

**Internal Analysis**  
**Of**  
**The Louisiana Department of Public Safety & Corrections**  
**Corrections Services (DPS&C-CS)**  
**For The**  
**Commission on Streamlining Government**



**August 14, 2009**

## **OVERVIEW**

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Act 491 of the 2009 Regular Legislative Session created the Commission on Streamlining Government. Governor Jindal included this bill in his legislative package as a mechanism to review operations in state government in order to make services more efficient and effective. The Commission is comprised of 10 members representing the public and private sectors.

The Commission on Streamlining Government has an aggressive timeline in statute. The final report is due to the legislature and the governor before the end of this calendar year. As such, agencies were directed by Commissioner Angele Davis to provide an internal analysis to her for submission to the Commission by August 14, 2009.

## **SCOPE**

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The scope of this analysis for the Department of Public Safety and Corrections—Correction Services (DPS&C-CS) encompasses the following areas:

- SECTION 1. Agency Overview
- SECTION 2. Efficiency and Benchmarking
- SECTION 3. Outsourcing and Privatization
- SECTION 4. Information Technology Integration
- SECTION 5. Elimination of Duplicative and Unnecessary Services
- SECTION 6. Civil Service and Employee Benefits
- SECTION 7. Studies and Other Resources
- SECTION 8. Agency Best Practices

## **SECTION 1. Agency Overview And Reform Goals**

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### ***Agency Overview***

The Louisiana Department of Public Safety and Corrections—Corrections Services (DPS&C-CS) is responsible for the custody and care of adult offenders across Louisiana. Just over half of Louisiana's approximately 39,000 inmates are assigned to the state's twelve correctional facilities. The remaining offenders are assigned to parish facilities and work release centers. The Department's Probation and Parole division supervises an additional 64,000 offenders.

The mission of Corrections Services is to enhance public safety through the safe and secure incarceration of offenders, effective probation/parole supervision and proven rehabilitative strategies that successfully reintegrate offenders into society, as well as to assist individuals and communities victimized by crime.

The Department's Fiscal Year 2009 – 2010 operating budget is \$497.8 Million. The approved Table of Organization (TO) is 5,985 positions. In addition, DPS&C-CS has a debt services schedule of \$2.5 Million and an operating budget for the ancillary agency, Prison Enterprises (PE), of \$35.8 Million ( with a TO of 80). An additional \$157.1 Million is allocated towards the Local Housing of State Adult Offenders (LHSAO) to reimburse local jails for housing state offenders.

### ***Overarching Reform Goals***

#### **Reform Goal 1: Reducing Recidivism Through Expanded Reentry Efforts**

The first objective of the current administration is reducing recidivism. Approximately 50% of offenders return within five years. As Louisiana has the highest incarceration rate in the *world*, this State is faced with serious challenges in managing its prison population. The Department has engaged in dialogue with stakeholders to establish a different approach to reduce recidivism. Reducing the chances that an offender will commit another crime after release will not only improve public safety, but will drive down prison populations and the associated cost for operations.

Reentry along with public safety is the Governor's and the Department's top priority. Louisiana's incarcerated population continues to grow even as our state budget shrinks. Despite the current economic situation the state of Louisiana is facing, the funding for reentry programs has been preserved and expanded to accommodate the Department's reentry initiative. The Department's reentry goal is to stabilize or even shrink its incarcerated population through the reduction in recidivism. As other states are experiencing similar financial crises, many have closed prisons and are choosing to

house offenders at the local level; therefore, Louisiana's local level reentry plan will become an integral component in reentry programming across the United States. The Department has partnered with the Louisiana Workforce Commission to leverage the DPS&C-CS's reentry initiatives. The objective of the partnership is to provide business and industry with a skilled and motivated workforce from a non-mainstream population consisting of offenders who participate in skill development programs while incarcerated.

Currently, almost half of the state offender population is housed at the local level. Each year local jails release approximately 11,000 DOC offenders back to the community. The Secretary, in collaboration with the Louisiana Sheriffs Association, has identified ten (10) local facilities located in strategic geographic areas across the State that will serve as reentry programs. These local reentry programs will be required to provide an increased level of service (education/job skills) in a treatment modality specific to the Department's reentry strategies. In order to pay for this increased level of service, the Department will pay an additional per-diem per day per offender. The per diem is \$6.68 per day. This will be separate from the existing LHSAO per offender premium of \$24.39. The funds for this additional per diem necessary to operate two reentry programs were inserted in the department's budget for Fiscal Year 2009 – 2010.

Furthermore, the Department would use these facilities to serve as Reception Centers for inmates entering the correctional system at the local level. These centers would determine a baseline educational level, provide medical and mental health diagnostic services, and provide classification services. Currently, none of these services are provided at the local level.

In FY 2009 – 2010, the Department allocated funding to open two regional reentry programs by partnering with local Sheriffs in Caddo and Orleans Parishes. The reentry program in Caddo Parish became operational in July 2009 and the Orleans site will be operational by December 31, 2009. In addition, the Department has partnered with the Sheriff of Madison Parish to operate a reentry program for female offenders that will become operational in the near future.

Louisiana statistics also indicate that approximately 30% of offenders entering our institutions each year were probation or parole violators. The Department will create six Day Reporting Programs in strategic urban areas of the state to provide intensified supervision and programming to offenders with technical violations to reduce recidivism. In FY 2009 – 2010, the Department allocated funding to open Day Reporting Programs in Shreveport and New Orleans. The New Orleans Day Reporting Program has been operational since February 2009 and the Shreveport site will be operational by December 31, 2009. In addition to the Day Reporting Programs, the Department has implemented several alternatives to incarceration such as electronic monitoring and a 90-day revocation program that Probation and Parole staff utilizes for offenders who commit technical violations as an alternative to re-incarceration.

In complement to the Department’s reentry initiatives, Act 106 of the 2008 Regular Session establishes the *Inmate Rehabilitation and Workforce Development Act*. Provisions of this initiative will reduce the rate of recidivism by providing nonviolent offenders with occupational training, educational opportunities, and substance abuse counseling while incarcerated. The Act establishes within the DPS&C-CS an advisory council comprised of representatives from multiple facets of state and local government as well as business and industry and will serve as an advisory body on the administration of the program. Offenders that complete the program will be better equipped to reenter society with meaningful alternatives to criminal behavior and substance abuse.

## Reform Goal 2: Improvements in the Medical/Mental Health Programs

According to a recent Bureau of Justice study (see below), Louisiana state offenders have the highest mortality rates in the nation (the entire report can be found at <http://www.ojp.usdoj.gov/bjs/dcrp/tables/dcst06spt13.htm>). This is due to chronic health conditions such as cancer, heart disease, and HIV. In addition, the offender population is aging and experiencing increases in both medical and mental health conditions.

The Department of Public Safety and Corrections-Corrections Services (DPS&C-CS) is not only facing these health concerns for the offender population, but also increasing

Average annual mortality rate, per 100,000 state prisoners, by cause of death

Region	All causes	Illness	AIDS	Suicide	Homicide	Drug/alcohol intoxication	Accident	Other/ unknown
<b>South<sup>a</sup></b>	275	229	21	13	4	2	2	24
Alabama	297	248	18	3	3	0	4	24
Arkansas	308	248	20	21	11	0	5	20
Delaware <sup>b</sup>	229	143	38	26	5	0	0	21
Florida	274	221	36	8	3	1	2	6
Georgia	224	182	20	13	5	0	2	3
Kentucky	327	294	16	10	1	1	3	3
Louisiana	402	339	50	8	3	0	1	7
Maryland	286	179	51	21	11	17	1	5
Mississippi	318	284	11	14	1	3	6	2
North Carolina	219	184	17	8	2	0	6	10
Oklahoma	292	239	10	12	11	7	5	10
South Carolina	271	234	16	12	6	0	1	5
Tennessee	387	332	18	16	10	5	3	5
Texas	258	225	11	16	2	1	2	5
Virginia	258	221	19	12	2	1	1	4
West Virginia	332	306	4	13	4	4	0	0

healthcare costs and a significant fiscal crisis that is projected to last for years. Even

though these are tough challenges to manage, the department’s leadership continues to understand its constitutional obligation to provide adequate healthcare to the offenders assigned to its custody. As a result, efforts are continuing to reduce costs by improving healthcare efficiency.

Improving Healthcare Management

In late 2007, a Departmental Medical/Mental Health Director (Medical Director) was appointed to oversee healthcare services in the DPS&C-CS. Since that time, efforts were made to improve efficiency of the healthcare system department-wide. Just a few examples of the cost saving realized as a result of the establishment of this position include:

- Reduced costs to pharmaceutical purchases through the improved oversight of purchasing options and prescribing practices saving approximately **\$684,682** at two facilities over a five-month period.

