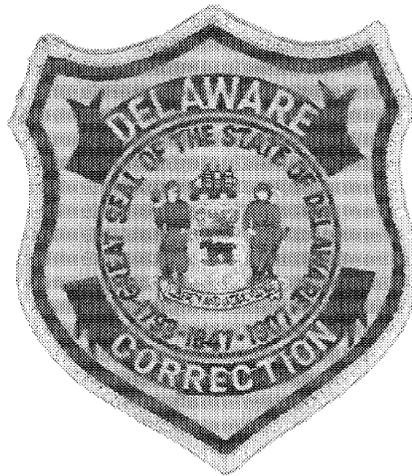


THE COMMISSIONER'S REPORT
ON
THE JULY 12, 2004 HOSTAGE INCIDENT
AT
THE DELAWARE CORRECTIONAL CENTER



ISSUED OCTOBER 06, 2004

TABLE OF CONTENTS

I.	Executive Summary	Pages 1 - 5
II.	Security Overview:	
	Hostage Negotiation Training	Page 6
	Corrections Emergency Response Team	Page 7
	Security Staffing Plan	Page 8
	Hazardous Duty Pay Criteria	Pages 8 - 9
III.	Action Plan	Pages 10 -11
IV.	Appendix	Page 12

EXECUTIVE SUMMARY

THE HOSTAGE INCIDENT

On July 12, 2004 DCC Counselor Cassandra Arnold was conducting a Group Session in Medium Housing Complex, Support Building #24-classroom #4. The group numbered approximately 15 inmates, including Scott A. Miller, SBI# 00145669.

The session ended after 10:00 a.m. Counselor Arnold left the classroom, walked past the Control Pod, down the hallway and into the Building #24 administration offices. As she passed the bathroom, she observed a yellow inmate uniform through the bathroom door. Inmate Miller confronted Counselor Arnold, taking her hostage using a homemade metal weapon.

A brief struggle ensued as Counselor Arnold resisted. Her yells alerted staff to the situation. Inmate Miller briefly held her hostage in the bathroom and then entered the hallway with her and moved across the hallway into an office. He barricaded the office door with the room's furniture.

Institutional staff responded to the emergency from assignments throughout the complex including the Hostage Negotiation Team (HNT) and the Corrections Emergency Response Team (CERT).

After several hours of negotiations with the HNT, Inmate Miller stopped communicating and raped his hostage. Shortly thereafter, the CERT Team entered the room through the ceiling and shot Inmate Miller twice, resulting in his death. Counselor Arnold was extracted from the room, treated at the scene, and transported to a hospital.

SHU & MHU POLICY STATEMENT

The Security Housing Unit (SHU) controls and manages the most dangerous, highest risk inmates, as well as, those inmates who have demonstrated through their institutional and/or criminal history/behavior that they are unable to function in lesser security levels. Some of these behaviors include, but are not limited to, assaultive-aggressive behavior, escape risks or a history of non-compliant behavior. Also housed in SHU are inmates sentenced to the death penalty, protective custody inmates and detentioners who have demonstrated that they cannot function in general population because they present a serious risk to others.

SHU inmates are confined to a single occupant cell except for medical appointments, visits, showers and recreation. Inmates are mechanically restrained when movement occurs out of their cell.

Simply stated, SHU is a prison within a prison. Inmates earn their way into SHU with unacceptable behavior. Inmates must progress through various review levels, which require them to complete specific treatment programs and comply with rules and regulations. Program completions coupled with continued positive behavior may result in steps toward placement in the general population.

As both positive behavior and program achievements become consistent, inmates can progress to the Medium Housing Unit (MHU). Here they are housed in a cell with another inmate, meals are served in a central dining room, programming occurs in a classroom setting and recreation occurs with other inmates. The focus in this housing unit is to continue behavior modification and increase program achievements to the point where inmates can function in the general population.

THE PERPETRATOR

Inmate Miller was sentenced to a term of 699 years on June 23, 2000. His initial classification, made on July 6th, assigned him to Maximum Security-High Custody status. He was housed in the Maximum Security Unit (predecessor to SHU), consistent with the Central Institutional Classification Board unanimous decision.

A review of Miller's classification occurred in October 2000. While the Classification Team noted that he was making some progress, their decision was to continue his original placement in order to observe behavior and attitude trends for a longer time period. The Institutional Based Classification Board (IBCB) approved this recommendation and Miller remained housed in the Maximum Security Unit.

Incorporated within the DOC system expansion, a new Maximum Security area was opened in December 2000. Inmate Miller was moved to the new Security Housing Unit on December 12, 2000, consistent with his maximum-high custody classification. Throughout this time period, SHU staff monitored Miller's behavior and response to programming.

In early 2003, the DOC developed and adopted an objective classification system. This new system includes some of the former subjective system processes, however, its new scoring mechanism provides a benchmark for appropriate security level placement. Initial scores may be overridden placing inmates in higher or lower security levels based on behavior trends, disciplinary sanctions, etc.

This objective classification system was developed in conjunction with technical assistance from The Institute On Crime, Justice, and Corrections of the George Washington University. Additional technical expertise was provided under the auspices of the National Institute of Corrections.

Inmate Miller transferred back and forth between SHU and MHU four times between 12-12-00 and 09-20-02. These transfers reflect his treatment program participation and behavior trends. In March 2003, Inmate Miller's classification status was reviewed under the objective classification system. The Classification Team recommended and received approval for a change to Medium Security consistent with his score. Miller was moved to the MHU Complex, Building #22 Housing Unit.

Inmate Miller's next classification review occurred in March 2004. As a result of this review Miller remained at MHU. In May 2004, as a result of a disciplinary violation and resulting job termination, a classification review was conducted. The Classification Team recommended and received IBCB approval for Inmate Miller to remain at MHU. Simply stated, he spent the fifteen months prior to the incident housed in the MHU.

During his incarceration and classification reviews, Inmate Miller was assigned to some institutional programs, and briefly held a job in the Building #24 kitchen. He participated in programs including *conflict resolution, decision-making, values training, anger management, communication skills, substance abuse education, self esteem, and thinking errors*. He also participated in the Prison Education Program as a GED student, but didn't complete any courses.

A summary of Inmate Miller's Disciplinary History Record indicates nine offenses from 01-08-00 through 11-23-00. Two years later he had one offense on 10-16-02. One year later he had two offenses dated 08-26 and 10-02-03. Seven months later he had three additional offenses dated 05-05, 05-24, and 06-27-04.

Examination of the time frame leading up to this incident indicates that specific events in Miller's life contributed to his frustration and anger. On 04-21-03 he was transferred from SHU to MHU; Miller expected placement in the general population compound. More than a year later (05-05-04), he received a disciplinary written reprimand for rules infractions. On 05-24-04 he was sanctioned for job related offenses, which resulted in his being fired. On 06-04-04 the Hearing Board overturned the sanction and reinstated Miller to his kitchen job. Days later his divorce became final. On 06-27-04 he was found in possession of food items and was again fired. On 07-03-04 he had an abbreviated visit with his ex-wife and their children. She stated that Miller was rude and verbally abusive to the children, so she cut short the visit. Miller's ex-wife scheduled another visit for 07-09-04 but chose not to attend. She states that Miller called her saying he would give her a present for her upcoming birthday that she wouldn't forget.

Counselor Arnold, at her 08-18-04 interview, stated that Miller's demeanor during the group session was stressful. She recalls his specific comments referring to a bogus disciplinary sanction over a sandwich, a staff member using a racial slur, loss of his job, change of housing units, and request for Interstate Compact Transfer to Virginia.

At this same interview, Counselor Arnold recounts elements of the conversation she had with Miller, while held as his hostage. They discussed the transfer to Virginia and Miller said that perhaps he had acted too soon. He told her that he wanted to kill a specific Sergeant, who he followed to the chow hall. When Miller entered the chow hall the Officer turned around, so Miller exited and came up to the Administration Area. Miller said he was sorry she was his hostage because she was the good Counselor and that he would rather kill either one of two other Counselors he named. Miller again stated that he really wanted to kill the Sergeant.

The frustrations noted above seem to be the motivation for Inmate Miller's actions the day of the incident. Miller was stressed and sought to vent his anger on a staff member.

OFFENDER MOVEMENT CONTROL

On the day and time of the incident, Building #24 had a Sergeant in the Control Pod post, another Sergeant as the Building Rover, the area Lieutenant, two Teachers in the classrooms, one Administrative Assistant, two Counselors, one Nurse Assistant, one Mental Health Clinician, one Mental Health Doctor, two Commissary Officers, one Para-legal, one Property Officer, and four staff from the Housing Units (Total of 19 employees).

The area Lieutenant and a Sergeant were in the Control Pod. The four additional officers were staging in the area near the Control Pod and Chow Halls. These officers are usually sent from Buildings # 21-23 to assist with feeding the inmates. Counselor Arnold was conducting a group session in classroom #4. There was a Teacher in Classroom #1 and another Teacher in Classroom # 3. The Building Rover was near the classrooms. Two officers were in the Commissary and a Para-legal was in the Law Library. The Inmate Property Officer was positioned in the hallway between the Control Pod and the slider door to the lobby. The Administration Area contained a Counselor, the Mental Health Doctor, the Mental Health Clinician, the Medical Assistant, and the Administrative Assistant.

BUILDING #24 CONDITIONS THE DAY OF THE INCIDENT

On the morning of July 12, 2004 several witnesses observed the door to the Building #24 Administrative Office Area propped open with a wooden chock. Individuals interviewed stated that this had become a routine practice. The Control Pod Officer electronically controls this door. The door is usually secured daily after 5:00 p.m. and remains secured throughout the evening hours. All staff who worked in or had offices in the MHU Complex had a responsibility to ensure that all doors were locked when not in use.

Many interviewees advised that the slider doors would occasionally be left open during shift changes to facilitate staff movement to their assigned positions. When this occurred, inmates would normally be secured in their cells and locked in for a count. Other than the shift changes, the slider door to the entrance of Building #24 would be secured. The Control Pod officer also electronically controls the slider door.

The investigation also focused on where Inmate Miller's weapon originated. Examination of the shank revealed the metal was round, approximately eight inches long, possibly a galvanized material with an improvised handle. The metal resembled fencing material. The handle was made of plastic wrapping material like that used in the kitchen. The handle also had masking tape wrapped around the plastic wrap. The point was sharpened on four sides, similar to a nail. The exact location of where Inmate Miller obtained the materials to construct the shank could not be determined.

SECURITY OVERVIEW

HOSTAGE NEGOTIATION TRAINING

Early in 1997, DOC identified the need to reinforce the role of hostage negotiation teams and provide more consistent team training. The Employee Development Center was tasked with researching national programs, identifying trainers and resources to fund the training. Through the National Institute for Corrections and the Virginia Department of Correction the Department identified a model successfully used by federal and state correctional agencies.

On November 17, 1997 DOC sought technical assistance from the Federal Bureau of Prisons. Technical experts with teaching credentials and applied experience in hostage negotiations were identified.

The initial training was held at Delaware Technical and Community College the week of April 20, 1998. Wardens and their Executive Staff were provided an overview of the model and training their teams would receive. Team classroom-based training culminated with an off-site mock hostage drill affording DOC teams the opportunity to practice their negotiation skills. The trainees also had a policy development session with one of the technical experts.

Through the subsequent years from 1998 until August 21, 2001 the Department's teams continued to run practice drills. In March 2000, due to the 2,500-bed expansion, a work group including a representative from the Employee Development Center and institutions met to review the existing program and make recommendations.

In 2001, DOC identified the need to offer the program again to train additional hostage negotiation team members. This session was conducted at our Employee Development Center.

On November 30, 2001 another briefing session was conducted for the Wardens and their Security Teams. Throughout this session, information was provided on decision-making issues/strategies for Wardens and teams, as well as, lessons learned from the Federal Bureau of Prisons' incidents relevant to Delaware. The CERT Team presented their role in the hostage negotiation process and discussed available technology.

Since 2001 the Employee Development Center has continued to maintain a training relationship with Virginia Department of Correction. On two separate occasions representatives from our Employee Development Center, along with Delaware DOC institutional staff, have participated in Virginia training drills. DOC teams continue to run periodic practice drills to maintain readiness.

CORRECTIONS EMERGENCY RESPONSE TEAM (CERT)

The CERT mission is to ensure public safety, the safety of DOC staff, as well as, inmates through joint partnership with BOP institutions. This is accomplished through:

- Development and implementation of security programs based on needs identified by the institutions.
- Training and development of selected groups of staff to perform advanced, high risk, or community operations.
- Acting as technical advisor to Wardens and providing a tactical response during emergency situations.

Each CERT Member receives:

- 4 weeks of Basic Training
- 1 Day of proficiency training each month

Topics Include:

Building Assaults	Cell Extractions
Riot Control	Rappelling
Defensive Tactics	Tactical Firearms
PR 24 Riot Baton	Escapee Recovery & Management
Chemical Munitions	Non Lethal Munitions

SECURITY STAFFING PLAN

The MHU Complex is designed with four units (Buildings # 21, 22, 23 and 24). The original design for the 8-4 shifts was a total of six security personnel in each of the Housing Units and two security personnel in Building 24. To refine staffing within the complex to meet operational needs, the 8-4 shifts complement was increased, in October 2003, to a total of seven security personnel in each of the Housing Units and 2 security personnel in Building 24. In summary, the MHU complex requires a total security compliment of twenty-three staff members.

On Monday, July 12th the following staff were present on the 8-4 shifts, at the time of the incident:

- Building # 21 - seven security staff
- Building # 22 - six security staff
- Building # 23 - seven security staff
- Building #24 - two security staff

This equates to a total security compliment of twenty-two staff or minus one officer compared to the Operations Plan. Seven of these Officers were working overtime.

An Area Lieutenant, who was present in Building #24 the day of the incident, is not included in the above as he had MHU Complex supervisory responsibilities.

HAZARDOUS DUTY PAY CRITERIA

All Correctional Officers receive Level A hazardous duty pay. Some non-uniform staff members receive Level A, while others qualify for Level B.

In order to receive Level A hazardous duty pay, a DOC employee must meet the Merit Rule criteria and successfully complete the Correctional Employee Initial Training (CEIT) Program. Counselor Arnold had successfully completed the CEIT Program, and was receiving Level A hazardous duty pay at the time of the incident.

The State of Delaware Merit Rules, which receives its Statutory Authority from 29 Delaware Code, Section 5914, recognizes that certain state employees work in an environment that involves an unusual risk of serious physical injury.

Merit Rule 4.18.1 states that “determination as to the positions eligible for hazardous duty pay shall be requested by agencies for the Director’s approval. The agency shall notify the Director when a substantive change occurs in the duties of work conditions of any position receiving hazardous duty pay. Compensation shall be set by the State Budget Act.”

In the definition section of the Merit Rules, Hazardous Duty is further defined in the following manner:

“Hazardous Duty Pay”: uncontrollable circumstances that involve an unusual risk of serious physical injury, impairment to health or death resulting from accidental, negligent or intentional causes. Compensation for Exposure Levels A & B shall be set in the Budget Act. The following two degrees of exposure are recognized:

“Exposure Level A”: Continuing exposure to hazards where the employee’s responsibility is to deal with the hazard as a function of assigned duties.

“Exposure Level B”: Proximate exposure to hazards where it is not the employee’s stipulated job duty to deal with the hazard, or occasional exposure to hazards where the employee’s responsibility is to deal with the hazard as a function of assigned duties.

The following definitions shall be used to determine eligibility for hazardous duty pay:

“Continuing”: frequency of exposure is normally more than 50% of employees’ working time.

“Occasional”: frequency of exposure is normally more than 5% but less than 50% of employees’ working time.

“Uncontrollable”: precautions, such as safety and life support equipment, are either impractical to be used continually or are insufficient to assure reasonable safety.

“Proximate”: the location of employee’s work site precludes evacuation as a means of avoiding exposure to serious physical injury, impairment to health or death resulting from accidental, negligent or intentional cause.

ACTION PLAN

CHANGES ALREADY MADE:

- A Directive was issued to ensure that the door to the Building #24 Administration Area remains locked at all times. Inmate access or movement to this area is prohibited, including inmate janitorial services.
- A Directive was issued to ensure that all Building #24 areas and offices are locked whether occupied or vacant.
- Motorola radios have been ordered for issue to the Counselors in the SHU/MHU area.
- One additional Correctional Officer has been reassigned to Building #24 from #21 through #23 on a rotational basis, Monday through Friday, 8-4 shifts, to assist with security coverage for classrooms, mental health groups, treatment programs, Law Library, and Commissary.
- DCC security staff is escorting all DOC staff, and contractual services employees when they are on the housing unit tiers.
- Signs have been posted on the Building #24 front slider and Administration Area Door stating “No Inmates Beyond This Point”.
- A Directive was issued stating that all inmates entering and leaving Building #24 will be escorted, at all times, by Correctional Staff.
- A Directive was issued to add another override category in both the initial inmate classification and reclassification process for a pattern of assaultive/predatory behavior in institutions or the community.

WORK-IN-PROGRESS:

- Review Classification Policy & Procedures with the United States Department of Justice, National Institute of Corrections.
- Review Staff Training Academy Curriculum with the United States Department of Justice, National Institute of Corrections.
- Review Emergency Response Procedures with the United States Department of Justice, National Institute of Corrections.
- Review the Institutional Staffing Analysis with the United States Department of Justice, National Institute of Corrections.
- Develop a plan to utilize the analysis of this incident as a training tool for all DOC institutions.
- Continue efforts begun in Fall 2002 to address Correctional Officer Series Compensation issues. The Compensation Task Force, formed in Spring 2003, delivered its Final Report Recommendations in September 2003. The Governor recommended and the General Assembly approved hazard duty pay increases for the Correctional Officer series in July 2004. A Selected Market Variation Analysis was conducted in compliance with Senate Bill NO. 320 of the 142nd General Assembly, Epilogue Section 224 (see Appendix). The State Personnel Office, in conjunction with the Budget Office and Pension Office, has developed a proposed revised supplemental benefits package that incorporates multiple Task Force Recommendations. Work continues on a plan to phase-in implementation of the recommendations of the Task Force on Correctional Officer Compensation, Benefits and Pension Issues.
- Require mandatory CEIT classes for all DOC employees working inside any institutional fence line.
- Establish DCC Shakedown Teams.
- Investigate specific tactical equipment options. If selected, submit the appropriate budgetary request for approval and funding.

