

Report To

The Mississippi Legislature



A Determination of the State Cost Per Inmate Day for a Special Needs Correctional Facility

October 12, 1994

In accordance with Senate Bill 2005 (1994 First Extraordinary Session), the PEER Committee prepared this estimate of the state cost per inmate day for a proposed special needs correctional facility. For a 500-bed special needs facility, PEER estimates the annual cost per inmate day for a state-operated facility to be \$51.96. In accordance with Senate Bill 2621 (1994 Regular Session), private sector entities interested in leasing a special needs facility to the state would have to do so at an annual cost not exceeding \$46.76 per inmate day, or ten percent below the PEER estimate.

PEER's estimate of state cost per inmate day is based on the most accurate data and information available from the Mississippi Department of Corrections (MDOC) at the time of estimation. However, should MDOC management significantly alter the assumptions upon which MDOC staff and the Corrections Auditor based their design, construction, and operational concept for the special needs facility as presented in this report, PEER's state cost per inmate day amount would change accordingly.

The PEER Committee

PEER: The Mississippi Legislature's Oversight Agency

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.

Mississippi's constitution gives the Legislature broad power to conduct examinations and investigations. PEER is authorized by law to review any public entity, including contractors supported in whole or in part by public funds, and to address any issues which may require legislative action. PEER has statutory access to all state and local records and has subpoena power to compel testimony or the production of documents.

PEER provides a variety of services to the Legislature, including program evaluations, economy and efficiency reviews, financial audits, limited scope evaluations, fiscal notes, special investigations, briefings to individual legislators, testimony, and other governmental research and assistance. The Committee identifies inefficiency or ineffectiveness or a failure to accomplish legislative objectives, and makes recommendations for redefinition, redirection, redistribution and/or restructuring of Mississippi government. As directed by and subject to the prior approval of the PEER Committee, the Committee's professional staff executes audit and evaluation projects obtaining information and developing options for consideration by the Committee. The PEER Committee releases reports to the Legislature, Governor, Lieutenant Governor, and the agency examined.

The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

**A Determination of the State Cost Per Inmate Day
for a Special Needs Correctional Facility**

October 12, 1994

**The PEER Committee
Mississippi Legislature**

The Mississippi Legislature

Joint Committee on Performance Evaluation and Expenditure Review

PEER Committee

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October 12, 1994

Honorable Kirk Fordice, Governor
Honorable Eddie Briggs, Lieutenant Governor
Honorable Tim Ford, Speaker of the House
Members of the Mississippi State Legislature

At its meeting of October 12, 1994, the PEER Committee authorized release of the report entitled **A Determination of the State Cost Per Inmate Day for a Special Needs Correctional Facility.**

The purpose of this report is to present an estimate of the state cost per inmate day for a proposed special needs correctional facility, in accordance with Senate Bill 2005 (1994 First Extraordinary Session). The Department of Corrections is to use PEER's estimate as a benchmark to measure the ten percent savings required by Senate Bill 2621 (1994 Regular Session) from private entities contracting for a special needs facility.

The reader should note that PEER's state cost per inmate day amount is based on the most accurate data and information available from Department of Corrections staff at the time of estimation. However, should MDOC management significantly alter the assumptions upon which MDOC staff and the Corrections Auditor based their design, construction, and operational concept for the special needs facility as presented in this report, PEER's state cost per inmate day amount would change accordingly.

Senator Travis Little, Chairman

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

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A Determination of the State Cost Per Inmate Day for a Special Needs Correctional Facility

Introduction

Purpose and Authority

In accordance with Senate Bill 2005 (1994 First Extraordinary Session), the PEER Committee determined the state cost per inmate day for a proposed special needs facility. The Committee acted pursuant to MISS. CODE ANN. § 5-3-57 (1972).