EHCC		LCIW	
MONTH	COST	MONTH	COST
2008.07	\$236,197	2009.01	\$97,914
2008.08	\$239,705	2009.02	\$70,337
2008.09	\$134,360	2009.03	\$92,699
2008.10	\$168,388	2009.04	\$119,163
2008.11	\$137,841	2009.05	\$72,903
	\$916,491		\$453,016
<b>SAVINGS</b>	<b>EHCC</b>	<b>\$463,475</b>	
			<b>SAVINGS</b>
			<b>LCIW</b>
			<b>\$221,207</b>

- Reduced costs associated with hospital stays due to actively pursuing discounts related to Medicaid eligibility by training healthcare and accounts payable staff. This has resulting in a savings of **\$975,000** yearly.
- Improved contract negotiations for specialty services such as physical therapy and psychiatry. Additionally, efforts continue to eliminate inconsistencies across the board to effectively monitor services/deliverables.
- Reduced costs related to hospital admission and medical trip expenses through the appropriate placement of offenders requiring routine medical care within the department.
- Timely completion of medical releases for low-risk terminally ill or permanently incapacitated offenders, freeing up healthcare resources and reducing costs.
- Increased collaboration with LSU-Health Care Services Division (LSU-HCSD) improving access to telemedicine clinics, specialty services, and prescription discounts for HIV Medications.
- Reviewing of healthcare information in lawsuits to prepare the best defense.

More specifically, healthcare services are being improved through the following initiatives:

### Expanding Prescription Cost Savings

The DPS&C-CS has partnered with LSU-HCSD to provide its HIV positive population necessary medications at heavily discounted prices through the federally funded 340-B program. Additionally, the department is working with LSU-HCSD administrators to expand this program to include other costly medications such as psychotropic medications and medications for the treatment of hepatitis. If we are successful in this expansion, it is estimated that the department could save another **\$800,000** a year at just four facilities that house the majority of offenders requiring these medications.

Further efforts with LSU-HCSD include the establishment of an LSU outreach clinic at one of the DPS&C-CS's institutions to register every new offender and immediately qualifying them for 340-B pricing, thus reducing delays in receiving medication discounts as well as decreasing the need for outside medical trips as these offenders currently have to be seen at an LSU-HCSD facility once initially and once yearly to qualify for the medication discount. The Department of Health and Hospitals has approved the clinic for this operation. Reduced medical trips benefit public safety, reduce the workload at LSU-HCSD, and reduce expenses related to transportation and security.

### Appropriate Management of Inpatient Beds

The Medical Director oversees placement of offenders throughout the state in the department's infirmaries, ensuring that the beds are filled with patients who are chronically ill and require daily medical intervention versus those that can take care of themselves and only require minor assistance with activities of daily living and who can live in a medical dorm type setting. This results in costs savings by ensuring that healthcare resources are appropriately being utilized.

### Reducing Healthcare Trips/Expanding Telemedicine Capabilities

The Medical Director is currently working with LSU-HCSD to obtain improvements in prison wards at LSU-HCSD hospitals to ensure more efficient utilization of LSU-HCSD resources at the department's disposal.

The DPS&C-CS is also working toward reducing healthcare trips via improved communication and collaboration among corrections staff as well as staff within the LSU-HCSD. The Medical Director assists healthcare staff throughout the state with assessing healthcare treatment needs for offenders facing chronic health conditions, placing them at the best facility to meet their needs near the appropriate LSU-HCSD hospital. Additionally, he is working with LSU-HCSD to assist providers in obtaining the ability to order medical tests, which also reduces an initial trip to an outside hospital.

The use of telemedicine eases backlogs of offenders awaiting various clinic appointments as well as reduces outside medical trips, which improves public safety as well as reduces costs. The Medical Director continues to work with LSU-HCSD to expand telemedicine clinics to other services such as emergency triage and psychiatric.

#### Recruitment/Retention of Quality Staff

The DPS&C-CS's biggest challenge is finding funding for the high costs to employ healthcare providers. The Medical Director is working to reorganize healthcare provider services by hiring more nurse practitioners to provide care under the supervision of collaborating physicians. This will result in a significant cost savings without compromising healthcare services.

Additionally, the Medical Director has been working with healthcare leaders to improve working environments, obtain pay increases for nurses, as well as other efforts that prevent the loss of highly trained, quality healthcare staff.

#### Improving Chronic Care Clinics

The Medical Director is working with healthcare staff to improve the management of chronic diseases and reduce costs associated with the treatment of offenders with poorly controlled diseases.

#### Evidence-based Mental Health Programs

The Medical Director is working to implement evidence-based mental health programs that will improve the management of offenders requiring mental health services and allow the department to best use its resources in this area.

#### Exploration of Outsourcing

Significant efforts have been made to explore cost saving opportunities through outsourcing of certain services such as pharmaceutical and medical and mental health services. A request for proposal has been initiated for pharmaceutical services. The department has established an evaluation committee and is in the process of reviewing the proposals received. Private companies have toured EHCC, LCIW, and LSP to review healthcare services and obtain information to assess their ability to provide services to the department more cost efficiently without compromising quality of services.

#### Automation/Information Sharing/Electronic Medical Records (EMR)

Departmental staff will be given access to the LSU-HCSD information network and likewise they be given access to the department's medical database. This will improve

information sharing and the health care staff's ability in making evidence-based medical decisions. Efforts to improve access to lab test reports department-wide through LabCorp have already improved healthcare staff's ability to make evidence-based medical decisions.

The DPS&C-CS is interested in obtaining EMR and is exploring this option through various avenues such as collaboration with LSU-HCSD, as an added benefit if outsourcing of certain healthcare services is done, and through any other means of funding that may become available.

### **Reform Goal 3: Improvements in Probation and Parole**

The caseload per Probation and Parole Officer in Louisiana is approximately 40% higher than the Southern regional average. This is due in large part to the State's aforementioned high incarceration rate, current sentencing guidelines and low number of staff. In order to allow more of an agent's time to be devoted to supervision, efforts to remove unnecessary activities and streamline existing processes are required.

#### Using Western Union for Payment of Fees to Probation and Parole

Piloted in four offices, this program allows an offender to pay supervision fees with cash or a check through Western Union. This has significantly decreased the number of money orders received in those districts. This allows support staff more time to assist officers with administrative responsibilities. The pilot has been successful and the department is issuing a Request For Proposal to expand the program statewide on a permanent basis.

#### Considering Privatizing the Collection of Fees by Probation and Parole

The Department is considering privatizing the collection of fees that is currently handled by Probation and Parole Officers. Officers currently spend approximately 30% of their time on the collection of fees, including supervision fees. These fees are important to the Department as they constitute about 25% of Probation and Parole's budget. The use of a private agency to handle the collection of all fees would allow for more of an officer's time to be devoted to supervision, thus enhancing public safety in our community.

#### Day Reporting Center

The New Orleans Day Reporting Center opened In February of 2009. This collaborative effort joins the Office of Addictive Disorders, Metropolitan Human Services District, the City of New Orleans and Baptist Community Ministries in creating a comprehensive center for diverting technical probation and parole violators. This program provides

intensive supervision to seventy-five violators at this multi-resource/treatment center. The center provides comprehensive evaluation and testing, substance abuse treatment, mental health treatment, job readiness, placement and retention, education, anger management, family counseling, and community service work/restorative justice. As of July 1, 2009, the center is operated with Orleans Parish Sheriff's Office via a cooperative agreement with the Department. A second Day Reporting Center will be opened in late 2009 in the Shreveport area.

### Intermediate Sanctions/Parole Good Time

Probation and Parole uses a variety of alternatives to revoking an offender on supervision. Offenders on supervision for non-sex and non-violent offenses who have strictly technical violations (i.e., no new felony arrests) are mandated to spend no more than 90 days in jail when revoked. These offenders previously served an average of 18 to 24 months when revoked. Non-sex and non-violent offenders with technical violations can also be referred to the Francois Alternative Center. This is a 90 day inpatient treatment program operated by the Concordia Sheriff via a contract with DPS&C-CS. Officers also have a variety of other sanctions including referral to outpatient treatment programs, electronic monitoring, use of community service, etc. The aforementioned Day Reporting Center in New Orleans will be another excellent resource.

Probation and Parole is piloting a performance grid that will standardize response to violations and enable tracking of the progression of responses and provide information relative to the effectiveness of the sanctions. The grid will also address rewards for progress and positive accomplishments by the offender. Towards this end we are also researching the possibility of offenders receiving credit for time served on supervision that would reduce the total time they are on supervision as long as they were abiding by the conditions. In order to accomplish this approach, legislation would be required.

### Standing Committees

Probation and Parole has several active, standing committees. The committees are broad based and members come from all levels of staff in Probation and Parole, to include Management, Officers, Supervisors, and support staff, and to cover unique characteristics of the various districts and regions (i.e. rural, urban, large offices, small offices). The committee's areas of focus include:

- Early termination policy to pilot in several districts, analyze the results, and to finalize a policy for use in all districts by all Officers.
- Strategies, policies and tools to enhance Reentry and offender services/programs in Probation and Parole and pilot programs as needed prior to statewide implementation. Areas include offender voter rights, developing policies for more consistent intake practices, development of the DVD 'Conditions of Parole', and policy for the use of the inmate welfare fund by indigent offenders for uses such as transportation to work.

