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# Joint Sunset Committee



## Council on Correction

### 2018 Draft Report

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December 2017

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**A NOTE ABOUT THIS DRAFT REPORT**

The information provided in this report is taken from the Joint Legislative Oversight and Sunset Committee Performance Review Questionnaire, as it was completed by the agency under review. When appropriate, the Analyst who prepared this report made minor changes to grammar and the organization of information provided in the questionnaire, but no changes were made to the substance of what the agency reported. Any points of consideration which arose in analyzing the questionnaire and compiling this report are addressed in the section titled Additional Research from the Analyst. It is the intent of the Analyst to make any substantive changes which may be required, as the result of findings made through the review processes, in the final version of this report.

The statutes governing and applying to the agency under review are included as Appendices to this Draft Report. They are included only as a reference for Joint Legislative Oversight and Sunset Committee members, and may not be included in the Final Report.

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## **AGENCY HISTORY**

In 1975, through Senate Bill 487, the legislature removed the Division of Corrections from the Department of Health and Social Services and established it as an independent agency named the Department of Correction (“Department”). At that time, an 11 member advisory Council on Corrections (“Council”) was created. The Council was charged with serving in an advisory capacity to the Commissioner of the Department of Correction and to consider matters relating to the development and progress of the correctional system of Delaware.

In 2014, the Council was re-established with Senate Bill 256.<sup>1</sup> Modifications were made including a reduction in members from 11 to 7, and a requirement to meet no less than 6 times per year.<sup>2</sup>

## **JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE REVIEW HISTORY**

The Joint Legislative Oversight and Sunset Committee (“JLOSC”) has never reviewed the Council.

## **COMPOSITION & STAFFING OF THE COUNCIL**

### **Composition:**

The Council is composed of 7 members appointed by the Governor for terms up to 3 years to allow that no more than 3 members’ terms expire in any year. The Council members elect a Chair and Vice Chair of the Council on an annual basis. Three new members were appointed in October 2017, and four members are serving on expired terms.<sup>3</sup>

### **Compensation:**

The members are not compensated for the services they provide to the Council, but they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

### **Member Training:**

Council members do not receive training.

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<sup>1</sup> The record does not indicate any of the circumstances that led to re-establishing the Council.

<sup>2</sup> There has been acknowledgement that the Council has not been acting in the advisory role that was intended. The Governor’s office made new appointments to the Council, which has resulted in a renewed commitment to the Council.

<sup>3</sup> See Appendix D for the Council’s member roster.

**Staffing:**

Delaware Code does not require the Department to provide staff. In practice, the Department provides the Council with 1 merit employee. The Deputy Commissioner of Corrections also works with the Council.

Name & Title	Responsibilities	Percentage of Time Devoted to Responsibility
Jayme Gravell, Chief of Media Relations	To serve as the primary liaison, assist in scheduling meetings and taking minutes, contact Council members when needed, post agenda and minutes to the State’s Public website.	5%
Alan Grinstead, Deputy Commissioner	Represents the Department at Council meetings, and responds on the Department’s behalf.	5%

**MISSION & RESPONSIBILITIES**

Under Title 29, statutory mission of the Council is to serve in an advisory capacity to the Commissioner of Correction. Section 8905(b) of 29 Del. C. states:

The Council on Correction shall serve in an advisory capacity to the Commissioner of Correction and shall consider matters relating to the development and progress of the correctional system of this State. The Council shall consider such other matters as may be referred to it by the Governor, the Commissioner, and the Chief of the Bureau of Adult Correction. The Council may study, research, plan, and advise the several chiefs, the Commissioner, and the Governor on matters it deems appropriate to enable the Department to function in the best manner. The Council shall consider matters relating to the development and progress of the adult correctional system of this State, including correctional facilities and services provided to adult offenders.<sup>4</sup>

**Complaints**

The Council receives complaints from members of the public regarding inmate medical issues, inmate treatment, delay of inmate release, and inmate grievance process. No specific data, such as a number of complaints reviewed, investigated, or forwarded to the Department’s Deputy Attorney General are available. No formal process exists for determining disciplinary actions.

National Organizations or other Government Entities (that serve as an information clearinghouse or regularly interact with the Board)		
Group or Association Name/Contact Person	Address	Phone Number Fax Number Internet Address
Department of Correction	245 McKee Road Dover, DE 19904	Phone: 302.739.5601 <a href="http://www.doc.delaware.gov">http://www.doc.delaware.gov</a>

<sup>4</sup> See Appendix A for governing statute 29 Del. C. §8901-§8914



### **ENACTED LEGISLATION IMPACTING THE COUNCIL**

On July 31, 2014, Senate Bill 256 re-established the Council on Correction. This Bill modified the size of the council in an attempt to ensure a quorum and allowed the Council to elect a Chair.

### **PENDING LEGISLATION**

There is no pending legislation that would impact the Council at this time.

### **ADMINISTRATIVE PROCEDURES ACT COMPLIANCE**

The Council does not promulgate rules or regulations and there are no plans to develop any rules or regulations specific to Corrections.

### **FREEDOM OF INFORMATION ACT (“FOIA”) COMPLIANCE**

The Council has not had any complaints alleging that they have violated FOIA.

The Department, in coordination with the Department’s Deputy Attorney General, and FOIA Coordinator, handle all FOIA requests made of the Council.

Meeting agendas are posted on the Delaware Public Meeting Calendar. Minutes are prepared for the Council’s approval at their next regularly scheduled meeting. The Council conducted one executive session, in January 2015.

### **FISCAL INFORMATION**

The Council does not collect fees or fines. No fiscal information is provided, due to no revenue or expenditures. Council members are reimbursed through the Department’s budget.

### **ACCOMPLISHMENTS**

The Council encouraged the Department to expand the culinary arts program and supported the I-ADAPT Re-entry Initiative. The Council researched a dog training program and made a recommendation to the Department to institute a dog training program.<sup>5</sup> The Department continued with its own research, and for a brief time instituted a dog training program at two of its institutions. For various reasons, neither of those dog training programs have continued, but, the Department has developed a relationship with the SPCA and provides a work crew from Hazel Plant Women’s treatment center. Hazel Plant Women’s treatment facility, and Plummer Community Correctional Center both have foster dogs.

### **CHALLENGES**

The Council has had problems achieving quorum. Recent changes to membership have addressed this issue, and the Council has made quorum at their most recent meetings. The Council is not assigned a Deputy Attorney General. Until recently, no administrative support was assigned to the Council. The Council does not receive any training.

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<sup>5</sup> According to minutes from early 2014, the Council discussed the topic of service dogs. No details were provided in minutes regarding the amount of research, or how the Council advised the Department on this topic.

**OPPORTUNITIES FOR IMPROVEMENT**

- Development and online posting of Council by-laws.
- Establish clear mission, objectives, and goals of the Council.

**ADDITIONAL COMMENT FROM THE JOINT SUNSET ANALYST**

Although there are a number of matters addressed in this section, it should be noted that recent appointments to the Council have reinvigorated the Council, which intends to correct many of the matters addressed here.

1. Clarification of the Department’s role with the Council. The Council did not provide evidence of studies, research, plans, or advice to chiefs, the Commissioner, or the Governor on matters related to Delaware’s correctional system, despite their statutory requirement to perform these. If the Commissioner is to have an active role in the Council, consider amending the statute to include the Commissioner as a Secretary of the Council.<sup>6</sup>
2. Documentation of Council activity through minutes. It is unclear if inactivity prompted re-establishment of the Council through SB 256 in 2014, which also reduced the size of the Council from 11 to 7. In fact, there is very little information available regarding the Council from 1975 to 2014. Compiling information for the Committee to review the Council proved to be a challenge.