Method

In determining the state cost per inmate day, PEER:

- reviewed legislation allowing private entities to construct and operate a special needs facility [Senate Bill 2621 (1994 regular session)];
- interviewed Jerry Oakes, Director, Department of Finance and Administration, Bureau of Building, Grounds and Real Property Management;
- reviewed relevant Mississippi Department of Corrections (MDOC) administrative, planning, and inmate records;
- interviewed MDOC personnel, including Eddie Lucas, former Commissioner of Corrections; John Grubbs, Deputy Commissioner for Community Services; Ken Crocker, Correctional Planner; Bill Stieger, Hospital Administrator; and Dr. Stanley Russell, Chief Psychiatrist;
- interviewed Jeff Washington, American Correctional Association; and,
- interviewed representatives of the Mississippi Department of Mental Health, Mississippi Hospital Association, and the University of Mississippi Medical Center.

Overview

PEER estimates the annual state cost per inmate day for a 500-bed special needs facility to be \$51.96. In accordance with provisions of Senate Bill 2621, private sector entities interested in leasing a special needs facility to the state would have to do so at an annual cost not exceeding \$46.76 per inmate day, ten percent below the \$51.96 state cost per inmate day estimate computed by PEER.

The reader should note that PEER's state cost per inmate day amount is based on the most accurate data and information available from Department of Corrections staff at the time of estimation. However, should MDOC management significantly alter the assumptions upon which MDOC staff and the Corrections Auditor based their design, construction, and operational concept for the special needs facility as presented in this report, PEER's state cost per inmate day amount would change accordingly.

Background

As a result of the state's increasing number of offender commitments and the space requirements mandated by *Gates v. Collier*, 349 F. Supp. 881 (N.D. Miss. 1972), the need for additional state prison facilities has been a priority within recent years. Given the limited number of inmates for which housing was available in state correctional facilities, many offenders placed in the custody of the Department of Corrections have been housed in county jails, some of which did not adequately address the living standards mandated by the *Gates* decision.

During calendar year 1994, the Legislature enacted major legislation to ease inmate overcrowding and remove inmates placed in the state's custody from county jails. Senate Bill 2621, enacted during the 1994 regular session, grants the Commissioner of Corrections authority to contract with private entities for the placement of state inmates in a special needs facility. Senate Bill 2005, enacted during the extraordinary session, creates a special oversight entity to develop short-term housing provisions for state inmates and expedite construction of additional long-term correctional facilities.

Relevant Provisions of Senate Bill 2621

The primary intent of SB 2621, the "Special Needs Prison Program of 1994," is to provide the Commissioner of Corrections with authority to contract for the placement of state inmates in special needs prison facilities provided by private entities. SB 2621 defines "special need" as "an inmate with diminished mental or physical health requiring specialized healthcare facilities or services." (The definition excludes HIV-positive inmates, who will continue to be treated in prison hospitals and/or their regular housing units.) SB 2621 does not mandate or provide funding for the construction and operation of a special needs facility by the Department of Corrections; the bill simply *allows* private entities to construct and operate such a facility for placement of state inmates.

SB 2621 authorizes the Commissioner of Corrections to negotiate rates and benefits for a private special needs facility based upon American Correctional Association standards, state law, and court orders. However, SB 2621 prevents the Department of Corrections from entering into a contract for a special needs facility unless such contract represents a savings of at least ten percent of PEER's projection of state cost per inmate day.

Governor Kirk Fordice signed SB 2621 on March 21, 1994, and the bill became effective on July 1, 1994. During the Legislature's extraordinary session in August, Department of Corrections staff reported to committees debating the prison construction issue that they were experiencing difficulty in computing a cost per inmate day with which to gauge the ten percent savings mandated by SB 2621.

Relevant Provisions of Senate Bill 2005

Senate Bill 2005 establishes the State Prison Emergency Construction and Management Board consisting of the Lieutenant Governor, Attorney General, and State Treasurer to expedite the contracting and construction of proposed public and private prison facilities and the removal of state inmates from county jails. Section 4, subsection (5) (a) states that the "State Prison Emergency Construction and Management Board may contract for the special needs facility and services authorized" in SB 2621.