- Continue to improve policy, procedure, and strategies to enhance the supervision of sex offenders.
- Develop emergency policy and procedure to ensure consistency during emergency operations. There are also several sub committees working out of this committee.

#### **Reform Goal 4: Focus On The Local Level—Strengthening Partnerships**

Approximately one half of the DPS&C-CS offender population is housed in jails at the local level, primarily sheriff's facilities. As of July 31, 2009, there were 19,151 offenders housed in state facilities, with an additional 18,828 being housed at local facilities. Of these numbers, 11,000 offenders are discharging from our local jail facilities. It is critical that the DPS&C-CS strengthen its partnership with sheriffs and local jail administrators to ensure that those being released from custody are better prepared to succeed in the community and improve their ability to become law-abiding, tax paying citizens.

Over the first year and a half under the current administration, the Department has done the following:

- Key staff of the Department initiated a comprehensive review of operational guidelines used at the local level for those facilities that house state offenders. These Basic Jail Guidelines, along with standard operating procedures for work release facilities, have been revised to more accurately reflect the Department's mission and intensive focus on developing a process of transitioning an offender back into the community (Reentry) as discussed in the first Reform Goal 1. The revised Basic Jail Guidelines have been signed by the Governor and the Louisiana Sheriffs Association and became effective July 1, 2009.
- The Secretary has continuously worked with the Louisiana Sheriff's Association (LSA) executive team to reaffirm the partnership between the DPS&C-CS and the LSA. As a result of that meeting, the DPS&C-CS and LSA agreed to collaborate to develop reentry strategies that address public safety while benefiting offenders and their family members, victims, and the entire community.
- Key DPS&C-CS staff met with work release facility administrators from across the state to discuss the Department's focus and for a detailed review of the Department's revision to standard operating procedures for work release facilities. The department has since revised and implemented the Standard Operating Procedures for Work Release.
- To demonstrate the commitment to strengthening the DPS&C-CS/LSA partnership, in July 2008 the LSA scheduled a series of meetings across the state (Shreveport, Monroe, New Orleans, Baton Rouge, Lake Charles, Alexandria) in support of the DPS&C-CS's reentry efforts. At these meetings, the Secretary was able to speak at length to all Louisiana sheriffs, verbalizing

the Department's shift in focus toward reentry, and the positive impact successful reentry could have on the state and its citizens.

The Department will continue to build upon its relationship with Louisiana sheriffs and local jail administrators as it continues to explore and implement evidence based practices for a successful reentry program.

## ***Review And Briefly Outline The Constitutional And Statutory Mandates***

Below is a brief list of the constitutional, statutory and/or judicial mandate the pertain to the Department:

- La. R.S. 36:401**      **Department of Public Safety and Corrections, ... corrections services.** Creation of the Department of Public Safety and Corrections. It has authority generally for the security and physical safety of the citizens and property of Louisiana, the enforcement of laws and regulations pertaining to criminal conduct, the rehabilitation of youthful offenders, automobile and highway safety, motor vehicles and drivers, and fire protection. It shall also be responsible for the custody of, evaluation of, such rehabilitation programs as the Department deems appropriate for, and post-release monitoring of, convicted criminal offenders and adjudicated delinquent youth. The Department shall have responsibility for all penal and correctional institutions of the state and shall be responsible for providing diagnostic services to the courts and other correctional authorities for sentence, treatment, and release decisions; administering programs to protect person in its custody and preparing them for release; conducting and facilitating research in criminology and penology; and for operating a probation and parole system.
- La. R.S. 15:821**      **Louisiana Department of Corrections; creation.** The Department of Corrections functions shall comprise administrative functions of the state in relation to the administration, management and operation of all state institutions for the care, custody and correction of all persons sentenced for felonies or misdemeanors.
- La. R.S. 15:823**      **Director of Corrections.** The [Secretary] of the Department of Corrections shall be the chief executive, administrative, budgetary and fiscal officer of the Department and shall

implement the policies and proscribe rules and regulations for the operation thereof, and supervise the administration of all institutions, facilities and services under the jurisdiction of the Department.

**La. R.S. 15:824**      **Commitment of persons to the Department of Public Safety and Corrections.** Any individual subject to confinement in a state adult penal or correctional institution shall be committed to the Louisiana Department of Public Safety and Corrections and not to any particular institution within the Department. The secretary shall assign each newly committed inmate to an appropriate penal or correctional facility and the secretary may transfer an inmate from one facility to another, insofar as the transfer is consistent with the commitment and in accordance with treatment, training and the security needs established by the Department. If a person committed to the Department is held in a parish facility, the Department shall pay to each parish sheriff, or to the governing authority of those parishes in which the governing authority operates the parish jail, for the keeping and feeding the individual in the parish jail the sum \$24.39 per day from date of sentencing until the date the individual is confined in a state penal or correctional institution under the supervision of the Department.

**La. R.S. 15:826**      **Services performed by the Department.** The Department shall furnish a staff for the Board of Parole, and if such personnel are available, upon the request of any court of this state having jurisdiction shall furnish probation and parole services for such court. If requested by the appropriate parochial or municipal authority, the Department shall provide consultation services with respect to the design, construction, programs and administration of detention and correctional facilities for adults operated by parishes and municipalities; make studies and surveys of the programs and administration of such facilities; administer programs of grants-in-aid for construction and operation of approved local facilities; and, provide courses of training for the personnel of such facilities, shall inspect said facilities and make recommendations to the respective authority to achieve compliance with standards established by such facilities.

**La. R.S. 15:827**      **Duties of the Department of Public Safety and Corrections.**  
**La. R.S. 15:894**      In addition to any other duties imposed upon the Department it shall be the duty of the Department to establish programs of research, statistics, and planning which shall include but not limited to studies of the efficacy and performance of the policies, plans and

procedures of the Department and studies the treatment of offenders, and to provide information about other programs of the Department; make an annual report to the governor regarding statistical information and other data, accounts of research work performed by the Department, the results of inspections of local facilities and statistical and other data on persons detained in such facilities, and any recommendations for legislation affecting the Department. Establish a diagnostic and treatment center to undertake medical, educational psychiatric and social studies of persons committed to the Department and to provide for the training of psychiatrists, neurologists, special educators, psychologists, nurses, technicians, social workers, occupational therapists, physicians, and other professional trainees whose services will be utilized. Establish rules and regulation for the detection of controlled dangerous substances upon the person or in the blood stream of inmates returning from any labor detail, pass, furlough, or emergency leave which required the inmate to leave the grounds of a correctional institution. Establish a comprehensive program of released offender transition services for offenders who are about to be, or have recently been, released from custody of the Department. This transition program shall include, but not limited to, job information services, referral to available government mental health and medical assistance, referral to available educational, vocational, job training and counseling centers, and any other services the Department recommends.

**La. R.S. 15:829**     **Discipline of inmates.** The Secretary shall prescribe rules and regulations for the maintenance of good order and discipline for inmates sentenced to the Department, whether housed in local or state facilities. A record shall be maintained of all charges and infractions, any punishments imposed therefore, and any medical examinations of inmates.

**La. R.S. 15:855**     **Inmate labor.** Inmate labor may be used to work and maintain, except construction, parish roads and rights-of-way not under the jurisdiction of DOTD and to police and remove litter on public grounds, lakes, streams and the shores of lakes and streams; police and remove litter on highways, rights of way and road shoulders under the jurisdiction of DOTD; work in solid waste recycling programs, assist any municipality in maintaining a safe and sanitary condition by cutting, destroying, or removing noxious weeds or grass or other unhealthy growths on sidewalks, any lot or area within a municipality; painting and marking and posting signs drug-free school zones and firearm-free zones.

**La. R.S. 15:893**     **Adult correctional institutions.** The Department is authorized to create, establish, operate and maintain such adult correctional institutions as may be needed to fulfill the Department's obligations, subject to Legislative appropriations.

**La. R.S. 46:1844**     **Basic rights for victim and witnesses.** (A)(2) The Department of Public Safety and Corrections shall maintain the Crime Victims Services Bureau presently in operation. The bureau shall publicize and provide a way for crime victims and their family members to be kept informed about successful court appeals, parole and pardon board hearings or other release hearings, information regarding dates of possible release from physical custody, escape, apprehension, or otherwise, and inquiries concerning the Department's policies and programs for inmates.

(N) In cases of the death penalty, the victim's family shall have the right to be notified by the Department of the time, date, place of the execution and that a minimum of two representatives of the family have the right to be present. Upon the filing of a victim notice and registration form by a victim, it shall be the duty of the Department to notify the victim or a family member or a witness, by certified mail, of any appeals, discharge, or parole of an inmate, as well as an escape and apprehension.