Minutes were provided as follows:

2013	2014	2015	2016	2017
November	March	January	April	May
	May	May	Informal mtg. June	June
	July	July	Informal July mtg.	July (JLOSC staff handwritten notes were used as minutes)
	November	December	August	August
			October	

Of the minutes that were provided, meetings were often without a quorum. The Council has not maintained minutes in a manner consistent with FOIA.

There was a discussion as early as 2013 regarding the need for by-laws. According to November 2014 minutes, the Council developed and approved by-laws as evidenced in the November 2014 meeting minutes.<sup>7</sup> At the October and November 2017 meetings, there was no consensus whether previous draft by-laws were ever adopted. The Council is currently working to develop by-laws.

The Council has faced challenges, many of which are noted in several recent news articles.<sup>8</sup> The articles note the Department’s lack of participation in Council meetings, as well as lack of overall guidance. There appears to be no documented recommendations from the Council to the Department. Minutes

<sup>6</sup> In Illinois, statute names the Director of Corrections as Secretary of the Advisory Board. See 730 ILCS 5/3-2-6.

<sup>7</sup> See Appendix B for by-laws drafted previously.

<sup>8</sup> See Appendix C for media coverage.

from the January 2015 meeting recommend the Council’s “annual report” be sent to the Correctional Committees; however, there is no evidence of annual reports.<sup>9</sup>

3. The Committee may wish to address the Council’s role with the public. Members of the public view the Council as a connection to the Department and take the Council meetings as an opportunity to air concerns that they believe will be communicated to the Department in order to improve issues within the correctional system in Delaware. The Council may wish to make it clear to the public, through stated objectives, how it will treat public input. Members of the public are often told to “send a letter to the Council, and we will forward it to the Department.” It is not clear how this is beneficial versus sending a letter to the Department themselves.

4. Council training: The Council would benefit from administrative support, an assigned Deputy Attorney General, and focused training opportunities. Recommended training topics are:

- Council Organization.
- Council Responsibilities.
- Council Engagement with the Department and Public.
- FOIA.
- Goal Development.
- By-laws Development.

Please note that, as of the writing of this draft report, three new council members have been appointed.<sup>10</sup> Recent meetings show support for immediate work on drafting by-laws.

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<sup>9</sup> The Council’s governing statute does not require the Council to create an annual report. It is unclear why Council minutes reference an annual report or what it should address.

<sup>10</sup> See Appendix D for Council’s member roster.

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**APPENDIX A**

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# TITLE 29

## State Government

### Departments of Government

#### CHAPTER 89. DEPARTMENT OF CORRECTION

##### Subchapter I. General Provisions

###### **§ 8901 Established.**

The Department of Correction is established.

[60 Del. Laws, c. 251, § 14.;](#)

###### **§ 8902 Appointment, qualifications, etc., of Commissioner; bureau chiefs; Acting Commissioner.**

(a) The administrator and head of the Department shall be the Commissioner of the Department of Correction, who shall be a person qualified by training and experience to perform the duties of the office. The Commissioner shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor. The Commissioner shall be paid an annual salary as approved by the General Assembly. The Commissioner of the Department of Correction shall become a bona fide resident of the State within 6 months after his or her appointment; provided, however, that upon good cause shown, the Governor may grant an additional extension of 6 months. After becoming a resident of the State, the Commissioner of the Department of Correction shall continuously be a resident of the State as long as he or she retains the office. Failure to obtain or retain such residency shall serve to terminate said office.

(b) In the event the position of Commissioner is vacant, the Governor, by appointment, shall have the power to fill the position or positions of bureau chief as are vacant. Chiefs so appointed shall serve at the pleasure of the Governor, and, upon the position of Commissioner being filled, such chiefs may be removed from office by the Commissioner with the written approval of the Governor.

(c) In the event of death, resignation, temporary incapacity or removal of the Commissioner and prior to the appointment of a successor, the Governor may appoint the chief of any bureau of the

Department to serve as Acting Commissioner. The Governor may during the Commissioner's absence from the State appoint the chief of any bureau of the Department to serve as Acting Commissioner during such absence. In either case, the Acting Commissioner shall have all the powers and perform all the duties and functions of the Commissioner during such absence or incapacity or until the successor is duly qualified and appointed.

[60 Del. Laws, c. 251, § 14](#); [70 Del. Laws, c. 186, § 1](#); [72 Del. Laws, c. 140, § 9](#); [78 Del. Laws, c. 305, § 4](#);

### **§ 8903 Powers, duties and functions — Commissioner.**

The Commissioner shall:

- (1) Supervise, direct and account for the administration and operation of the Department, its bureaus, subbureaus, offices, functions and employees;
- (2) Appoint and fix the salary, with the written approval of the Governor, of the chiefs of the Department's Bureaus and other office heads, who may be removed from office by the Commissioner with the written approval of the Governor, and who shall have such powers, duties and functions in the administration and operation of the Department as may be assigned by the Commissioner.
- (3) Appoint such additional personnel as may be necessary for the administration and operation of the Department within such limitations as may be imposed by law;
- (4) Establish, consolidate, abolish, transfer or combine the powers, duties and functions of the bureaus, subbureaus and offices within the Department as the Commissioner, with the written approval of the Governor, may deem necessary, providing that all powers, duties and functions required by law shall be provided for and maintained;
- (5) Make and enter into any and all contracts, agreements or stipulations, and retain, employ and contract for the services of private and public consultants, research and technical personnel and to procure by contract, consulting, research, technical and other services and facilities, whenever the same shall be deemed by the Commission necessary or desirable, in the performance of the functions of the Department, and whenever funds shall be available for such purpose. All necessary legal services shall be provided pursuant to Chapter 25 of this title;

- (6) Delegate any of the Commissioner's powers, duties or functions to a chief of a bureau, except the power to remove employees of the Department or to fix their compensation;
- (7) Establish and promulgate such rules and regulations governing the administration and operation of the Department as may be deemed necessary by the Commissioner and which are not inconsistent with the laws of this State;
- (8) Maintain such facilities throughout the State as may be required for the effective and efficient operation of the Department;
- (9) Adopt an official seal or seals for the Department;
- (10) Adopt a plan for use of personnel within the correctional system;
- (11) Adopt a plan to identify and classify very low risk inmates convicted of misdemeanors and sentenced to serve no more than 24 months of incarceration and to provide an ongoing list of such inmates eligible for release to alternative programs of punishment which do not include incarceration. Such plan shall include a provision that all inmates sentenced to serve no more than 24 months of incarceration shall be so identified and classified within 90 days of their commitment to an institution supervised by the Department;
- (12) Devise and adopt a plan to provide weapons training to all probation and parole officers. Such plan shall include an option for each such officer to carry a firearm, after successful completion of a course in weapons, during work in the field. Said course of training shall meet or exceed the standards established by the Council on Police Training. Such plan shall be in operation no later than September 15, 1992; and
- (13) Upon an order of the court directing the Department to debit moneys in an inmate account in accordance with Chapter 88 of Title 10, the Department shall, to the extent adequate funds are available, transfer such moneys to the court. To the extent an inmate's account does not have adequate funds to comply with the court's order, the Department shall debit the inmate's account for future payment to the court. The Department shall retain records of an inmate's account upon the release of the prisoner from the custody of the Department if such account has a negative balance pursuant to a court order under Chapter 88 of Title 10. The outstanding balance of such an account shall be reinstated should that person be committed to the custody of the Department at some future time. Notwithstanding the above, no court order pursuant to Chapter 88 of Title 10, shall have priority over charges or debits pursuant to § 6536(b) or (c) of Title 11.

