

Report To

The Mississippi Legislature



A Review of Security Deficiencies Which Allowed Inmate Escapes from Mississippi State Penitentiary at Parchman on March 28, 1994

July 6, 1994

On March 28, 1994, two inmates escaped from Parchman Penitentiary's Unit 30 due to Department of Corrections (DOC) personnel's lack of adherence to department security policies and post orders, as follows.

- Unit 30 correctional officers did not conduct inmate body counts and unit security checks during the first shift.
- The correctional officer assigned to Unit 30's south tower did not conduct perimeter security checks properly and was asleep during the first shift.
- The correctional officer assigned to Unit 30's Control Center did not report to the Unit 30 lieutenant that the south tower correctional officer had not made telephone reports regarding the unit's security during the first shift.

Although DOC's management has taken personnel actions against department employees who allowed the escape, the department should monitor performance of its security staff more closely. In addition, DOC's management should conduct security reviews of the department's facilities to identify physical and procedural impediments to adequate security.

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The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A standing joint committee, the PEER Committee is composed of five members of the House of Representatives appointed by the Speaker and five members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms with one Senator and one Representative appointed from each of the U. S. Congressional Districts. Committee officers are elected by the membership with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of three Representatives and three Senators voting in the affirmative.

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Mississippi State Penitentiary at Parchman on March 28, 1994**

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**The PEER Committee
Mississippi Legislature**

The Mississippi Legislature

Joint Committee on Performance Evaluation and Expenditure Review

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July 6, 1994

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At its meeting of July 6, 1994, the PEER Committee authorized release of the report entitled **A Review of Security Deficiencies Which Allowed Inmate Escapes from Mississippi State Penitentiary at Parchman on March 28, 1994.**

A handwritten signature in black ink, appearing to read "Travis Little", written over a horizontal line.

Senator Travis Little, Chairman

**This report does not recommend increased
funding or additional staff.**

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A Review of Security Deficiencies Which Allowed Inmate Escapes from Mississippi State Penitentiary at Parchman on March 28, 1994

Introduction

Authority

Pursuant to MISS. CODE ANN. § 47-5-35 and 5-3-57 (1972), the Corrections Auditor and PEER Committee reviewed the circumstances surrounding the escapes of two inmates from Mississippi State Penitentiary at Parchman on March 28, 1994.

Scope and Purpose

The Corrections Auditor reviewed the March 28, 1994, inmate escapes to determine security deficiencies which allowed the escapes to occur. The Corrections Auditor also sought to determine what related personnel actions the Department of Corrections (DOC) took regarding DOC employees who may not have adhered to departmental security procedures.

Method

During the course of this review, the Corrections Auditor:

- reviewed applicable state law and departmental policy;
- reviewed relevant DOC administrative and inmate records;
- interviewed Ed Hargett, State Penitentiary Superintendent;
- interviewed DOC security, classification, and vocational training personnel; and,
- inspected DOC facilities.

Overview

The escapes of Lemario Bell and Ronnie McDonald on March 28, 1994, occurred because DOC experienced a breakdown in implementation of security procedures, complicated by the fact that a DOC classification committee had reclassified dangerous inmates to medium security. This incident should not have occurred; it could have resulted in the loss of life to innocent parties.

Policies and procedures are in place to prevent this type of event, as well as post orders which dictate specific procedures for correctional officers (COs). The COs failed to perform their jobs properly and were complacent almost to the point

of letting the unit operate itself, believing that nothing could go wrong relative to their relationship with inmates and with each other. Specifically:

- The correctional officers assigned to Unit 30A during the first shift (12:00 a.m. until 8:00 a.m.) did not comply with DOC's procedures for conducting inmate body counts and unit security checks.
- The correctional officer assigned to Unit 30's south tower during the first shift (12:00 a.m. until 8:00 a.m.) did not comply with DOC's procedures for conducting perimeter security checks. In addition, the correctional officer was asleep on duty.
- The correctional officer assigned to Unit 30's Control Center did not report to the Unit 30 lieutenant that the south tower correctional officer failed to make telephone reports regarding the unit's security during the first shift.

Following an internal investigation, DOC terminated employment of four correctional officers implicated in the inmate escapes; however, as of the date of this report, DOC had not taken formal personnel action against the correctional officers' shift supervisor.