APPENDIX

- Senate Bill NO. 320, 142nd General Assembly, Sections 60 & Section 224
- State of Delaware Merit Rules, effective January 1, 2004, Section 4.18
“Hazardous Duty Pay” page 9 and “Definitions” page 33
- Compensation Task Force Recommendations, Executive Summary
- Compensation Presentation for the Correctional Officers Association of Delaware, dated September 1, 2004
- DOC request for Department of Justice, National Institute of Corrections (NIC) technical assistance, dated September 28, 2004.
- NIC affirmative reply, dated September 30, 2004
- MHU Complex Diagram
- MHU Building Diagram
- Internal Affairs Unit Investigative Report – Case # 04-031

**DELAWARE STATE SENATE
142nd GENERAL ASSEMBLY
SENATE BILL NO. 320**

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2005; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The several amounts named in this Act, or such part thereof as may be necessary and essential to the proper conduct of the business of the agencies named herein, during the fiscal year ending June 30, 2005, are hereby appropriated and authorized to be paid out of the Treasury of the State by the respective departments and divisions of State Government, and other specified spending agencies, subject to the limitations of this Act and to the provisions of Title 29, Part VI, Delaware Code, as amended or qualified by this Act, all other provisions of the Delaware Code notwithstanding. All parts or portions of the several sums appropriated by this Act which, on the last day of June 2005, shall not have been paid out of the State Treasury, shall revert to the General Fund, provided, however, that no funds shall revert which are encumbered pursuant to Title 29, Section 6521, Delaware Code.

The several amounts hereby appropriated are as follows:

Page 129 of 251 - Section 60

Section 60. (a) Section 1 of this Act appropriates \$1,143.6 to the Office of the Budget, Contingencies and One-Time Items (10-02-04) for the Correctional Officer Task Force. Funding in this appropriation shall be used to create a new Hazard Duty Level A-1 at the rate of \$2,520.00 annually to include Correctional Officer series and Probation Officer series positions. Hazardous Duty Level A-1 will effectively increase the allocation of Hazardous Duty Level A currently provided to Correctional Officer and Probation Officer Series positions by \$600.00 annually.

(b) The Department of Correction is hereby authorized to develop a recruitment incentive pilot program. The pilot project shall be approved by the Budget Director and Controller General prior to implementation.

Page 180 of 251 - Section 224

Section 224. The State Budget Director, the Director of State Personnel, and the Controller General are directed to work with the Department of Correction on a plan to phase-in implementation of the recommendations of the Task Force on Correctional Officer Compensation, Benefits & Pension Issues (September, 2003). Special attention and analysis shall be on the Correctional Officer Series pay grades and pay ranges. Recommendations shall be made no later than November 15, 2004 to the Governor and Co-chairs of the Joint Finance Committee.

STATE OF DELAWARE MERIT RULES
Adopted by the Merit Employee Relations Board
Effective January 1, 2004

Statutory Authority: 29 Delaware Code,
Section 5914 (29 Del.C. §5914)

Chapter Index

1. Introduction
2. Non-Discrimination
3. Classification of Positions
4. Pay Plan
5. Employee Benefits
6. Recruitment and Application Policies
7. Examinations and Registers
8. Certification
9. Probation
10. Other Appointments
11. Layoff Procedures
12. Employee Accountability
13. Performance Review
14. Employee Development and Communications
15. Employee Responsibilities
16. Human Resource Records
17. Payroll
18. The Grievance Procedure
19. Definitions

1.0 Introduction

1.1 Pursuant to 29 Del.C. Chapter 59, these Rules apply to initial probationary, Merit and limited term employees, except as otherwise specified, and shall continue in effect until such time as they are amended or modified by the Merit Employee Relations Board ("Board") or are amended, modified or superseded by amendment to 29 Del.C. Chapter 59.

1.2 In the event of conflict with the Delaware Code, the Code governs. In the event of conflict with individual agency regulations, these Rules take precedence. In the event of conflict with Intergovernmental Merit System Standards, the Standards govern federally funded positions subject to the provisions of the Intergovernmental Personnel Act. Federal laws supersede any conflicting state laws.

1.3 If a subject is covered in whole or in part by a collective bargaining agreement, 29 Del.C. §5938(d) provides that the Merit Rules shall not apply to such subject matters. These Rules govern in matters of: classification, uniform

required during on-call periods shall also be compensated in accordance with 4.16.

4.17.2 Social workers providing direct child or adult protective services and the State Emergency Response Team approved by the State Personnel and Budget Directors shall be eligible for stand-by pay.

4.18 Hazardous Duty Pay

4.18.1 Determination as to the positions eligible for hazardous duty pay shall be requested by agencies for the Director's approval. The agency shall notify the Director when a substantive change occurs in the duties or work conditions of any position receiving hazardous duty pay. Compensation shall be set by the State Budget Act.

4.19 Supervisory Pay. Subject to the approval of the Director, the Secretary of the Department of Health & Social Services (DHSS) may grant supplemental pay equal to 5% of the employee's paygrade midpoint to registered nurses employed in DHSS institutions or facilities who are designated as charge nurses or team leaders and are permanently assigned such responsibilities in addition to their regular staff nurse duties.

Charge Nurse/Public Health Nurse team leader responsibilities include the daily supervision and coordination of nursing or other patient care activities in a unit, ward, floor, clinic or field setting during a specified shift to ensure quality patient care and continuity of care with other shifts. This supplemental pay is not authorized for employees required to perform charge nurse/team leader functions on a temporary basis consistent with Merit Rule 3.2.

4.20 Computing Overtime Pay. The hourly rate of pay for overtime, holiday and call-back payment purposes includes shift differential, stand-by and hazardous duty pay.

5.0 Employee Benefits

5.1 Holidays

5.1.1 The following days are legal holidays for employees: New Year's Day; Martin Luther King, Jr. Day; Presidents' Day; Good Friday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; General Election Day; Thanksgiving Day; Day after Thanksgiving; Christmas Day; and Return Day (the second day after the General Election), 3.75 hours for 37.5 hours work week schedule or 4 hours for 40 hour work week schedule for employees who live or work in Sussex County; and any other day or part of proclaimed by the Governor as a holiday.

the Merit System. An examination may consist of, but is not limited to, oral, written or performance tests, or a rating of the candidate's training and experience.

“Exceptional Employment”: employment of individuals with disabilities through special program such as the Agency Aide or Selective Placement Program.

“FMLA Eligible Employee”: an employee who has at least one year of state service and has been paid for at least 1,250 hours over the 12-month period prior to the first day of the FMLA leave.

“FMLA Leave”: leave taken in accordance with the provisions of the Family and Medical Leave Act of 1993.

“Grievance”: Merit employee's claim that these Rules or the Merit system statute has been violated. A grievance may not deal with the content of the Rules or the Merit system statute.

“Hazardous Duty Pay”: uncontrollable circumstances that involve an unusual risk of serious physical injury, impairment to health or death resulting from accidental, negligent or intentional causes. Compensation for Exposure Levels A & B shall be set in the Budget Act. The following two degrees of exposure are recognized

“Exposure Level A”: Continuing exposure to hazards where the employee's responsibility is to deal with the hazard as a function of assigned duties.

“Exposure Level B”: Proximate exposure to hazards where it is not the employee's stipulated job duty to deal with the hazard, or occasional exposure to hazards where the employee's responsibility is to deal with the hazard as a function of assigned duties.

The following definitions shall be used to determine eligibility for hazardous duty pay:

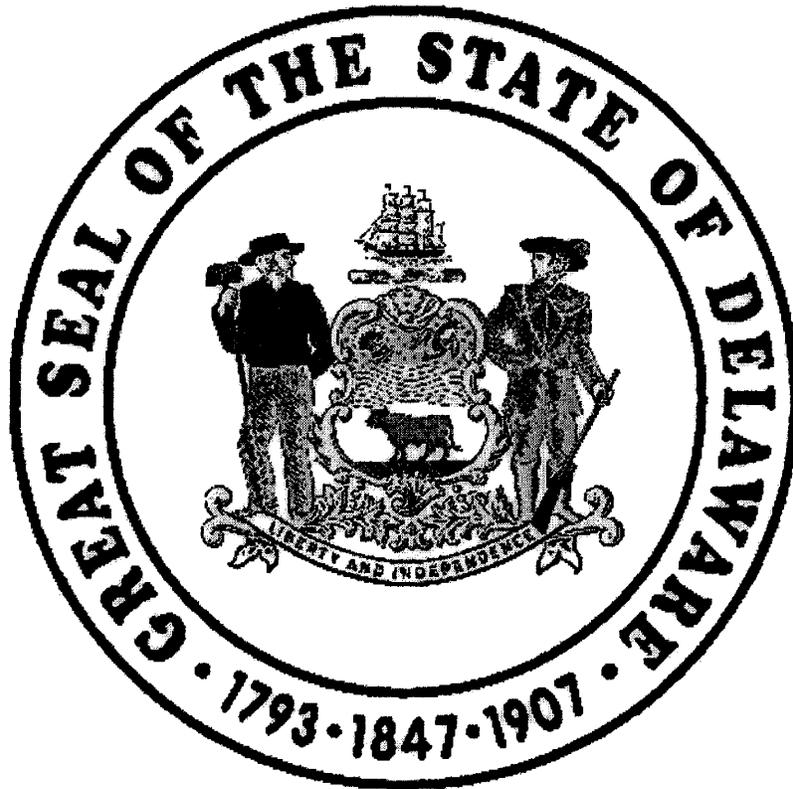
“Continuing”: frequency of exposure is normally more than 50% of employees' working time.

“Occasional”: frequency of exposure is normally more than 5% but less than 50% of employees' working time.

“Uncontrollable”: precautions, such as safety and life support equipment, are either impractical to be used continually or are insufficient to assure reasonable safety.

“Proximate”: the location of employee's work site precludes evacuation as a means of avoiding exposure to serious physical injury, impairment to health or death resulting from accidental, negligent or intentional cause.

“Hiring List”: the list of finalist candidates eligible to fill a vacant position.

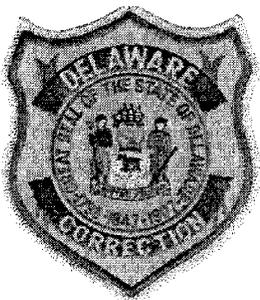


FINAL REPORT

FROM THE

TASK FORCE ON CORRECTIONAL OFFICER COMPENSATION, BENEFITS & PENSION ISSUES

SEPTEMBER 2003



State of Delaware
Department of Correction

"Our Top Priority Is To Ensure Public Safety"

PREFACE

On February 3, 2003 the Department of Correction Commissioner and the State Personnel Director jointly held a meeting with representatives from the Correctional Officers Association of Delaware (COAD) to discuss Correctional Officer compensation, benefits and pension related issues. As a result of their meeting, this Task Force was created to study and make recommendations for these areas. DOC Bureau Chief of Prisons, Paul W. Howard, was appointed as the Task Force Chairperson.

The Task Force was instructed to focus on both short & long term proposals and objectives. Given Delaware's present economic climate, short-term recommendations (less than 2 years) had to be limited to only those that would not represent a significant fiscal impact. Recommendations that potentially represented a significant fiscal impact were by design deemed as long-term proposals. Even these long-term recommendations would be subject to adjustment depending on the economic situation and availability of funding.

In pursuit of its mission to identify compensation alternatives the Task Force included members from the Department of Correction Bureau of Management Services, Bureau of Prisons, Bureau of Community Correction, the State Personnel Office, the Budget Office, the Correctional Officers Association of Delaware (COAD), and the American Federation of State, County & Municipal Employees Local 247 (AFSCME).

And so the process began... The Task Force conducted its first meeting on April 10, 2003 and their work culminated with submission of this Final Report of findings and recommendations.

Executive Summary

The Task Force reviewed the consolidated Final Report Findings and Recommendations at their August 12, 2003 meeting. By consensus vote, the Task Force ranked their recommendation priorities as follows:

1. Compensation Issues:

- a. Increase Hazard Duty Pay stipend,
- b. Establish horizontal movement through the pay range, and
- c. Move starting salary to 85% of midpoint

2. Pension Issues:

- a. Adopt 25 year retirement (Pass Senate Bill 90),
- b. Institute a Drop Program,
- c. Adopt a 20 year retirement, and
- d. Explore leaving the Merit System and/or Pension Plan.

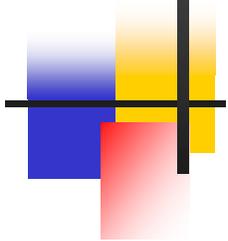
3. Traditional Benefits Issues:

- a. Expand Supplemental Benefits coverage to include disability, vision, prepaid legal, dental, auto insurance, and
- b. Institute an incentive program for Sick Leave.

4. Recognition/Career Development Issues:

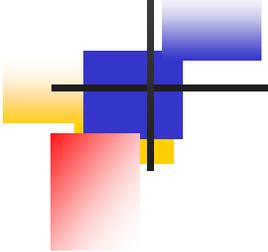
- a. Expand training opportunities,
- b. Enhance Recognition Program, and
- c. Establish a new Rank Structure.

The four individual Committee reports are integral to this Task Force Final Report. They are included in their entirety, under separate tabs in the pages that follow, along with referenced materials appendix and Committee Chairman's Remarks.



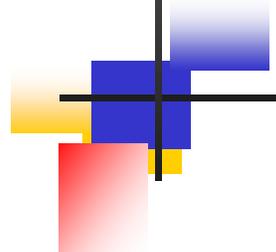
Correctional Officers Task Force Report: Background & Future Opportunities

Presented to the Correctional Officers
Association of Delaware (COAD)
September 1, 2004



Section 224 of the FY 2005 Budget Act

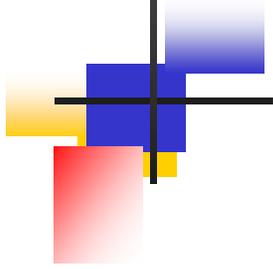
“The State Budget Director, the Director of State Personnel, and the Controller General are directed to work with the Department of Correction on a plan to phase-in implementation of the recommendations of the Task Force on Correctional Officer Compensation, Benefits and Pension Issues (September, 2003). Special attention shall be on the Correctional Officer Series pay grades and pay ranges. Recommendations shall be made no later than **November 15, 2004** to the Governor and Co-Chairs of the Joint Finance Committee.”



Presentation Overview

- State Employee and DOC Workforce Overview
- Progress to Date
- Compensation Options to be Explored
- Next Steps

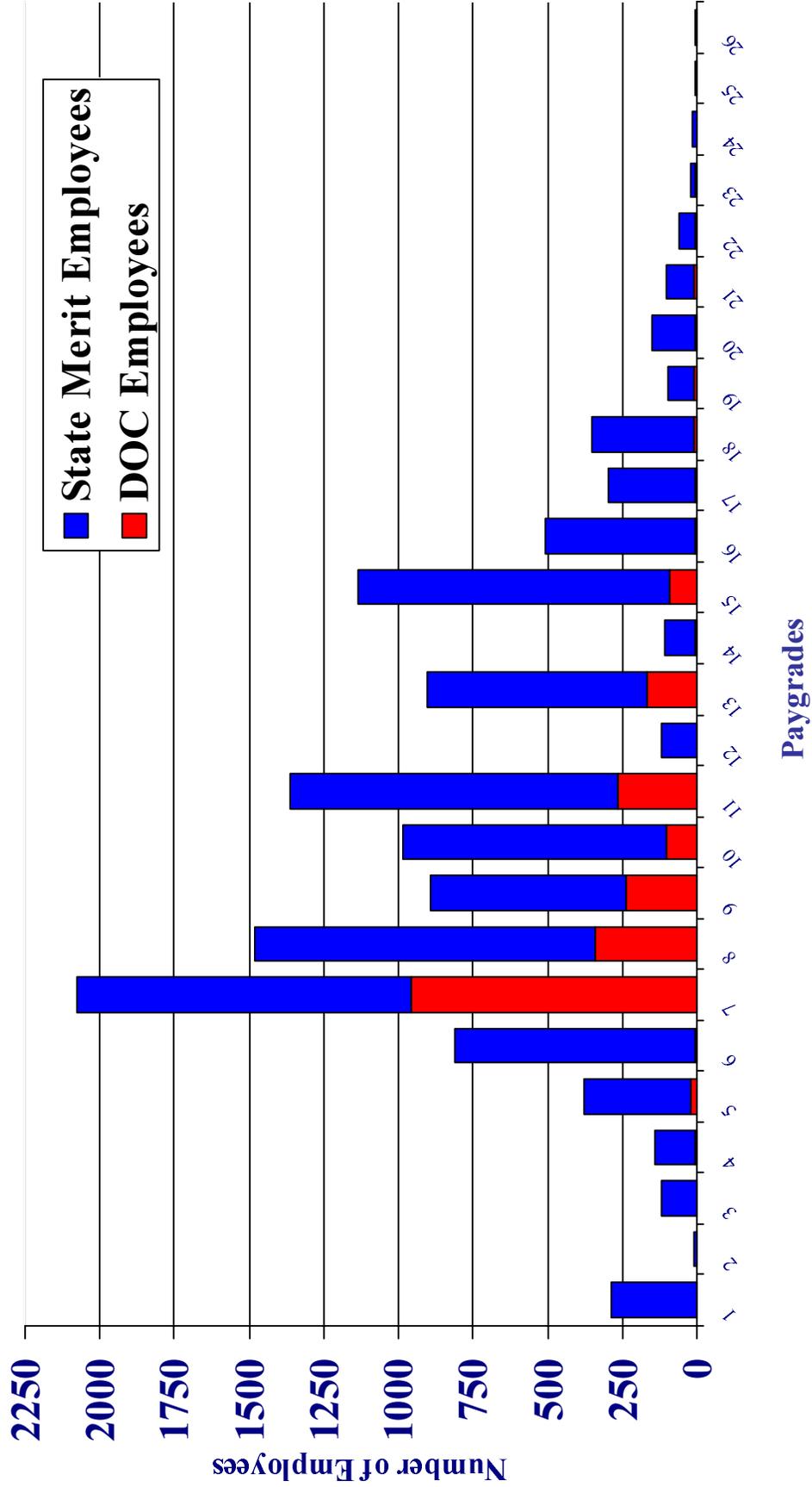
State vs. DOC Workforce



- ◆ 28,000 filled full-time General Fund Positions in State
 - ◆ Agencies 14,493
 - ◆ Public Education 12,026
 - ◆ Higher Education 1,562
- ◆ 2,283 filled full-time General Fund Positions in DOC*
 - ◆ 255 Administration
 - ◆ 1,507 Prisons
 - ◆ 521 Community Corrections

*As of 8/23/2004

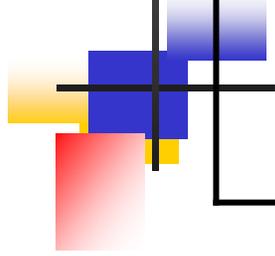
Distribution of State Merit Employees vs. DOC Employees