#### **Provision of Medical Care**

#### **U.S. Constitution 8<sup>th</sup> Amendment**

**Prohibition against Cruel and Unusual Punishment.** Judicially determined to include the provision of adequate medical care.

#### **La.Const. Art. 1, §20**

**Right to Humane Treatment;** Judicially interpreted to include the provision of medical, dental, mental health and rehabilitative services

#### **Americans with Disabilities Act of 1991**

Provision of and equal access to programs and services includes offenders, employees and visitors to DPSC facilities.

#### **Resolution Agreement U.S. Dept. of Justice**

Particularized agreement regarding the provision of services and opportunities to the deaf and hearing impaired offenders.

- La. R.S. 15:738** Minimum standard of living for persons housed in a correctional facility.
- La. R.S. 15:739** All incarcerated persons who is involved in an incident in which another person is exposed to an infectious disease will have blood and saliva testing to determine if the offender is tests positive for any infectious or sexually transmitted disease including AIDS, HIV, viral hepatitis, etc. Appropriate medical care and counseling shall be rendered to the indentified offenders.
- La. R.S. 15:751** All facilities housing offenders must meet the standards of health and decency as established by the state division of health.
- La. R.S. 15:760** Where large numbers of offenders are housed, DOC shall provide hospital quarters with necessary arrangement, conveniences, attendants, etc.
- La. R.S. 15:830** Treatment of mentally ill and mentally retarded inmates. DOC may institute civil commitment proceedings if warranted. In such cases, an attorney will be appointed to represent the inmate and the State shall pay the attorney fees.
- La. R.S. 15:830.1** If a mentally ill inmate refuses necessary medical treatment, DOC shall petition the court for permission to administer the medical treatment. An attorney shall be appointed to represent the offender and the State shall pay the attorney fees.
- La. R.S. 15:831** DOC shall establish and shall prescribe standards for health, medical, and dental services for each institution including preventative, diagnostic and therapeutic measures on both an outpatient and a hospital basis for all types of patients.
- No monies shall be used for medical costs associated with organ transplant or cosmetic treatment unless the need arises due to an accident or injury that was the fault of the Department.
- The Department shall reimburse a sheriff for the costs of medical treatment incurred by state inmates
- La. R.S. 15:840** DOC shall establish and maintain drug education and rehabilitation programs at all institutions.

**La. R.S. 15:894** Create, establish and operate a diagnostic and treatment center which will undertake medical, educational, psychiatric and social services for incarcerated persons.

**La. R.S. 15:895** Establishment of a geriatric correctional facility and to attempt to find ways to limit the potentially high costs and increase the efficiency and effectiveness of correctional process relative to older prisoners.

### **The Provision of Work Opportunities**

**La. R.S. 15:832** DOC shall provide employment opportunities and vocational training for all inmates.

Inmates may be compensated for such work.

Inmate labor may be used by other state agencies or boards if the appropriate contractual arrangements are made.

Inmate labor may be used for the maintenance of public facilities.

The Department shall monitor all such outside employment.

The Department shall reimburse the sheriff for the costs of keeping and feeding any inmate assigned to the sheriff's custody for outside work.

**La. R.S. 15:1111** The Department shall establish and administer a work release program.

Shall determine eligibility criteria.

Shall designate work release facilities for the housing of these offenders.

Shall establish a banking system.

Shall prepare statistical reports concerning participation in the work release program.

**La. R.S. 15: 1135** Rules regarding work release programs not operated by the Department.

### **Inmate Banking**

**La. R.S. 15: 871** The Department shall establish rules for the compensation of eligible inmates.

**La. R.S. 15: 873** The Department shall establish the rate of pay for eligible inmates.  
  
If a private employer is paying the wages, such wages are subject to state and federal taxes and mandatory deductions.

**La. R.S. 15:874** Proscribed format of the inmate's account including a savings and drawing account.

Interest earned on all inmates' personal accounts shall be placed in a general inmate welfare account.

Upon discharge or release, subject to any debts owed the Department, the inmate shall receive the accumulated sums in such installments as provided by Department regulations.

**La. R.S. 15:875** The Department is authorized to impose restitution against an offender for the actual cost incurred in damage to property, injury to self or others, escapes or attempts to escape, or for drug testing.

The amount of restitution imposed may be obtained from the offender's inmate banking account.

**La. R.S. 15:568** **Execution of Death Sentence**

**La. R.S. 15:569** The Department shall execute the offender in conformity with the death warrant issued by they Court. All executions shall be by lethal injection and shall be carried out at Louisiana State Penitentiary at Angola, Louisiana.

**La. R.S. 15:827.1** **Offender Reentry Program**

The Department shall employ a transition specialist at each state institution whose duties shall include development of a post-release plan with offenders, job placement information, a medical discharge plan, transition assistance programs, and furnishing a photo ID card before the offender's release. Offenders shall receive 100 hours of training in a mandatory pre-release orientation program. The Department shall provide entrepreneurial education that includes courses in basic business concepts.

**La. R.S. 15:828.1** **Prison Rehabilitation Pilot Program**

To the extent dedicated funding is provided, the Department shall create a program for any willing institution that includes an education station to determine each offender's most effective style

of learning and a vocational station that utilizes computer based instruction to teach basic academic skills. A dedicated case manager shall be assigned to those offenders choosing to participate in the program so that progress can be monitored. Participation by offenders is optional, but those offenders earning good time are required to participate.

**La. R.S. 15:828.2 Faith-based Programs for Inmates**

The Department shall measure the rates of recidivism for those inmates participating in faith-based programs, shall work to increase the number of volunteers ministering to inmates, and develop linkages with community churches, mosques, and synagogues.

**La. R.S. 15:828.3 Substance Abuse Counseling Pilot Program**

To the extent dedicated funding is provided, the Department shall require that every eligible offender receive substance abuse counseling. Eligible offenders are those guilty of violating the Controlled Dangerous Substances Act. The program shall be developed in conjunction with DHH. Each participating offender shall be assigned a case manager to monitor progress.

**La. R.S. 15:834.1 Free Housing for Employees**

As is cost effective, the Department shall provide free housing for employees living on the grounds of a state correctional institution.

**La. R. S. 15:866 Payment to Released Prisoners**

The Department shall provide a maintenance sum not to exceed twenty (20) dollars to offenders upon release.

**La. R.S. 15:866.1 Transportation for Released Prisoners**

The Department shall arrange for offenders to be transferred to their residence upon release.

**La R.S. 15:866.2 Disposition of Abandoned Property of Released Inmates**

Offenders shall be notified by the Department of property remaining within the Department's possession after release of the offender. Ninety days after the offender's release, unclaimed property shall be destroyed, donated to a charitable organization, or otherwise put to use within the institution.

**La. R.S. 15:1112 Reports to Law Enforcement Agencies**

The Department shall notify law enforcement agencies of any prisoner and/or parolee assigned to a work release program within that agency's jurisdiction.

**La. R.S. 15:1153 Prison Enterprises**

The Department shall operate prison enterprises to produce food and other necessary items by inmates to lower the cost of incarceration. Additionally, prison enterprises shall provide products and services to state agencies and political subdivisions. Offenders shall be provided employment opportunities by prison enterprises in accordance with law.

**La. R.S. 15:1171, et seq. Corrections Administrative Remedy Procedure (CARP)**

The Department has adopted a corrections administrative remedy procedure in accordance with relevant statutes whereby there is a procedure for receiving, hearing, and disposing of any and all complaints and grievances by offenders against the state, governor, Department, or private prison contractors. All claims seeking monetary, injunctive, declaratory relief are included. Any matter relating to a condition of confinement, personal injuries, time computations, and challenges to rules or statutes are also included. Any offender seeking judicial review of an administrative action must first seek administrative relief with the Department through CARP.

**La. R.S. 15:1181, et seq. Prison Litigation Reform Act (PLRA)**

Offenders filing delictual actions against the state shall be required by the Courts to first seek administrative relief through the Department and CARP. The Court on its own Motion or Motion of a party shall dismiss a suit if the action is frivolous, malicious, or fails to state a cause of action. The exclusive venue for delictual actions shall be in the parish where the prison is situated to which the prisoner was assigned when the cause of action arose. Damages for mental or emotional distress shall not be allowed without a prior showing of physical injury.

**La.Const. Art. 1, §19 Right to Judicial Review**

No person shall be subject to imprisonment or forfeiture of rights without a complete judicial review based upon the complete record of all evidence.

**La.Const. Art. 1, §22 Access to Courts**

Every person shall have an adequate remedy in Court by due process of law for injury to him in his person, property, and other rights.

**La. R.S. 18:171 Reports of Felony Convictions to Registrar of Voters**

The Department shall send to the Department of State certified identifying information regarding those offenders convicted of a felony. Supplemental reports that include new offenders in the Department's custody shall be forwarded to the Department of State on no less than a quarterly basis.