[60 Del. Laws, c. 251, § 14](#); [61 Del. Laws, c. 15, §§ 1, 2](#); [62 Del. Laws, c. 283, § 1](#); [64 Del. Laws, c. 108, § 15](#); [64 Del. Laws, c. 304, § 1](#); [68 Del. Laws, c. 414, § 1](#); [70 Del. Laws, c. 186, § 1](#); [70 Del. Laws, c. 411, § 2](#); [78 Del. Laws, c. 305, § 4](#);

#### **§ 8904 Powers, duties and functions — Department.**

The Department of Correction shall have the powers, duties and functions as follows:

(1) To perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in:

The Division of Corrections, pursuant to Chapter 79 of this title, which was vested with the powers, duties and functions which were previously vested in:

- a. The Department of Correction and the Board of Correction pursuant to Chapters 43 and 65 of Title 11;
- b. [Repealed.]

(2) The Department of Correction shall furnish the Board of Parole adequate office facilities and supplies to properly perform its duties pursuant to Chapter 43 of Title 11.

[60 Del. Laws, c. 251, § 14](#); [64 Del. Laws, c. 108, § 15](#);

#### **§ 8905 Council on Correction.**

(a) The Council on Correction (COC) is reestablished.

(b) The COC shall serve in an advisory capacity to the Commissioner of Correction and shall consider matters relating to the development and progress of the correctional system of this State. The Council shall consider such other matters as may be referred to it by the Governor, the Commissioner and the Chief of the Bureau of Adult Correction. The Council may study, research, plan and advise the several chiefs, the Commissioner and the Governor on matters it deems appropriate to enable the Department to function in the best manner. The Council shall consider matters relating to the development and progress of the adult correctional system of this State, including correctional facilities and services provided to adult offenders.



(c) The COC shall be composed of 7 members appointed by the Governor for terms up to 3 years to allow that no more than 3 members' terms expire in any year. The COC members shall annually elect a Chair and Vice Chair of the Council.

(d) The COC shall meet no less than 6 times a year. The failure by a member to attend 2 consecutive or 3 regular meetings of the Council per year without cause shall be construed as a request by that member to resign from the Council. The Governor may accept the resignation and appoint a replacement member. A quorum shall consist of a majority of current members.

(e) Members of the Council shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f), (g) [Repealed.]

[60 Del. Laws, c. 251, § 14](#); [64 Del. Laws, c. 108, §§ 16, 17](#); [70 Del. Laws, c. 186, § 1](#); [79 Del. Laws, c. 379, § 1](#);

#### **§ 8906 Exemptions from merit system.**

The following positions set forth in this section shall specifically be exempt from Chapter 59 of this title, as well as any others allowed by Chapter 59 of this title:

- (1) Commissioner of Correction; and
- (2) Chiefs as established by this chapter, as well as any hereafter established, by the Commissioner, with the approval of the Governor.

[60 Del. Laws, c. 251, § 14](#);

#### **§ 8907 Assumption of functions.**

The Department of Correction, through appropriate bureaus, agencies and offices, shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions which were the previous responsibilities of the Division of Adult Corrections immediately prior to July 1, 1975, and which are not otherwise specifically transferred to the Department by this chapter.

[60 Del. Laws, c. 251, § 14](#); [64 Del. Laws, c. 108, § 18](#);

**§ 8908 Appeals.**

Any and all rights of appeal now existing by law with respect to any act or acts constituting the exercise of any function or functions transferred to the Department or to any bureau or subbureau thereof shall continue to exist with respect to such act or acts as hereafter performed by the Department or by the bureau, subbureau or office to which such function is transferred, and each such appeal shall be perfected in the manner heretofore provided by law.

[60 Del. Laws, c. 251, § 14.;](#)

**§ 8909 Definitions and references in other laws.**

(a) All definitions and references to any commission, board, department, authority or agency which appear in any other act or law shall, to the extent that the same are consistent with this chapter and in connection with a function transferred to the Department, be construed as referring and relating to the Department of Correction as created and established by this chapter.

(b) All definitions and references to any director, commissioner, executive secretary, commission, board or council member or other similar person which appear in any other act or law shall, to the extent that same are consistent with this chapter, and in connection with a function transferred to the Department, be construed as referring or relating to such person or persons and their powers, duties and functions as established and created by this chapter.

[60 Del. Laws, c. 251, § 14.;](#)

**§ 8910 Annual report.**

The Commissioner of the Department of Correction shall make an annual report to the Governor and to the General Assembly which shall describe the Department's operations. The Commissioner shall also render such other reports as the Governor or the General Assembly may from time to time request, or as may be required by law.

[60 Del. Laws, c. 251, § 14.;](#)

**§ 8911 Budgeting and financing.**

The Commissioner, in cooperation with the bureau chiefs, shall prepare a proposed budget for the operation of the Department to be submitted for a consideration of the Governor and the General

Assembly. The Department shall be operated within the limitation of the annual appropriation, and any other funds appropriated by the General Assembly. Special funds may be used in accordance with the programs, grants and appropriations.

[60 Del. Laws, c. 251, § 14.;](#)

**§ 8912 Misnomer in gifts, grants, etc.**

Any misnomer shall not defeat or annul any gift, grant, devise or bequest to the Department if it sufficiently appears by the will, conveyance or other writing that the party making the same intended to pass and convey to the Department or to any commission, board, department, authority, council or other agency of the Department to which, by this chapter, the powers, duties and functions have been transferred to the Department, the estate or interest therein expressed or described.

[60 Del. Laws, c. 251, § 14.;](#)

**§ 8913 Financial liability of committed person.**

(a) In the event any person, juvenile or adult is committed to a prison or correctional institution, and in the event a court of this State has not ordered payment of the full cost of care, the Department may require such payments from such juvenile or adult while on work release or similar programs, as it may deem appropriate, provided that the total payment shall not exceed the actual cost of care while on the work release program.

(b) The Commissioner of the Department shall have the power to promulgate any rules and regulations not contrary to the laws of the State which the Commissioner deems necessary to carry out this section and such rules and regulations shall have the full force and effect of law.

(c) Any court of this State committing a person to the jurisdiction of the Department may, in its discretion, order said person, and such other persons liable for the payment of costs under this section over which the court has jurisdiction, to pay for the cost of care, treatment or both in such amounts as may be fixed by the Department under this chapter.

(d) The "cost of care, treatment or both" per diem for a facility shall be deemed to mean the total disbursements made by or on behalf of such facility during a fiscal year, divided by the number of inmate or patient-days during such fiscal year. Such cost shall be computed based on the experience of the previous fiscal year and the revised rate shall be charged beginning on the first day of the fourth month following the end of said fiscal year. In the event the facility has not been

operational during the previous fiscal year, the "cost of care, treatment or both" shall be the amount determined by the Department within the guideline of available appropriations and anticipated inmate or patient-days. In the event a facility provides various services that have substantially different costs, and such different costs may be reasonably identified, the Department may determine the "cost of care, treatment or both" based upon the particular service provided.

(e) The Department, after full investigation of collectibility and/or reasons for nonpayment, shall proceed for the recovery of the moneys owed for such care, treatment or both in an action to be brought in any court of the State in the name of the Department, where such action is deemed justified. The Department of Justice of the State shall represent the Department in such cases and any costs to the State arising from such action shall be paid by the State Treasurer from moneys in the General Fund not otherwise appropriated.

