



**Alachua County Sheriff's Office
Department of the Jail:**

A Cultural Assessment

Submitted to:

The Alachua County, Florida
Board of County Commissioners
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We would like to acknowledge the Board of County Commissioners of Alachua County for its decision to embark on this effort to learn about the culture of the Alachua County Jail. It is a reflection of the Commissioners' concern and commitment to providing effective oversight of the Jail.

We are most grateful to Sheriff Oelrich for his cooperation and support throughout this effort. Despite his publicly-expressed reservations about the need for and cost of such an assessment, once the decision was made by the BOCC to proceed, he lived up to his commitment to cooperate, lent his full support, and ensured that there were no impediments to the completion of our work. The Sheriff's top staff provided their full support and responded completely and in a timely fashion to all requests for interviews and documents, at times going well beyond the call of duty to be responsive to our need for information.

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EXECUTIVE SUMMARY

Nature and Purpose of this Project

In February 2005, the criminal justice consulting firm of Pulitzer/Bogard & Associates (P/BA) was retained by the Alachua Board of County Commissioners (BOCC) to conduct a cultural assessment of the Alachua County Jail (Department of the Jail or DOJ), which is operated by the Office of the Sheriff under an interlocal agreement with the BOCC. The decision to proceed with the assessment of the Jail came some 20 months after a June 2003 incident in which a 19-year old University of Florida student alleged that he was sexually assaulted at the Jail by an inmate named Randolph Jackson.¹ Questions about the incident and tension on the part of DOJ employees surrounding the employee discipline that followed it (along with other staffing issues) prompted calls on the part of the Commissioners to know more about the extent to which this incident and the tensions were reflective of deeper issues within the Agency.

Our task with this cultural assessment was to get to know this organization in-depth, to assess the appropriateness and professionalism of the formal culture (as expressed in written policies and procedures and the training program), and to evaluate the degree to which there is alignment between its formal culture and its subcultures (the underlying beliefs of the staff and the way the formal policies are implemented in practice).

Methodology

The P/BA team included five experienced corrections professionals. During the months of March and April 2005, the team made three multiple-day site visits, conducting numerous tours of the Jail and interviewing more than 100 staff, 280 inmates, 8 volunteers, and 7 visitors. P/BA staff were in the facility on more than ten days during this period, including during weekends and at night, and we had access to every part of the Jail. We also interviewed a number of the DOJ's top administrators, as well as several key County officials. Additionally, we reviewed hundreds of documents, including inmate and staff files, use of force reports, reports of investigations, and grievances. We also conducted a public meeting to give citizens as well as current and former employees an opportunity to raise their concerns with us.

Overall Comments

1. The context in which we present our findings is extremely important. We want to make clear at the outset that the Alachua County Jail is not by any

¹ This event will usually be referred to in this report as the "Jackson incident" or the "high-profile incident."

means an institution that is in crisis. This is not an agency that is lawless; inmates are not routinely sexually assaulted; racism is not rampant; and the staff are not about to revolt. This is a professional correctional agency, and while we identify and discuss numerous ways in which the Jail can be improved, the issues we raise are not ones that should trigger any impression of an emergency situation. This report should be seen as a blueprint to help the BOCC and the Sheriff understand what is necessary for the prevention of systemic problems and for improvement, rather than as an indictment of current operations. We are also confident that the Sheriff's Office has the talent and the ability to address many of the concerns that are pointed out in this report, if there is a collective will to do so.

2. Many of the cultural and operational issues we identify in this report are sources of concern at many jails and prisons around the country. The fact that we discuss them here is not indicative of a major problem. Still, these issues deserve attention, and should be addressed as effectively as possible if this organization is to operate efficiently at an optimal professional level.

3. We were favorably impressed by that element of the DOJ's dominant culture that allowed employees and inmates to feel that they could speak freely with us, without fear of retribution. Despite the Sheriff's public declarations in opposition to the cultural assessment, the vast majority of staff and inmates were most forthcoming in their dealings with our team, and we were able to develop a level of trust and rapport with the people with whom we met.

4. Many of the concerns raised by stakeholders at the start of our study (and that led to the decision to pursue a cultural assessment) we found, upon close investigation, to be problems of perception rather than reality. Although some of these concerns are widely shared—to the point that they have become a feature of the institutional culture—the fact is that in most cases the facts simply do not support the claims. Nevertheless, the existence of the negative perceptions is a concern in and of itself, because in some instances, perceptions can lead to actions inconsistent with the Agency's dominant culture, stated mission, and workforce cohesion.