**La R.S. 15:543      Sex Offender Registration and Notification**

When a sex offender who is required to register is released from Department of Corrections physical incarceration or placed under parole, supervised release, or probation, the Department of Public Safety and Corrections shall:

(1) inform offender of duty to register, (2) provide community notification, (3) in person verification, (4) inform offender of the duty to give information regarding a change of address and proof of residence, (5) advise offender to notify in writing both the bureau and the law enforcement agency in the new state where the new address is located within 3 days after the offender establishes residence in the new state, (6) obtain fingerprints and the registration information required for inclusion in the state sex offender and child predator registry and a current photograph of the offender. This information shall be sent within 3 days of conviction, if not incarcerated immediately after conviction, or of release from confinement, (7) Require offender to read and sign form stating the requirements of registration and notification as well as the penalties for failure to comply were explained

The Department of Public Safety and Corrections shall provide written notifications to an individual convicted of a sex offense or criminal offense against a victim who is a minor from another state of the registration and notification requirements of Louisiana at the time the Department accepts supervision and has legal authority under the interstate compact agreement.

**La R.S. 15:543.2**      The Department of Public Safety and Corrections shall provide information to every sex offender who is under the supervision of the Department with respect to the protocol to be followed in an emergency situation. The Department shall adopt rules in accordance with the Administration Procedure Act to:

(1) establish a toll free telephone number for sex offenders to use during emergency situation, (2) give offenders information to advise him of his obligation to notify the management of an emergency

shelter of his status and obligation to report to Department of Public Safety and Corrections Probation and Parole.

**La R.S. 15:545** The Department of Public Safety and Corrections shall notify the Louisiana Bureau of Criminal Identification and Information 48 hours prior to the beginning of an authorized furlong that the named prisoner has been granted a furlough, the place to which furloughed and the dates and times during which he will be on furlough statues.

Anytime a convicted felon serving a sentence to the Department of Public Safety and Corrections is released on an order of the Board of Parole, Office of Adult Services, or is discharged from custody on expiration of sentence, the Department of Public Safety and Corrections shall notify promptly the Louisiana Bureau of Criminal Identification and Information of the conditions of his release or discharge. The Department of Public Safety and Corrections shall also notify the bureau of change of residence or conditions of release or discharge of a person on active parole supervision.

**La. R.S. 15:549** The Department of Public Safety and Corrections shall send written notice of parole, community placement, work release, furlough or escape at the earliest possible date and in no event later than 10 days before release (Exception escapee or emergency furlough) about a specific inmate convicted of a sex offense or criminal offense against a victim who is a minor to:

Chief of Police, or Sheriff where inmate will reside or be in work release.

Also if requesting in writing notice can be sent to the victim, any witnesses who testified against the inmate, or

Any person specified in writing by the prosecuting district attorney.

If the inmate convicted of a sex crime or a criminal offense against a minor victim escapes from the correctional facility, Department of Public Safety and Corrections shall immediately notify the Chief of Police and the Sheriff when the inmate resided immediately before his conviction.

If previously requested, Department of Public Safety and Corrections shall notify the witnesses and victim.

If the inmate is recaptured, Department of Public Safety and Corrections shall send notice to the above listed persons as soon as possible, but no later than 2 working days after the Department of Public Safety and Corrections learns of such recapture.

**La. R.S. 15:550** Department of Public Safety and Corrections shall implement a pilot program for certain sex and violent offenders using location, tracking and crime correlation based electronic monitoring supervision program for sex offenders and violent offenders only to the extent that funding is available.

As of 2009, no appropriation had been allocated for this program.

**La. R.S. 15:571.6** Department of Public Safety and Corrections shall forward to the Governor a report of any inmate being discharged and the reason of the diminution of sentence on any day not later than the 20<sup>th</sup> of each month.

**La. R.S. 15:571.21** All Probation supervision fees received by the Department of Public Safety and Corrections shall be deposited immediately upon receipt into the state treasury. 12% of the amount of monetary assessments imposed as a condition of Probation and Parole (not including fines, court cost, restitution or compensation to the victim or his family) shall be for disbursement to any governmental or judicial entity.

**La. R.S. 15:571.32** Department of Public Safety and Corrections shall implement a pilot program by using an alternative mode of incarceration to traditional imprisonment for executing sentences of first offenders.

**La. R.S. 15:571.34** Department of Public Safety and Corrections shall implement a pilot program using an alternative mode of incarceration to traditional imprisonment involving electronic monitoring for executing the sentences of certain elderly or infirm offenders.

This was to be implemented no later October 1, 1997, contingent upon legislative appropriation.

**La. R.S. 571.35** Department of Public Safety and Corrections shall implement a pilot program using as an alternative mode of incarceration to traditional imprisonment home incarceration with active electronic monitoring for non-violent first offenses, sex offenders, and drug charges are not eligible.

**La R.S. 571.61** Department of Public Safety and Corrections shall develop and maintain support for non government organization to operate post-release facilities designed to facilitate the reintegration of the offender into the community. One program will be in a rural area and one in an urban area.

**La R.S. 15:574.3** The Department of Public Safety and Corrections shall provide the necessary clerical and administrative personnel, equipment, office space, and facilities for the board of parole and its members.

The Department of Public Safety and Corrections shall see that every offender is interviewed and explained the Rules with respect to release on parole. The Department of Public Safety and Corrections shall prepare a pre-parole report for the Parole Board.

The Department of Public Safety and Corrections shall submit an annual report to the legislature and governor including an assessment of the intensive program, an evaluation of the program's objectives and the fiscal impact.

**La R.S. 15:574.22** The Risk Review Panel was created within the Department of Public Safety and Corrections. Three (3) panels may be created to evaluate the risk of danger to society that an offender in prison may present if released from confinement.

The panel cannot evaluate persons convicted of crimes of violence, sex crimes when victims is under 18, or habitual offenders where one or more of the crimes for which the person was convicted and sentenced under La R.S. 15:5291 is a crime of violence.

**La R.S. 574.33** Interstate Compact for adult offender supervision. Louisiana is a member and must comply with its rules and laws. This governs the uniform procedure to manage the movement between states of adults place under community supervision.

**La R.S. 644** The Department of Public Safety Corrections shall inform the person required to register the duty to register when he is released from prison, placed on probation, supervised release or under parole. (Violent offenses against police officers)

Department of Public Safety and Corrections shall within five (5) days of obtaining the information required for registration, transmit

to the bureau. Department of Public Safety and Corrections shall also record the finger prints of the offender.

- La R.S. 868** Whenever the district court appoints an attorney to represent an inmate charged with a crime alleged to have been committed while the inmate was in the actual physical custody and control of the Department of Public Safety and Corrections (emphasis added) or when an inmate escapes from the actual physical custody and control of the Department and during the period of escape, he is charged with committing a crime in the parish when the correctional institution he escaped from is located, the Department of Public Safety and Corrections shall pay the attorney fees fixed by the Court.
- La R.S. 15:179** Department of Public Safety and Corrections provides legal representation for each indigent parolee who is charged with violating the conditions of his parole. The court appoints counsel and the Department fixes and pays the reasonable compensation and reimbursement for expenses.
- La.Const. Art. 12, §7** The State shall reimburse a parish in which a state penal institution is located for expenses the parish incurs arising from crime committed in the institution or by the inmate.
- La R.S. 824.1** Department of Public Safety and Corrections, out of appropriated funds, shall annually allocate \$15,000.00 to the governing town of Jackson for employment of two (2) additional deputies due to Dixon Correctional Institution's location.
- La R.S. 13.793** Department of Public Safety and Corrections, out if it's appropriated funds shall pay annually \$6,000.00 into the salary fund of the Clerk of Court of each parish for each state adult correctional center.
- La R.S. 15:609** It is the Secretary's policy that all DNA samples shall be obtained in accordance with state statutes and the Department Regulation B-08-016 Probation and Parole as well as staff at institutions will insure DNA samples have been taken.

## ***SECTION 2: Efficiency and Benchmarking***

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### ***Identify under-performing programs that should be overhauled or eliminated***

#### **Convert Forcht Wade Correctional Center into a Substance Abuse Treatment Center and Consolidate the Skilled Nursing and Reception Operations at Elayn Hunt Correctional Center.**

Substance abuse is an underlying cause in the majority of the crimes that offenders have committed. The Department's current approach is spread throughout all institutions with no consistency in approach. The consolidation of this program at one facility will serve a vital role in our reentry efforts as our offenders reintegrate with society. In an effort to further streamline the operations of the Department and in an effort to mitigate existing and future strategic funding reductions, the Department proposes to convert Forcht Wade Corrections Center (FWCC) to a substance abuse treatment facility.

In tandem with this conversion, the Department would consolidate the reception process and the skilled nursing operations at Elayn Hunt Correctional Center (EHCC). A new Skilled Nursing Unit was completed in January of 2009 and has sat dormant due to budget constraints. By opening this facility, the Department would increase the number of beds available for this program, provide a more efficient approach, and reduce costs to again meet its budget reductions for Fiscal Year 2009 -2010.