Distribution of CO Series by Paygrade

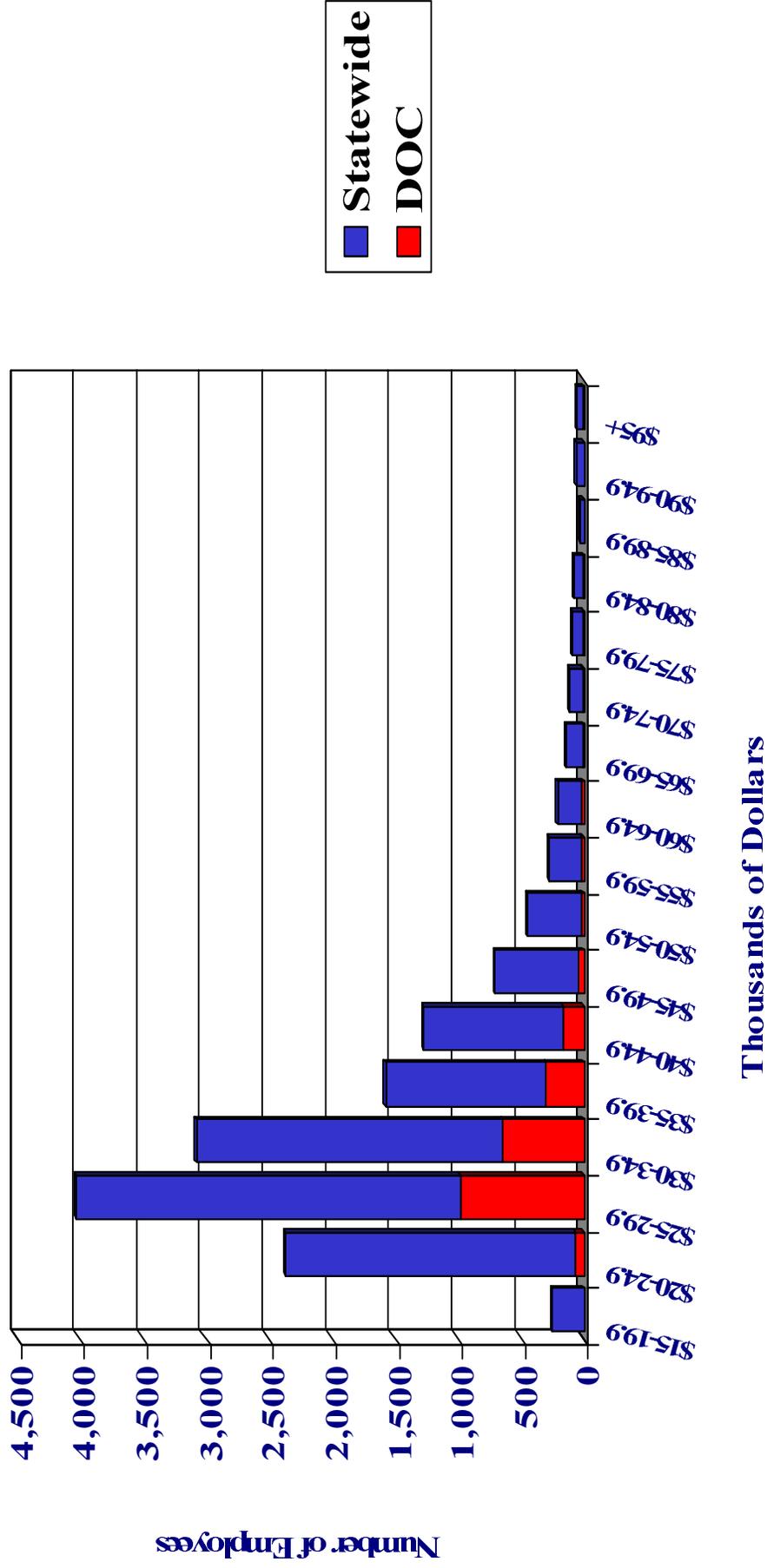
	PG	Incumbents
Correctional Officer	7	891
Corporal	8	235
Sergeant	9	175
Lieutenant	11	94
Staff Lt.	13	20
Captain	15	23
TOTAL		1,438

Distribution of CO/Series by Paygrade



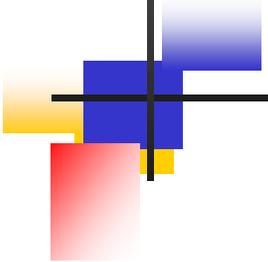
	PG	Incumbents
Laundry Operators and Storekeepers	7	12
Auto Mech. I, Trade Mech. I, Fireman I, Laundry Super, Trades Instructor I, Canine Handler, Food Service Specialist I	8	54
Auto Mech. II, Trades Mech. II, Food Service Specialist II	9	45
Trades Mech. III, Fireman II, Trades Instructor II, Srgnt. Canine Handler, Food Service Specialist III	10	41
Trade Foreman, Warehouse Super, Laundry Mngr, Electronics Tech., Food Srvc Supervisor	11	20
Food Service Director I	15	3
Food Service Director II	16	1
TOTAL		176

Distribution of Merit Employees and DOC Employees by Salary



Progress Made to Date: FY2005 Budget Highlights

- \$1.1 Million for \$600 Increase in Hazardous Duty pay for CO and PO series
- 3% statewide salary increase plus \$600-\$1,000 variable increases (Average Increase 5-7%)
- Section 60: Gives DOC authority to develop recruitment and retention pilot
- **Section 224: Directs the Budget Office, Controller General's Office and State Personnel to present a phased in approach of task force recommendations.**



Progress Made to Date

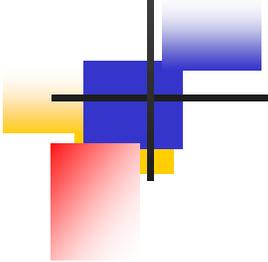
- Implement Recruitment Incentive Program September 1, 2004.
- Implement Selective Market Program Effective January 1, 2005.
 - Increase starting salaries and bring all incumbents to new SMV minimums
 - Provide a minimum 5% increase to all incumbents
- Effective July 1, 2005 additional increase of \$600 per year in Hazardous Duty Pay.

Progress Made to Date

Correctional Officer Starting Salaries

Pre-July 1	Post July 1	Post-Jan 1	Post July 1, 2005*
\$26,230	→ \$28,234	→ \$29,593	→ \$30,193
-FY04 Base	-FY05 Base w/ 3% Salary Policy and \$600- \$1000 Supplement	-FY05 Base on Selective Market	-FY05 Base on Selective Market
-\$1,920 Haz. Duty	-\$2,520 Haz. Duty	-\$2,520 Haz. Duty	-\$3,120 Haz. Duty

*Does not include potential FY2006 Salary Policy Increase



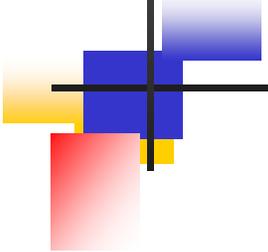
Progress Made to Date

Average Incumbent Increases as of July 1, 2004
(prior to January 1st Selective Market 5% increase):

	Average Increase	%Change
Entry CO	\$1,329	5%
CO	\$1,909	7%
Corporal	\$2,078	7%
Sergeant	\$2,092	6%
Lieutenant	\$2,026	5%

Current State of Delaware Pay Plan

- 26 Paygrades
- Each has Minimum (80%) Midpoint (100%) and Maximum (120%)
- The plan was designed to make adjustments to the midpoints based on labor market surveys
- The intent was to move individuals toward their midpoints over several years.
- Midpoints were to represent “full performance” level.
- A separate mechanism was to be developed for those above their midpoints.
- Due to funding limitations year to year, the pay plan hasn't been fully funded as planned and movement toward midpoints has been limited.



Compensation Options

- **General Salary Increases Statewide**
 - Increase the annual salary of an incumbent by X%
- **Movement to Midpoint Increases Statewide**
 - Midpoint based
 - Movement incumbents toward their midpoints
- **Horizontal Career Ladder Progression**
 - **Move incumbents to midpoint based on established eligibility criteria for movement.**
 - **For those above midpoint, increase the annual salary by X%**
- **Review Paygrades**
 - Review job content for possible changes in class specs/paygrades

Compensation Option Details

1. General Salary Increase Statewide

- a) Pro– Impacts all incumbents
- b) Con- Does not move individuals toward midpoints
- c) Potential Cost at 2%- \$24 Million
 - 1. \$12 Million – 6 Months
 - 2. \$24 Million – 12 Months

2. Movement to Midpoint Increases Statewide

- a) Pro– Addresses original intent of pay policy plan
- b) Con – Does not impact those above paygrade midpoints
- c) Potential Cost at 2%- \$9.5 Million
 - 1. \$9.5 Million -12 Months
 - 2. \$5.7 Million – 6 Months

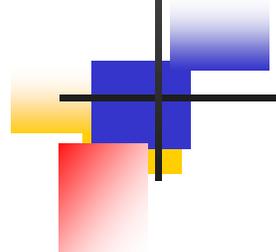
Compensation Options Continued...

3. Horizontal Career Ladder Progression

- a) Pros- Addresses original intent of pay policy plan; Addresses movement to midpoint; and could be designed to reward for skills and knowledge (Included in Task Force Report)
- b) Con – Time to develop eligibility criteria
- c) Potential Cost – Unknown. Need to establish a group to work out details of eligibility criteria.

4. Review Paygrades

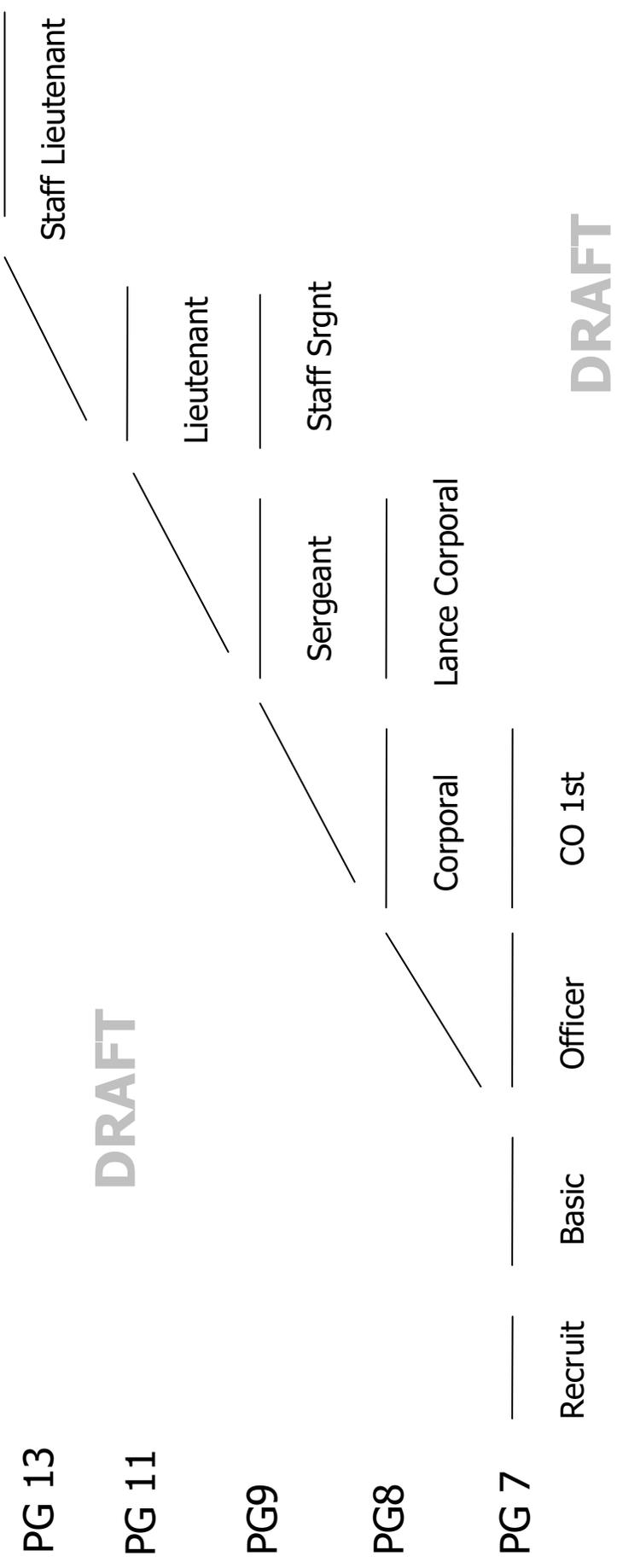
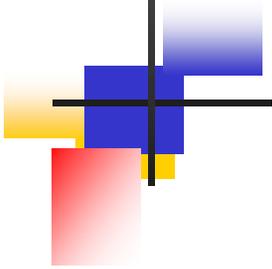
- a) Pro- Increases compensation for identified classes
- b) Cons- May not impact all classes and does not move individuals toward midpoints
- c) Potential Cost- Unknown. Need to establish a group to determine eligible classes, timeframes, etc.



DRAFT Horizontal Career Ladder Progression

- Implement new rank structure to potentially include:
 - Recruit
 - Basic
 - 1st Class
 - Staff Sergeant
 - Lance Corporal

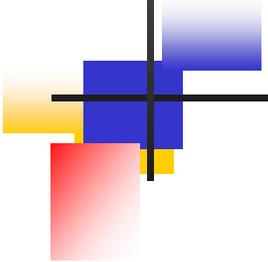
Horizontal Career Ladder Progression Model



Horizontal Career Ladder

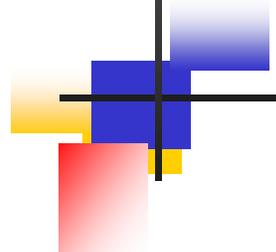
Progression: Issues to be Resolved

- 1) At what points do the longevity steps take affect?
- 2) What are the appropriate eligibility criteria?
- 3) What will the percentage increases be?



Next Steps

- Continue to explore the details of a Horizontal Career Ladder Progression through the formation of a working group.
- Continue to explore the reduction of Pension years of services eligibility.
- Provide a plan to the Governor and Co-Chairs of the JFC of a phased in approach of the task force recommendations.
- Per Budget Epilogue analyze CO series classifications.



Section 224 of the FY 2005 Budget Act

“The State Budget Director, the Director of State Personnel, and the Controller General are directed to work with the Department of Correction on a plan to phase-in implementation of the recommendations of the Task Force on Correctional Officer Compensation, Benefits and Pension Issues (September, 2003). Special attention shall be on the Correctional Officer Series pay grades and pay ranges. Recommendations shall be made no later than **November 15, 2004** to the Governor and Co-Chairs of the Joint Finance Committee.”



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
245 McKee Road
Dover, Delaware 19904

Stan Taylor
Commissioner

(302) 739-5601
Fax: (302) 739-8221
E-Mail: sttaylor@state.de.us

September 28, 2004

George M. Keiser
Chief, Community Corrections/Prisons Division
U.S. Department of Justice
National Institute of Corrections
320 First Street, NW
Washington, D.C. 20534

Dear George:

On July 12, 2004 the Delaware Department of Correction experienced a difficult hostage incident. The hostage, a female counselor, was raped. The hostage taker was shot and killed by a Department of Correction tactical team member.

The hostage taking, the rape, and the use of deadly force have been investigated by the Delaware State Police and the Delaware Attorney General. The Department of Correction has conducted an internal investigation to determine whether employees complied with policies and procedures as well as to identify possible operational improvements.

In addition to the above, I am requesting technical assistance from the National Institute of Corrections in four areas:

1. Provide a staffing analysis for the Delaware Correctional Center, a 2700 bed facility with 16 housing units and 640 FTE's.
2. Review the Delaware Department of Correction Correctional Employee Initial Training and refresher training as it compares to other states and national standards.
3. Review the Delaware Department of Correction Objective Classification System to determine its validity and reliability.

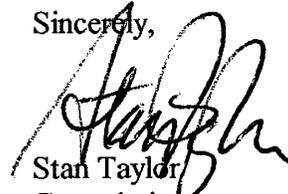
George M. Keiser
September 28, 2004
Page Two

4. Review the Delaware Department of Correction Emergency Response and Hostage Negotiation Plans relative to the current standards being provided by the National Institute of Corrections.

This incident has had a dramatic effect on our department and we want to ensure that we are current with professional standards in these important areas.

I thank you in advance for your consideration of my request.

Sincerely,



Stan Taylor
Commissioner

Xc: Morris L. Thigpen, Director, NIC



U.S. Department of Justice

National Institute of Corrections

Washington, DC 20534

September 30, 2004

Stan W. Taylor, Jr., Commissioner
Delaware Department of Corrections
245 McKee Road
Dover, DE 19904

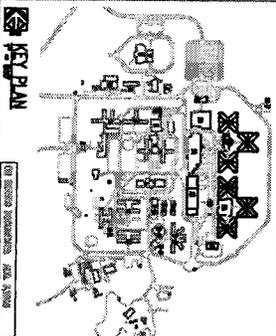
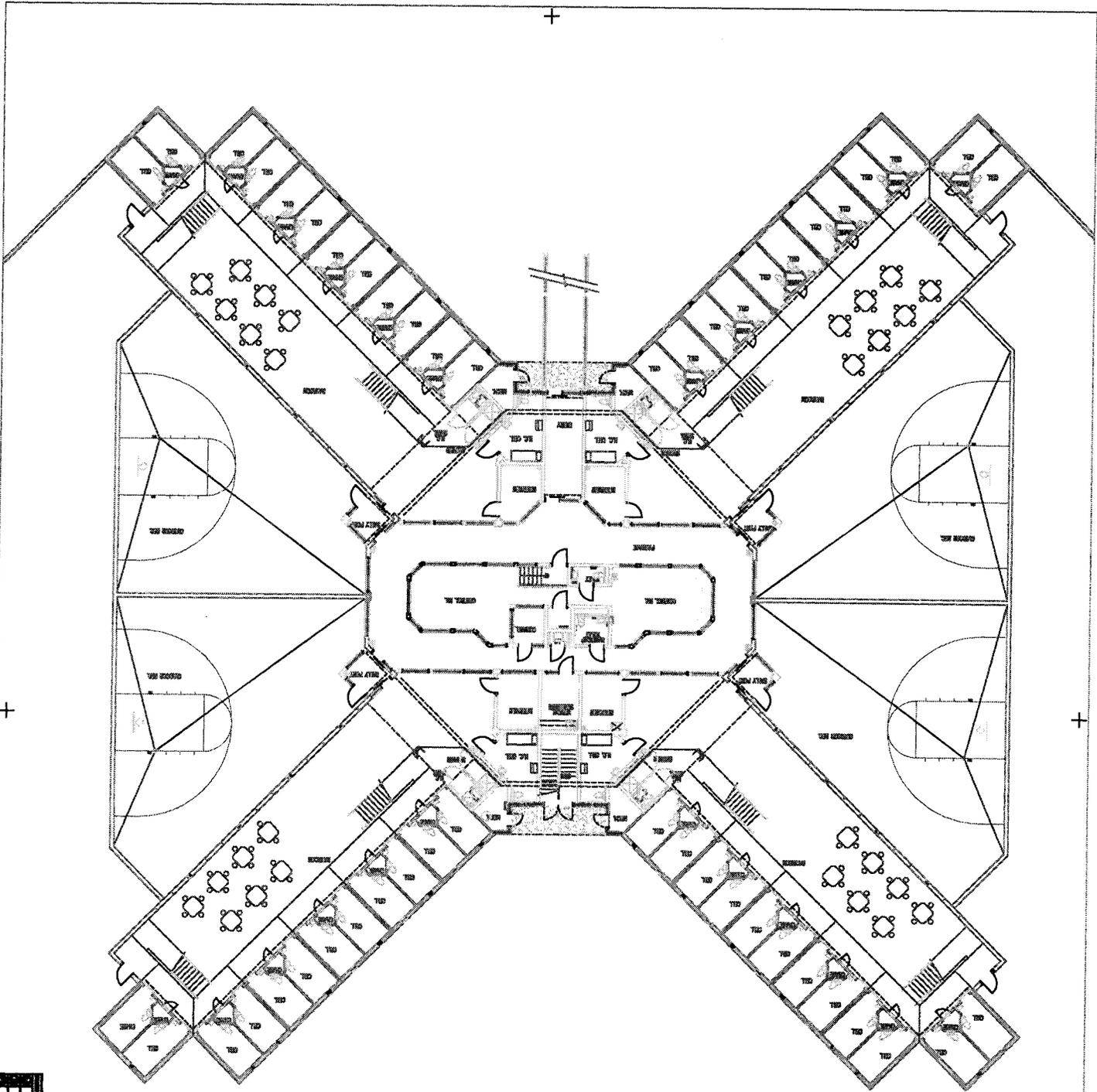
Dear Commissioner Taylor:

We are developing a working plan of assistance with the Delaware Department of Corrections in response to your letter on September 28, 2004.