Key Findings

1. PROFESSIONALISM

The Sheriff sets a clear and professional tone for the Agency and it is a message that emphasizes safety and security, staff adherence to policies and procedures, and honesty on the part of staff. Additionally, he has sought out accreditation of the Jail, and has opened the Jail to external scrutiny of its operations through requests for technical assistance. At the same time, we note that the Agency's policies and procedures and training program appear to be

oriented to the law enforcement functions of the ACSO rather than to the Jail function. Also, we do not believe that the DOJ's management information system is adequately designed or configured to serve the Jail's current or future operational needs. Similarly, the DOJ does not rely on performance indicators to assess the quality of operations. These issues, along with the fact that there is little evidence of follow-up on the recommendations of outside evaluators, suggest that there may not be an adequate alignment between the formal and informal cultures of the Jail.

2. CROWDING AND ITS IMPACT ON THE CULTURE OF THE JAIL

Crowding is a very serious issue that has become part of the formal and informal culture of the jail. It permeates virtually every aspect of the operation and unsound practices have evolved over time to allow staff to better cope with the negative impact of the crowding. The crowding then has the effect of exacerbating the overwhelming idleness, the compromised classification procedures, staffing shortages, poor sanitation, and insufficient and/or chronically malfunctioning security equipment, and each of these deficiencies also makes the impact of the crowding so much worse.

3. SAFETY

There is an apparent contradiction between the formal culture and informal subculture on issues surrounding inmate safety. There is little doubt that security, safety, and control are the primary elements of the Sheriff's mission for the Jail and that this commitment is shared by all the top DOJ managers. There are, however, many formal and informal aspects of the operation that, if not altered, will serve over time to compromise the realization of this mission. We have special concerns about the classification system and about the selection and supervision of pod workers and trusties.

4. USE OF FORCE

The formal culture driving the use of force within the DOJ is quite advanced and is indicative of a serious, measured, and professional approach to this critical operational issue. Nevertheless, we note that the formal culture appears to be shaped by law enforcement perspectives and methods that do not always employ the best approaches to use of force necessary for a jail environment. Although we found no pattern of complaints from inmates about use of force generally, we are concerned about the increasing use of tasers at the Jail and the way in which the authorization to use this weapon may be changing the jail culture with regard to use of force.

5. TREATMENT OF INMATES

Inmates at the Jail are sometimes treated disrespectfully and in a way that

does not allow for individual accountability. Whether driven by resource constraints or by a philosophy or attitude about inmates, the Jail's culture clearly conveys a belief that inmates are entitled to little more than a minimal level of constitutionally-required services. Services for inmates are not made a priority at the Jail, and this is reflected in the lack of programmatic opportunities, the minimal access provided to the law library, the minimally adequate food service and the limited (and recently reduced) funding allotted for meals, and the numerous fees-for-services that are imposed on inmates. There are also many concerns associated with the delivery of medical care services.

6. SYSTEMS OF ACCOUNTABILITY

The ACSO takes staff misconduct and inmate complaints seriously; conducts legitimate investigations; and holds individuals accountable for failure to comply with Agency policy and procedures. These effective measures ensuring individual accountability, however, contrast with often-ineffective measures designed to ensure systemic accountability. There is room for improvement when it comes to ensuring quality control and to identifying and remedying "big picture" issues at the Jail.

7. MORALE

Morale at the Jail is reasonably high, though there are pockets of discontent. The Sheriff clearly has the respect and support of the vast majority of his staff. However, there is a somewhat vacillating level of morale on the part of middle and line staff, due primarily to persistent, but mostly inaccurate, perceptions about certain staffing issues at the Jail, specifically the impact of the physical agility test, perceptions of favoritism on the basis of race and gender, perceptions that the staff disciplinary guidelines are applied unequally, and perceptions that there is organizational favoritism to law enforcement. We carefully reviewed each of these concerns on the part of staff and did not find these concerns to be justified for the most part, but we do believe the underlying concern about morale needs to be addressed, if only by debunking the myths and elucidating the facts surrounding these issues.

8. SECURITY AND STAFFING

Security is clearly the DOJ's core mission. However, the mission could potentially be jeopardized by lax enforcement of certain security measures, an insufficient staffing plan, and inadequate supervision of inmates, all of which contribute to an informal culture that sometimes appears to be misaligned with the Agency's overall goals.