Section 4, subsection (5) (b) of SB 2005 makes PEER responsible for computing the state medical cost per inmate day needed by the Department of Corrections to proceed with the contracting provisions of SB 2621, as follows:

No later than September 15, 1994, the Joint Legislative Committee on Performance Evaluation and Expenditure Review shall determine the state medical cost per inmate day to use as a basis for measuring the validity of ten percent (10%) savings of the contractor cost.

The intent of SB 2005 is for the Department of Corrections to utilize the cost per inmate day amount determined by PEER as a benchmark to measure the ten percent savings required by SB 2621 from private entities contracting for a special needs facility.

Computation of State Cost Per Inmate Day for a Special Needs Facility

Concept of a Special Needs Facility

As stated on page 3, SB 2621 defines the type of inmates who are to be placed in or excluded from a special needs facility. Generally, such a facility includes, but is not limited to, drug addicts and drug abusers, alcoholics and alcohol users, inmates who are emotionally disturbed or suspected of being mentally ill, the mentally retarded, and those who pose high risk or require protective custody.

At the time of the Legislature's special session, Department of Corrections staff had performed only limited planning and analysis in an effort to conceptualize the special needs facility allowed by SB 2621. As a result, MDOC management had not taken any steps to develop a request for proposal to receive responses from private sector entities interested in leasing a special needs facility to the state.

Upon the enactment of SB 2005, the PEER Corrections Auditor consulted with MDOC medical services staff in an effort to develop a concept for the proposed special needs facility. Based on the department's current special needs inmate profile and projected commitments of such inmates, MDOC's hospital administrator, chief psychiatrist, and head registered nurse and PEER's Corrections Auditor developed a concept for a 500-bed special needs facility. (Given that SB 2621 does not specify the number of beds to be contained in a special needs facility, these personnel based their concept for the facility on MDOC's South Mississippi Correctional Institution (SMCI), which has a design capacity of 584 bed spaces.)

Structurally, the special needs facility should consist of multiple housing unit buildings with support buildings, similar to MDOC's South Mississippi Correctional Institution. The special needs facility should be constructed so that it could accommodate maximum security inmates, but could also be used to house minimum and medium security inmates. The facility's 500 beds should consist of 350 single-cell beds and 150 dormitory-type beds. The facility's 500 beds should be designed to accommodate the following types of special needs:

- 350 single-cell beds for actively psychotic inmates
- 50 dormitory beds for inmates diagnosed as mentally retarded
- 55 dormitory beds for inmates who are elderly and require constant care
- 20 dormitory beds for inmates requiring kidney dialysis
- 25 dormitory beds for inmates who require a brief stay in a special needs facility (e.g., for drug or alcohol rehabilitation)

This concept assumes that the special needs facility would be used to stabilize inmates requiring special medical needs prior to returning them to their regular housing unit. With exception of geriatric inmates, the special needs facility would not be utilized as a facility for long-term inpatient care.

Construction and Financing Costs

As previously stated, the special needs facility would be similar in construction to MDOC's South Mississippi Correctional Institution. Based on information provided by the Department of Finance and Administration's Bureau of Building, Grounds and Real Property Management, PEER estimates the current cost of constructing and equipping a special needs facility to be \$19,795,988. (See Exhibit 1, page 7, for additional details.) Mississippi Department of Treasury staff estimate that debt service for the construction costs would total \$14,763,085, financed at 6.01% for a twenty-year period. Therefore, total construction and financing costs for the special needs facility are estimated to be \$34,559,073. (Construction and financing costs would amount to approximately \$1,727,954 annually over twenty years.)

Staffing and Operating Costs

To estimate operating costs for special needs facility, PEER utilized a standard per inmate operational cost estimate with an increased medical expense component.