The scope of this plan encompasses DPS&C-CS' efforts in the following areas:

- Convert and appropriately staff FWCC to function as a substance abuse treatment facility;
- Consolidate the reception and diagnostic operations at EHCC;
- Use the J. Levy Dabadie Correctional Center (JLDCC) as a reception transfer point for the northern part of the state; and,
- Appropriately staff both security and medical functions to open the Skilled Nursing Unit at EHCC.

The timeline for this plan assumes an October 15, 2009 implementation date.

## Converting Steven Hoyle Rehabilitation Center into a Female Facility Operated By the Madison Parish Sheriff's Department

In August of 2008 the Department proposed the sell of the Steve Hoyle Rehabilitation Center (SHRC) to a private party. The benefit was twofold:

- Relief from debt service of approximately \$2.5 Million per year, and
- Closure of a facility that had a significantly higher per-diem cost when compared to all other institutions, resulting in an additional annual savings in excess of \$10 Million.

SHRC is currently owned by the Louisiana Correctional Facilities Corporation (LCFC). In March of 2009, the facility was advertised for bid on March 19, 2009, by the LCFC. The bid closing date as advertised as April 30, 2009. On the bid close date, no bids were received. At the April 30, 2009, the LCFC approved a second advertisement for bid with a bid closing date of June 8, 2009. Again, no bids were received.

DPS&C-CS transitioned the facility to a female reentry facility and prison operated by the Madison Parish Sheriff's Department (MPSD) on July 27, 2009.

This was the best option for the following reasons:

- Falls in line with Governors initiative on re-entry on the local level;
- Provides much needed services to females on the local level (the population on local level is 1300 females in 40 different local facilities);
- The Department has applied for \$750,000 in federal Second Chance Act Funds in which we will be notified of the outcome in September;
- Assures continuity of operations of the facility at a significant reduction in the cost and provides the jobs in the region that fulfills our commitment to the local legislative delegation; and,
- Reduces recidivism amongst the female population

The State's budget for operating the facility is outlined below. It should be noted that the expenses incurred under the Louisiana Housing of State Adult Offenders (LHSA) are considered a "wash" when operating the facility as the State is already incurring those expenses at other facilities. As such the true cost to operate is \$3.655 Million. The result is an annualized **savings of approximately \$8.9 Million when compared to the option of operating SHRC as a state run facility.** The cost savings of this effort have been factored into the Department's Fiscal Year 2009 – 2010 operating budget. Furthermore, when the previous per inmate per day cost of \$123.99, is compared against the projected per inmate cost per day of \$43.04, a significant gain in efficiency is evident

<b>Category</b>	<b>Cost</b>
LHSAO	\$4,780,562
Reentry	\$525,000
ORM	\$500,000
Maintenance	\$130,000
Debt Service	\$2,500,000
<b>TOTAL</b>	<b>\$8,435,562</b>

<b>TRUE COST</b>	<b>\$3,655,000</b>
(less LHSAO)	

Per-inmate-per day	<b>\$43.04</b>
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The costs to transition and operate the facility for the first year was included in House Bill 1 as follows

- \$2 Million to operate and transition the facility to MPSD was placed directly in the Department’s schedule (8\_413)
- \$431,000 was placed under the LHSAO schedule (20\_451) for use in the Reentry program, and
- \$2.5 Million was placed in the Department’s debt service schedule (20\_923).

### **Use of Technology in Tower Operations**

In order to meet the strategic reductions set out in the Fiscal Year 2009 – 2010 budget, the Department is replacing security officers in towers with video surveillance. The video feed would be simultaneously and continuously monitored at different locations in the facility to include roving security accompanied by a canine. In conjunction with the cameras, the Louisiana State Penitentiary will be installing “shaker” fences that alarm when a certain amount of pressure is applied. The States of Arkansas and Mississippi employ a similar approach, though both use lethal fencing in certain locations as well.

The Department would focus four institutions as follows in priority order with estimated costs:

<b>INSTITUTION</b>	<b>COST</b>
Louisiana State Penitentiary (LSP)	\$1,300,000
Avoyelles Correctional Center (AVC)	\$200,000
Winn Correctional Center (WNC), and	\$180,000
Allen Correctional Center (AVC)	\$180,000
	<b>\$1,860,000</b>

The estimated annual savings realized per institution as a result of a reduction in personnel are as follows:

<b>INSTITUTION</b>	<b>SAVINGS</b>
Louisiana State Penitentiary (LSP)	\$4,600,000
Avoyelles Correctional Center (AVC)	\$1,000,000
Winn Correctional Center (WNC), and	\$300,000
Allen Correctional Center (AVC)	\$300,000
	\$6,200,000

### **Transporting Offenders to Court**

It has long been the practice of the Department to provide the transportation of offenders to and from court hearings. The Department spends almost \$10 Million a year in transporting offenders for both medical and court trips. The Department is currently implementing video court for the parishes that request the presence of offenders the most. DPS&C-CS has implemented this service for four institutions in Orleans Parish, East Baton Rouge, and Lafayette Parish with great success (Terrebonne Parish will be added in the very near future). The Department will expand this to other institutions and Parish Courts and expects to realize substantial savings.

### **Regionalization of Business Office Staff**

For so long, institutions have operated as islands. Each institution has HR Staff, Accountants, Purchasing Officers, Classification and Records, and other administrative staff. DPS&C-CS is currently researching the effectiveness and cost savings associated with consolidating these like business functions at the regional level (there are currently three regions).

### **Sentencing Guidelines**

It is critical that we consider the price we are paying to maintain current levels of incarceration. Corrections expenditures compete with and diminish funding for education, public health, public safety, and other programs specifically designed to reduce the prison population. On a national level, between 1985 and 2000, state corrections spending grew at six times the rate of higher education spending. According to the Sentencing Project, on a national basis 82% of those sentenced to state prisons in 2004 were convicted of non-violent crimes.

In 2008, Act 629 re-enacted the Louisiana Sentencing Commission. The Louisiana Sentencing Commission is charged with the responsibility of reviewing the State's sentencing structure and reporting its findings to the Legislature by March 2010. The Sentencing Commission is established pursuant to La. R.S. 15:321 and is comprised of representatives appointed by the Governor, representatives of the Legislature, and representatives of the Judicial system. We can better serve and protect Louisiana's citizens by launching a contemporary review of Louisiana's criminal justice system which will improve public safety, be cost-effective to Louisiana taxpayers, and will result in fairness in the implementation of the criminal justice system.

It's important that we recognize the need for prisons for the most dangerous offenders. The safety and security of our communities, the fair and proper administration of justice are issues of critical importance to the work of the Louisiana Sentencing Commission.

Two underlying principles should be considered in shaping any recommendation: 1. the safety and security of communities and, 2. the fair and proper administration of justice. In other words, balancing the rights of the accused to fair and equitable treatment with the victims seeking justice through appropriate sanctions, while ensuring the safety needs of Louisiana communities.

The following is a non-exclusive listing of preliminary areas that should be reviewed:

- Evaluate the current classification and sentencing structure of felony offenses, especially as they relate to non-violent minor felonies and sentencing alternatives.
- Review the current structure and procedures of the Pardon and Parole boards.
- Review and evaluate the state's drug policies in relation to sentencing guidelines and prison population. Seventy-eight percent (78%) of the prison population is serving sentences for offenses that are related to drug activity.
- Review the parole eligibility requirements and prohibitions for non-violent crimes.
- Evaluate and determine feasibility of unsupervised discharge of non-violent first offenders for good behavior.
- Conduct a comprehensive study to evaluate the diminution of sentence (good time) statutes and formulate legislation to make good time consistent and less complicated.

- Study and recommend alternatives to long-term supervision of parolees for non-violent crimes taking into consideration Probation and Parole's available resources.
- Provide a cleansing period for non-violent felony convictions for purpose of parole eligibility.
- Review and propose statutory revisions to allow re-sentencing of certain offenders to a reduced sentence length after a determinate period of time.
- Review possibility of reducing some non-violent felonies to misdemeanors.

It should be noted that any recommendation that effects the prison population at the entry point such as changes in sentencing structure or provisions for substance abuse treatment programs, will not have an immediate impact on reducing prison population.

## ***SECTION 3: Outsourcing And Privatization***

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### ***Current Outsourcing***

The Department currently has two large outsourcing projects:

- **State Institutions:** The Department currently contracts with two private companies to operate two of the State prisons housing adult male offenders. DPS&C-CS contracts with Corrections Corporation of America (CCA) to operate Winn Correctional Center and with the GEO Group to operate Allen Correctional Center. Both institutions house 1,461 inmates. The budget for each institution is \$17.8 Million.
- **Kidney Dialysis:** The Department currently contracts with Fresenius in outsourcing the dialysis for all offenders who need treatment. The department spends \$2.3 Million per year and is currently treating 60 offenders.