If you have any questions, please feel free to give me a call George M. Keiser, Chief, Community Corrections/Prisons Division at 1-800-995-6423 extension 3-4213.

Sincerely,


George M. Keiser, Chief
Community Corrections/Prisons Division



REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		

THIS DRAWING IS THE PROPERTY OF TEVEBAUGH ASSOCIATES, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF TEVEBAUGH ASSOCIATES, INC.

THIS DRAWING IS THE PROPERTY OF TEVEBAUGH ASSOCIATES, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF TEVEBAUGH ASSOCIATES, INC.

TEVEBAUGH ASSOCIATES, INC. is a professional engineering and architectural firm providing services in the fields of architecture, interior design, landscape architecture, and engineering. The firm is located at 200 N. Broad Street, Philadelphia, PA 19106. For more information, please contact us at (215) 561-2100.

PROJECT INFORMATION

PROJECT NO.	100-100000000
DATE	10/1/97
DRAWN BY	J.P.
CHECKED BY	J.P.
SCALE	AS SHOWN
PROJECT LOCATION	SMYRNA, DELAWARE
CLIENT	STATE OF DELAWARE
PROJECT NAME	CELL EXPANSION PROJECT
PROJECT NO.	100-100000000
DATE	10/1/97
DRAWN BY	J.P.
CHECKED BY	J.P.
SCALE	AS SHOWN
PROJECT LOCATION	SMYRNA, DELAWARE
CLIENT	STATE OF DELAWARE
PROJECT NAME	CELL EXPANSION PROJECT

TEVEBAUGH ASSOCIATES, INC.
200 N. Broad Street
Philadelphia, PA 19106
(215) 561-2100

CELL EXPANSION PROJECT
STATE OF DELAWARE
DELAWARE
CORRECTIONAL
CENTER
SMYRNA, DELAWARE 19977

TEVEBAUGH ASSOCIATES, INC.
200 N. Broad Street
Philadelphia, PA 19106
(215) 561-2100

TEVEBAUGH ASSOCIATES, INC.
200 N. Broad Street
Philadelphia, PA 19106
(215) 561-2100

TEVEBAUGH ASSOCIATES
INCORPORATED
200 N. Broad Street, Suite 210 Philadelphia, PA 19106
(215) 561-2100

VITETTA GROUP
INCORPORATED
200 N. Broad Street Philadelphia, PA 19106
(215) 561-2100

INTERNAL AFFAIRS UNIT

MEMORANDUM

TO: James J. Lupinetti, Director
Internal Affairs Unit

FROM: Steven E. Rogers, Investigator
Internal Affairs Unit

Ronnie E. Drake, Investigator
Internal Affairs DCC

Mike Tigue, Investigator
Internal Affairs Unit

DATE: October 1, 2004

SUBJECT: CASE# 04-031

INTRODUCTION:

This investigation was assigned to Internal Affairs to collect and review facts and aspects of the case regarding Policy and Procedures, Security in General, Classification Procedures, and Staffing. Physical evidence, documents generated through normal procedures, and extensive interviews of witnesses collectively contributed to the investigative findings. Interviews were conducted of staff assigned to the immediate area of the hostage situation, persons who responded and individuals who provided peripheral information about Inmate Scott Miller leading up to the incident.

SCENARIO:

On July 12, 2004 Cassandra Arnold, W/F, DOB [REDACTED] was employed as a Counselor assigned to Delaware Correctional Center in Smyrna, De. She was assigned to the normal 8:00 a.m. to 4:00 p.m. shift. Counselor Arnold began a group session at approximately 9:00 a.m. in Classroom 4 of Building 24 a Medium High Security Unit support building. The group consisted of approximately 15 inmates. One of the inmates was Scott Miller SBI#

00145669. The group ended at approximately 1020 hours. Counselor Arnold momentarily remained behind to talk to the two group facilitators. She then walked past the control pod, turning right and heading back down the hallway to the administration area and civilian offices of Building 24. Inmate Miller, who left the inmate group session before Counselor Arnold, lingered in the vicinity of "A" chow hall and the hallway between the control pod and Building 23. Inmate Miller observed Counselor Arnold in the hallway and proceeded behind her. Counselor Arnold entered the counselor's office occupied by Counselor Todd Kramer. Inmate Miller went into the adjacent bathroom and concealed himself by partially closing the door. Counselor Arnold left the counselor's office walked past the bathroom and spoke to Administrative Assistant Dawn Curlett. Counselor Arnold walked back down the administrative office's hallway and as she was passing the bathroom, noticed Inmate Miller. Inmate Miller then confronted Counselor Arnold, taking her hostage by using a large metal homemade weapon known as a shank. A short struggle ensued after she yelled alerting Counselor Todd Kramer and others nearby. Inmate Miller held Cassandra Arnold in the bathroom while officers and support staff responded to the scene when a code was called. Inmate Miller then entered the hallway while brandishing the shank to Counselor Arnold's neck and forcibly moved her across the hallway into the counselor's office. Inmate Miller then barricaded the door while negotiations took place. Inmate Miller sexually assaulted Counselor Arnold after several hours of negotiations. A Corrections Emergency Response Team (CERT) entered the room through the ceiling shortly after the assault and shot Inmate Miller two times, resulting in his death. Counselor Arnold was extracted from the room and provided immediate medical attention. Delaware State Police Homicide Unit responded and conducted an independent investigation related to the shooting of Inmate Miller.

INVESTIGATION AND INTERVIEWS

The following Officers and Civilians were on duty during the 8:00-4:00 shift, Monday, July 12, 2004 in inmate housing units 21, 22, & 23 as well as Building 24 that consists of the Administrative area and support building for the Medium High Security Unit of Delaware Correctional Center.

Inmate count was conducted in MHU at approximately 0842 with a code green of 528 inmates present and 8 inmates out.

Building 24 staff:

Sgt. Lachelle Green, Control Pod officer
Sgt. Brandon Richardson, Building 24 rover,
Lt. John Salas, area lieutenant

Building 21 staff:

Cpl. Bryan Andrews
C/O James Wood
C/O Ben Humes
C/O Monica Watson
Sgt. William Faust
C/O Mike Eisenbraun
C/O Kenneth Dickens

Building 22 staff:

Sgt. Steven Floyd
C/O Eric Wallace
C/O Randy Owner
C/O Lui'sa Skinner
C/O Heidi Shrom
C/O Thomas White

Building 23 staff:

Sgt. Willis Seaman
C/O Donald Porter
C/O Marvin Phillips
C/O Eric Payne
C/O Steven McClain
Cpl. Steven Lenhart
C/O Benjamin Webb

Civilians Building 24 Administrative Area

Teacher Chester Lathrop
Teacher Kalpana Sheth

Administrative Assistant Dawn Curlett

Counselor Todd Kramer
Counselor Cassandra Arnold

Mental Health Clinician Kevin Hoffecker

Nurse Assistant Adrian Branch

Dr. Raman Gopalakrishnan

The following officers were working overtime in their respective buildings.

Sgt. William Faust, Bldg. 21
C/O Mike Eisenbraun, Bldg. 21

C/O Randy Owner, Bldg. 22
C/O Thomas White, Bldg. 22

Cpl. Steven Lenhart, Bldg. 23
C/O Benjamin Webb, Bldg. 23

Sgt. Brandon Richardson, Bldg. 24

The Medium High Security complex was understaffed one person at the time of the hostage situation due to an officer calling in sick. Sgt. Green, the control pod officer, worked 4:00 p.m.-12:00 p.m. the previous day and came back to work 8:00 a.m.-4:00 p.m. having had an 8 hour break. Sgt. Brandon Richardson, who was assigned as the rover, near the classrooms, advised that it was the first time he had ever worked as a rover in building 24. Sgt. Richardson was frozen from 12:00 a.m.-8:00 a.m. shift thus causing him to work two consecutive shifts. The terminology "frozen" refers to an officer who is involuntarily kept to work a second consecutive shift due to the institution not being fully staffed. Sgt. Richardson advised that he was being told what to do by Sgt. Green who was working in the control pod, securing doors.

On 7/28/2004 Deputy Warden Larry McGuigan, who has 26 years of experience, was interviewed. He is currently the Warden of Webb Correctional Institution. Prior to this assignment, he was the Deputy Warden of MHU. He was also assigned the task of opening the new building complex, including MHU in December of 2000. Deputy Warden McGuigan was involved in overseeing all facets of the MHU complex. Deputy Warden McGuigan monitored the ongoing construction of the new complex and participated in the development of Policies, Procedures, Security Issues and Staffing when the complex opened. Due to various construction issues, it opened approximately one year later than expected. When it was opened, MHU had three hundred maximum-security cells, capable of housing approximately six hundred inmates and was referred to as the Maximum Housing Unit Complex. Due to a statewide classification change, the facility was eventually changed to a Medium High Security Unit. A combined total of nine hundred Maximum Security beds that included the Security Housing Unit, SHU, were no longer needed due to the implementation of the classification changes. Only three hundred Maximum Security beds were needed thus allowing MHU to house approximately six hundred Medium High Security inmates. Deputy Warden McGuigan advised that staffing of Building 24 allowed for a Control Room Officer, who controls the movement of the building, one Rover, who is responsible for controlling the movement of inmates and

escorting them throughout the building. Normally seven officers are assigned to each housing unit consisting of Bldg. 21, Bldg. 22 & Bldg. 23. Four of the seven officers in each building work on the floor while two are assigned in the control pods. The seventh officer is assigned as the building Rover. These officers are responsible for inmate movement throughout their respective buildings.

Deputy Warden McGuigan responded to the Command Center at Delaware Correctional Center to assist in the hostage situation due to his knowledge of the building as well as that of Inmate Miller. Deputy Warden McGuigan was familiar with Inmate Miller and described him as a loner. According to Deputy Warden McGuigan, he was very impending, projecting himself on others that he was a tough guy and someone that was better left alone. He was a very intimidating person.

Deputy Warden McGuigan was asked about the counselors and their interaction among the inmates. Deputy Warden McGuigan advised that counselors would move about the buildings unescorted. They would often bring inmates back to their offices without correctional officer escorts. Deputy Warden McGuigan said they would pass through the sliding security door that is only operated by the control pod officer in Building 24. The security door accessing the hallway to the counselor's office and administrative area can also be controlled by the control pod officer but was often left unlocked and chocked open with a wooden chock. Deputy Warden McGuigan explained that if inmates walked outside of the complex, they would be in direct view of the control tower and find themselves in a fenced area with no means to escape. He indicated there is a lieutenant assigned to each of the respective MHU and SHU complexes. A Captain, that is designated a Unit Commander, oversees both complexes. Captain Clyde Sagers is currently the Unit Commander for this area. Deputy Warden McGuigan advised he received sporadic complaints of security issues and addressed them as they arose. The complaints were usually that someone had difficulty getting the control pod officer to open a particular door. The complaints were often received two or three weeks later and were hard to address since the officer assigned to the control pod was no longer working in the immediate area. Deputy Warden McGuigan conveyed that often times mental health staff would have officers standing by in the event an inmate was receiving bad news so they could respond as additional security if needed. He also indicated that frequently the sliding security doors would be left open during the change of shifts. Deputy Warden McGuigan has told Officers to close the doors on more than one occasion when he observed this. Deputy Warden McGuigan said he handled these incidents verbally with the officers and there was no written disciplinary documentation.

On 7/28/2004 Capt. Clyde Sagers, who 25 years of experience, was interviewed at the Internal Affairs Office. He advised that he was the Captain on duty the day of the hostage incident. Captain Sagers stated he is responsible for security issues inside the SHU and MHU complexes. He indicated he attended various meetings concerning security issues. During one Mental Health meeting, Capt. Sagers requested that if anyone observed

breaches in security or had issues of concern to notify him. Capt. Sagers said that while performing his normal duties he had not made any observations that would cause him concern. Capt. Sagers related that issues seemed to arise when he wasn't around and therefore he was soliciting input from anyone who observed security infractions. According to Capt. Sagers, he mentioned this in a meeting to solicit information and not because of any issues that had occurred. Capt. Sagers related that Administrative Assistant Curlett as well as a few counselors attended the aforementioned Mental Health meeting.

Capt. Sagers told investigators that the shift commander does the staffing assignments. Capt. Sagers related that he authorized Administrative Assistant Dawn Curlett to read his E- Mails and forward them to the appropriate person/persons if needed. An e-mail from Victim, Cassandra Arnold, was found when it was brought to his attention after his return from vacation. The E-Mail from Counselor Arnold was received on his computer June 29, 2004 at 8:50 a.m. Administrative Assistant Dawn Curlett read the E-Mail at 8:51 a.m., according to the computer history. Administrative Assistant Curlett forwarded the E-Mail to Lt. David Pierce who was assigned as the acting Captain for the SHU and MHU complexes during Capt. Sagers absence. Lt. Pierce subsequently addressed the concerns delineated in the E-Mail.

Captain Sagers told investigators that the shift commander is responsible for staffing assignments and that each building in MHU normally has seven officers assigned to it along with two additional officers in Building 24. These two officers are assigned in the control pod and as a Rover. The 12th of July was Captain Sagers first day back after having been on vacation for two weeks. Capt. Sagers attended a senior staff meeting in the Warden's Office immediately upon his return. Captain Sagers told investigators that he went to his office located in SHU at the conclusion of the senior staff meeting. Captain Sagers said Administrative Assistant Dawn Curlett notified him that Counselor Arnold had been taken hostage in Building 24 wherein he immediately responded to MHU.

According to Capt. Sagers, it took him approximately three minutes to arrive at the hostage scene. The Quick Response Team (QRT) consisting of five officers was already assembling. Captain Sagers said he stepped into the counselor's office and notified Warden Thomas Carroll by phone. Inmate Miller was in the bathroom, across the hallway, with Counselor Arnold, who was screaming. Inmate Miller was asking to talk with Capt. Sagers before he realized Capt. Sagers had arrived. Captain Sagers told investigators that Inmate Miller opened the bathroom door, holding Counselor Arnold from behind, with one arm wrapped around her neck while holding a "shank" to her throat with his other hand. According to Capt. Sagers, Inmate Miller was threatening to kill Counselor Arnold. Captain Sagers related that Inmate Miller told him to back out of the counselor's office. Inmate Miller then took Counselor Arnold into the vacated counselor's office and began barricading the door with the file cabinets.

Cpl. Bryan Andrews, who had responded from Building 21, began talking to and negotiating with Inmate Miller. Mental Health Clinician Kevin Hoeffcker, Administrative Assistant Dawn Curlett, and Dr. Raman Gopalakrishnan had been in their offices until this point and were then able to exit the area. Nurse's Assistant Adrian Branch was in the other bathroom when the hostage situation took place. She was also able to exit the bathroom and leave with the other individuals who had been in the administrative offices.

Lt. Salas, who had positioned himself at the extreme end of the administrative offices hallway, remained there. Captain Sagers advised that normally the door to the Administrative area would be propped open, with a wooden chock. Captain Sagers said he did not receive any complaints concerning the door to the Administrative area being left open. Occasionally, an inmate would be brought to the administrative office area to be notified of a death in the family or something special. Also, there was an inmate worker who emptied trash and cleaned the area. This inmate would be dressed in yellow.

Captain Sagers advised, that to his knowledge, Sgt. Green has worked in the control Pod for approximately two years. Capt. Sagers related, that to his knowledge, the push button intercom system connected to the control pod was not working. It had not been working for quite some time. He was not aware of any work orders that had been submitted to repair the problem. Captain Sagers advised that on July 16, 2004 he received a letter addressed to him from Inmate Scott Miller that had been sent through the mailroom process. He turned the letter over to the investigators for review. Captain Sagers was familiar with Inmate Miller, having observed him in the prison since his incarceration. Capt. Sagers indicated he was confused as to why Inmate Miller requested to talk to him but then refused to engage him in conversation when he was able to do so.

Lt. Steve Boone, who has 3 years of experience, was interviewed on July 28, 2004 at Internal Affairs. Lt. Boone is the 8:00 a.m. to 4:00 p.m. shift lieutenant assigned to the MHU area; he was not working on the day of the incident. He advised that he has seen the slider doors open to buildings 23 and 24 during shift changes around 8:00 a.m. as well as 4:00 p.m. Lt. Boone said the inmates would be secured in their cells during shift change. He also advised that when he did see the doors open he would address the issue with Sgt. Green and secure them. He specifically recalled doing this approximately two months prior to this incident. Lt. Boone did not document this in writing. He stated that the door to the administration area was routinely propped open.

On the Sunday prior to the incident, he spoke with Inmate Miller, one on one, in the duty office. Inmate Miller advised Lt. Boone he was under a lot of stress due to a recent divorce, as well as having lost his job. Inmate Miller expressed he was having a hard time dealing with issues. Inmate Miller related that he had applied for interstate compact transfer. According to Lt. Boone, Inmate Miller did not seem despondent and that he appeared calm. Lt. Boone said Inmate Miller did not raise any concerns regarding his mental state and did not mention his counselors. Lt. Boone informed Capt. Sagers of this

conversation after the incident on July 12.

Lt. Boone advised he would usually have staffing of seven officers in each of the housing unit buildings or six officers in one building and seven officers in the other two buildings with a rover and one officer in the control pod. Lt. Boone informed investigators he received no complaints relating to the security of doors in the area. Lt. Boone said he has observed inmates being brought to the administration area by mental health employees and counselors, unescorted. Lt. Boone said he received no complaints concerning this practice. He also advised that he recalls Counselor Cassie Arnold specifically taking facilitators into the administration area. Inmate movement, around chow time for lunch would be concentrated in the pod control area with group inmates being taken back to their tiers prior to chow being served. Inmates would be staging for chow, with inmates in the classroom area as well. Lt. Boone also related that pat down or frisk searches are not done when inmates leave the buildings or classrooms.