9. COMMUNICATION AND RELATIONSHIPS

The ACSO needs to improve intra-agency communication, and to clarify

the respective roles of the Sheriff and the DOJ Director. The DOJ appears to be responsive to and respectful of the public. The tense relationship between the BOCC and the Sheriff has been a distraction from critical issues needing cooperative resolution.

This report details and discusses each of these findings and provides recommendations relevant to each issue.

I. Introduction

A. The Alachua County Jail

The Alachua County Jail is operated by the Alachua County Sheriff's Office (ACSO) pursuant to an interlocal agreement with the Board of County Commissioners (BOCC). The agreement was initiated in 1998, and, in 2002, an extension was signed through the year 2012; prior to the agreement, the facility was operated by the BOCC. The Jail itself was constructed in 1974, with a newer addition completed in 1994. There are 25 housing units or cellblocks between the original sections and the addition.

This facility has faced severe overcrowding over the past several years. While the population did drop to the mid-700s in 2004, the inmate count was in the mid-900s during the spring of 2005, and has recently surpassed 1000.² The Jail houses both pre-trial inmates and sentenced misdemeanants and some convicted prisoners awaiting transfer to the Florida Department of Corrections.

Within the ACSO is a separate division, the Department of the Jail (DOJ) that is charged with the day-to-day operation and management of the facility. A Director, who holds the rank of Major, leads the DOJ. There are three Captains who support the Director-- one oversees security operations, a second manages support services, and a third acts in the capacity of Deputy Director.

B. Background of this Project

On February 1, 2005, the BOCC voted unanimously to award a contract to a New York-based criminal justice consulting firm, Pulitzer/Bogard & Associates, LLC (P/BA), to perform a cultural assessment of the Alachua County Jail.

The decision to proceed with the assessment of the jail came some 20 months after a June 2003 incident in which a 19-year old University of Florida student alleged that he was sexually assaulted at the DOJ by an inmate named Randolph Jackson. Questions about the incident, and tension on the part of DOJ employees surrounding the employee discipline that followed it (along with other staffing issues), prompted calls on the part of the Commissioners to know more about the extent to which this incident and the tensions were reflective of deeper issues within the Agency.

The approximate chronology leading up to the decision to hire P/BA was as follows:

² We address the question of the Jail's actual capacity in finding 2.1.

June 2003- Numerous newspaper articles and editorial in the Gainesville Sun discuss the alleged rape and criticisms over jail policies.

August 2003- Sheriff speaks with BOCC regarding investigation of Jackson incident. The Sun reports that the Sheriff blames negligent officers for the Jackson incident and determines that no new policies are required.

September 2003- Chairman Long calls for an inquiry of the Jail and the Sheriff is quoted in the Gainesville Sun as saying that he supports an external review.

September 2003- The BOCC votes 4-0 to have the County Manager develop an RFP for a consultant to evaluate the Jail.

September 2003- The Gainesville Sun reports that the Sheriff welcomes a review of the Jail.

September 2003- The BOCC votes to request that the National Institute of Corrections (NIC), an arm of the U.S. Department of Justice, perform a study of Jail.

December 2003- The Sheriff asks NIC to conduct three reviews: classification and supervision of inmates, suicide prevention practices and procedures, and organizational subculture. NIC subsequently agrees to perform the first two, but not a study of organizational subculture.

December 2003-January 2004- The County Manager requests consulting firm to develop proposal to review DOJ's culture, but subsequently decides to issue a Request for Proposals (RFP).

April 2004- The Jail Oversight Committee³ develops a scope of work for the Jail cultural assessment study and the BOCC issues an RFP.

June 2004- The Oversight Committee receives multiple proposals, invites two firms to interview, and ranks P/BA as the top firm.

August 2004- The BOCC authorizes staff to negotiate a contract with P/BA.

August 2004- The Sheriff writes a letter to the BOCC indicating his opposition to an external review of the jail's culture.

³ Membership of this Committee includes: Bill Cervone, State's Attorney; Rick Parker, Public Defender; Betty Baker, Administrative Services Director; Jim Santangelo, Director of Drug Court; and Richelle Sucara, Deputy County Manager.

October 2004- P/BA expresses concerns about the necessity for full cooperation by the Sheriff for jail study to be possible.