[60 Del. Laws, c. 251, § 14;](#) [70 Del. Laws, c. 186, § 1.](#);

#### **§ 8914 Officers and employees.**

Notwithstanding § 5920 of this title or any other section, the application by any person seeking employment in the Department shall be rejected if it indicates, on its face, that the applicant does not meet the minimum qualifications for the position sought. Applications shall also be rejected if the applicant has made false statements or misrepresentations on the application; is habituated to the intemperate use of alcoholic beverages or the use of harmful drugs which makes the applicant unable to perform duties required by the position; has a record of court convictions or infamous or other conduct which renders the applicant unsuitable for employment; or has been separated from any branch of the armed forces under conditions other than honorable.

[60 Del. Laws, c. 706, § 1;](#) [70 Del. Laws, c. 186, § 1.](#);

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## APPENDIX B

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### By-Laws of Council on Corrections

#### Article I: Purpose

##### Section 1.1 Purpose of By-Laws

- A. The purpose of the following by-laws is to set forth the qualifications and duties of members appointed to the Council.
- B. Nothing in these by-laws shall be inconsistent "With the Statute; 29§8905.
- C. The term "Council" when used herein refers to the Council on Correction.

#### Article II: Duties

##### Section 2.1 Duties of Council on Correction

- A. The Council on Correction shall serve in an advisory capacity to the Commissioner of Correction and any other individual authorized by the state shall consider matters relating to the development and progress of the correctional system of this State.
- B. The Council shall consider such other matters as may be referred to it by the Governor, the Commissioner or the Chief of the Bureau of Adult Corrections.
- C. The Council may study, research, plan and advise the several chiefs, the Commissioner or the Governor on matters it deems appropriate to enable the Department to function in the best manner.

#### Article III: Membership

##### Section 3.1 Commission Voting Members

- A. The Council shall consist of (7) members.
- B. There shall be a Chair and a Vice Chair.
- C. Members shall receive no compensation, and may receive reimbursement for expenses.

##### Section 3.2 Appointments, Term, Vacancy, Removal

###### A. Appointments and Term

- a. Members shall be appointed by the Governor, to serve for a term of three (3) years or until their successor is appointed and qualified which may be no longer than one (1) year.
  - b. The Council on Correction's members shall, at the November meeting select a Chairman and Vice Chair of the Council.
-

B. Vacancies:

- a) If a vacancy occurs for any reason the Chair shall inform the Office of the Governor and inquire if there are applications of qualified candidates the Governor may wish to appoint.
- b) If none, the Council may:
  - (1) Recruit or vote to recommend qualified candidates for the Governors consideration or;
  - (2) The Chair may recruit and recommend qualified candidates for the Governors consideration.
  - c) Any replacement appointment to the Council to fill a vacancy prior to the expiration of a term, shall be filled only for the remainder of the term.

C. All applicants must submit a State of Delaware application form to the Office of the Governor prior to submission to the Governor for consideration for appointment. D. Removal:

- a) Failure to attend three (3) consecutive regular meetings of the Council shall be construed as a request by that member to resign from the Council.
  - b) Failure to attend anyone of those meetings shall not be so construed if such failure to attend is for "just cause".
- (1) In order for there to be an absence for "just cause" the member must contact the Chair or Vice Chair prior to the date of the scheduled meeting to be missed. .
  - (2) Whether absence excused for "just cause" is in the sole discretion of the Chair.
  - (3) Excused absence for "just cause: is not to be considered attendance and be treated as a second absence from a regularly scheduled meeting.
  - (4) The Chair shall inform the Office of the Governor when a Council member has resigned for lack of attendance and request the Governor to accept the resignation and appoint a new member.
  - (5) Active participation in Council meetings and Commission activities is a requirement for continued membership.

Article V: Officers

Section 4.1 Commission Officers Powers and Duties

A. Council Officers shall consist of the following:

- (a) Council Chair
- (b) Council vice Chair

(C) Minutes of the meeting will be taken by a member of the Council on Corrections.

- (a) The Chairman shall have general charge of the business of the Council.
  - (b) May delegate any of stated powers to Vice Chair or a Council member.
-

- (c) Appoint Council members to Chair and serve on designated sub-committees.

C. the Council vice Chairman:

- (a) Preside over meetings in the absence of the Chair.
- (b) In the event of a vacancy in the Chair position, the Vice Chairman becomes successor to the Chair.
- (c) The Acting Chair shall have all the powers of the Chairman.

Article V: Council Business

Section 5.1 Meetings

- A. Business of the Council shall be conducted by its members at regularly scheduled meetings.
- B. The Council shall meet a minimum of six (6) times per year.
- C. A quorum shall consist of four (4) of Council members.
- D. Subcommittee meetings may be scheduled by the designated Chair of said subcommittee as often as necessary in order to accomplish completion of assigned projects.

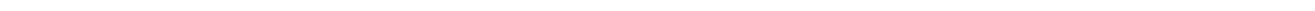
Section 5.2 Subcommittees

- A. The Chair or Council may establish subcommittees and appoint members to serve as necessary to carry out business responsibilities or assigned projects.
- B. Subcommittee Chairs or their delegate shall report to Council at regularly scheduled Council meetings.
- C. Subcommittee meetings are to be posted and to be treated in accordance with the Statute involving public meetings.

D. ADD THE FOLOWING, OPEN PUBLIC MEETINGS

ANY PERSON THAT PARTICIPATES AT THE COUNCIL OF CORRECTIONS OPEN PUBLIC FORM MEETING SHALL

- 1. SHALL NOT USE PROFANITY OF ANY KIND.
- 2. WILL NOT BE OPENLY DISRESPECTFUL.
- 3. ALL VISITING MEMBERS ATTENDING THE COUNCIL ON CORRECTION OPEN FORM, SHALL ACT IN A RESPECTFUL MANNER AT ALL TIMES WHEN AT THE MEETING AND/OR SPEAKING TO THE COUNCIL.
- 4. (A) ANY INDIVIDUAL PERSON OR SPOKE PERSON FOR A GROUP WILL HAVE AN APPROPRIATE TIME TO SPEAK.





5. IF IT IS DETERMEND BY THE COUNCIL ON CORRECTION  
CHAIRMAN, IF ANY OF  
THE ABOVE IS VIOLATED, THAT PERSON OR PERSONS  
AND/OR GROUP OF PERSONS MAY BE ESCORTED OUT OF  
THE MEETING AND THE BUILDING IMMEDIATEY. THE  
CHAIRMAN HAS THE AUTHORITY TO REMOVE ANYONE FOR  
JUST CAUSE.

SUBMITTED BY COUNCIL VICE CHAIRMAN RICHARD D.  
SENATO,

**Article VI: Amendments**

**Section 6.1 By-law Amendments**

A. These By-laws may be amended by a vote of at least four (4) members of the Council at two consecutive publicly posted Council meetings posted fourteen (14) days in advance with the agenda and at least five (5) members of Council are present,

**Article VII: Conflict of Interest**

**Section 7.1 Conflict of Interest**

A. No voting member of the Commission shall engage in any conduct proscribed by the Conflict of Interest prohibited stated by the Corporation for National Service. It shall be the responsibility of each voting member of the Commission to disqualify him or herself from participation in any manner in which that member has a conflict and to make appropriate disclosures to the Commission of all circumstances from which an appearance of conflict reasonably may be inferred. Members shall abstain from participation in the review of proposals and formal evaluation of programs in which a conflict of interest may occur or an appearance of a conflict may be interred. Also, members having a conflict of interest shall not be involved in a priority setting process for the Commission if that process ultimately determines how Commission funds will be distributed.