Lt. John Salas, who has 5 years of experience, was interviewed on Friday, July 30, 2004 in the Internal Affairs office. Lt. Salas was the area lieutenant for MHU on the day of the incident. Lt. Salas had just spoken to Sgt. Green in the control pod and requested that each of the buildings send officers for chow hall duty. He stated he was speaking with Officer Webb in the area of the control pod after having made security checks in each part of the building upon his arrival. According to Lt. Salas, he also checks doorways and sliders. Lt. Salas stated he usually arrives in building 24 after shift change. Lt. Salas said he was standing in the area of the control pod talking with Officer Webb when he was advised of the incident. Lt. Salas related he was preparing for chow to be served and was getting additional officers to assist. He said he had previously observed Counselor Cassie Arnold conducting a group session in classroom four.

Lt. Salas recalled seeing Sgt. Richardson in the hallway as a rover. Lt. Salas explained that rovers are responsible for escorting inmates through the building. Lt. Salas observed Counselor Cassie Arnold pass by the area of the control pod while he was standing there. He did not see Inmate Miller go by. He responded to the administration area when notified of the incident. Lt. Salas said he felt that it only took a few seconds to get to the hostage area. Lt. Salas observed Dr. Raman Gopalakrishnan and Mental Health Clinician Kevin Hoffecker standing outside of the bathroom door and was advised the inmate had taken Cassie hostage using a "shank". The inmate was telling everyone to get away from the door.

According to Lt. Salas, Sgt. Richardson was "on his heels" as he responded. Lt. Salas stated he wasn't sure who else immediately responded. Lt. Salas directed Sgt. Richardson to get the QRT gear and stage the officers. Staff was holding the door handle of the bathroom at the time to prevent the inmate from locking the door. Cassie was yelling for them to get away. Lt. Salas told the staff to let go of the handle because she was in danger of being hurt. Lt. Salas said he then saw Capt. Sagers from the hallway where he was positioned. Lt. Salas went to an office where he called for the Hostage Negotiation

Team and was told they were coming. When he came back out of the office the inmate had moved from the bathroom to the counselor's office. Lt. Salas could hear the conversation but could not observe the office from his location. Lt. Salas recalled that the sliding security door was opening when he responded to the area. Lt. Salas said he only works in the MHU complex one day a week and did not frequent the administration area very often. He did, however, observe the door to the administration area propped open on occasion.

Lt. Salas related that negotiations between Cpl. Bryan Andrews and the inmate had begun when he when he arrived in the area. Lt. Salas estimated that the inmate held Counselor Arnold hostage inside the bathroom for approximately two or three minutes before forcibly moving her into the other office. Lt. Salas went to the back of the administration office area during the negotiations. It was Lt. Salas' opinion, that the inmate was upset because he was removed from his kitchen job by Sgt. Faust and received a write-up for items he was not suppose to have. Lt. Salas told investigators that he does not recall seeing Inmate Miller although he does recall seeing other inmates in the hallway. Lt. Salas was in the control pod when Cassie's group broke up and he recalled seeing her walk by while he was in the control pod. He did not see her between the control pod and the administrative offices.

Lt. Salas recalled that he looked down the hallway and motioned to C/O Webb to come to the control pod. Lt. Salas assumed Counselor Arnold must have made it all the way to the administration area, after having seen her and prior to C/O Webb entering the hallway from the front door area. Lt. Salas stated that sliders are closed when he enters the area and the door to the administration area is only closed some of the time. Lt. Salas said he remembers that an inmate went into the administration area quite a long time ago, however he could not recall whom the inmate was or for what purpose.

Lt. Salas documents his area checks on a clipboard. Approximately one week prior to the July 12th incident, Lt. David Pierce was observed making an area check and commented about two sliders being open at the same time in Building 23 tier area, according to Lt. Salas. Lt. Salas also advised that about one week prior the July 12th incident, a spatula was reported missing from the food service area and Inmate Miller's cell as well as that of several other inmates was shaken down. Lt. Salas was subsequently told that the spatula had been located in the adjacent chow hall. Inmate Miller was moved a short time later to Building 23 after receiving a write-up on an unrelated matter.

Investigators interviewed Correctional Officer Allen Webb, who has 14 years of experience, on Friday, July 30, 2004 in the Internal Affairs office. C/O Webb said he was notified to respond to Building 24 and assist in serving chow. C/O Webb stated he entered through the main entrance and contacted Lt. Salas. According to C/O Webb, he and Lt. Salas were standing just outside the control pod. C/O Webb told investigators that when he entered the hallway leading to the control pod he observed Correctional Officer Jane Morgan as he passed her in the hallway; C/O Morgan is the property officer. C/O Webb

related that he passed C/O Morgan at the slider as he was coming in Building 24 and she was exiting. C/O Webb stated she was pushing a cart in which she carries property and they acknowledged each other by saying, "Good Morning".

C/O Webb advised he did not see Counselor Cassie Arnold when he entered the building. C/O Webb informed investigators he observed Sgt. Richardson coming from the area of Building #21. According to C/O Webb, Sgt. Richardson was just down the hallway from the control pod. C/O Webb also observed a lot of inmates in the hallway staging for chow. C/O Webb indicated Sgt. Faust was also in the area. C/O Webb said he also saw C/O Wallace as well as some other officers whom he wasn't sure of their names. C/O Webb stated he observed an inmate janitor in the area of Building 21. C/O Webb recalled seeing C/O Morgan in the hallway after hearing the code called. C/O Webb estimated that he had been speaking with Lt. Salas for approximately five minutes when this occurred. C/O Webb related that he secured the inmates from the chow hall area after the code was called.

Sgt. Brandon Richardson, who has 4 years of experience, was interviewed in the Internal Affairs Office on Monday August 2, 2004. Sgt. Richardson said he was assigned as the rover for Building 24 on July 12, 2004. Sgt. Richardson stated he had worked the previous 12:00 a.m. to 8:00 a.m. shift and had been frozen to work the next shift and related this was the first time he had worked this assignment. Sgt. Richardson advised that he observed Cassie during the group session. Sgt. Richardson said he observed the inmates moving in the hallways as a result of ongoing activities. He recalled searching the inmates coming from the Law Library. Sgt. Richardson told investigators he actually walked into classroom #4 after the group had broken up and asked Cassie and two inmate facilitators to move on. He indicated one of the inmates to whom Cassie was talking was Scott Miller. According to Sgt. Richardson, they walked out of the classroom in front of him. He then went and checked on the other two classes.

Sgt. Richardson headed back toward Building 21 to secure the door to the classroom when he was notified of the incident. He stated he immediately responded to the area. When Sgt. Richardson arrived he initially thought staff was holding the inmate inside the bathroom area but he was then told it was a hostage situation. Sgt. Richardson said he believes he was the first sergeant on the scene. Sgt. Richardson stated he and the other officers were told to get the Quick Response Team (QRT) gear so he went back down the hallway and passed off his keys to C/O Webb while retrieving the gear. The QRT staged just outside and to the right of the administration door after they obtained their gear. Sgt. Richardson said he could hear the conversation between Cpl. Andrews and the inmate. Sgt. Richardson told investigators he could also hear Cassie screaming. Sgt. Richardson observed the inmate and the hostage move across the hallway to the other office. At that time, Sgt. Richardson saw Inmate Miller holding the shank up under his arm and choking Counselor Arnold. Sgt. Richardson related that the QRT was directed to move back toward the gym area and the CERT (Corrections Emergency Response Team)

arrived. Sgt. Richardson recalled this occurred around 12:00 p.m.

Sgt. Richardson was questioned more extensively regarding his observations and actions prior to Counselor Arnold being taken hostage. Sgt. Richardson related that Sgt. Green had advised him that there was no panic button in the classroom where Cassie was conducting her group session so he spent additional time checking the classroom. Sgt. Richardson said he did not lock the classroom door and left it slightly open as a result of this. Sgt. Richardson related that he saw Lt. Salas in the control pod at one time earlier in the morning. Sgt. Richardson also recalled seeing C/O Jane Morgan in MHU while she was standing in the hallway leading to the lobby around the control pod area. Sgt. Richardson did not really know Inmate Scott Miller until after the hostage situation had taken place. Sgt. Richardson put the facts together and felt that Inmate Miller was one of the inmates with Counselor Arnold when the group session had broken up. Sgt. Richardson was not completely sure Inmate Miller was one of the last two inmates with whom he had seen Counselor Arnold.

Sgt. William Faust, who has 4 years of experience, was interviewed at Internal Affairs office on Monday, August 2, 2004. Sgt. Faust related he was responsible for Building 21 where Inmate Scott Miller was previously housed. Sgt. Faust said that approximately one week prior to the hostage situation he observed food and clear plastic wrap in Inmate Scott Miller's cell; this was considered contraband. Inmate Scott Miller said it belonged to his cellmate. Sgt. Faust informed Inmate Miller that if this were not true he would suffer the consequences. Sgt. Faust said after checking Inmate Miller's explanation he found that his cellmate had been moved approximately three days prior to this. Sgt. Faust gave him a disciplinary write-up and terminated his food service job until after his hearing. This was the second incident, according to Sgt. Faust. The first incident was very similar in nature. Sgt. Faust told investigators that Capt. Sagers chose to give Inmate Miller's job back to him at the disciplinary hearing on June 27th.

Sgt. Faust said that he and C/O Michael Eisenbraun, who was working with him in Building 21, had worked the previous 12:00 a.m. to 8:00 a.m. shift and were frozen to work overtime for the next shift. Sgt. Faust stated that he and C/O Eisenbraun was assigned to oversee the feeding of chow and was heading to the chow hall from Building 21. According to Sgt. Faust, they entered Building 24 and walked past the control pod to "A" chow hall where he observed inmates from Building 23 had begun receiving chow. Sgt. Faust related that when he walked from Building 21 to the chow hall he passed an inmate going back to the building. Sgt. Faust said he waived to Sgt. Green in the control pod while in route to the chow hall. Sgt. Faust told investigators that he and C/O Eisenbraun went into "A" chow hall but then walked back out since no one was there.

Sgt. Faust stated that just as inmates were beginning to arrive from Building 23, Administrative Assistant Dawn Curlett grabbed him by the arm and told him there was a code in the administrative office area. Sgt. Faust said he observed Counselor Todd Kramer, Lt. Salas and other individuals in front of the bathroom door. Sgt. Faust

informed investigators he was told it was a hostage situation. Sgt. Faust stated he responded to where the equipment is located in a closet between the two chow halls and then returned to the hostage area. According to Sgt. Faust he and the other members of the QRT staged in the lobby area near the gym doorway. Sgt. Faust related that he chose to remove himself from the QRT upon learning the inmate involved was Inmate Scott Miller, due to his past problems with him. Sgt. Faust advised investigators that he gave his equipment to another officer and went into the gym.

Sgt. Faust related that other individuals on the scene questioned him as to Inmate Miller's mental health status. Sgt. Faust said he also received questions as to what transpired in his prior interaction with Inmate Miller since he had mentioned Sgt. Faust by name as one of the motivating factors in why he had taken Counselor Arnold hostage. Sgt. Faust stated CERT arrived, relieving the QRT and he returned to his building. Sgt. Faust has worked in the MHU complex previously and recalls the door to the administration area being propped open on a regular basis. Investigators showed Sgt. Faust a photograph of the "shank" recovered from the scene by Delaware State Police Detectives. Sgt. Faust felt the "shank" might have been constructed from fencing material. The handle appeared to have layers of clear plastic wrap around it that may have been obtained from the kitchen. This is the same type of material that was previously confiscated from Inmate Miller's cell for which he received a disciplinary write-up.

C/O Jane Morgan, property officer, who has 10 years of experience was interviewed by investigators on Monday, August 2, 2004 at the Internal Affairs office. C/O Morgan advised investigators that she was in MHU at the time of the hostage situation. C/O Morgan related she had been positioned on the left side of the hallway between the front door and the control pod with her cart. According to C/O Morgan, she entered Building 24 around 10:00 a.m. and went through the slider stopping just past the entranceway. C/O Morgan said two inmates came up to her and obtained their property but then left. C/O Morgan stated that she knows Inmate Scott Miller and he was not one of them. C/O Morgan recalled seeing Counselor Cassie Arnold pass by her but indicated she did not see Inmate Scott Miller. C/O Morgan said Cassie might have been carrying a notebook of some kind when she walked by her. C/O Morgan could not be sure but believed she might have acknowledged her by saying "hi".

C/O Morgan recalled seeing C/O Webb but wasn't sure exactly at what point she saw him and she did not recall seeing Lt. Salas or Sgt. Richardson. C/O Morgan informed investigators that she backed down the hallway with her cart to the slider. C/O Morgan told investigators the cart got stuck in the slider for a period of time, she estimated might have been two minutes. C/O Morgan stopped in the lobby area when the hostage situation initially began. C/O Morgan said she heard a scream that caused her to look down the hallway, where she saw Inmate Miller holding Cassie and he was holding her up, somewhat off of the ground. C/O Morgan described the scene as "a battle for the door", she saw Counselor Todd Kramer and Inmate Miller struggling with the bathroom door.

C/O Morgan related she then called for back up and was told it was in route, Lt. Salas and Capt. Sagers had not arrived yet. C/O Morgan stated she backed out of the administrative office hallway wherein she observed officers suiting up in the QRT gear.

According to C/O Morgan she is in and out of MHU on an almost daily basis. Most of the time, when she enters Building 24, she observes the door to the administration area open. The slider door had to be opened by the control pod on July 12, 2004. C/O Morgan said she assisted in locking down the other inmates when QRT arrived, specifically walking some of them from the Law Library to their housing unit. C/O Morgan informed investigators she returned to the lobby area and stood by until she was told to move from that area. C/O Morgan said she then returned back to the property room. She indicated it's not uncommon for inmate workers to be down in the hallway near the administration area. C/O Morgan reiterated, saying she did not see Inmate Miller and probably would have challenged him if she had seen him. She knows Inmate Miller from previously working in SHU and the old "U" Building when he was housed there. C/O Morgan told investigators she does not know Lt. Salas or Sgt. Richardson. According to C/O Morgan there are usually several officers around the area during chow time. C/O Morgan related that there was movement in the area but she did not recall seeing any inmates near Counselor Cassie Arnold when she passed by her.

Investigators interviewed Sgt. Lachelle Green on Thursday, August 5, 2004 at the Internal Affairs Office. Sgt. Green told investigators she was working the control pod of Building 24 when the hostage situation occurred. Sgt. Green related that she had worked the previous night on the 4:00 p.m. to 12:00 a.m. shift and had returned the following morning to work 8:00 a.m. to 4:00 p.m. Sgt. Green advised she normally works the 8:00 a.m. to 4:00 p.m. shift in MHU, Building 24 and is assigned to the control pod. Sgt. Green said she received no special training for working in the control pod but learned by just being there and working in the pod. The assignment requires the officer to place the head counts in the computer and let people in and out of the buildings by opening the security doors. Sgt. Green acknowledged she does control some movement in the area along with the rover. Sgt. Green stated she is given a list of names of inmates and the location where they are going. Sgt. Green said she usually calls the buildings to advise them when chow is being served. Sgt. Green advised investigators that when she reports to work at the beginning of her shift, the door to the administrative office area is open ninety five percent of the time. Sgt. Green indicated the slider doors are open fifty percent of the time at the change of shifts. Other sliders are also left open during shift changes to allow officers to enter and exit since the inmates are locked down in their cells.

Sgt. Green advised that Inmate Miller stopped at the control pod while in route to the group session on July 12, 2004 and asked her for some paper to use in the group session. She gave him two sheets of paper and he continued on to the classroom. Sgt. Green related that he seemed fine and did not notice anything unusual. Inmate Miller mentioned to Sgt. Green that he had been moved to Building 23. According to Sgt. Green,

group started around 9:00 a.m. to 9:15 a.m. and she said she did not observe Counselor Cassie Arnold before the group session started although she had to have let her in through the slider door. Counselor Arnold called earlier to remind her she had a group session scheduled. Sgt. Green related that the normal movement for inmates would allow them to go to education, the Law Library, visits and jobs.

Sgt. Green recalled seeing C/O Jane Morgan in the immediate area that day. C/O Morgan gave her the names of the inmates she needed to see regarding their personal property. Sgt. Green remembered C/O Morgan being in the hallway with her cart where she sometimes sets up near the corner to issue property. Sgt. Green also recalled seeing the roving officer, although she didn't really know his name. Sgt. Green said she observed inmates come out of group and she saw Inmate Miller leave. According to Sgt. Green, Cassie was walking in front of Inmate Miller who was approximately six to eight steps behind her, heading toward the administration area. Sgt. Green said she assumed that they were together, heading in the same direction, because it is not unusual for counselors and mental health staff to take inmates to the administration area for special circumstances. Sgt. Green said it was only about twenty seconds later when she was told there was a hostage situation.

Sgt. Green advised investigators she started sending officers and notified other staff to respond. Sgt. Green said Inmate Miller seemed normal when she saw him and nothing aroused her suspicions. Sgt. Green stated that "E" crew workers are permitted to go through the area unescorted to put trash and other items outside. Sgt. Green acknowledged she was aware the intercoms outside the sliders were not working. Sgt. Green advised investigators she has worked in the control pod for approximately nine months.

Investigators interviewed C/O Stephen McClain on Tuesday, August 3, 2004 at the Internal Affairs office. Sgt. McClain related that he was assigned to MHU, Building 23, "C" and "D" tier floors on July 12, 2004. Sgt. McClain advised that he went to the chow hall with C/O Donald Porter to prepare for serving chow. Sgt. McClain said he was notified of the incident and rushed down to the administration area where he observed Counselor Todd Kramer and Dr. Raman (Gopalakrishnan) holding onto the handle of the bathroom door. Sgt. McClain stated he heard the inmate tell people to back away and he also heard Cassie scream and ask everyone to get away from the door. Sgt. McClain said he obtained the QRT gear, at that point, and staged in the lobby area. Sgt. McClain told investigators that after CERT arrived he escorted inmates back to Building 23 from the chow hall area and subsequently returned to the command area. Sgt. McClain related that at the time he walked down the hallway preparing for chow he only observed the rover in the hallway. Sgt. McClain assumed that the incident had just occurred and both Cassie and Inmate Miller were already in the administrative area. Sgt. McClain indicated his response took less than a minute and he recalled seeing C/O Jane Morgan in the area. Sgt. McClain said he was at the scene approximately three hours before returning to his

assigned area.

On Thursday, July 29, 2004 investigators interviewed teacher Chester Lathrop at the Internal Affairs office. Mr. Lathrop said he was inside classroom 3 on July 12, 2004 in Building 24 of the MHU complex. Mr. Lathrop advised he was teaching six or seven students at the time of the incident. Mr. Lathrop related he left the area at approximately 11:00 a.m., at the request of the guards. Mr. Lathrop observed Counselor Cassie Arnold leave the group session at approximately 10:30 a.m. and walk past his classroom toward the control pod area and he did not see Scott Miller. Mr. Lathrop told investigators he was asked to leave his classroom area by Officer McClain. Mr. Lathrop stated he sometimes observes the slider door coming into Building 24 open on arrival but not very often. Mr. Lathrop said he arrives at work around 7:00 a.m. and the door to the administration area and the slider is closed. The administration door is propped open on most occasions throughout the day, according to Mr. Lathrop. He related that the doors leading to the tier areas are normally closed.