Fall 2004- The County Manager and BOCC decide to wait until after the election to award a contract.

February 2005- The BOCC awards the contract to P/BA to conduct the jail cultural assessment.

March-April 2005- P/BA conducts on-site inspections of the Alachua County Jail.

C. What is a Cultural Assessment?

According to the National Institute of Corrections:

Culture is a system of ideas, assumptions, values, beliefs and norms that connect members of a group together...[and] culture serves as a set of rules that guide prescriptively and proscriptively the behavior of members of the organization.⁴

An organization's formal culture is reflected in its mission statement, policies and procedures, written documents, formal training, and public statements by its leadership. The culture of an organization must be examined to determine what it stands for, whether it conforms to the expectations that others have of it, and whether it is consistent with sound and professional practice.

Informal cultures, or subcultures, develop in jails as staff and inmates find ways to adapt to the environment and fill in the gaps that naturally exist in the formal culture. These informal means and ideas can and do become just as much a part of the texture of the organization as the formal culture and, in many cases, can become even more dominant. Stories that are told, whether true or not, become part of the lore of the organization and are communicated informally until they are believed by almost everyone.

The existence of a subculture in any organization is not necessarily problematic. When there is agreement between the formal and informal cultures, the organization can be healthy and all members are moving in the same direction. However, when there is a misalignment, the subculture can become problematic and the performance of the organization can suffer.

A Cultural Assessment of a jail requires an understanding of the formal culture and an evaluation of the viability of the formal systems relative to such

⁴ Source: National Institute of Corrections Prison Culture Assessment protocol.

factors as legal requirements, community expectations, standards conformance, and best practices. It requires a “systems approach” to understanding jail operations, and entails studying and evaluating both formal and informal processes and rules, and the gathering of information through, for example, interviews, observation, and documentation. Through this multi-pronged approach, we developed an understanding of the culture and subculture of the Alachua County Jail, evaluated the extent to which there is alignment between the formal culture and the subculture, and assessed the degree to which any misalignment is problematic.

Finally, to be truly useful, a study of jail culture requires that recommendations be made to address concerns that are raised through findings about either the formal culture or the informal culture.

The line between an operational audit and a cultural assessment may, actually be somewhat vague. In fact, to fully assess a jail’s culture it requires many of the same types of inquiries and activities that one would undertake in the course of an operations audit. It requires a thorough and serious review of policies, procedures, and practices in order to identify and assess the formal culture. It also requires a rigorous and in-depth review of actual practices and beliefs of staff, inmates, and others to ascertain and assess the informal culture. The difference lies perhaps in what is done with the information that is gleaned—does it become a step-by-step effort to critique and improve operations, or, instead, does the information get used to understand the bigger picture of the organization’s culture? In fact, it is the latter.

Because this was not an operational audit, much of what we learned in the course of our review may not actually be included in this report. We considered and analyzed an extraordinary amount of detail about the Jail that, while important (and sometimes even problematic) from an operational perspective, simply was not sufficiently germane to a cultural assessment to warrant inclusion in this final report. Where we do include operational details, it is with the intention of lending support to our findings or providing illustrations of larger points.

II. Methodology

P/BA compiled a study team of five experienced corrections practitioners and consultants. The team's leader is a former jail administrator and attorney. Three other researchers are former high-level jail administrators, with extensive experience in all aspects and levels of jail management. The fifth member of the team is an attorney who was previously appointed by the federal court to monitor conditions in the Texas prison system as part of the largest and longest-standing lawsuit about conditions of confinement in this country's history.

Our task was to get to know this organization—its formal culture and subcultures.

Work began in February 2005, with an extensive request for documents and data about the Jail and aspects of the Sheriff's Office that may impact on the culture of the Jail.

The ACSO responded well to the data request and much of the requested information was provided in advance of the first field trip. All documents were provided as requested initially, as well as many others that were requested during the course of the assessment process. Hundreds of documents were reviewed during the course of the assessment, including those that were provided pursuant to the initial data/document request, plus more than 70 inmate files, and approximately 60 use of force reports.

During the months of March and April 2005, the team made three multiple-day site visits, conducting numerous tours of the Jail and interviewing more than 100 staff, 280 inmates, 8 volunteers, and 7 visitors. P/BA staff were in the jail on more than ten days during this period, including during weekends and at night. The consultants attended a number of shift briefings and were afforded access to all areas of the DOJ, typically with ACSO escorts, although that was not always the case. Escorts typically remained close enough to P/BA staff to provide safety and security, but not so close as to interfere with private interviews or to overhear what was being said.