Background

DOC Classification Committees

MISS. CODE ANN. § 47-5-99 (1972) creates classification committees to be appointed by the Commissioner of Corrections. MISS. CODE ANN. § 47-5-103 (1972) provides classification committees the power to assign an initial classification to each inmate within forty days after the inmate's commitment to the DOC. Such classification is to be based on: work duties; living quarters; educational, vocational, or other rehabilitation programs; and privileges to be accorded the inmate while in custody. Mississippi law states that an inmate's classification may not be changed by any other individual and may be altered only by action of a classification committee and entered into its minutes. (See related conclusion on page 12.)

DOC's Classification Categories and Housing Units

DOC policy 8.08 establishes the following inmate classifications relative to housing units.

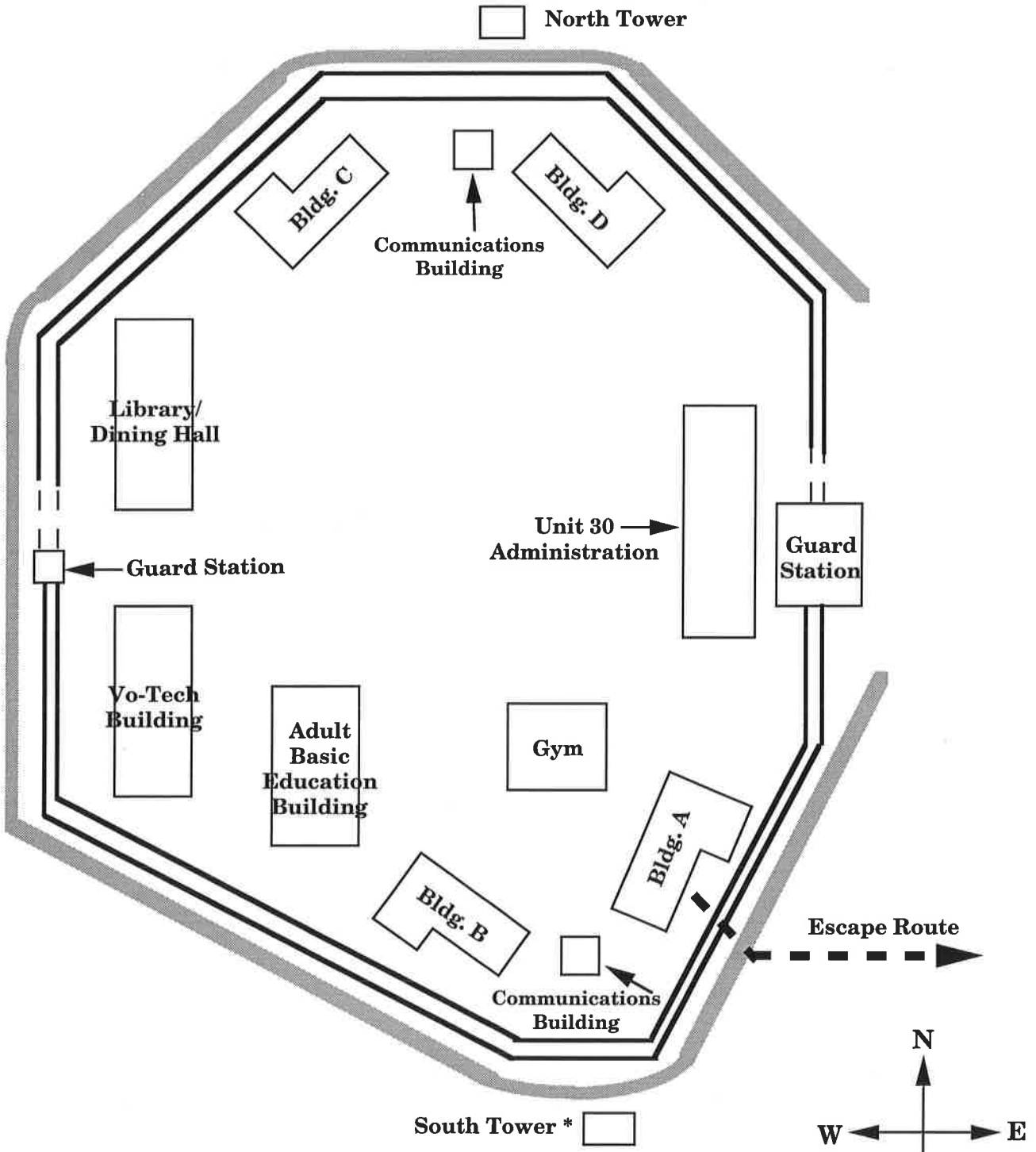
- **“A” custody inmates** (minimum security) function in a relaxed atmosphere and receive an extension of social privileges. “A” custody inmates require a minimum of supervision or security control and reside in housing units designed for such.
- **“B” custody inmates** (medium security) function in a more restrictive environment. “B” custody inmates require limited supervision or security control and reside in housing units designed for such.
- **“C” custody inmates** (maximum security) function in a highly restrictive environment. “C” custody inmates must be subject to direct supervision or security control at all times and reside in housing units designed for such.