On Thursday, July 29, 2004 investigators interviewed teacher Kapana Sheth at the Internal Affairs office. Mrs. Sheth informed investigators she was inside classroom #1 on July 12, 2004 in Building 24 of the MHU complex. Mrs. Sheth related she was inside the classroom instructing approximately three students when the hostage situation occurred. Mrs. Sheth advised investigators she was directed to move to the library during the incident. Mrs. Sheth told investigators everything is visible through glass windows of the classrooms and she was facing the "bubble" (control pod) area. She described seeing some inmates moving about the area, but not anything unusual. She did not observe the "bubble" door left open. Mrs. Sheth said she frequented the administration area on occasion to warm up items in the microwave or to speak to Dawn (Curlett). Mrs. Sheth stated she would have to get the control pod officers' attention to move about through the door areas. The door to the administration area was open most of the time, according to Mrs. Sheth. She related that on Monday, July 12, 2004, the door was open and there were lights on in the administration area. Mrs. Sheth told investigators she did not have Inmate Scott Miller as a student. Mrs. Sheth said she has never seen the slider doors open.

Investigators interviewed Sgt. Stephen Floyd, who has 4 years of experience, at the Internal Affairs office on Monday, August 16, 2004. Sgt. Floyd advised investigators that he responded to Building 24 when he learned there was a code. Sgt. Floyd related he was assigned to Building 22 on the day of the incident. Sgt. Floyd said when he arrived at the hostage scene he saw other officers coming from their assigned areas also. Sgt. Floyd told investigators he knew Inmate Scott Miller from prior assignments. Sgt. Floyd states that he usually works in the MHU complex on Saturdays and Sundays and that the door to administration area is propped open but the slider is secure. Sgt. Floyd repeated observations that were previously mentioned by other witnesses. Sgt. Floyd was not in the area preparing for chow at the time of the code.

Investigators interviewed Sgt. Paul Abernathy, who has 4 years of experience, at

the Internal Affairs office on Monday, August 16, 2004. Sgt. Abernathy related he responded from Building 20 of SHU. (Security Housing Unit) at the control pod where he was assigned when the code was called. Sgt. Abernathy responded with Capt. Sagers who was also in SHU at the time. Sgt. Abernathy stated he saw Counselor Kramer, who told him about the incident, when he arrived. According to Sgt. Abernathy, Counselor Kramer related that Counselor Cassie Arnold was a hostage in the bathroom. Counselor Kramer advised him that he had seen Inmate Miller with weapon so he waited for orders from Capt. Sagers. Sgt. Abernathy staged in the lobby where he could see down the hallway. Sgt. Abernathy said he stayed in the lobby area just outside the door to the administrative office area. Sgt. Abernathy advised that the inmate was still in the bathroom at the time. Sgt. Abernathy related that Cpl. Andrews began talking to Inmate Miller who then came out of the bathroom with Counselor Cassie Arnold. Sgt. Abernathy told investigators that Inmate Miller moved Counselor Arnold into the office across the hall. Sgt. Abernathy stated that he then responded to the chow hall area and assisted in securing the other inmates.

Sgt. Abernathy informed investigators he was working his regular shift hours of 8:00 a.m. to 4:00 p.m. Sgt. Abernathy said he had worked in MHU for two years on the 8:00 a.m. to 4:00 p.m. shift. Sgt. Abernathy stated the door to the administrative office area was propped open when he worked there. The slider doors were usually closed. Sgt. Abernathy said he knew Inmate Scott Miller from prior housing assignments. Sgt. Abernathy told investigators he had never used the intercom system or operated the buttons and therefore did not know if they were in working order. Sgt. Abernathy corroborated other witnesses' statements.

Investigators interviewed C/O Scott Sykes, who has 2 years of experience, on Friday, August 13, 2004 at the Internal Affairs office. C/O Sykes advised he was working in SHU, Building 18 and responded to the code when it was called. C/O Sykes stated that he entered Building 24 through the main entrance and was briefed as to what occurred. C/O Sykes said he relieved Sgt. Richardson who was a QRT officer at that time. C/O Sykes corroborated the other witnesses' observations and statements.

Investigators interviewed C/O Randy Owner at the Internal Affairs office on Thursday, August 12, 2004. C/O Owner told investigators he had worked the previous 12:00 a.m. to 8:00 a.m. shift and had been frozen to work overtime for the 8:00 a.m. to 4:00 p.m. shift. C/O Owner said he was working in Building 22 at the time of the incident and responded to the scene to assist. According to C/O Owner the QRT was already assembled when he arrived. C/O Owner's statement mirrored that of the other witnesses who responded and were initially present at the scene.

Investigators interviewed Cpl. Bryan Andrews, who has 4 years of experience, at the Internal Affairs Office on Wednesday, August 18, 2004. Cpl. Andrews related that he was assigned to Building 21 in the MHU complex on the day of the incident. Cpl. Andrews

said he was using the telephone when he was told to clear the phone lines. Cpl. Andrews was advised there was a hostage situation in Building 24. Cpl. Andrews said he ran to the front slider door, attempting to observe what was occurring. He stated he was again advised there was a hostage situation. Cpl. Andrews was told the inmate was Scott Miller and that he had Cassie Arnold as a hostage. Cpl. Andrews told Capt. Sagers that he had a rapport with Inmate Miller and asked if he could talk to the inmate. Cpl. Andrews began conversing with Inmate Miller while he was still in the bathroom. Cpl. Andrews told investigators he was still at the administrative office hallway door, talking down the hallway with Inmate Miller. According to Cpl. Andrews, no one was at the bathroom door at that time. The inmate asked Cpl. Andrews who he was and directed him to make sure there was no one in the hallway. Cpl. Andrews advised investigators that Capt. Sagers moved into the office area while he attempted to establish communication with the inmate.

Cpl. Andrews described Inmate Miller as “popping out of the bathroom into the hallway’ where he move the hostage into the office across the hall. Cpl. Andrews related that the inmate had his arms around Cassie’s neck with one arm tucked underneath holding the shank. According to Cpl. Andrews, the inmate looked around and behind him before he came in his direction, heading to the first office doorway. Cpl. Andrews said he continued to ask Inmate Miller, what was going on and asked him to release his grip on Counselor Arnold because she appeared to be choking. Cpl. Andrews stated that when the inmate saw Capt. Sagers in the counselor’s office he became agitated. Cpl. Andrews informed investigators he could see a little shiny object poked against Counselor Arnold’s neck and he asked Inmate Miller what it was. Inmate Miller said it was a sharpened piece of steel. Inmate Miller started backing toward the counselor’s office with Counselor Arnold as Capt. Sagers came out of it. Cpl. Andrews said Inmate Miller took Counselor Arnold into the office. Cpl. Andrews told investigators Inmate Miller no longer wanted to talk to Capt. Sagers. Cpl. Andrews related that Inmate Miller observed Capt. Sagers with his hand in his pocket and asked Capt. Sagers what he had inside of it. Cpl. Andrews said he thought Inmate Miller might attempt to grab Capt. Sagers as he moved closer to the counselor’s office. Cpl. Andrews observed Capt. Sagers back away as Inmate Miller approached and at that point Inmate Miller entered the counselor’s office with Counselor Arnold. Shortly after entering the office, Inmate Miller began barricading himself because Cpl. Andrews said he could hear items being moved. Cpl. Andrews said he tried to keep Inmate Miller talking to him. Cpl. Andrews told investigators he maintained communication with Inmate Miller and he attempted to determine what the inmate wanted. Cpl. Andrews stated he could occasionally hear Cassie talking and every now and then Inmate Miller would let Cassie say something.

At approximately 3:00 p.m., Inmate Miller reportedly said it was the last time he would allow Cassie to talk after Cpl. Andrews requested to speak to her. Cpl. Andrews related that Inmate Miller allowed him to see Cassie one time. Cpl. Andrews said she was in the back of the room and Inmate Miller turned the light on so he could see her. Inmate

Miller blocked the window in the door with a box of paper and would move it once in awhile. Cpl. Andrews heard a phone ring once or twice but wasn't sure in which room it was ringing. Inmate Miller advised that the telephone was dead. Cpl. Andrews said Inmate Miller wanted to talk to the Warden and also to his lawyer. Cpl. Andrews related that Counselor Jim Simms had also arrived by then. Counselor Simms is a member of the HNT (Hostage Negotiation Team). Inmate Miller said he would talk to Counselor Simms, according to Cpl. Andrews so Counselor Simms relieved him. Cpl. Andrews related that a letter from the Warden was passed under the door to Inmate Miller late in the negotiation. Cpl. Andrews advised that communication with Inmate Miller continued with Inmate Miller reading the Warden's letter to Counselor Simms and him. Cpl. Andrews stated he kept reassuring Inmate Miller that the Warden would talk to him. Inmate Miller also mentioned an interstate transfer compact as well. According to Cpl. Andrews, Inmate Miller got quiet after he received the letter. Cpl. Andrews said he tried to keep some dialogue open. Cpl. Andrews advised he then heard a bang and C.E.R.T. entering the office.

Cpl. Andrews told investigators he had been in Building 24 earlier that morning to obtain supplies and observed Cassie Arnold in the group session. Cpl. Andrews told investigators he spoke to Lt. Salas as well as the rover at that time. Cpl. Andrews said he also spoke to Sgt. Green who was working in the control pod. Cpl. Andrews informed investigators he has previously worked in Building 24 as the rover. Cpl. Andrews described some of the movement on a regular day in Building 24. Cpl. Andrews advised that the initial building and staffing plans called for two rovers in MHU but due to staffing problems it was amended to one. Cpl. Andrews commented that on the previous day, Monday, July 5, 2004 a shake down of the entire MHU complex was conducted because of a missing spatula from the kitchen. Cpl. Andrews finalized his comments by saying he felt that negotiations with Inmate Miller were going well at times and they were working toward a successful conclusion.

Cpl. Andrews' assumption that the original staff called for two rovers in Building 24 was based upon the hiring and assignment of additional staff for the MHU complex prior to Building 21, 22 and 23 being fully occupied by inmates.

Investigators interviewed Sgt. Patricia Johnson, who has 14 years of experience, on Thursday, August 5, 2004 at the Internal Affairs office. Sgt. Johnson advised investigators she was notified by Lt. Ricky Porter that there was a situation in MHU. Sgt. Johnson is normally assigned as a video court officer and was working in Building 13 at the time of the incident. Sgt. Johnson related she is a trained member of the HNT (Hostage Negotiation Team), having been trained by Delaware State Police as well as the FBI. Sgt. Johnson said the training was approximately two weeks in duration after which she received her certification. Sgt. Johnson obtained necessary equipment while responding to the incident and took notes throughout the negotiations. Sgt. Johnson related that members of the HNT do not have specific assignment however her task was to take running notes during this negotiation. She was positioned right outside of the entrance

door to the administration area. Sgt. Johnson told investigators the lead officer at the scene was Major Holman. Sgt. Johnson said the Cpl. Bryan Andrews and Counselor Jim Simms were negotiating with the inmate at the time of her arrival. Sgt. Johnson's comments and observations were basically the same as that of the other witnesses at the scene. Sgt. Johnson relinquished her notes to Investigators Rogers and Drake to accompany this investigation.

Investigators interviewed C/O Larry Clinkscale, who has 3 years of experience, on Tuesday, August 17, 2004 in the Internal Affairs office. C/O Clinkscale told investigators he was working in Building 18 of the SHU complex and responded to the lobby of Building #24 where he had a view of the incident. C/O Clinkscale stated that upon his arrival he saw Inmate Miller holding Counselor Arnold with his arm around her neck in the hallway of the administrative area. Inmate Miller was threatening to harm Counselor Arnold at that time. C/O Clinkscale told investigators he recognized the inmate as Scott Miller. C/O Clinkscale related that he stepped back while Cpl. Andrews began to negotiate with Inmate Miller. C/O Clinkscale advised investigators he has previously worked in the MHU complex. C/O Clinkscale said he has escorted inmates to the administration area of Building 24 and stood by while they met with counselors or whoever called for them. C/O Clinkscale said he stood by outside the administrative area and he would then escort the inmate back to their tier at the completion of the meeting.

Investigators interviewed C/O Thomas White and C/O James Wood independently on Tuesday, August 17, 2004. C/O White was working in Building 22 on "C" and "D" tiers. C/O Wood was assigned to Building 21, "A" and "B" tiers. C/O White and C/O Wood were both respondents to the incident when notified that a code was called. Both officers obtained QRT gear and staged themselves in the lobby area. The entire QRT was later moved into the gym. Neither officer could provide any additional information than what other witnesses had related. The QRT was relieved by CERT and the officers returned to their respective assignments.

Investigators interviewed C/O Michael Eisenbraun, who has 2 years of experience, on Friday, August 20, 2004 in the Internal Affairs office. C/O Eisenbraun advised he was preparing for chow with Sgt. Faust. C/O Eisenbraun's assignment was Building 21, in the MHU complex. C/O Eisenbraun advised investigators he worked the previous 12:00 a.m. to 8:00 a.m. shift and was frozen to work overtime on the 8:00 a.m. to 4:00 p.m. shift. Investigators questioned C/O Eisenbraun as to whether he observed Sgt. Faust go into the chow hall. C/O Eisenbraun responded that he only saw Sgt. Faust in the hallway and around the chow hall. According to C/O Eisenbraun, Sgt. Green banged on the window of the control pod and told them to go to the administration area. C/O Eisenbraun told investigators he observed a male counselor holding on to the bathroom door upon his arrival. C/O Eisenbraun related he then responded to the to the closet that holds the QRT gear. C/O Eisenbraun said he staged in the lobby area until he was told to back out of the inmate's view. The QRT backed into the gym area until relieved by CERT, C/O

Eisenbraun then returned to his assigned building. C/O Eisenbraun advised he was one of the first officers to arrive, slightly ahead of Sgt. Faust. C/O Eisenbraun said he and Sgt. Faust had arrived near the chow halls and had only been there approximately five minutes when the incident occurred. C/O Eisenbraun has not previously worked in Building 24. C/O Eisenbraun advised investigators that he has not observed the administration door propped open on the midnight shift. The sliders doors are usually shut, according to C/O Eisenbraun. He also advised the intercom system is there but does not work.

CIVILIAN PERSONNEL INTERVIEWS:

Hostage Victim, Cassandra Arnold, was interviewed on August 18, 2004 at Providence Creek Elementary School. Present at the interview was Investigator Rogers in the company of Richard Hubbard from the Department of Justice, Jeffrey Martin ESQ, Barbara Blevins a Counselor, and Victim's mother, Paulette Arnold.

Cassie Arnold was employed as a counselor for approximately three years by the Department of Correction at the Delaware Correctional Center. Counselor Arnold said she arrived at the administrative area of DCC around 6:45 a.m. She then proceeded to the MHU building complex; arriving around 7:15 a.m. Counselor Arnold indicated that when she enters the building she observes the slider door frequently open. Counselor Arnold said when she arrives between 7:00 a.m. to 8:00 a.m., the doors to the administration area are usually open. Counselor Arnold advised she started the group session at approximately 9:00 a.m. She remembered seeing Sgt. Richardson at some point but wasn't sure when. When she arrived at classroom 4, the door was already ajar. Counselor Arnold estimated she had approximately thirteen inmates in the group. Counselor Arnold described Inmate Miller's demeanor during group session as candid. According to Counselor Arnold, Inmate Miller spoke during the stress session about being stressed out by the bullshit. Inmate Miller related he had gotten a bogus write-up over a sandwich by Sgt Faust. Counselor Arnold stated that Inmate Miller told her the same person had called him the "N" word. Counselor Arnold explained that Inmate Miller told her this caused him to lose his job and have to change buildings that he didn't think was right, since he was set up. Counselor Arnold said Inmate Miller was speaking in front of the other inmates and seemed calm and not overly aggressive. Counselor Arnold indicated that she stayed after group was over for a period of time and was speaking to two facilitators. Inmate Miller had left the classroom with the other inmates, according to Counselor Arnold. Counselor Arnold said she is very sure that they did not leave group at the same time.

The group facilitators were Inmate Steve Allen and Inmate Mark Tingle. Counselor Arnold told Investigator Rogers they talked about the next group session, and not to set up like they normally do, because it would be for graduation. Counselor Arnold

related that Sgt. Richardson came to the door and asked them to move things along, so they left. As they were leaving, Counselor Arnold observed other inmates in the hallway and exchanged random hellos. Counselor Arnold estimated the number of inmates as being seven or eight. She said she then walked toward the control pod. Inmate Allen went toward Building 21 and Inmate Tingle went toward the commissary. Counselor Arnold stated she made a right turn passing by the control pod. She recalled seeing C/O Jane Morgan standing at the entrance to the hallway. She did not recall seeing the control pod door propped open. Counselor Arnold said she was carrying some folders in her hands and when she got to the slider door it was open. Counselor Arnold did not recall seeing anyone ahead of her that would have caused the door to be opened for someone else.

Counselor Arnold said she did not feel the presence of anyone that might have drew her attention. Counselor Arnold also remembered that the foyer area was empty and she did not recall seeing Officer Webb. Counselor Arnold entered the administration area and went to her office where Counselor Todd Kramer was located and spoke to him. Counselor Kramer said he had the application for Inmate Scott Miller's interstate compact request. Counselor Arnold related that Inmate Miller was now one of her inmates, since he was moved to her building on the Thursday prior to the incident. Counselor Arnold explained that Inmate Miller was on her caseload Friday. She was off on Saturday and Sunday with the incident occurring on Monday. Counselor Arnold said Counselor Kramer was passing along information to her about Inmate Miller but this was only a coincidence. Counselor Kramer had compiled the classification information for the Interstate Compact Transfer on Inmate Miller. Counselor Arnold related she left the counselor's office and proceeded to Dawn Curlett's office. She and Ms. Curlett spoke for a period of time and Counselor Arnold told her she was going up to the administration area in Building 13. Counselor Arnold related that as she passed the bathroom area, she had her sweatshirt and bag in her hands. As she passed by the bathroom, Counselor Arnold said she noticed a sliver of yellow through the doorway of the bathroom just as the door closed.

Investigator Rogers did not initially pursue events relating to the hostage situation. Delaware State Police investigated this aspect of the incident and Investigator Rogers refrained from possibly inflicting additional trauma on Counselor Arnold.