Sheriff Oelrich was interviewed privately, as were many members of his administration in the Office of the Sheriff. All management staff of the DOJ were interviewed at least once, with most sitting for two or more interviews. Those County Commissioners who had expressed a desire to be interviewed were interviewed, along with the State's Attorney, County Manager, Public Defender Investigator, Drug Court Director, and Work Release Director and Deputy Director.

Our practice is to avoid the use of names wherever possible. We offered this as a means to make people feel more comfortable speaking with us. We should point out, however, that in the majority of cases, staff of the ACSO did not

appear to be fearful and spoke willingly and openly, even as they discussed issues that were sometimes critical.

In April 2005, the team, with the logistical assistance of the County Manager's Office, conducted a community forum during which members of the public, former inmates, inmates' families, current employees, former employees, and other interested persons were invited to meet privately with one of the team consultants. Very few private citizens elected to participate in this event. The majority of the small group of attendees were current or past employees of the ACSO. In total, we interviewed five former employees, nine current employees, and six private citizens that evening.

During this timeframe, consultants also met off-site with several current and former DOJ employees who had requested the opportunity to speak with us away from the jail. In addition, P/BA made contact with, or attempted to make contact with, current and former Jail employees and private citizens who had contacted the BOCC or the County Manager's Office regarding these issues between 2003 and the time of the assessment.

Every reasonable effort was made to give each interested or affected party an opportunity to voice their opinions about the culture of the jail. The vast majority of persons expressed no concerns about being observed speaking with the consultants, but where there was such a request, efforts were made to meet off-site, to speak by telephone, or to communicate via e-mail. Communication with the consultants did not end when the team left Gainesville, as numerous phone conversations and mail correspondences occurred during the periods that the team was off-site.

When issues were raised during the course of interviews that served as a cause for concern, much effort was made to verify the information to ensure that we were not basing any conclusions on the word of one individual. Validation came in the form of our receiving the same response from multiple individuals or our finding of documentary evidence to support the claim. Where validation was not obtained, the allegation was either not incorporated into the Assessment or we attempted to carefully caveat that it was reported by a single person.

Throughout the process, many individuals approached us with personal complaints. A number of current or former employees presented us with grievances concerning their employment by the ACSO; some inmates also had individual grievances surrounding such issues as health care. In these cases, we walked a fine line—although we reviewed most of these individual complaints, we did so not so much to determine whether the individual had actually been aggrieved, but rather to determine whether the allegations could shed light on the culture, or subcultures, of the organization. In a majority of cases, we indeed did learn about the culture or subculture of the organization, regardless of whether the allegation was found by us to be valid. We learned about how rumors are

spread, we learned about how exceptions are made to policy, we learned about who is or is not favored and we learned about how things actually work. All of these were valuable to our assessment of the culture.

As we began the assessment process, we of course knew very little about the Agency other than that which we had gleaned by reading newspaper accounts surrounding the 2003 sexual assault incident. Our intent was not to investigate that incident and not in any way to restrict our inquiry into issues surrounding it. As such, the questions that we sought to answer in the course of our inquiry were as follows:

1. What is the mission of the Jail?
2. Is the Jail operated professionally?
3. What is the impact of crowding on jail operations?
4. Are inmates and staff safe?
5. How often and under what circumstances does staff use force?
6. Are inmates' rights and needs respected by institutional policies and practices?
7. Are there systems in place to correct problems when they occur?
8. Are procedures and policies followed?
9. Are there systems in place for identifying and addressing gaps between policies and practices?
10. How is morale at the Agency?
11. Is diversity respected at the Agency?
12. How effective are communications and relationships within the Agency and between the Agency and outside stakeholders and the public?
13. Is this a culture that invites scrutiny and evaluation?
14. What are the greatest challenges facing the Agency today?

It was from the process of answering these questions that we were able to discern the salient cultural and subcultural findings and formulate recommendations that are discussed in this report.

This Cultural Assessment Report represents the culmination of these efforts.