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## APPENDIX C



### Former inmate to chair Council on Correction

Oct 19th, 2017 · by Ian Grossi · Comments: 2

DOVER — At the Thursday night Council on Correction meeting, the group elected its new chair and vice chair — Darryl Chambers and Muhammad Salaam, respectively. The two were elected unanimously by the attending council members. Former vice chair, Richard Senato, was absent and councilman C. Edwin Perez arrived late.

The council, established by state code, is designated to serve in an advisory capacity to the commissioner of correction and “shall consider matters relating to the development and progress of the correctional system.”

Thursday’s meeting was the council’s first since a recent member shakeup by Gov. John Carney’s office. After noting in April that the council would be reviewed and “appropriate appointments” would be made, former chairman Roger Levy, Melissa Dill and Elder Tyrone Johnson were removed in late September. All had been sitting on expired terms (three-year increments) except for Mr. Levy who’d been serving “at the pleasure of the governor” as a carry-over from former-Gov. Jack Markell’s administration.



Mr. Chambers, Jennifer Powell and Mr. Salaam were appointed to replace the outgoing members.

Mr. Salaam is an Islamic minister who’s been volunteering in the state’s prisons for 25 years. Ms. Powell is a lawyer and current criminal justice teacher at Polytech High School. Mr. Chambers is a former inmate and executive director of the Youth Empowered to Strive and Succeed Program who’s pursuing a doctorate in Criminal Justice at University of Delaware.

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The four remaining members, who've also been sitting on the council with expired terms — Jane Hovington, Joseph Paesani, Mr. Perez and Mr. Senato were all reappointed.



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Darryl Chambers

During the meeting the council established a subcommittee to codify the group's bylaws. They also discussed the future goals of the council and plans to visit the prisons. It was agreed that the council should push toward establishing several community forums and focus groups to help maintain a dialog between the public and the Department of Correction.

"I really think we can be that connective tissue between the community and DOC," said Mr. Chambers. "I want to hear the public's concerns — but I also want to push them to come to us with proposed solutions and ideas too. We can't just blame one another, we need to work together to improve conditions. We should all be putting some blood and

sweat into this fight together."

Mr. Chambers believes he has a lot to offer the chairmanship with his background. The Wilmington native said the combination of his personal experience being an inmate for 11 years (at the federal level) and the "social capital" he's built with the DOC and "community" by sitting on a number of anti-crime and outreach initiative boards has empowered him to help foster a constructive dialogue.

He feels that representation on the council should be as diverse as possible in terms of "race, gender, ideology, background and religion." Mr. Chambers, in addition to Mr. Salaam, identifies himself as Muslim.

"The last thing you need is everyone thinking the same," he said. "When everyone thinks the same, nothing changes. We need diversity all across the board."

Alan Grinstead, the recently appointed DOC deputy commissioner, attended the Thursday meeting to represent the administration. He was cooperative and answered the majority of the council's and public attendees' questions to their satisfaction. He also supplied DOC annual reports and data packets for council members to give them a "baseline" of vital statistics for the state prisons. Additionally, he made the commitment to supply the council with any additional data at their request.

Reach staff writer Ian Gronau at [igranau@newszap.com](mailto:igranau@newszap.com)

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### Council on Correction chairman removed, new members named

Sep 30th, 2017 - by Ian Gronau - Comments: 3



Darryl Chambers

DOVER — After noting in April that the Council on Correction would be reviewed and “appropriate appointments” would be made, Gov. John Carney’s office has made several membership changes to the group.

Council chairman Roger Levy, Melissa Dill and Elder Tyrone Johnson have been removed. All had been sitting on expired terms (three-year increments) except for Mr. Levy who’d been serving “at the pleasure of the governor” as a carry-over from

former-Gov. Jack Markell’s administration.

Gov. Carney’s office said Friday that three new members, Darryl Chambers, Jennifer Powell and Muhammad Salaam were appointed and will be attending the council’s next public meeting scheduled for on Oct. 12 at the DOC headquarters on 245 McKee Road in Dover.

The agenda for that meeting is expected to be posted on Monday.

The four remaining members, who’ve also been sitting on the council with expired terms — Jane Hovington, Joseph Paesani, C. Edwin Perez and vice chairman Richard Senato — are expected to be reappointed.

Biographical information provided by the governor’s office states that Mr. Salaam is an Islamic minister who’s been volunteering in the state’s prisons for 25 years.

Ms. Powell is a lawyer and current criminal justice teacher at Polytech High School; Mr. Chambers is a former inmate and executive director of the Youth Empowered to Strive and Succeed Program who’s pursuing a doctorate in Criminal Justice at University of Delaware.

#### New chairman

Although the council must select its own new chairman with a vote, Mr. Chambers is the hoped-for candidate, according to the governor’s spokesman Jonathan Starkey.

“The governor hopes that Darryl will be elected chair of the council, but ultimately, that will be up to council members,” he added.

Mr. Chambers believes he would have a lot to offer in the position of chairman, but is ready to serve on the council in any capacity. He said the governor’s office has not laid out any specific “marching orders” for the group, but they want to spur action.

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"During the interview process, I could see that they don't want a docile council just so they can check a box that says they have one," said Mr. Chambers. "They want to see action."

The council, established by state code, is designated to serve in an advisory capacity to the governor and commissioner of correction and "shall consider matters relating to the development and progress of the correctional system."

Mr. Chambers, a Wilmington native, said participating on the council is something he feels passionate about and that he believes work can be done from the group to "bridge the gap" between the DOC and the community — parties he feels there is a level of "distrust" between.

"We need to be working on ways to make the prison environment safer for both officers and inmates," he said. "Things are better when both groups fully share the responsibility of protecting the public and helping make inmates, once they are release, into productive citizens."

Mr. Chambers said the combination of his personal experience being an inmate for 11 years (at the federal level) and the "social capital" he's built with the DOC and "community" by sitting on a number of anti-crime and outreach initiative boards has empowered him to help foster a constructive dialogue.

Council chairman or not, he said his first order of business will be encouraging the group to spend more time in a more public setting, rather than at the DOC headquarters in Dover — where it currently holds its meetings.

"I like to have focus groups out in the community so we can hear their opinion and gauge where they are at, but we should also be going to every prison and really getting engaged with the inmates and correctional officers," Mr. Chambers said.

"I want a community presence at all our meetings. If we don't have communication, nothing gets done. I plan to get people talking. I want to make sure that this council is not seen as an extension of the DOC, but that it's operating independently and we're not taking any sides one way or the other."

It's for this reason, Mr. Chambers feels that the representation on the Council should be as diverse as possible in terms of "race, gender, ideology, background and religion."

He, in addition to Mr. Salaam, identifies himself as Muslim.

"The last thing you need is everyone thinking the same," he said. "When everyone thinks the same, nothing changes. We need diversity all across the board."

Current vice chairman Mr. Senato reacted with surprise to hearing that a former inmate was being appointed to the council. Mr. Senato is a retired correctional officer who served most of his 28-year career at James T. Vaughn Correctional Center.

“That’s an interesting appointment,” he said. “There’s not anything wrong with it. It will probably end up being a good thing.”

According to Mr. Senato, another current councilman, Mr. Paesani, is also a DOC retiree, but his work was in administration.

Reach staff writer Ian Gronau at [igronau@newszap.com](mailto:igronau@newszap.com)

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### Council on Correction braces for member shakeup

Sep 20th, 2017 · by Isa Gronau · Comments: 0

DOVER — Council on Correction members mulled the implications of Gov. John Carney's coming reappointments at their Tuesday meeting.

With the exception of the council chairman, Roger Levy, who serves "at the pleasure of the governor," six of the seven-person council are sitting on expired terms. At least four of the terms have been expired since last December.

The council, established by state code, is designated to serve in an advisory capacity to the commissioner of correction and "shall consider matters relating to the development and progress of the correctional system."