Counselor Arnold related that when inmates are normally called down to the administration area it is because of a death notification or an emergency telephone call. Counselor Arnold said the inmate is brought to the counselor's office because they have a direct outside line. Counselor Arnold advised Investigator Rogers that they usually call the control pod in Building 24, request a particular inmate, and then the inmate is escorted to their office by an officer. Counselor Arnold stated there is no specific officer assigned and they are often different ones. Counselor Arnold related she often goes on the tiers and is not always escorted. Counselor Arnold said she usually went on the tiers when the inmates were locked in their cells. Counselor Arnold specified this would occur in the

morning, or between 12:00 p.m. and 1:00 p.m. or between 2:30 p.m. and 3:30 p.m. Counselor Arnold told Investigator Rogers that when she goes onto the tiers the slider doors are open and the control pod door in Building 23 is propped open. Counselor Arnold further related that on the day of the incident she remembered seeing some inmates in the area of the law library. Counselor Arnold acknowledged an inmate might rarely come down to the administration area unescorted. Counselor Arnold said that over the last three months, an officer has always escorted inmates to the administration area. Counselor Arnold advised that the intercom system in the lobby of MHU does not work and has not been operational since October of 2001. Counselor Arnold stated she mentioned this to Deputy Warden McGuigan about a year earlier when she got tired of waiting at the door. Counselor Arnold said she sent an e-mail to Capt. Clyde Sagers after attending a security meeting. According to Counselor Arnold, at the meeting, Capt. Sagers had requested any information concerning security issues to be forwarded to him. Counselor Arnold told Investigator Rogers the meeting was on a Thursday and she noticed doors open on a Monday. Counselor Arnold also copied the e-mail to Dawn Curlett. Counselor Arnold said she telephoned Capt. Sagers about a week prior to that. Counselor Arnold then drew a sketch of the areas where she had seen doors open.

Counselor Cassandra Arnold's follow-up interview

Counselor Arnold inquired at the conclusion of the initial interview as to why Investigator Rogers did not question her about what transpired when Inmate Miller took her hostage. Counselor Arnold indicated she was willing to answer questions related to that portion of the incident.

Counselor Arnold said that when she saw the yellow flash behind the bathroom door she paused for a moment; she knew that this was not normal. Counselor Arnold stopped, the bathroom door flew open, and Inmate Miller stepped out. She asked Inmate Miller what he was doing in there and stated, "let's go", meaning she would walk him out of the area. Inmate Miller said I was just making sure we put that in there, right. According to Counselor Arnold Inmate Miller was then slightly behind her and grabbed her around the neck while telling her if she screamed, he would kill her. He pulled the shank out from his hip area. As Inmate Miller was trying to get her in the bathroom, Dawn and Todd came out of their offices. Counselor Kramer came to the bathroom door and tried to push it open. Inmate Miller then attempted to stab Counselor Kramer with the shank. When the door closed, she was thrown to the back wall. Counselor Arnold said Inmate Miller kept asking to talk to Capt. Sagers and he had his head at the door, listening to hear if anyone was there or if they had backed off. Inmate Miller said they were going out there and he placed his arm around her neck with the shank under her throat.

Counselor Arnold related that they went into the hallway. She said she was struggling to breathe and Cpl. Andrews was trying to talk the inmate down. At some point, the inmate let up so she could breathe for brief moments. Counselor Arnold related

that Cpl. Andrews said they were getting Capt. Sagers and when Inmate Miller walked ahead, he saw Capt. Sagers in the office. Inmate Miller got really angry and yelled for Capt. Sagers to get out. Counselor Arnold stated that Capt. Sagers walked out of the office with his hand in his pocket and asked Inmate Miller what they could do to resolve the problem. According to Counselor Arnold, Inmate Miller threw her into the office and came in behind her. Inmate Miller barricaded the door. On one occasion, Counselor Arnold said she was held up to the window so she could be seen. Inmate Miller kept jumping up on the top of the cabinets so he could look through the ceiling tiles. Inmate Miller mentioned the interstate transfer compact so Counselor Arnold showed him the file and he said maybe he had acted too soon.

Counselor Arnold related that Inmate Miller told her he initially wanted to kill Sgt. Faust. Inmate Miller told Counselor Arnold that he followed Sgt. Faust into the chow hall and was going to stab Sgt. Faust but as he entered the chow hall Sgt. Faust turned so he ran out of the chow hall. Inmate Miller related he then came up to the administration area. Inmate Miller told Counselor Arnold he was sorry it was she, because she was the good counselor. According to Counselor Arnold, Inmate Miller said he would rather kill Counselor Cindy Italian or Counselor Todd Kramer but he really wanted to kill Sgt. Faust. Inmate Miller pulled out saran wrap from his shirt pocket and also a much larger piece from his boots. Inmate Miller asked for tape and scissors and was told by Counselor Arnold that they didn't have any. Counselor Arnold said the worker boots Inmate Miller was wearing should have been confiscated after he lost his job. Counselor Arnold described how Inmate Miller used the shoelaces from the boots to tie her hands. Counselor Arnold momentarily backtracked and stated that when she went to Dawn's office she was there approximately three minutes and estimated she was in the office with Todd approximately two minutes. Counselor Arnold advised that Inmate Miller said he went down there to get whoever happened to pass by. While Counselor Arnold was in the office with Miller, three telephone calls were received. The first was Lori Mitchell, the second call was Dave Holman, and then the operator called with the lawyer, to whom he had requested to speak, however, it was the wrong lawyer; it was the lawyer's brother. Inmate Miller tried to make a telephone call at approximately 3:00 p.m. and the line was dead.

Investigators interviewed Administrative Assistant Dawn Curlett on Tuesday, August 3, 2004 at the Internal Affairs Office. Ms. Curlett advised that she was inside her office on the morning of July 12, 2004. Ms. Curlett related that Cassie entered her office and they talked for a few minutes. Counselor Arnold said she was headed to the main administrative area in Building 13 and left the office. Ms. Curlett informed investigators she then heard Cassie screaming and ran out into the hallway where she saw Todd Kramer standing in front of the bathroom door. She then returned to her office and called Building 24 control. Ms. Curlett telephoned the Warden's office and estimated that approximately five minutes later, the Warden telephoned her. Ms. Curlett also telephoned Deputy Warden Burris's office and spoke to Administrative Assistant Mary Hobbs.

According to Ms. Curlett, Todd Kramer told her that Inmate Miller had taken Cassie into the bathroom. Ms. Curlett said she remained standing in her office looking out the doorway. HNT had been notified by the Warden and was activated. Ms. Curlett told investigators she stayed in her office with Medical Assistant Adrenne Branch who came into her office from the other bathroom next to where the hostage situation was taking place. Ms. Curlett said she saw Cpl. Bryan Andrews while she was in her office doorway. Ms. Curlett remained in her office until she was able to leave the area.

Ms. Curlett stated she often walks with Cassie from Building 13 in the morning to MHU. Ms. Curlett related that inmate facilitators would sometimes come back to the counselor's office from group sessions with counselors for various reasons. According to Ms. Curlett, Mental Health staff would sometimes have inmates come to the administrative office area and obtain chairs for sessions in Building 21. Ms. Curlett said inmates would also be brought to the counselor's office for calls relating to deaths in their families. An inmate worker would also occasionally come to the area. Ms. Curlett stated that the first person that arrived in the morning at the administration area would usually prop the door open using a wooden chock. Ms. Curlett advised that she opened the e-mail sent to Capt. Sagers by Cassie Arnold. Ms. Curlett stated she forwarded it to Lt. David Pierce for follow-up because Capt. Sagers was on vacation when it was received. This occurred on June 29, 2004.

Investigators interviewed Medical Assistant Adrenne Branch on Wednesday, August 4, 2004 at the Internal Affairs office. Ms. Branch advised that she was working on July 12, 2004 and that she entered the administration area of Building 24 at approximately 10:35 a.m. Ms. Branch stated she initially went to the kitchen and placed her lunch in the refrigerator. Ms. Branch related that the doorway to that area is normally propped open. Ms. Branch also recalled that when she initially entered the hallway, both doors to the bathrooms were propped open. She then went into the bathroom next to the one in which Inmate Miller took Cassie Arnold hostage. Ms. Branch related that after she entered, she heard a scream. She said she did not see anyone in the hallway or any sign of an inmate. Ms. Branch stated that she heard banging on the door next to where she was. Ms. Branch advised that she looked out and saw two officers, Todd Kramer and Dr. Raman (Gopalakrishnan). Ms. Branch said she shut the door and locked it. Ms. Branch said she looked out again, after hearing Inmate Miller say, "I got a knife, I'm going to kill her", and saw Ms. Curlett in the office across the hallway.

Ms. Branch told investigators she ran into Ms. Curlett's office. According to Ms. Branch she stayed in that office until she was allowed to leave the area. Ms. Branch then went to the dental office and stayed there throughout the rest of the incident. When Ms. Branch came into Building 24 from the SHU, area she saw the slider door open. She also recalled seeing some inmates near the bubble (control pod) area. The administration door was propped open at the time she entered. Ms. Branch advised investigators she has seen inmates down in the administration area for various reasons and she said they were not

always escorted. Ms. Branch informed investigators that the nurses have talked among themselves that the area did not feel safe. Ms. Branch said she had verbally made supervisors aware of the situation. Ms. Branch related that when she would go to Buildings 21, 22 and 23, the doors would be open sometimes. Ms. Branch stated she has also been locked between doorways with inmates. Ms. Branch said she had complained to Sgt. Green before. Ms. Branch told investigators she brought some of these things to the attention of Nurse Supervisor Brenda Holwerda.

Investigators interviewed Mental Health Worker Kevin Hoffecker on Tuesday, August 10, 2004 in the Internal Affairs office. Mr. Hoffecker advised he was inside of his office with Dr. Raman (Gopalakrishnan). He said he heard screaming at approximately 10:41. Mr. Hoffecker told investigators he looked out the doorway and saw Todd Kramer at the door of the bathroom. Mr. Hoffecker said Inmate Miller was trying to stab him with a shank through the opening in the doorway. Mr. Hoffecker advised investigators he did not know the name of inmate at the time and had never dealt with him before. Within a couple of minutes, officers began to arrive. Mr. Hoffecker reiterated what other witnesses had said. Mr. Hoffecker indicated there were times when inmates would come to the administration area and speak to counselors. He also said an inmate worker would be in the area. According to Mr. Hoffecker, inmates would sometimes be sitting in the foyer area waiting to see counselors. Mr. Hoffecker stated he would sometimes be the first one to arrive at work and he would prop the door to the administration area open. Mr. Hoffecker said he communicated with the control pod officer by using a handheld radio when they needed slider doors opened.

Investigators interviewed Dr. Raman Gopalakrishnan on Thursday, August 5, 2004 at the Internal Affairs office. Dr. Gopalakrishnan said he was with Kevin Hoffecker in the office and went to the area of the bathroom with him when he heard a scream. Dr. Gopalakrishnan is the psychiatrist for mental health. He indicated he had never seen or treated Inmate Scott Miller. Dr. Gopalakrishnan reiterated what other witnesses observed while at the bathroom door. He works in the MHU area on Mondays and has observed the door to the administrative area propped open on a regular basis. Dr. Gopalakrishnan advised he goes down on the tiers and sees inmates. He indicated there is a lot of inmate movement in Building 24 based upon his observations. Dr. Gopalakrishnan reviewed Inmate Scott Miller's file and noted that in April 2004 Kevin Hoffecker saw him because he had threatened to harm himself. According to Dr. Gopalakrishnan the matter was resolved at that level and Inmate Miller was not referred to him for treatment.

Investigators interviewed Mental Health Supervisor Jeremy McEntire on Friday, August 13, 2004 at the Internal Affairs office. Mr. McEntire advised he is a mental health worker and a member of the HNT. He told investigators that when he arrived in Building 13, he was told there was an incident in Building 24. Mr. McEntire related he has had some in-house training in hostage negotiation but nothing formal. Major Holman asked him to report to Building 24, obtain the inmate's mental health file and get set up in the

immediate area. According to Mr. McEntire they began going through the file, looking for anything they could use in negotiations. No prescription drugs had been prescribed for Inmate Miller. Apparently, blood pressure medication was the only thing that Inmate Miller was supposed to be taking. Mr. McEntire said he assisted Counselor Jim Simms and was next to him throughout the negotiation process. Mr. McEntire never actually negotiated with the inmate. It was Mr. McEntire's opinion that the negotiations were going pretty well although there was a point when Inmate Miller used Cassie Arnold to relay his demands. Mr. McEntire stated there were implied threats by the inmate. Mr. McEntire related that he stayed at the scene throughout the negotiation process. Once it ended, he checked on Cassie and got Cpl. Karol Ann Smith to be with her, since there were no females in the room with Cassie. Mr. McEntire said he has also observed the slider doors open to the buildings, usually around lunchtime. Security issues were addressed during mental health meetings, according to Mr. McEntire.

Investigators interviewed Counselor James Simms on Monday, August 9, 2004 in the Internal Affairs office. Mr. Simms said he is a member of the HNT and he responded to the scene in that capacity. Counselor Simms related that his normal duty is as a level five counselor. Counselor Simms has received training in hostage negotiations from Delaware State Police and the FBI. Counselor Simms advised that Todd Kramer notified him while he was in Building 20, SHU, that he was needed in MHU. Counselor Simms said he responded and began negotiating with Inmate Miller through the doorway in the administration office area. Counselor Simms informed investigators he worked directly with Cpl. Andrews, who had already established communications with Inmate Miller and continued communicating with him. At one point, Counselor Simms inserted a letter from the Warden to Inmate Miller under the door. Sgt. Patricia Johnson was the recorder and later a tape recorder was being used as well. Counselor Simms told investigators he was taking orders from the Command Center that were being relayed through Major Holman, who was positioned in the lobby. Counselor Simms stated there were points during the six-hour ordeal he felt they were making progress. He felt demands were being met and a rapport was established. Counselor Simms said he felt this way until approximately 4:00 p.m. when pauses in communication began to occur.

Investigators interviewed Counselor Cindy Atalian on Monday, August 9, 2004 at the Internal Affairs office. Counselor Atalian advised that she is assigned as a counselor in MHU and occupies an office in the administrative area of Building 24. Counselor Atalian related that at the time of the incident she was in the administration area of Building 13. Counselor Atalian informed investigators that when she found out something had happened, she telephoned Cassie's office on extension 2863 and Cassie answered the phone. According to Counselor Atalian, Cassie was upset, saying said she had to go and hung up the phone, crying. Counselor Atalian said she pulled Inmate Scott Miller's file and turned it over to the command post. She reiterated what other witnesses told investigators.

Investigators interviewed First Correctional Medical Activities Therapist Chavon Dottin on Thursday, August 19, 2004 at the Internal Affairs office. Ms. Dottin advised that she works in SNU (Special Needs Unit). Ms. Dottin related she shares an office in the administration area of MHU and she said she holds group sessions in classroom 4. Ms. Dottin related that she goes to Building 21 on a daily basis. According to Ms. Dottin, the slider doors to Building 21 are sometimes left open and she has also been locked between two doors with inmates that are usually kitchen workers. Ms. Dottin told investigators she carries a handheld radio so she has not really been concerned. The sliders are usually closed on the tiers, according to Ms. Dottin. She said she has verbally complained to Kevin Hoffecker about not being watched by the officers. Ms. Dottin said she does not bring inmates to the administration area for any reason. Ms. Dottin reiterated what other witnesses told investigators about the administration door being propped open. Ms. Dottin stated she has seen inmates being brought to administration area by counselors. Ms. Dottin said the inmates were escorted sometimes and sometimes they were not. She felt the inmates were allowed in that area so she just closed the door to her office.

Investigators interviewed Classification Officer Jayme Jackson on Friday, August 6, 2004 in the Internal Affairs office. Mrs. Jackson advised investigators that she sits in on classifications with Cassie and Counselor Tom Zanda. Mrs. Jackson said that she telephoned MHU after hearing that something had happened and was told what occurred. Mrs. Jackson related she learned Cassie was taken hostage and Inmate Scott Miller had a shank. Mrs. Jackson advised that she and Counselor Atalian obtained the file of Inmate Scott Miller and gave it to the Warden. Mrs. Jackson told investigators she subsequently went to Cassie Arnold's residence and brought Cassie's family members to the Green Farmhouse (Internal Affairs Office). Mrs. Jackson said she was previously a counselor in the MHU buildings and had worked there about a year. The door to the administration area began being propped open within the first few weeks the building was opened. Mrs. Jackson told investigators she supervises the counselors who work in the administration area and indicated there was no established procedure when bringing inmates to the area. Mrs. Jackson was questioned as to whether she had accessed Counselor Arnold's e-mail after the incident occurred. Mrs. Jackson stated she had only opened Counselor Arnold's mail but had not read any of the messages. Mrs. Jackson denied having given any e-mail material to Cassie after the incident or downloading any of her computer's material to a disk to transport out of the institution.

Investigators interviewed Cpl. Karol Ann Smith on Tuesday, August 3, 2004 at the Internal Affairs office. Cpl. Smith normally works as a Court and Transportation officer and is a member of the HNT. Cpl. Smith was in the Georgetown, DE area at the time of the hostage situation and was notified to respond to DCC. Cpl. Smith arrived several hours after the incident began. Cpl. Smith remained in the immediate area until Counselor Arnold was rescued. Cpl. Smith was subsequently assigned to accompany Cassie Arnold to the hospital and assist her with anything she wanted. Cpl. Smith rode in the ambulance with Counselor Arnold to the hospital and stood by while she was treated.

Cpl. Smith related that on the night of the incident, several roads were washed out on the way to the hospital and she described the conditions as very stormy and wet. Cpl. Smith stayed with Counselor Arnold until her discharge from the hospital.

CLASSIFICATION

State of Delaware inmates are uniformly classified throughout the Bureau of Prisons utilizing the Institutional Classification System Instructional Handbook (see attached). The classification system is a point based classification system developed in conjunction with the National Institute of Correction and is utilized by other various correctional agencies.

Anthony Rendina is the classification administrator for Delaware Department of Correction, Bureau of Prisons. Investigators Steve Rogers and Ron Drake interviewed Mr. Rendina on August 23, 2004 at the Internal Affairs Office. Mr. Rendina is the chairperson of the IRCB (Inmate Release Classification Board) that consists of four Wardens, three civilians and himself who meet on a weekly basis. Mr. Rendina is currently the acting chairperson of the CICC (Central Institution Classification Committee) consisting of approximately seven people representing all of the Level 5 institutions. Mr. Rendina explained the objective point based classification system and how points are assessed as well as the periodic review requirements.

Mr. Rendina related that the point based classification system assigns points in eight areas. Mr. Rendina stated that all of the institutions throughout Delaware utilize the same factors except in one area of Institutional Misconduct History. Mr. Rendina informed investigators that Delaware Correctional Center uses the terminology of Major and Minor infractions instead of Class 1 and Class 2 infractions. The list of infractions utilized by the other institutions is more expansive than that of Delaware Correctional Center. A January 11, 1982, U.S. District Court Order, North E. West vs. Walter Redman (Warden), mandates Delaware Correctional Center to function under its present disciplinary code. According to Mr. Rendina, the calculation of the scores whether by utilizing Class 1 or Major infractions equates to the same point score for this area of the risk assessment. The numbers are then calculated and a total risk assessment score is assigned to each inmate. The scores reflect four categories where an inmate should be classified and thus determining his ultimate housing location unless an "override" is recommended. The four classifications are Community/Minimum, Minimum, Medium and Maximum. Delaware Correctional Center also separates inmates classified in Medium security into two categories, Medium/High Custody and Medium/Low Custody.