DOC uses Parchman housing Unit 30, Unit 4, and a portion of Unit 29 to house “A” or “B” custody inmates involved in Adult Basic Education (ABE) and General Equivalency Diploma (GED) programs. DOC does not allow maximum security inmates to be housed in these units or participate in these educational programs.

Description of Unit 30

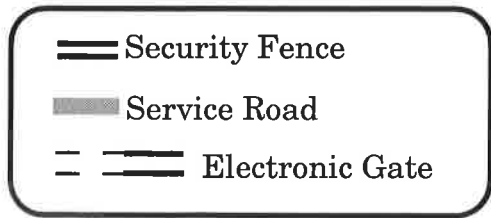
As illustrated in Exhibit 1, page 4, Unit 30 consists of multiple buildings designed to house inmates for the department's ABE program. Unit 30 has four buildings, designated as A, B, C, and D, which serve as inmate housing areas. The unit is surrounded by two perimeter fences separated by several feet and topped with razor wire to prevent escapes. The unit has north and south elevated towers from which correctional officers monitor the exterior of the unit.

**Exhibit 1
Diagram of Unit 30
(Not to Scale)**



* Denotes tower in which guard fell asleep.

SOURCE: PEER Inspection of Unit 30



Summary of Bell's and McDonald's Classifications

Lemario Bell entered the state's correctional system on June 8, 1992, with a life sentence, following a homicide conviction. During Bell's initial testing in 1992, a DOC classification committee recommended his placement in Unit 32, a maximum security detention facility, as a high escape risk. The committee also established his incarceration program to include either ABE, GED, or Vocational Training because he had not completed high school. DOC had already moved Bell from a maximum security unit to a medium security unit and back again when, upon request by DOC's ABE program director and approval by the classification committee, DOC transferred him to Unit 30, a medium security unit, on February 24, 1994.

Ronnie McDonald entered the state's correctional system on July 23, 1992, with a thirty-five-year sentence, following conviction for armed robbery, kidnapping, and rape. Upon entering the correctional system, McDonald was nineteen years old and had not finished high school. He requested to enter the GED program and upon initial classification DOC programmed him for GED. DOC transferred McDonald to medium security Unit 29 and, on March 16, 1994, DOC's ABE Counselor Coordinator signed a staff request to move McDonald to Unit 30 on a full-time basis to complete his GED program.

Exhibit 2, page 6, summarizes Bell's and McDonald's movements and classifications within DOC.

Summary of Escapes

Bell and McDonald escaped from Unit 30 ("A" building) on March 28, 1994, at approximately 1:30 a.m. The inmates used dummies to fool the guards and escaped by using a bandsaw blade to cut the security screen from a window. DOC personnel do not know how the inmates had access to a bandsaw blade; they assume it was given to them by another inmate assigned to the Vocational-Technical school. The inmates raised the window with apparent ease, exited, and traveled south to the dual perimeter fence outside of Unit 30A and scaled the fences. Without detection by unit correctional officers, they then crossed several fields and the ditch surrounding the prison and went north on Highway 49, hot-wiring a Chevrolet Blazer from a local residence.

An Arkansas State Trooper was the first to spot the escapees in Fort Smith, Arkansas. The inmates abandoned the Chevrolet Blazer on a levee and ran from the trooper. In the process the trooper lost them. It is believed that the inmates went to the Holiday Inn in Forrest City, Arkansas, and stole a 1994 GMC Sierra pickup, driving it to or near Jackson. The Jackson Police Department captured both inmates on March 29, 1994, at 6:30 p.m. and returned them to Parchman Penitentiary.