In April, Gov. Carney's spokesman Jonathan Starkey noted that the council was a priority for the governor's review.

"Gov. Carney believes that the Council on Correction can serve an important advisory role," he said at the time. "As a general matter, the governor is reviewing all of Delaware's boards and commissions, and making appropriate appointments. The Council on Correction is at the top of that list."

It appears as though that review is taking place and the council may be headed for change. During the Tuesday meeting, attended by five of the seven council members, the body pledged to continue its normal functions until told otherwise.

"The instructions are that we are to proceed as normal until such time as the governor reappoints or adds new members," said councilman C. Edwin Perez.

The governor's office couldn't be reached for the specifics of the coming change as of Wednesday night.

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Sunshine and clouds mixed. High 84F, Winds N at 5 to 10 mph.



#### Today's Newspaper

The thumbnail shows the front page of the Delaware State News. The masthead reads "Delaware State News" with the tagline "The State's Quality News". The main headline is "Court mulls appeal by cop killer" with a sub-headline "LEARNING THE HARD WAY". There is a photo of a person running. Other headlines include "Newsmag PIU attacks what deme drug activity on Lincoln Street" and "Herrich SNACK PACK TRUCK". At the bottom, there is a notice: "SORRY, TAKE FOLLOWING ITEMS AT ANY HERRICH LOCATION".



At the meeting, representatives from Link of Love, an inmate advocacy group, suggested that it'd be prudent to consider an ex-offender appointee to offer a "different perspective." The suggestions was largely dismissed with scattered chuckles.

"We'd have to look into the legality of that," said Richard Senato. "The governor has to do the appointing."

Although unclear as to whether the governor will reappoint existing members or supplant them with new ones, the request for more action was made. Mr. Perez noted that the governor's office would like to see the council implement programs and possibly reestablish an open forums meeting style used previously so DOC staff can field questions from the public.

"They want to see the creation of programming from this group on how we can help the prison system," said Mr. Perez. "Several years ago we had a program with the former commissioner where we went out to scheduled forums in the community. Many were very well put together and we had a good group of people that came out. The commissioner spent the whole night answering questions and collecting information. They'd like to see that happen again."

Although current council meetings are open to the public and there is a "public comments" portion, visitors must sign in at the DOC headquarters and be searched for weapons before being admitted entry — a security detail also monitors the meeting itself.

Since the Feb. 1 inmate uprising at James T. Vaughn Correctional Center, the council has been mired in low attendance and inactivity — often bemoaning insufficient direction from DOC administration and lack of information. DOC Commissioner Perry Phelps attended the council's June meeting to field questions. Although his full cooperation with and presence at the meeting seemed to affirm the council's value to the DOC, little was offered in the way of guidance. In response to a question about what the council's priorities should be, Mr. Phelps said he didn't have any projects for them to work on at the moment.

Alan Grinstead, the recently appointed DOC deputy commissioner, attended the Tuesday meeting to continue the administrative dialogue. He was cooperative and answered the majority of the council's questions to their satisfaction. However, he was unable to provide current vital statistics "information packets" the council has been requesting for months.

"We used to have information packets that included narratives on updates and implementation of different prison programs — it kept us in the loop on a lot of things," said Mr. Perez.

Mr. Grinstead said he'd provide that information at a subsequent meeting.

Reach staff writer Ian Gronau at [igronau@newszap.com](mailto:igronau@newszap.com)

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Council on Correction bemoans lack of presence, guidance from DOC chief



Council on Correction will meet Tuesday in first public session since prison uprising



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### Commissioner Phelps: 'No projects' for Council on Correction

Jul 20th, 2017 · by Isa Grasso · Comments:

DOVER — At their last meeting in mid-June, the Council on Correction bemoaned the lack of presence and guidance from the Department of Correction.

Department of Correction Commissioner Perry Phelps answered that call with his appearance at their meeting on Thursday by attending.

During the open forum portion of the public meeting, Mr. Phelps fielded questions by several members of the nonprofit organization Link of Love — a support group for family members of inmates. Most of the questions regarded mail room, commissary and medical policies and procedures in several state prisons.

Although his full cooperation with and presence at the meeting seemed to affirm the council's value to the DOC, little was offered in the way of guidance. In response to a question about what the council's priorities should be, Mr. Phelps said he didn't have any projects for them to work on at the moment.

"It's something that we'll be discussing in the future among our executive team, but at this moment, I don't have a project for them right now," he said. "That doesn't mean I won't have one for them in the future, though. We're (DOC) working on a lot of different initiatives right now and trying to figure out which direction to go on certain things; there may be a time where I need this council as a resource and I will call upon them at that time."

There has been a flurry of activity around the DOC recently. Since the Feb. 1 uprising at the James T. Vaughn Correctional Center that left Lt. Steven Floyd dead, a state police and DOC investigation into the matter has been ongoing. A 54-page preliminary report, ordered by Governor John Carney, was just released last month by former Judge William Chapman and Charles Oberly, the former U.S. attorney for the District of Delaware.

The state also just reached an agreement with the Correctional Officers Association of Delaware to raise salaries for correctional officers by about \$8,000 over two years to help recruit and retain more.

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According to state code, the governor-appointed seven-member Council on Correction serves in an advisory capacity to the Commissioner of Correction and "shall consider matters relating to the development and progress of the correctional system."

Under code, the council also has the ability to "study, research, plan and advise the several chiefs, the commissioner and the Governor on matters it deems appropriate to enable the department to function in the best manner."

Although Mr. Phelps didn't have a specific project for the council, he is only of three state officials with the capability to help guide the group – the governor and Chief of the Bureau of Adult Correction being the other two.

Gov. Carney's spokesman Jonathan Starkey said back in mid-April that Gov. Carney planned to review the council. "Gov. Carney believes that the Council on Correction can serve an important advisory role," Mr. Starkey said at the time. "As a general matter, the governor is reviewing all of Delaware's boards and commissions, and making appropriate appointments. The Council on Correction is at the top of that list."

The status of this review is unknown, but according to the state's website, six of the seven council members are currently serving already expired terms. However, Gov. Carney did establish an entirely new six-person Labor-Management committee last month. That committee will contain three members appointed by the Correctional Officers Union of Delaware and another three from the DOC and is designed to study ways to help recruit and retain officers and decrease the use of mandatory overtime in Delaware's prisons.

Going in to Thursday, the Council on Correction's posted meeting agenda was barren of old and new business. However, several action items seemed to surface during discussion. A program, called "Gold Coats", was brought up as something the council could examine for Delaware's prison system.

The program, started in California, entrusts certain inmates with the responsibility to look after other inmates with dementia and other age-related ailments in an attempt to foster community and reduce medical assistance costs. The council also resolved to invite Jim Elder, the recently hired Bureau Chief of Community Corrections, to their next meeting to see what assistance they can be.

Council members also agreed to request more detailed briefing on DOC statistics and information.

"In the past, we received monthly packages with statistical analysis on the inmate population and staff," said councilman Edwin Perez. "We'd get abstracts on issues that were occurring and we would have a very detailed presentation about ongoing projects and how they were coming along. It's important that the public see all the important programs and things going on inside the prisons."

The council's next meeting — open to the public — is posted for Aug 17 at 4 p.m. at the DOC Administrative Building on 245 McKee Road in Dover.

Reach staff writer Ian Gronau at [igronau@newszap.com](mailto:igronau@newszap.com)

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### Council on Correction bemoans lack of presence, guidance from DOC chief

Jun 21st, 2017 · by Ian Gronau · Comments: 0

DOVER — According to the Council on Correction’s posted agenda, they were slated to discuss the “responsibility of the council” and “the future of the council” on Tuesday afternoon.

