Group, began by stating that of the people who were found not psychologically suitable, many had anger issues, fighting on the job, gang affiliations, and have active bankruptcies (and thus, susceptible to bribes). He went on to state that those people are not likely able to make sound decisions in a high pressure situation.

Senator McKissick followed by stating that he was trying to understand why the Department of Public Safety was trying to deviate from a screening system that seemed to work well. Senator Steinburg asked for someone from DPS to address the question.

Ms. Tracey Little, Deputy Secretary of Adult Corrections and Judicial Justice within the Department of Public Safety, answered Senator McKissick by stating that a contractual arrangement between the department and FMRT was soon to come to a natural end. In looking at the available evidence, there is not qualitative or quantitative evidence that applicants hired were any better. The Department is returning to a process that had been used for 18 years, and according to Ms. Little, there was no challenge to the process at the time. The process that the department is returning to is in line with what other states are doing in their correctional systems, according to Ms. Little. She also stated that the Federal Bureau of Prison does not even use face to face interviewing in their screenings.

Ms. Little stated that the Department has no plans to use internal clinical professionals who are hired to work with the vendors for psychological screenings. She then stated that she cannot speak to allegations made about the protest of a recent procurement by the department, on the advice of the department's legal counsel.

Senator McKissick asked Ms. Little if there is evidence that the previous system was just as effective as the current system. He further asked what percentage of applicants were found to be unsuitable or weak in the previous system, trying to ask if there was comparable data. Ms. Little stated that it is anticipated that 12 to 15 percent of applicants will be referred to a psychologist. Senator McKissick asked what the true goal of going back to the previous system. Ms. Little stated that the goal was safe and secure facilities and would never knowingly or willingly put staff at risk. She further stated that one benefit of the old system would save time without sacrificing quality and will save \$1 million a year, but stated that these alone are not the driving factors.

Senator McKissick states Ms. Morris' concern as to whether returning to the old system would be in compliance laws and regulations. Ms. Little stated that there has been an extensive evaluation by staff and attorneys at the department, and they feel confident that what will be put in place will be in compliance with the laws and regulations.

Senator Steinburg mentioned that there were 1600 to 1800 people vetted, and it was discovered that there problems with the applicants, causing them not to be hired. He stated that this is why he does not favor going back to the way it was before. He also stated that he does not to put the state in a bad position where it comes to litigation that is currently active.

Senator Peterson stated that the presentation is a disturbing account of where the prison system presently is, and that going backwards will not help the situation.

Senator Steinburg recognized Robin Huffman and Kay Castillo. Ms. Huffman represents the NC Psychiatric Association, while Ms. Castillo represented the North Carolina Chapter of the National Association of Social Workers. Their presentation, Mental Health and Prison Safety in addition to supporting material can be found on the committee website.

Senator Steinburg then opened the floor to questions.

Senator Van Duyn began by asking if there a state or a prison that does mental health well, stating also that the issue of mental health is not just a matter of training, but also of culture. Ms. Huffman responded that the state was looking for a full-time coordinator to coordinate training. What was most effective in Central Prison was when the warden himself went for training. There is a needed shift in culture, and the warden recognized that mental health treatment was as much needed, recognizing that mental illness is what caused the criminal behavior.

Senator Burgin asked what percentage of prison population has a diagnosable mental condition. Ms. Castillo responded the number is hard to identify because the screening needs to be improved. Ms. Huffman added that from 2007 to 2018, due to improved screening, the number went from 7% to as high as 18%. Senator Burgin followed up by stating that he's been hearing anywhere from 45% to 50% based on his conversation with local law enforcement. Ms. Huffman acknowledged that there was a need to do more assessments, and also stated that the people who were in solitary confinement were more likely to be repeat offenders without psychiatric care since there is not enough staff to receive treatment. Senator Burgin followed up by asking if Ms. Huffman and Ms. Castillo were familiar with Wakebrooke, who does all of their mental health assessments in-house. Ms. Castillo responded that while the model is effective, the system must be properly staffed to make that happen. Ms. Huffman also stated that better mental health training was vital. Senator Burgin followed up by asking if there was merit of putting the people who were struggling with mental illness were better served in one or two central locations, as opposed to putting them amid the general population in order to concentrate on their needs better. Ms. Huffman stated that people who need mental health treatment would be better served closer to home and that forensic psychologists might be in a better position to definitively answer the question. Senator Burgin stated that he would like to see a more intense regimen with the

likelihood of having inmates who need mental health treatment are treated, keeping them in confinement for three months as opposed to three years.

Senator Waddell began by asking if the proposed \$12 million allocated for mental health represented additional money or money that was replaced by what had been previously allocated. Ms. Castillo stated that it was additional funding. Senator Waddell stated that if there was a plan for the utilization of the funds where results can be seen. Ms. Castillo stated that when the previous money was allocated, the number of therapeutic diversion units were started and how many patients has been seen, but could not provide figures. Ms. Huffman reference a 2015 Department of Corrections report stating that juvenile inmates should not be in solitary confinement for more than 24 hours, also citing that Cook County, Illinois ended the practice of solitary confinement altogether.

The meeting adjourned at 4:45 p.m.

Senator Bob Steinburg, Chair
Presiding

Edward Stiles, Committee Clerk