Standard Operating Costs Component

During the Legislature's 1994 special session concerning prison construction, the Legislative Correctional Task Force requested PEER to determine the state cost per inmate day associated with new prison construction, specifically for medium security 1,000-bed and 750-bed facilities. South Mississippi Correctional Institution (SMCI), a 584-bed medium security facility housing 720 inmates, provided the most comparable actual expenditure data to utilize in projecting costs. By dividing SMCI's actual FY 1994 expenditures by SMCI's total inmate days, PEER determined SMCI's cost per inmate day for each of those categories shown on Exhibit 2, page 8. (PEER then multiplied this cost per inmate day by the total number of inmate days for each size institution-- e.g., 365,000 days for a 1,000-bed facility--to compute projected costs for that particular size facility.) PEER applied a 3% annual inflation rate to these proposed FY 1994 operating costs to project FY 1996 expenditures/operating costs. (MDOC utilizes a 3% inflation factor when compiling the department's annual budget request.)

By applying a standard operating cost component to the special needs facility, PEER is making an assumption that the same programs, method of confinement, and types and numbers of employees located at SMCI would provide a basic medium-security facility and staffing profile. Exhibit 3, page 9, illustrates

Exhibit 1
500-Bed Special Needs Unit Proposal

| <u>Construction and Finance Cost</u> | Basis Incarceration Model PEER Proposal |
|---|--|
| Common buildings and utilities | \$ 8,317,000 |
| Single-cell units (350 single cells requested) | 7,700,000 |
| Dormitories (150 inmates capacity) | 1,458,000 |
| <i>Construction Cost</i> | <u>17,475,000</u> |
| Miscellaneous Expenses and Equipment | 2,320,988 |
| <i>Construction and Equipment Cost</i> | <u>19,795,988</u> |
| Financing Cost (20 years @ 6.01%) | 14,763,085 |
| <i>Total Facility Cost Estimate</i> | \$ <u><u>34,559,073</u></u> |

FY 1996 State Cost Per Inmate Day for Construction and Financing

| | |
|---|--------------|
| Inmate Days (500 X 365) | 182,500 |
| Average Annual Debt Service Cost | \$ 1,727,954 |
| <i>Debt Service State Cost Per Inmate Day</i> | \$ 9.47 |

SOURCE: MDOC data, including operating cost and pertinent inmate information; DFA data including construction cost; data from the State Treasurer relative to financing cost.

Exhibit 2

**Estimated FY 1996 Per Inmate Day State Costs
Special Needs Unit vs. Standard Unit**

| | <u>Special Needs Costs (per inmate day)</u> | <u>Standard Costs (per inmate day)</u> |
|--------------------------------------|---|--|
| <i>Operating Costs</i> | | |
| Actual Direct Costs | | |
| Basic confinement and programs | \$ 21.73 | \$ 21.73 |
| Total Actual Direct Costs | <u>21.73</u> | <u>21.73</u> |
| Allocated Direct Costs | | |
| Food | 1.01 | 1.01 |
| Medical | 17.38 | 2.94 |
| Parole Board | 0.22 | 0.22 |
| Total Allocated Direct Costs | <u>18.61</u> | <u>4.17</u> |
| Total Direct Costs | <u>40.34</u> | <u>25.90</u> |
| Allocated Indirect Costs | 2.15 | 2.15 |
| Total Operating Costs | <u>42.49 *</u> | <u>28.05</u> |
| <i>Annual Debt Service</i> | 9.47 | 6.31 |
| Estimated FY 1996 State Costs | <u><u>\$ 51.96 **</u></u> | <u><u>\$ 34.36</u></u> |

SOURCE: PEER projections of FY 1996 state costs based on MDOC data. PEER applied a 3% annual inflation rate to SMCI's FY 1994 operating costs to project FY 1996 expenditures/operating costs.