Instead, much of the conversation was monopolized by how the council is hamstrung by the lack of input and guidance from DOC Commissioner Perry Phelps.

Members of the council claim that a commissioner or other high ranking DOC officer has traditionally been available to answer questions and brief the council on prison policy and conditions at each meeting.

However, since the Feb. 1 inmate uprising at James T. Vaughn Correctional Center that left Lt. Steven Floyd dead, this hasn’t been the case.

The meeting Tuesday night was the second of the year where no high ranking member of DOC staff was present — with the exception of departmental spokesperson Jayme Gravel at last month’s meeting.

“There’s entirely too much going on right now for us not to be in the loop,” said council member Tyrone Johnson, who was absent from May’s meeting. “I refuse to sit at this table and not have the inclusivity and authority that we’ve had provided in years prior. I’ve sat under three governors and almost four commissioners. For no one to be at this table? It’s the first time I’ve seen this before. For me, it’s unacceptable.”

According to state code, the Governor-appointed seven-member council serves in an advisory capacity to the Commissioner of Correction and “shall consider matters relating to the development and progress of the correctional system.” Four of the seven council members were present at Tuesday’s meeting.

The code also states that the council is responsible for considering “matters as may be referred to it by the Governor, the commissioner and the Chief of the Bureau of Adult Correction.”

Under code, the council also has the ability to “study, research, plan and advise the several chiefs, the commissioner and the Governor on matters it deems appropriate to enable the department to function in the best manner” and must meet a minimum of six times annually. A quorum of members has met twice so far this year.

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Answering a question about what the commissioner's expectations are for the council, Mr. Phelps replied in an email:

"The Council on Correction is a valuable resource for the DOC and we look forward to hearing their recommendations to help move the Department forward."

Echoing Mr. Johnson's sentiments during the meeting, council vice chairman Richard Senato — a retired DOC employee himself — said without an official presence the council will just be "spinning its wheels."

"I'm involved with several committees with the Governor, and this is the only one that's sort of stagnated," he said. "It really shouldn't be allowed to because it can really be a good committee. If I'm going to belong to a committee, it has to be active."

Seeing a fairly large public response at their last meeting from members of the public advocating for inmates' rights, Mr. Senato also said that it'd be prudent for the council to have access to correctional officers willing to describe their conditions as well.

"I think our last meeting was constructive because we had a chance to hear about the publics' situations, but I think we should have an opportunity to hear from correctional officers working at these facilities too," said Mr. Senato.

After the discussion, the council resolved to make an official request to the commissioner that either he, or one of his deputies be made available for the Council on Correction meetings.

"We're an advisory board, and in order to advise, we need input first," said Mr. Senato. "We need input so that we can see certain tangible things that are happening in the prison system so we can make suggestions."

Going a step further, Mr. Johnson feels that it's also time for the council to seek guidance from Governor John Carney. "The commissioner didn't assign me to this council, the governor did, and I'm here on his and the people of Delaware's behalf so as a courtesy and reciprocal behavior, I will talk to the commissioner, but I think at some point this council needs to have a conversation with the governor to ask him what he wants from us," said Mr. Johnson.

Gov. Carney's spokesman Jonathan Starkey said back in mid-April that Gov. Carney planned to review the council. "Gov. Carney believes that the Council on Correction can serve an important advisory role," Mr. Starkey said at the time. "As a general matter, the governor is reviewing all of Delaware's boards and commissions, and making appropriate appointments. The Council on Correction is at the top of that list."

The status of this review is unknown, but according to the state's website, six of the seven council members are currently serving already expired terms. The council's next meeting — open to the public — has been set for July 20 at 4 p.m. at the DOC Administrative Building on 245 McKee Road in Dover.

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### Council on Correction plans more aggressive schedule, departmental dialogue

May 9th, 2017 · by Jan Gronau · Comments: 2

DOVER — The Council on Correction heard testimony from family of inmates and correctional officers, retired officers and other concerned citizens Tuesday night at their first meeting since the inmate uprising at James T. Vaughn Correctional Center that left Lt. Steven Floyd dead. Council members noted that the approximately two dozen residents in attendance were they most they've had participate in one of their meetings in several years.

The governor-appointed seven-member council, an advisory group established by state code, is designated to serve in an advisory capacity to the commissioner of correction and "shall consider matters relating to the development and progress of the correctional system."

During the Tuesday meeting, member of the public spoke out about claims of insufficient recreation time for inmates, inhumane lock-down and "shakedown" procedures and general mistreatment of inmates in DOC prisons. Some speakers suggested installing more cameras in state prisons to protect inmates and correctional officers and the possibility of bringing in undercover agents to examine prison staff from the inside.

The council made commitments to forward their concerns to the proper DOC officials.

Retired JTVCC correctional officer Eleanor Ricchuiti gave an impassioned testimony, claiming to have been driven to retirement by departmental mismanagement.

"I wasn't ready to retire, I retired because of management — I loved my job and I miss it," she said.

Ms. Ricchuiti said that she was in the unique position of being a correctional officer herself while being a parent and family member of people incarcerated at JTVCC while she worked there. She claimed that while most officers working at the prison were very hardworking and diligent, there were too many who were complacent and prone to mistreat inmates.

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"Everyone in JTVCC was sir to me — I don't care who they were," she said. "Other officers would ask me 'Why do you call them sir? They're only inmates.' They're there because they did something wrong, but these are still peoples' dads, sons and husbands. You have to give respect if you expect to get it. Many officers learn this and are great at their jobs, but there are some that don't belong there. They could weed them out here at the training academy."

Council chairman Roger Levy, in discussing the future of the council, resolved to push for a broader dialogue with DOC management, and more research on how neighboring states treat similar issues. He also fielded the idea of the council attending correctional seminars and visiting other, larger, facilities and reporting findings back to administration.

"Some of the things brought to us here tonight were really disturbing," he said. "I'd like to know, are other departments of correction in other states having these exact issues and what are they doing about it? Going forward, we need to hash out what sort of dialogue we should be having with management."

Noticeably absent from the meeting were any high ranking DOC officials other than departmental spokesperson Jayme Gravell. Mr. Levy noted that the former DOC commissioner, Robert Coupe, regularly attend council meetings. Council member Melissa Dill expressed frustration that there wasn't a member of the administration present to field questions.

"I think that the commissioner or deputy commissioner should be here, I am not sure what we'll be able to do without them," she said. "We can throw ideas around all day, but if we don't have someone here to say they're already doing that or why it would or wouldn't work — it's kind of a waste of time."

Another council member, Joseph Paesani, noted that the group should make an effort to make briefings ordinarily given to them by the DOC public, so concerned citizens can be made aware of programs and initiatives being introduced.

"We receive a detailed report from the commissioner regarding programs and the things that they're working on and trying to implement to better the prison environment and these things need to be made public," he said.

At the meeting the council decided on a more aggressive schedule for the remainder of 2017.

"I think we can do more now, and we should," said council vice chairman Richard Senato. "We've heard from the public, which was very important and informative, but I think we also need to hear from rank and file officers as well. As a retired officer I know that individual officers have their concerns as well."



A planned discussion regarding the responsibility of the council and its members according to title 29 was postponed until next month's meeting.

Reach staff writer Ian Gronau at [igronau@newszap.com](mailto:igronau@newszap.com)

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### Council on Correction will meet Tuesday in first public session since prison uprising

May 6th, 2017 · by Ian Gronau · Comments:

DOVER — On Tuesday the Council on Correction, an advisory group established by state code, will hold its first public meeting since the Feb. 1 inmate uprising at James T. Vaughn Correctional Center that left a correctional officer dead.