### ***Under Review***

The Department currently has three Request For Proposal (RFP) out for the privatizing of services. The subjects of the RFPs are:

- **Food Services:** The RFP for this service comprised a complete outsourcing of all aspects of food services. The Department issued the RFP to determine if outsourcing would provide cost savings. The Department is currently comparing the costs contained in the proposals to its actual program costs.
- **Pharmaceutical Services:** This RFP covers all aspects of the Department's pharmacy operations to include personnel and management costs and pharmaceuticals cost. It is estimated that by outsourcing this function, the department could save in excess of \$1.2 Million on personnel costs. The costs and bulk savings of the pharmaceuticals will be a direct pass on to the Department and should be cost neutral.
- **Energy Conservation (ESCO):** This proposal involves installing energy efficient equipment and best practices to conserve energy and therefore reduce costs. The goal of this project and the proposers is to implement an energy saving plan and use the savings to pay the indebtedness necessary to purchase the equipment.

As of the writing of this report, the Department has received and is evaluating proposals for all three RFPs.

## ***Future Consideration***

Other areas to be explored at a later date include:

- **Medical Services and Mental Health Services:** Similar to our Pharmaceutical Services outsourcing project, this would constitute a whole or partial outsourcing of these services.
- **Collection of Probation and Parole Fees:** The Department is considering privatizing the collection of fees that is currently handled by Probation and Parole Officers. Officers currently spend approximately 30% of their time on the collection of fees, including supervision fees. These fees are important to the Department as they constitute about 25% of Probation and Parole's budget. The use of a private agency to handle the collection of all fees would allow for more of an officer's time to be devoted to supervision, thus enhancing public safety in our community.
- **Substance Abuse Treatment at Forcht Wade Correctional Center:** The consolidation of substance abuse treatment at one facility will serve a vital role in our reentry efforts as our offenders reintegrate with society. In an effort to further streamline the operations of the Department and in an effort to mitigate existing and future strategic funding reductions, the Department proposes to convert Forcht Wade Corrections Center (FWCC) to a substance abuse treatment facility. Possible further savings might be realized by privatizing this operation.

## **SECTION 4: Information Technology Integration**

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### **Outdated Information Systems**

The Department's main database (CAJUN) was designed over 20 years ago. Although a stable platform, it is near impossible to integrate with modern systems. DPS&C-CS collects a lot of data on our offender population; however, with CAJUN incompatible with most data management tools, we are not able to turn all that data into knowledge. The Department is undertaking a piecemeal approach to converting the system over to the more modern platform of dB2. Though less costly, this approach will take more time. The Department is contracting with a third party to assist us in analyzing the data that we possess in order to help us utilize the data to make sound business decisions.

DPS&C-CS is currently not on the statewide e- system (la.gov). The biggest problem this causes is the Department can't take advantage of the full functionality of ISIS. Of major concern is the inability to use the management self service function that automates time entry, leave, and overtime accumulation. The Department still relies on a paper based system that is person intensive. In fact, at some institutions, we have security officers inputting time and attendance resulting in an inefficient use of resources. The Department is working with the Office of Information Technology to transition DPS&C-CS to the statewide e-mail in Fiscal Year 2010 – 2011 and is contingent on funding approval for \$400,000.

## **SECTION 5: Elimination of Duplicative & Unnecessary Services**

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### ***List the activities that fall outside of mandates***

The mission of the DPS&C-CS is straightforward. There are no activities that fall outside of its mandate.

### ***Identify outdated activities that should no longer be part of the mission of DPS&C-CS***

The mission of the DPS&C-CS is straightforward. There are no mandated activities that should no longer be a part of its mission.

### ***Identify duplication or overlap***

Though there is not true duplication of efforts, the department does see a transition overlap with other entities in regards to its reentry efforts. DPS&C-CS has developed strong collaborations with state agencies, including:

- Louisiana Workforce Commission: The Commission has provided funding for the department to acquire vocational training trailers for our institutions and for our planned Reentry program sites. LWC has also aided our efforts by identifying labor needs in our regions of the state.
- Louisiana Career and Technical College System: LCTS provides vocational training as an integral part of the Reentry Program
- Department of Education: DOE provides funding and guidance for our education efforts.
- Department of Social Services: DSS is integral in our continuum of care for substance abuse.
- Department of Health and Hospitals: DHH is integral in our continuum of care for mental health treatment.

Each organization has a liaison that identifies ways in which their agency can contribute to offender management and reentry. Hundreds of volunteers provide a multitude of services within the Department's correctional institutions. We also work with many community and faith-based organizations, employers, treatment providers, victims' organizations and offender support groups.

## **SECTION 6: Civil Service and Employee Benefits**

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Current initiatives or ideas related to employee benefits, hiring and promotion, and other employee regulations:

- **Pay For Performance:** The current Performance Planning and Review process should be revisited in order to provide for a truly objective pay-for-performance program. The Department of State Civil Service is currently working on this project. DPS&C-CS staff will be participating with Civil Service in the development of this initiative.
- **Workforce Development:** The goal of the Department's workforce development initiative is to ensure the right people are in the right position at the right time performing the right role in order to achieve the Department's mission. It is intended to better prepare the agency to:
  - Plan ahead to avoid workforce shortages;
  - Create and maintain a steady supply of well qualified prospects; and,
  - Enhance, manage and retain the workforce currently in place.

To that end, DPS&C-CS will utilize existing programs and efforts as well as develop new approaches to include needs assessments, recruitment, placement, training, engagement, retention, and succession planning.

In order for the Department's Workforce Development Plan to succeed, it must have:

- Commitment from the Executive and Management Staff;
- Goals that are clear and easily communicated; and,
- Objectives and strategies that demonstrate value to both the employee and the agency.

Simply put, workforce planning and development is essential to the Department to accomplish its mission, goals, and objectives.

- **Education Enhancement:** The Department fully understands the role that continuing education plays in the success of its workforce development efforts. The Department is formulating a proposal to increase the formal education level of its employees by providing for a pay increase once an employee receives either an Associate's or Bachelor's Degree. The employee will pay the tuition costs which can be financed through the Department of Corrections Credit Union.

## **SECTION 7: Studies and Other Resources**

Each year the Department participates in a study that compares the correctional systems of the 16 southern states. The complete report can be viewed at <http://lfo.louisiana.gov/publications>.

Information of interest in the report includes:

- Louisiana leads the region in inmates per 100,000 population

STATE INMATES HOUSED IN STATE AND LOCAL JAILS  
 (As of July 1, 2008)

STATE	STATE INMATES		Total State Inmates	Total State Inmates Per 100,000 Pop.*	Rank in SLC
	State Facilities	Local Jails			
ALABAMA	25,901	1,435	27,336	590.7	5
ARKANSAS	13,293	1,313	14,606	515.2	9
FLORIDA	98,128	64	98,192	538.0	8
GEORGIA	53,560	0	53,560	561.1	7
KENTUCKY	14,306	7,360	21,666	510.8	11
LOUISIANA	20,929	17,208	38,137	888.3	1
MARYLAND	22,804	134	22,938	408.3	15
MISSISSIPPI	23,806	1,999	25,805	884.1	2
MISSOURI	29,997	0	29,997	510.3	12
NORTH CAROLINA	39,326	0	39,326	434.0	14
OKLAHOMA	24,614	692	25,306	699.6	3
SOUTH CAROLINA	24,600	399	24,999	567.2	6
TENNESSEE	19,235	7,894	27,129	440.6	13
TEXAS	156,513	1,894	158,407	662.7	4
VIRGINIA	34,246	5,359	39,605	513.5	10
WEST VIRGINIA	4,965	1,138	6,103	336.8	16
TOTAL	606,223	46,889	653,112	568.5	