**Exhibit 2
Location Profile of Escaped Inmates**

Lemario Bell				
Offense: Homicide				
Sentence: Life				
Date	Location	Unit	Classification	Description
6/8/92	CMCF	--	Maximum Security	Reception/initial classification
6/23/92	State Penitentiary	17	Maximum Security	Detention
6/24/92	State Penitentiary	32	Maximum Security	Close confinement
7/17/92	Hinds Co. Detention	--	Maximum Security	Case review
7/21/92	State Penitentiary	32	Maximum Security	Close confinement
5/21/93	State Penitentiary	29	Medium Security	Farm operations
7/7/93	State Penitentiary	23	Maximum Security	RVR: Refused to work farm
8/31/93	State Penitentiary	32	Maximum Security	Close confinement
1/25/94	State Penitentiary	29	Medium Security	Farm operations
2/24/94	State Penitentiary	30	Medium Security	GED/ABE
3/28/94	State Penitentiary	30	Medium Security	Escaped with Ronnie McDonald
3/30/94	State Penitentiary	32	Maximum Security	Close confinement

Ronnie McDonald				
Offense: Armed Robbery, Kidnapping, Rape				
Sentence: 35 years				
Date	Location	Unit	Classification	Description
7/23/92	CMCF	--	Maximum Security	Reception/initial classification
8/6/92	State Penitentiary	17	Maximum Security	Detention
8/7/92	State Penitentiary	32	Maximum Security	Close confinement
6/1/93	Hinds Co. Detention	--	Maximum Security	Case review
6/15/93	State Penitentiary	32	Maximum Security	Close confinement
1/26/94	State Penitentiary	29	Medium Security	Farm operations
3/23/94	State Penitentiary	30	Medium Security	GED/ABE
3/28/94	State Penitentiary	30	Medium Security	Escaped with Lemario Bell
3/30/94	State Penitentiary	32	Maximum Security	Close confinement

CMCF=Central Mississippi Correctional Facility.

SOURCE: Corrections Auditor analysis of DOC inmate data.

Finding

DOC personnel's lack of adherence to department security policies and post orders allowed Bell and McDonald to escape.

Based on interviews with DOC's Chief of Security, review of unit registers and documents, and physical inspection of Unit 30 security, the Corrections Auditor determined that DOC has security policies and post orders in place to help prevent inmate escapes. (Post orders are lists of tasks and functions which must be performed during security shifts to secure housing units and control inmate activity. Exhibit 3, page 8, presents excerpts from Unit 30 post orders which were applicable at the time of the escapes.) On the date of the escape, March 28, 1994, DOC personnel's lack of adherence to department security policies and post orders allowed Bell and McDonald to escape.

- *The correctional officers assigned to Unit 30A during the first shift (12:00 a.m. until 8:00 a.m.) did not comply with DOC's procedures for conducting inmate body counts and unit security checks.*

As illustrated in Exhibit 3, Unit 30 post orders require the correctional officers on duty to conduct six separate body counts during the first shift. DOC Security and Control procedure 4.9.12 details the process correctional officers are to use to perform inmate counts. These procedures require that all counts be conducted by at least two officers. One correctional officer is to enter the sleeping zone and count inmates by noting on a unit roster sheet each inmate's presence. The second correctional officer is to remain in the zone tower and count the inmates without relying on a roster sheet. Following the separate counts, the two correctional officers are to compare their counts and reconcile the differences. DOC Security and Control procedure 4.9.12 also states that during inmate body counts correctional officers are to "verify each inmates' [sic] presence by counting skin." DOC Security and Control procedure 4.9.11 provides the following caution to correctional officers.

Numerous escapes have been affected by skillful use of dummies. Officers must be positive they see a human body counting an inmate as present. Rather than counting an inmate on the basis of a part of clothing, hair or shoes, the officer must be certain of seeing flesh. When making night counts, flashlights should be used judiciously but enough light should be thrown on the inmate to ensure that a dummy is not being counted.