The seven member council appointed by the governor is designated to serve in an advisory capacity to the commissioner of correction and “shall consider matters relating to the development and progress of the correctional system.”

Additionally, it’s responsible for considering “matters as may be referred to it by the governor, the commissioner and the Chief of the Bureau of Adult Correction.”

Per Delaware code, the council has the ability to “study, research, plan and advise the several chiefs, the commissioner and the governor on matters it deems appropriate to enable the department to function in the best manner.”

The DOC’s ability to function in the “best manner” has been called into question by several high-profile sources.

Survivors of the inmate uprising recently filed a lawsuit against the state and several of its officials seeking compensatory and punitive damages. Their 52-page federal complaint lists as plaintiffs the widow and children of Lt. Steven Floyd, the correctional officer killed in the prison uprising, and the five other officers who were held hostage. Defendants include former governors Ruth Ann Minner and Jack Markell, along with Department of Correction Commissioner Perry Phelps and three former commissioners, and state budget director Michael Jackson and his predecessors.

Much of the complaint rests on the state’s alleged failure to provide a safe working environment for its employees and long ignored staffing issues within the Department of Correction.

Geoff Klopp, president of the Correctional Officers Association of Delaware, has harshly criticized the DOC and governor’s management of the state prison systems for the past few years — intensifying his protests since Feb. 1 inmate uprising. Although he takes particular exception with the Minner and Markell administrations’ approaches, he has expressed concern that Gov. John Carney’s recent budget proposal doesn’t go far enough toward a solution to systemic problems.

“The changes for corrections in his budget were embarrassing,” he said. “We’re not going to make it through the summer. They’re not treating this as if it were a staffing crisis. This is a crisis. They’ll find out this summer when we have another riot.”

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Geoff Klapp

According to DOC officials, as of Friday, 62 security staff have retired and 54 have resigned since Jan. 1 — 20 of the retirees and 43 of the resignees held the correctional officer rank.

On Feb. 3, 30 new correctional officers graduated from the DOC's Correctional Employee Initial Training (CEIT) Academy class, along with 17 more in March. There are two academy classes currently in session with 21 officers set to graduate on June 9 and 20 more on July 7.

As it stands now though, the DOC reports 152 correctional officer position vacancies.

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Despite these looming concerns, the Council on Corrections failed to muster a quorum for what would have been its first meeting of the year on April 10. State code dictates that the council must meet a minimum of six times annually.

According to the council's posted agenda, even if they did manage to meet at the appointed date, they'd have had little to discuss. There were no entires under old business and only one under new business — the establishment of their 2017 meeting calendar.

Gov. Carney's spokesman Jonathan Starkey has since said that the governor will make reviewing the group a priority.

"Gov. Carney believes that the Council on Correction can serve an important advisory role," he said. "As a general matter, the governor is reviewing all of Delaware's boards and commissions, and making appropriate appointments. The Council on Correction is at the top of that list."

DOC Commissioner Perry Phelps, who replaced outgoing Commissioner Rob Coupe on Jan. 16, has yet to hear from the council.

"Because Commissioner Phelps is newly appointed, he has not had the opportunity to be advised by the council," said DOC spokeswoman Jayme Gravell.

All council members are governor appointed and serve for three-year terms, except the chairperson who serves at the governor's pleasure. All members serve without compensation, but can be reimbursed for "reasonable and necessary" expenses related to their duties on the council.

"The council serves on a volunteer basis and are responsible for creating an agenda, composing meeting minutes and scheduling meetings," said Ms. Gravell. "The DOC does not employ council members or control the content of the meetings."

The council's new agenda for its Tuesday meeting suggests that it plans a review of itself alongside Gov. Carney's. Three items now appear under new business:

- Calendar dates for 2017

- Discussion regarding the responsibility of the council and its members according to title 29
- Discussion on the future of the council

On the state's public meeting calendar, the council's meeting description is "to discuss topics relative to Delaware Corrections." In the agenda, space is allotted for an open forum and public comment. The public is invited to attend. The upcoming meeting has been set for May 9 at 4 p.m. at the DOC Administrative Building on 245 McKee Road in Dover.

Reach staff writer Jan Gronau at [igronau@newszap.com](mailto:igronau@newszap.com)

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Home News Council on Correction now a priority for governor's review

### Council on Correction now a priority for governor's review

Apr 15th, 2017 · by Ian Gronau · Comments: 0



Gov. John Carney

DOVER — The Council on Correction, an advisory group established by state code, failed to muster a quorum at its public meeting on Monday.

The meeting was to be its first since the Feb. 1 inmate uprising at the James T. Vaughn Correctional Center in Smyrna left Lt. Steven Floyd dead.

According to state code, the Governor-appointed seven member council serves in an advisory capacity to the Commissioner of Correction and "shall consider matters relating to the development and progress of the correctional system."

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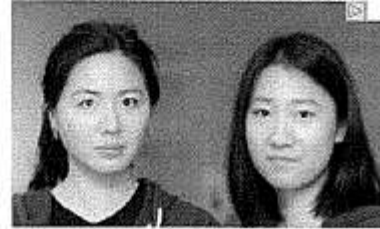
The code also states that the council is responsible for considering "matters as may be referred to it by the Governor, the commissioner and the Chief of the Bureau of Adult Correction."

Gov. Carney's spokesman Jonathan Starkey noted that the council is now a priority for the governor's review.

"Gov. Carney believes that the Council on Correction can serve an important advisory role," he said. "As a general matter, the governor is reviewing all of Delaware's boards and commissions, and making appropriate appointments. The Council on Correction is at the top of that list."

Since the Feb. 1 incident, related Delaware State Police and DOC Internal Affairs investigations have been ongoing. Gov. Carney had previously said an independent

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review by former judges Henry duPont Ridgely and William L. Chapman Jr. would begin once the police investigation concluded, but on March 13 he decided to have it run co-currently because “the duration of the criminal investigation and the sense of urgency surrounding this issue.”

Per Delaware code, the Council on Correction also has the ability to “study, research, plan and advise the several chiefs, the commissioner and the Governor on matters it deems appropriate to enable the department to function in the best manner” and must meet a minimum of six times annually.

DOC Commissioner Perry Phelps, who replaced outgoing Commissioner Rob Coupe on Jan. 16, has yet to hear from the council.

“Because Commissioner Phelps is newly appointed, he has not had the opportunity to be advised by the council,” said DOC spokeswoman Jayme Gravell.

The council members serve without compensation, but can be reimbursed for “reasonable and necessary” expenses related to their duties on the council.

“The council serves on a volunteer basis and are responsible for creating an agenda, composing meeting minutes and scheduling meetings,” said Ms. Gravell. “The DOC does not employ council members or control the content of the meetings.”

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The council’s agenda for its meeting next month, posted on Wednesday, suggests that it plans a review of itself alongside Gov. Carney’s. Three items now appear under new business:

- Calendar dates for 2017
- Discussion regarding the responsibility of the council and its members according to title 29
- Discussion on the future of the council

The council’s next meeting — open to the public — has been set for May 9 at 4 p.m. at the DOC Administrative Building on 245 McKee Road in Dover.

According to DOC officials, the seven members of the Council on Correction are:

- Roger M. Levy, Esq.
- Melissa Dill
- Jane Hovington
- Elder Tyrone Johnson
- Joseph Paesani
- Edwin Perez
- Richard Senato

Reach staff writer Jan Gronau at [igronau@newszap.com](mailto:igronau@newszap.com)

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## **APPENDIX D**

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### **Council on Correction Members**

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