*\$42.49 X 182,500 inmate days annually=annual construction and financing costs=\$7,754,425

**SB 2621, 1994 Session, requires that private sector entities interested in leasing a special needs facility to the state must do so at an annual cost not exceeding \$46.76 per inmate day, or ten percent below the PEER estimate.

Exhibit 3

Proposed State Staffing for a Special Needs Correctional Facility

| | Positions |
|--------------------------------------|-----------|
| Security | |
| <hr/> | |
| Correctional Administrator I | 19 |
| Correctional Administrator II | 3 |
| Correctional Administrator III | 5 |
| Correctional Officer I | 166 |
| Correctional Superintendent-Security | 1 |
| <i>Subtotal-Security</i> | <hr/> 194 |
| | |
| Medical | |
| <hr/> | |
| Dental Assistant | 1 |
| Dentist | 1 |
| Laboratory Technician | 1 |
| Medical Records Clerk | 3 |
| Medical Records Technician | 1 |
| Medical Technologist | 1 |
| Nurse II | 28 |
| Nurse III | 6 |
| Nurse IV | 3 |
| Pharmacist II | 1 |
| Pharmacist Technician | 2 |
| Physician, Senior | 2 |
| Psychiatric Assistant | 3 |
| Psychiatrist | 2 |
| Psychological Evaluator | 10 |
| Psychologist | 5 |
| Social Work Director | 1 |
| <i>Subtotal-Medical</i> | <hr/> 71 |
| | |
| Support | |
| <hr/> | |
| Academic Teacher I | 1 |
| Academic Teacher II | 3 |
| Accounting Clerk, Senior | 1 |
| Canteen Manager | 1 |
| Chaplain I | 1 |
| Clerk | 1 |
| Clerk Typist, Senior | 4 |
| DP-Computer Operator II | 1 |
| DP-Data Entry Operator II | 1 |

Exhibit 3 (continued)

| | |
|---|------------|
| Facility Maintenance Repairman II | 1 |
| Facility Maintenance Superintendent | 1 |
| Facility Maintenance Supervisor | 4 |
| Fire and Safety Inspector | 1 |
| Fiscal Officer, Chief | 1 |
| Investigator I | 1 |
| Investigator, Internal Affairs Special | 1 |
| Library Technician | 1 |
| Offender Services Case Manager | 6 |
| Offender Services, Director | 1 |
| Offender Services, Disciplinary Hearing Officer | 1 |
| Offender Services, Disciplinary Investigator | 1 |
| Personnel Officer V | 1 |
| Personnel Technician | 1 |
| Postal Clerk Supervisor | 1 |
| Purchasing Agent I | 1 |
| Recreation Supervisor III | 1 |
| Secretary | 3 |
| Secretary, Executive | 3 |
| Secretary, Principal | 2 |
| Superintendent, Associate-Security | 1 |
| Superintendent, Associate-Support | 1 |
| Superintendent, Associate-Treatment | 1 |
| Superintendent, Correctional Moderate Facility | 1 |
| Training Staff Development Specialist | 2 |
| Vocational Counselor | 1 |
| Vocational Education Instructor | 6 |
| Vocational Education, Director | 1 |
| Warehouse Clerk III | 1 |
| Warehouse Manager II | 1 |
| <i>Subtotal-Support</i> | <u>63</u> |
| Total | 328 |

SOURCE: PEER analysis of additional medical personnel and DOC's staffing pattern for South Mississippi Correctional Institution.

the proposed staffing pattern for a 500-bed medium-security correctional facility, incorporating additional medical personnel to serve special needs. Exhibit 4, page 12, gives position and cost information for the additional medical staff proposed to serve special needs.

PEER's medium-security facility and staffing requirements plus the proposed medical staffing required to serve special needs assume that all of the special needs facility's programs and services, with exception of kidney dialysis, would be handled by full-time, permanent employees. As is the current practice of MDOC, a public or private contractor would provide kidney dialysis services for special needs inmates.