As noted in Exhibit 3, post orders also require correctional officers to conduct three security checks during the first shift. Security checks consist of correctional officers verifying the physical security of the unit to ensure that doors are locked and windows are secured. Unit 30 post orders require correctional officers to notify immediately the Unit 30 Control Center officer and Watch

Exhibit 3

Excerpts from Post Orders for Mississippi State Penitentiary, Unit 30 First Shift

Orders for Correctional Officers Assigned Within Unit 30 Buildings

- 12:00 a.m. Certified* body count conducted, logged into Unit Register, and called into Unit 30 Control Center officer.
- 12:30 a.m. Security check is conducted and logged in Unit Register.
- 12:45 a.m. Informal body count is conducted and logged in Unit Register.
- 1:30 a.m. Security check is conducted and logged in Unit Register.
- 2:30 a.m. Formal body count is conducted and logged in Unit Register, and called into Unit 30 Control Center officer.
- 3:10 a.m. Security check is conducted and logged in Unit Register.
- 3:30 a.m. Informal body count is conducted and logged in Unit Register.
- 4:30 a.m. Informal body count is conducted. Wake-up call for all offenders.
- 6:00 a.m. Formal body count is conducted, logged into Unit Register, and called into Unit 30 Control Center officer.

Orders for Correctional Officers Assigned to Outer Perimeter Towers

- 12:00 a.m. Check perimeter, keys, weapon and ammunition.
- 12:00 a.m.
through
7:30 a.m. Check perimeter, notify Unit 30 gate [Control Center], and log into Unit Register every thirty minutes.

Note: Perimeter tower officer will monitor all fences, gates and inmate movement, activities in his/her sight and sound. Perimeter tower officer will be alert at all times for possible escape attempts.

*Definitions: *certified* body count--performed and documented by officers upon shift change; *informal* body count--assigned officers count total number of offenders (unscheduled); *formal* body count--officers check individual offenders against unit roster at specific times.

SOURCE: DOC records.

Commander if they detect something “abnormal such as attempted suicide, or escape attempt.”

The correctional officers assigned to Unit 30A during the first shift did not comply with DOC’s procedures for conducting inmate body counts and unit security checks. The officers did not perform “skin counts” during the first shift. As a result, they failed to detect that Bell and McDonald had constructed “dummies” in their beds to conceal their escape. The officers utilized a unit roster only once during a walk-through count of the inmates. The officers also did not perform any security checks of the zone during the first shift.

- *The correctional officer assigned to Unit 30’s south tower during the first shift (12:00 a.m. until 8:00 a.m.) did not comply with DOC’s procedures for conducting perimeter security checks. In addition, the correctional officer was asleep on duty.*

As noted in Exhibit 3, Unit 30 post orders require correctional officers assigned to the unit’s towers to conduct perimeter security checks every thirty minutes and notify the Unit 30 Control Center officer. The post orders also state that perimeter tower officers will “monitor all fences, gates and inmate movement, activities in his/her sight and sound.” The orders further state that perimeter tower officers “will be alert at all times for possible escape attempts.”

According to the lieutenant responsible for Unit 30, correctional officers assigned to towers are to conduct perimeter checks by exiting the tower and viewing all areas around the unit from the tower’s catwalk area. Perimeter security checks conducted from within the towers are not totally effective due to the towers’ limited fields of vision.

The Unit 30 south tower correctional officer entered on the tower’s unit register that she conducted security perimeter checks from the tower’s catwalk at least seven times between 12:37 a.m. and 3:30 a.m. and noted that all appeared secure. The correctional officer also reported that she telephoned such reports to the Unit 30 Control Center officer. During DOC’s internal affairs investigation of the escapes, the Unit 30 south tower correctional officer admitted that she conducted the security perimeter checks from the tower’s door and window rather than from the tower’s catwalk. The Unit 30 Control Center officer reported that they received only two security check updates from the Unit 30 south tower correctional officer, one at 12:33 a.m. and the other at 6:03 a.m.

The Unit 30 south tower correctional officer told DOC investigators that she saw something dark hanging from the fences surrounding Unit 30 at 3:21 a.m. However, she did not report the sighting to the Unit 30 Control Center officer. If the south tower correctional officer had made perimeter security checks from the tower’s catwalk after approximately 1:30 a.m., she would have noticed items of clothing hanging from the razor wire atop the fencing and clothes lying on the ground between the unit’s two perimeter fences. Per the Correction Auditor’s observation and inspection, the inmates could not see the guard tower on the south side while they were still inside Unit 30A. However, once they exited the

window from the building, the south tower was in full view. Although the south tower has several blind spots which prevent a complete and uninterrupted view, the south tower correctional officer could have seen the inmates' departure from the building had she been watching and making perimeter security checks from the tower's catwalk area.

After Unit 30A correctional officers detected the escapes at approximately 5:30 a.m., the lieutenant responsible for Unit 30 went to the south tower at approximately 6:00 a.m. After climbing the tower's ladder, the lieutenant discovered the south tower correctional officer asleep in a chair and leaning against the door.