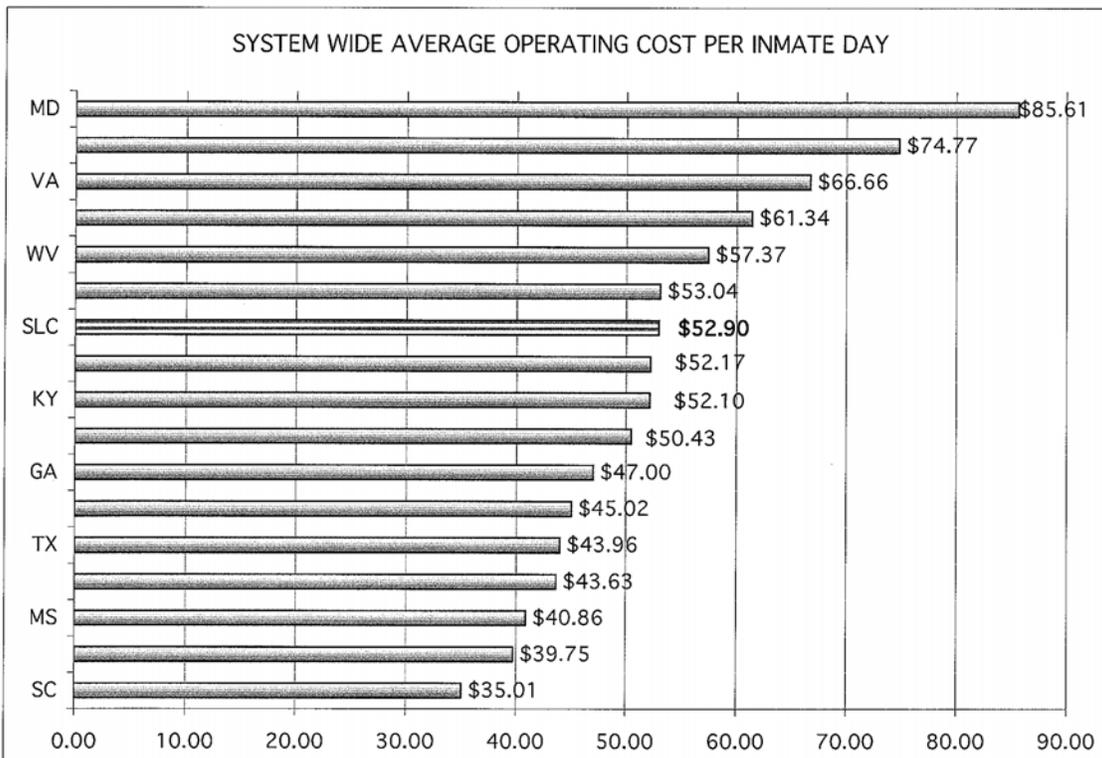
\* Population data from U.S. Census Bureau, Population Division.

- Louisiana ranks first in the region in the number of offenders housed at the local level

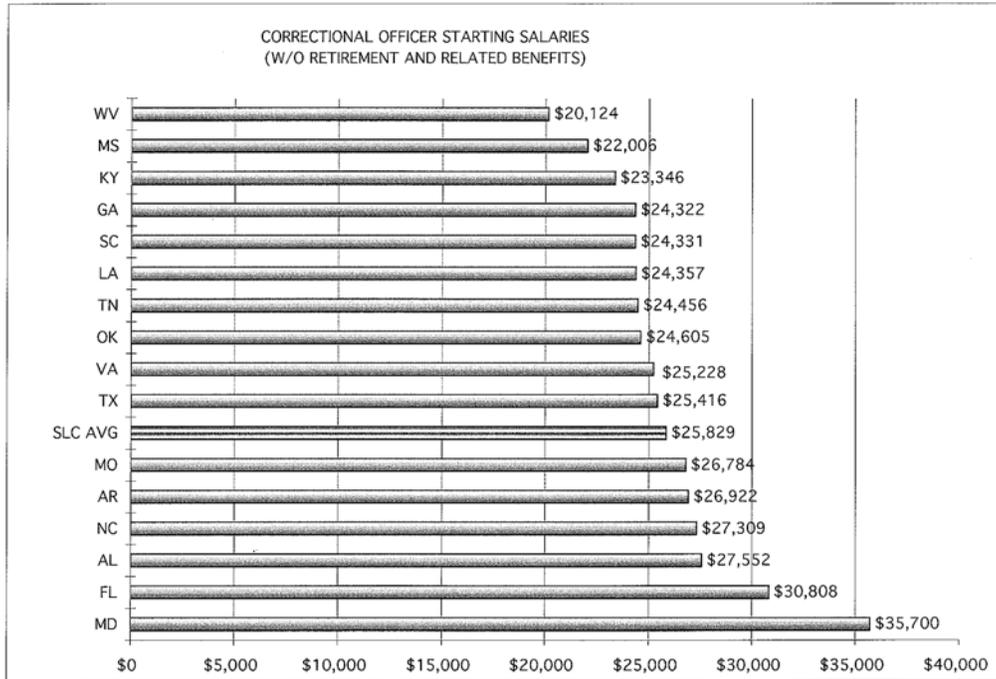
UTILIZATION OF LOCAL JAILS  
 (as of July 1, 2008)

STATE		Total Local Jail Population	Max. Design Capacity	Percent of Capacity	No. of State Inmates	STATE PAYMENT PER	
						Inmate Day	Inmate Year
ALABAMA	(a)	unknown	unknown	N/A	1,435	\$1.75	\$639
ARKANSAS	(b)	unknown	unknown	N/A	1,313	\$21.50	\$7,848
FLORIDA	(c)	unknown	N/A	N/A	64	N/A	N/A
GEORGIA		0	0	0	0	\$0	\$0
KENTUCKY		17,962	18,280	98.3%	7,360	\$30.94	\$11,293
LOUISIANA	(d)	38,871	38,871	100.0%	17,208	\$22.58	\$8,242
MARYLAND		N/A	N/A	N/A	134	\$68.95	\$25,167
MISSISSIPPI	(e)	1,999	1,733	115.3%	1,999	\$20.50	\$7,483
MISSOURI		0	0	0	0	\$0	\$0
NORTH CAROLINA		0	0	0	0	\$0	\$0
OKLAHOMA		N/A	N/A	N/A	692	\$33.89	\$12,370
SOUTH CAROLINA		13,137	10,970	119.8%	399	N/A	N/A
TENNESSEE	(f)	26,186	28,026	93.4%	7,894	\$45.53	\$16,618
TEXAS	(g)	71,402	86,702	82.4%	1,894	\$39.91	\$14,567
VIRGINIA	(h)	27,994	18,528	151.1%	5,359	\$14.00	\$5,110
WEST VIRGINIA		N/A	N/A	N/A	1,138	\$48.50	\$17,703
Total		197,551	203,110	97.3%	46,889	\$31.64	\$11,549
Average							

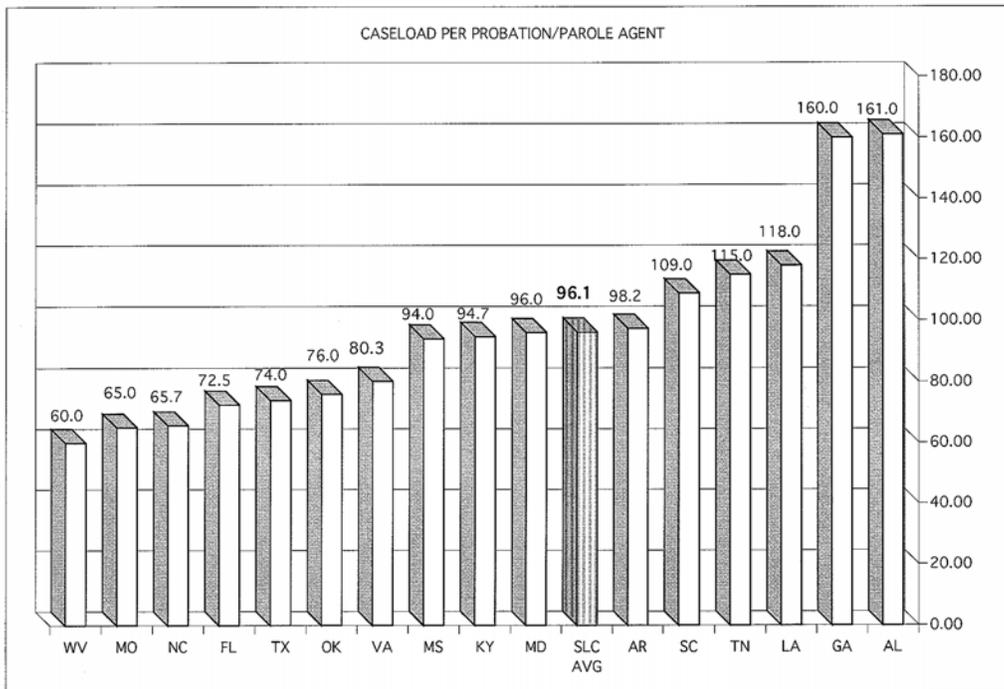
- Louisiana is second in the region in per inmate per day cost



- Louisiana ranks sixth lowest in salaries



- Louisiana ranks 3<sup>rd</sup> highest in cases per probation/parole agent



## **SECTION 8: Agency Best Practices**

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### ***Reentry At The Local Level To Reduce Recidivism***

As noted previously, In FY 2009 – 2010, the Department allocated funding to open two regional reentry programs by partnering with local Sheriffs in Caddo and Orleans Parishes. The reentry program in Caddo Parish became operational in July 2009 and the Orleans site will be operational by December 31, 2009. In addition, the Department has partnered with the Sheriff of Madison Parish to operate a reentry program for female offenders that will become operational in the near future.

The Department's Local Reentry efforts have garnered national attention as a best practice from the Vera Institute of Justice in its latest publication, "The Fiscal Crisis in Corrections: Rethinking Policies and Practices."

### ***Energy Savings and Conservation***

The Department's ESCO project will provide energy efficient equipment and best practices to conserve energy and therefore reduce costs. The department will implement its energy saving plan and use the savings to pay the indebtedness necessary to purchase the equipment.