Medical Costs Component

As illustrated in Exhibit 2, page 8, PEER's standard operating cost contains a medical component of \$2.94 per inmate day. This amount represents expenses associated with the provision of basic medical care to inmates housed at MDOC's South Mississippi Correctional Institution.

Due to the level of care required at a special needs facility, PEER obtained from MDOC's Hospital Administrator and Chief Psychiatrist a listing of certain types of medical personnel that a privately-operated special needs facility would require in addition to those currently located at SMCI. In an effort to help ensure that special needs inmates have a level of care comparable to that provided to patients in the state's primary mental facility, PEER analyzed the listing of additional special needs medical personnel and compared it to the medical staff of the Mississippi State Hospital at Whitfield. Based on this analysis and comparison, PEER developed a special needs staffing pattern which should provide adequate special needs medical care at a cost of \$14.44 per inmate day. Exhibit 4, page 12, details the types and numbers of special needs medical personnel in addition to those employees currently located at SMCI.

In summary, PEER increased the standard medical per inmate day cost of \$2.94 by \$14.44 to reflect costs of additional medical personnel necessary for the operation of a special needs facility, as illustrated below.

| | |
|---|--------------|
| Standard medical per inmate day cost | \$ 2.94 |
| Projected medical personnel | <u>14.44</u> |
| Special needs medical per inmate day cost | \$17.38 |

State Cost Per Inmate Day for a Special Needs Facility

PEER estimates that the annual state cost per inmate day for a 500-bed special needs facility would be \$51.96, as illustrated on page 13.

Exhibit 4

Proposed Additional Medical Staff for a Special Needs Correctional Facility

| Type of Positions | Additional Positions | Total Salaries and Fringes |
|--|-------------------------|-------------------------------|
| Medical Records Clerk | 2 | \$33,759.60 |
| Medical Records Technician | 1 | 17,845.05 |
| Medical Technologist | 1 | 36,759.75 |
| Nurse II | 22 | 765,669.30 |
| Nurse III | 6 | 230,733.90 |
| Nurse IV | 3 | 127,420.20 |
| Pharmacist II | 1 | 49,830.60 |
| Pharmacist Technician | 2 | 38,247.00 |
| Physician, Senior | 1 | 137,500.00 |
| Psychiatric Assistant | 3 | 106,992.00 |
| Psychiatrist | 2 | 275,000.00 |
| Psychological Evaluator | 10 | 336,030.00 |
| Psychologist | 4 | 191,495.40 |
| Social Work Director | 1 | 45,551.85 |
| | 59 | \$2,392,834.65 |
| Additional kidney dialysis* | | \$243,360.00 |
| Total Additional Medical Costs | | \$2,636,194.65 |
| <i>Inmate Cost Per Day for 500 Inmates</i> | | <i>\$14.44</i> |

*DOC currently provides kidney dialysis through a contractual arrangement for thirteen inmates. These additional funds will provide the same type service for an additional twelve inmates.

SOURCE: DOC staff and PEER analysis.

| | |
|---|------------------|
| Annual construction and financing costs | \$1,727,954 |
| Annual staffing and operating costs | <u>7,754,425</u> |
| Total annual costs | \$9,482,379 |

\$9,482,379/182,500 inmate days annually = \$51.96 state cost per inmate day

In accordance with provisions of SB 2621, private sector entities interested in leasing a special needs facility to the state would have to do so at an annual cost not exceeding \$46.76 per inmate day, ten percent below the \$51.96 state cost per inmate day estimate computed by PEER (see Exhibit 2, page 8, for additional details).

The reader should note that PEER's state cost per inmate day amount is based on the most accurate data and information available from Department of Corrections staff at the time of estimation. However, should MDOC management significantly alter the assumptions upon which MDOC staff and the Corrections Auditor based their design, construction, and operational concept for the special needs facility as presented in this report, PEER's state cost per inmate day amount would change accordingly.

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