- *The correctional officer assigned to Unit 30's Control Center did not report to the lieutenant in charge the south tower correctional officer's failure to make telephone reports regarding the unit's security during the first shift.*

Unit 30's post orders require the security and control shift supervisor to ensure that correctional officers assigned to perimeter towers call in a security check to the Unit 30 Control Center every thirty minutes. As previously stated, the south tower correctional officer made telephone reports to the Unit 30 Control Center only twice during the first shift, 12:33 a.m. and 6:03 a.m. The south tower correctional officer failed to make telephone reports for the remaining ten reporting periods. Although the lieutenant responsible for Unit 30 was in the unit's administration building and dining area at some point during the first shift, the Unit 30 Control Center officer did not notify him that the south tower correctional officer was not making required telephone security reports. The Unit 30 Control Center officer told DOC investigators that she was not aware that she was required to report the south tower correctional tower's failure to report to the lieutenant.

In summary, DOC security personnel assigned to Unit 30 did not adhere to department security procedures and were negligent in their duty to provide adequate security. The effect of such non-adherence and negligence is that Bell and McDonald had approximately four and one-half hours to distance themselves from Parchman and delay capture.

Subsequent Events

Corrections Auditor's Inspection of Unit 30 Area

Subsequent to Bell's and McDonald's escapes, the Corrections Auditor, accompanied by Chief of Security Barry Parker, inspected the tower just outside the south fence perimeter. The Corrections Auditor located a cutting tool made of two hacksaw blades (wrapped on one end with electrician's tape) near the fence. Chief Parker did not know the source of this tool or whether it was related to the escape, but assumed it came from DOC's Vocational-Technical facility.

Related DOC Personnel Actions

Following an internal investigation, DOC terminated employment of four Unit 30 correctional officers implicated in the inmate escape. (See the Appendix, page 15, for details of the termination.) Per discussions with DOC Personnel Office staff, two of the employees have appealed the termination through the State Personnel Board. At the time of this report, DOC had taken no formal personnel action against the lieutenant assigned to Unit 30 during the first shift when the escapes occurred.

Conclusion

As illustrated by this report, the integrity of the Department of Corrections' security controls can be easily compromised by the failure of security personnel to adhere to such controls completely and consistently. Although the focus of this report related to security deficiencies, other factors contributed to the escapes of Bell and McDonald. DOC classification procedures allowed Bell and McDonald, both maximum security inmates, to be housed in a medium security housing unit for educational purposes. While the Corrections Auditor did not evaluate the criteria or process used by DOC's classification committee to assign Bell and McDonald to a medium security unit, under current circumstances DOC's provision of inmate security and opportunities to inmates through educational and other programs appear to conflict. By the close of this calendar year, the Corrections Auditor plans to complete a full evaluation of DOC's classification process.

Recommendations

1. DOC should immediately take appropriate personnel action relative to all employees involved in allowing the escapes of Bell and McDonald.
2. DOC should evaluate its training and monitoring of correctional officers to ensure adherence to departmental security policies and procedures designed to prevent inmate escapes.
3. The Commissioner of Corrections should direct security staff at the state's correctional facilities to perform immediate security reviews to identify physical and procedural impediments to adequate security of inmates within the state's custody and control.

Appendix

*Details of DOC Employment Terminations
Related to March 28, 1994, Inmate Escapes*

Employee and Location

DOC's Termination Justification

Employee A
(Within Unit 30 Building)

Negligence/insubordination. Failed to:
--perform inmate physical counts,
--use count rosters,
--perform security checks,
--provide truthful first and second
testimony.
Confessed during third Internal Affairs
interview.

Employee B
(Within Unit 30 Building)

Negligence/insubordination. Failed to:
--provide truthful testimony of first CO's
actions,
--perform security checks and proper
counts.

Employee C
(South Tower)

Negligence, records falsification,
insubordination. Failed to:
--provide truthful testimony,
--report possible escape (dark figure on fence),
--perform required security checks and calls to
control tower,
--report and record truthful security actions in
tower log,
--remain awake and alert during duty.
Confessed during second Internal Affairs
interview.

Employee D
(Control Tower)

Probationary employee (reason not expressed
in writing). Internal Affairs report states CO
failed to report lack of south tower's required
calls.

SOURCE: DOC personnel records.

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