Mr. Rendina conducted a review of Inmate Scott Miller's classification on July 26, 2004 at the direction of Bureau Chief Paul Howard (see attached). Inmate Miller was sentenced on 6/23/00 and initially classified to the Maximum Security Unit utilizing the previous classification system in effect at that time. Inmate Miller was subsequently relocated and moved to the newly constructed Security Housing Unit upon its opening, around November 2000. A Quality of Life classification process was instituted at that time with Inmate Miller being assigned to Level 1. Quality of Life Levels 1, 2 and 3 were all within the Security Housing Unit. Quality of Life Levels 4, 5 and 6 were assigned to the Maximum Housing Unit at that time. Mr. Redina's review reflects that Inmate Miller progressed from Level 1 to Level 5 between January 2, 2001 and October 16, 2001. Inmate Miller was remanded back to Level 3 on March 1, 2002 for failing to follow his established treatment plan. Inmate Miller was able to progress back to Level 4 on September 25, 2002.

The current point based objective classification system was then enacted at Delaware Correctional Center. Inmate Miller's Risk Assessment Score on November 14, 2002 was thirteen, which is a Medium Security classification point score. The MDT (Multi Disciplinary Team) consisting of a counselor and classification officer recommended an "override" for Inmate Miller citing pending disciplinary offenses as a factor in recommending him to remain in Maximum Security Housing. Classification "overrides" are built into the classification system, according to Mr. Rendina, so that the counselors and classification officer may consider such things as pending disciplinary offenses when making their recommendations. Mr. Rendina stated that "overrides" should only comprise approximately fifteen percent of inmate classifications. The MDT's "override" recommendation for Inmate Miller to remain in Maximum Security was supported by IBCC (Institutional Based Classification Committee) on November 15, 2002. The IBCC is comprised of security and treatment personnel assigned to the institution where the inmate being classified is located. No one shall be a member of the MDT and IBCC for the same inmate that is being classified.

On March 18, 2003, Inmate Miller received a Risk Assessment Score of fifteen, which is also a medium security classification score. MDT recommended Inmate Miller for Medium Security/High Custody at that time and this recommendation was approved by the IBCC on March 24, 2003. Mr. Rendina originally reported that he felt an error might have occurred in assessing points in Inmate Miller's Prior Criminal History Category, which would have resulted in Inmate Miller receiving two additional points. Mr. Rendina subsequently researched the documentation and reported that Inmate Miller's Risk Assessment Score was accurate. Inmate Miller reportedly functioned well in this classification environment for approximately one year. On March 19, 2004, MDT recommended Inmate Miller for Medium Security/Low Custody that would have allowed Inmate Miller to have more privileges and be housed in a less restrictive environment; Inmate Miller's Risk Assessment Score at this time was twelve. Inmate Miller recently received a disciplinary write-up for Disorderly/Threatening Behavior directed at security

staff personnel. Erroneous action by a staff member is alleged to have caused Inmate Miller to become irritated and upset. The IBCC reviewed this recommendation on April 20, 2004 and recommended Inmate Miller be kept at Medium Security/High Custody even though his Risk Assessment Score and MDT recommendation could have allowed him to advance to Medium Security/Low Custody.

Inmate Miller was reclassified on May 28, 2004 by the MDT wherein he received a Risk Assessment Score of eleven. Inmate Miller's recent write-up for Disorderly/Threatening Behavior and subsequent firing from his job in the kitchen resulted in the MDT recommending Inmate Miller to remain in Medium Security/High Custody. The IBCC concurred with this recommendation on June 22, 2004.

Investigators Steve Rogers and Ron Drake interviewed Counselor Todd Kramer on August 9, 2004 at approximately 1048 hours at the Internal Affairs Office. Mr. Kramer related that he had been Inmate Miller's counselor for approximately one and a half years up until July 8, 2004. Mr. Kramer related that Inmate Miller recently lost his job in the kitchen and therefore was transferred from Building 21 to Building 23. Counselor Cassandra Arnold then became Inmate Miller's counselor because of the housing transfer. Mr. Kramer advised investigators that Inmate Miller had previously requested an interstate transfer to Virginia. Mr. Kramer said he had prepared the necessary paperwork and as such, completed a recent reclassification for Inmate Miller to accompany the transfer request. Mr. Kramer stated that since Inmate Miller is sentenced to more than five years he is required to have a reclassification done once a year. Mr. Kramer related that all Maximum Security inmates should be done every ninety days irrespective of their sentence. Mr. Kramer told investigators that he reclassified Inmate Miller because of Inmate Miller's interstate transfer request. Mr. Kramer said that an interstate transfer request requires a current reclassification of the inmate. Mr. Kramer stated that he and Lt. Ricky Porter met with Inmate Miller around May 28, 2004 when Inmate Miller initially submitted the interstate transfer request. According to Mr. Kramer, he advised Inmate Miller that he needed to reword his interstate transfer request to convince people that he deserves the transfer instead of "blasting" the administration at Delaware Correctional Center. Mr. Kramer said Inmate Miller resubmitted the request approximately two weeks later. Mr. Kramer stated that after he received Inmate Miller's new request he then did a reclassification on Inmate Miller. Mr. Kramer related that he was not aware of two pending disciplinary write-ups Inmate Miller recently received. Mr. Kramer told investigators that he utilizes an inmates personal file and the write-ups would not be entered in the file since they were still pending.

Investigators Rogers and Drake informed Mr. Rendina, during his interview, that Mr. Kramer felt that a current inmate reclassification must accompany an interstate transfer request. Mr. Rendina informed investigators that an inmate's classification score or behavior does not necessarily affect whether an inmate will be transferred to another state, unless the inmate's behavior is extremely unmanageable. The interstate transfer

request is based on other factors such as hardships for family members to visit the inmate. It is not necessary to submit an inmate reclassification with an interstate transfer request according to Mr. Rendina.

An inmates' participation in prescribed treatment programs and job assignments are taken into consideration as part of the classification system. A review of Inmate Miller's treatment plan by Classification Officer Jayme Jackson indicates that Inmate Miller participated and completed the following programs; conflict resolution, decision making, values training, anger management, communication skills, substance abuse education, journaling, self-esteem, values and behavior and thinking errors. Inmate Miller has been attending the "Less Stress" group counseling sessions since May of this year. Inmate Miller had also been employed as a kitchen worker until receiving his most recent disciplinary write-ups.

Inmate Miller's extremely lengthy sentence of six hundred and ninety nine years brings into question the value counseling or participating in programs can have for this type of an inmate. This issue can be debated from many perspectives. The Institutional Classification System Instructional Handbook includes a statement of intent on page thirty. The Reclassification Form, section "A", second paragraph states, "It is important that offenders with long sentences have the opportunity for reduced security levels based on compliance with institutional requirements."

Investigators Rogers and Drake interviewed Delaware Correctional Center Treatment Administrator Ronald Hosterman on Wednesday July 28, 2004 at approximately 1048 hours. Mr. Hosterman said he has held his current position for approximately fourteen years. Mr. Hosterman provided insight and his knowledge of the point based classification system. His explanation mirrored that of Mr. Rendina. Mr. Hosterman had also previously reviewed Inmate Miller's file and found no remarkable classification history or notations that would have given rise for concern.

Investigators interviewed Lt. Ricky Porter on Thursday, August 5, 2004 in the office of Internal Affairs. Lt. Porter is the classification officer at the Delaware Correctional Center and a member of the hostage negotiation team. Lt. Porter stated he is familiar with Inmate Miller and has dealt with him on prior occasions and he participated in IBCC meetings relating to Inmate Miller. Lt. Porter conveyed his responsibilities as a member of the IBCC and also the CICC. Lt. Porter's explanation of the classification process was the same as that of Mr. Rendina and Mr. Hosterman. Lt. Porter was also aware of Inmate Miller's pending request to be transferred to Virginia by an interstate compact agreement. Lt. Porter did not provide any additional information regarding the classification of Inmate Miller that was not already obtained by investigators through prior interviews or the review of classification documents.

CONCLUSION:

On Monday, July 12, 2004, the 8:00 a.m. to 4:00 p.m. shift staffing in the Medium High Security Unit was normal with the exception of one officer who called off sick. The staffing for the buildings is usually seven officers in each building with a rover in Building 24 and an officer in the control pod, who controls inmate movement and security doors. Shortly before the incident, four additional officers were staging in the area of the control pod and chow halls. The officers are usually sent from Buildings 21, 22 and 23 to assist with feeding the inmates. Two of three classrooms were being utilized for education classes and the "Less Stress" group session was in classroom 4. A civilian was in charge of each of the 3 classrooms being utilized. Classroom 4 contained the suspect, Inmate Scott Miller and the Victim, Counselor Cassandra Arnold. Two officers were in the commissary area and a civilian was in the Law Library with an inmate helper. C/O Jane Morgan, who is an inmate property officer, was in the building and positioned in the hallway between the control pod and the slider door to the lobby in order to give two inmates their property. The area lieutenant was staged in the control pod area as well. Captain Sagers, the unit commander for MHU and SHU, was next door in the SHU building.

Several civilians were in the Administration area of MHU performing their normal duties. Counselor Todd Kramer, Dr. Raman Gopalakrishnan from mental health, Andrenne Branch a Medical Assistant, Administrative Assistant Dawn Curlett and Mental Health worker, Kevin Hoffecker were all located in the administration area when the hostage situation occurred.

Sgt. William Faust and C/O Mike Eisenbraun were working extended overtime hours from the previous shift in Building 21. C/O Randy Owner and C/O Thomas White working in Building 22 had also worked the previous shift and were in an overtime status. Cpl. Steven Lenhart and C/O Benjamin Webb were working in Building 23 in an overtime status from the previous shift.

Sgt. Brandon Richardson, the rover for Building 24, was also working overtime from the previous shift. It was his first assignment as the rover in the Building 24. Sgt. Lachelle Green was working in the control pod. She had worked from 4:00 p.m. to 12:00 a.m. the previous day with an eight-hour break before returning to work on the day of the incident. Sgt. Green had over two years experience working in that particular control pod. The original plans for staffing in MHU on the 8:00 a.m. to 4:00 p.m. shift included a rover, four officers on the floor and two officers in the control pods of each of the housing unit buildings. Building 24 called for one officer in the control pod and one Rover to control inmate movement and security doors; the staffing was appropriate on the day in question. In spite of the extended hours, none of the officers interviewed, gave any indication that they were overly fatigued on the day of the incident or could not perform their duties at the necessary level. However, sleep deprivation continually drains ones

senses of observation and causes mental lapses. Staff responded expediently to the code when called and took up operational positions in compliance to their orders. Overall, there was a very large response to the situation by various Officers from all levels of the institution.

SECURITY IN GENERAL:

On the morning of July 12, 2004 the door to the administrative office area of Building 24 had been propped open for easy ingress and egress as observed by several witnesses; a wooden chock was used to prop it open. This was done to make access easier for persons coming to and going from the area, since several people utilized these offices. Individuals interviewed advised that this became a routine practice approximately two weeks after the building had been opened in December 2000. The door was usually secured after 5:00 p.m. daily and remained secured throughout the nighttime hours. The officer working in the control pod controls this door electronically.

Many of the Officers and Civilians interviewed also advised that occasionally the slider doors would be left open during shift changes, so the officers could come and go from their assigned post positions. The inmates would normally be secured in their cells and locked down for count when this occurred. The shift changes are at 12:00 a.m., 8:00 a.m. and 4:00 p.m. Other than the times enumerated, the slider door to the entrance of Building 24 would be secured and the officer working in the control pod would control it.

It was brought to the attention of the investigators that a push button intercom system located next to the first slider doorway was not functioning and had not been operational for quite some time. Some individuals advised that they are not sure if it had ever been working since December 2000. It was also discovered that some of the intercom telephones in the control pods of the housing units were missing. Officers and civilians used line of sight, radios and motion to attract the attention of the control pod officer for entry or exit. No one questioned had ever submitted a maintenance request or work order for the intercom system to be repaired or brought it to the attention of anyone during a security meeting.

Periodically, meetings would take place with Capt. Sagers where he would solicit security concerns and asked that if any civilians observed a security problem they were to contact him and he would address the complaint. This occurred when Counselor Arnold e-mailed Capt. Sagers on June 29, 2004, advising him that the slider doors to Building 23 were being left open around 8:00 a.m. In this specific instance, Administrative Assistant

Dawn Curlett forwarded the e-mail to Lt. David Pierce, since Capt Sagers was on vacation at the time; Lt. Pierce corrected the problem when he was notified.

On July 12, 2004, Cassandra Arnold conducted a group session in classroom 4. The rover, Sgt. Brandon Richardson, let her into the classroom and could view the session and its occupants through the large windows. At the end of the class, the inmates left the area sporadically with inmate Miller leaving while she was still inside of the classroom talking to the two facilitators. A security concern is raised with the number of inmates returning to their respective buildings while other inmates from Building 23, where Scott Miller was housed, were staging for chow. This allowed several inmates in the hallways at the same time while not being able to discern which inmates should be returning to their building at the conclusion of the group session. The commissary, law library, classrooms and chow halls are all in close proximity to the control pod. At times, there can be several inmates going various places around the control pod. The rover stated he was closer to the classrooms near the entrance to Building 21 as the inmates dispersed.

Sgt. Lachelle Green, who was working inside of the control pod, said she saw Inmate Scott Miller going down the hallway toward the administration area only a few feet behind Cassandra Arnold. She made an assumption that they were together, going to the counselor's office for some reason. This did not alarm her since she was use to seeing inmates going to and from the area with counselors as well as with others who worked in the area. She also remembered that Inmate Scott Miller had just been in the Less Stress Group with Cassie Arnold, having spoken to him prior to the group beginning. C/O Jane Morgan was also standing adjacent to the hallway with a property cart at the same time and she also failed to notice the inmate or question where he was going. She did not recall seeing inmate Miller pass by her. The rover, Sgt. Richardson, was ensuring that the two facilitators were going back to their buildings. Lt. Salas was engaged in a conversation with C/O Webb adjacent to the control pod directing him to assist with feeding chow. Sgt. Faust and C/O Eisenbraun were around the entrance to "A" chow hall on the other side of the control pod.

Investigators spoke with a known reliable inmate who was inside classroom 1 prior to the incident. He advised he could see out a window and observed Inmate Scott Miller walk down the hallway toward Building 23. He said that Inmate Miller walked out of his line of sight but then reappeared going down the hallway toward the administration area. This would be consistent with statements made by Inmate Miller to Cassie Arnold while he was holding her hostage. Inmate Miller said that his real initial intent was to get Sgt. Faust and he went toward the chow hall to accomplish this. Inmate Miller then changed his mind for some reason and headed to the administration area because he knew there were other people in that location. Cassie Arnold said she felt no one was around her when she went toward that area. She was in the administration area for a few minutes when she discovered Inmate Miller hiding in the bathroom and confronted him; this is when she was initially taken hostage.

When Cassie Arnold let out a scream it drew the attention of Todd Kramer, Dawn Curlett, Kevin Hoeffcker and Dr. Raman Gopalakrishnan who were in the area. This set off a chain of events and notifications for officers to respond to the building. It also activated the hostage response team that had trained on a monthly basis to perform in this type of crisis. Officers responded from several buildings and locations, assembling in the lobby area of Building 24.

The HNT assembled and was notified to respond by Major David Holman. A command post was set up in the Warden's Office with Commissioner Stanley Taylor, Bureau of Prisons Chief Paul Howard, Warden Thomas Carroll, Security Superintendent and HNT Leader Charles Cunningham, Program Director and HNT Leader Ronald Hosterman, and past Deputy Warden of MHU, Lawrence McGuigan present. CERT Leader, Warden David Hall, was also present. The hostage situation was monitored on a closed circuit television, with information being relayed to the command post by way of a telephone positioned in the lobby of Building 24.

Hostage negotiations began with Cpl. Bryan Andrews establishing communication with Inmate Miller and assisted by Counselor James Simms while in the hallway entrance near the office door.

Delaware State Police and the representatives from the Attorney Generals Office have conducted a complete investigation of the hostage incident and use of force by Department of Correction personnel.

Inmate Scott Miller, SBI #00145669 was sentenced June 23, 2000 to a period of 699 years for a series of Unlawful Sexual Intercourse and Kidnapping convictions.

Investigators conclude that Inmate Miller became upset and agitated over a series of events leading up to July 12, 2004. Inmate Miller's classification score on April 21, 2004 could have allowed him to be classified to a Medium Low Security level, thus placing him in a less restrictive environment, however this classification received an "override" due to his recent conduct. Inmate Miller related he was frustrated and upset because he was not transferred to the compound side of the institution; refer to the Classification section of this report for specific details.

██████████, Inmate Miller's wife, filed for a divorce that became final sometime around June 19, 2004. Inmate Miller was involved in several disciplinary infractions beginning a brief time before this date. On May 5, 2004 he received a disciplinary write-up and was given a written reprimand. On May 24, 2004, Inmate Miller was cited for a more serious offense that occurred in the kitchen where he was employed. This resulted in

him being fired from his job. Inmate Miller was reinstated to his job in the kitchen after a hearing on June 4, 2004. The hearing office overturned the disciplinary write-up. Inmate Miller was in possession of food items removed from the kitchen on June 27, 2004. He was again fired from his kitchen job.

Inmate Miller's ex-wife, [REDACTED], visited him with their children on July 3, 2004. During an interview with [REDACTED] she expressed that Inmate Miller was rude and verbally abusive to their children so she cut the visit short and left. [REDACTED] said she scheduled a visit for July 9, 2004 but failed to keep the appointment. [REDACTED] related that she received a telephone call from Inmate Miller as to why she didn't come to the visit. According to [REDACTED], Inmate Miller said he was going to give her a present for her upcoming birthday that she wouldn't forget. [REDACTED] said he was still despondent over the divorce and said that marriage was "UNTIL DEATH DO US PART".

On Sunday, July 11, 2004, the day before the incident, Inmate Miller met with Lt. Steven Boone, one on one, where he voiced his displeasure about being fired from his kitchen job and moved from Building 21 to Building 23. Inmate Miller also wrote a letter to Capt. Sagers this same day. It was sent to Capt. Sagers through the normal mail process and he did not receive it until July 15, 2004. The letter reiterated Inmate Miller's displeasure with having lost his job and the other events that had recently taken place.

After the incident occurred on July 12, 2004 an inventory of Inmate Miller's property was conducted. A copy of the prison newspaper, Isthmus, was found. A short, hand written note was at the top of the paper indicating he wanted to die and had no reason to live; the note was not dated. Inmate Miller told Counselor Arnold, while he was holding her hostage she was not his intended target but had intended to harm Sgt. Faust.

THE WEAPON:

During the investigation, attention was given as to where the weapon he created had possibly originated. Examination of the shank revealed that the metal was round in nature and approximately eight inches in length. The metal appeared to be of a galvanized nature with an improvised handle. The metal resembled fencing material of some type. The handle was made of plastic wrapping material like that used in the kitchen area. It also had some masking tape wrapped around the plastic wrap. It was sharpened to a point on four sides, similar to a nail. While interviewing Cassie Arnold, she advised that inmate Miller kept pulling plastic wrap from his boots and shirt pocket to improve the handle.

A few days after the incident another shank was discovered which was similar in nature and recovered from Building 21. An exact location of where Inmate Miller

obtained the material to construct the shank could not be determined.

CASE CLOSED