III. Findings and Discussion

A. General Comments

1. The context in which we present our findings is extremely important. We want to make clear at the outset that the Alachua County Jail is not by any means an institution that is in crisis. This is not an agency that is lawless; inmates are not routinely sexually assaulted; racism is not rampant; and the staff are not about to revolt. This is a professional correctional agency, and while we identify and discuss numerous ways in which the Jail can be improved, the issues we raise are not ones that should trigger any impression of an emergency situation. This report should be seen as a blueprint to help the BOCC and the Sheriff understand what is necessary for the prevention of systemic problems and for improvement, rather than as an indictment of current operations. We are also confident that the Sheriff's office has the talent and the ability to address many of the concerns that are pointed out in this report, if there is a collective will to do so.

2. Many of the cultural and operational issues we identify in this report are sources of concern at many jails and prisons around the country. The fact that we discuss them here is not indicative of a major problem. Still, these issues deserve attention, and should be addressed as effectively as possible if this organization is to operate efficiently at the optimal professional level.

3. We were favorably impressed by that element of the jail's dominant culture that allowed employees and inmates to feel that they could speak freely with us, without fear of retribution. Despite the Sheriff's public declarations in opposition to the cultural assessment, the vast majority of staff and inmates were most forthcoming in their dealings with our team, and we were able to develop a level of trust and rapport with the people with whom we met.

4. Many of the concerns raised by stakeholders at the start of our study (and that led to the decision to pursue a cultural assessment) we found, upon close investigation, to be problems of perception rather than reality. Although some of these concerns are widely shared—to the point that they have become a feature of the institutional culture—the fact is that in most cases the facts simply do not support the claims. Nevertheless, the existence of the negative perceptions is a concern in and of itself, because in some instances, perceptions can lead to actions inconsistent with the Agency's dominant culture, stated mission, and workforce cohesion.

The bulk of this report will examine specific cultural issues we reviewed in detail during the course of our assessment. Under each heading, we present an overall finding with regard to that issue. Below that major finding, we offer

sub-findings and discussion of these sub-findings. We conclude each section with a set of recommendations relevant to those sub-findings.

B. Cultural Findings

1. PROFESSIONALISM

1.0 The Sheriff sets a clear and professional tone for the Agency and it is a message that emphasizes safety and security, staff adherence to policies and procedures, and honesty on the part of staff. Additionally, he has sought out accreditation of the Jail, and has opened the Jail to external scrutiny of its operations through requests for technical assistance. At the same time, we note that the Agency's policies and procedures and training program appear to be oriented to the law enforcement functions of the ACSO rather than to the Jail function. Also, we do not believe that the DOJ's management information system is adequately designed or configured to serve the Jail's current or future operational needs. Similarly, the DOJ does not rely on performance indicators to assess the quality of operations. These issues, along with the fact that there is little evidence of follow-up on the recommendations of outside evaluators, suggest that there may not be an adequate alignment between the formal and informal cultures of the Jail.

1.1 *Mission and Core Values*

1.1.1 The current mission statement of the Jail is subsumed under a broad ACSO mission, which reduces the Jail's mission simply to operating a safe and secure facility. There appear to be differing expectations between the BOCC and the Sheriff relative to the mission of the jail.

The Jail does not have its own mission statement to guide decision-making, development of policies and procedures, training, and budget requests relative to DOJ operations. Rather, the Sheriff's Office as a whole has a mission statement, which properly mentions safety and security, but does not in any way speak to rehabilitative services or other non-custodial concerns.⁵

That the Jail's mission is indeed focused on custody was confirmed through our observations, discussions with administrators and staff, the limited

⁵ The official ACSO mission statement, ACSO Directive 006 (published July 2002), reads: "To provide public safety services for citizens and other persons in Alachua County, which includes, but is not limited to, maintaining the peace, enforcing laws, making arrests, detaining prisoners, housing inmates in a safe and secure facility and providing other public safety services." However, a version that was posted in the Major's office, read as follows: "At the Alachua County Sheriff's Office, we stand for the highest quality law enforcement, rendered with dedication to equality, fairness, and professional integrity."

programming opportunities available in the Jail, and our review of the DOJ budget.⁶

We saw some indications, however, that the Sheriff and the Board of County Commissioners (BOCC) may not see eye-to-eye about the appropriate mission for the Jail. Some commissioners characterized the Sheriff's current philosophy as "lock 'em up and throw away the key," while they expressed a desire for inmates to receive programs and services that will assist them in making a successful reentry to the community through skills development, substance abuse treatment, and education.

Although the basic legal expectations for the operation of the jail are set forth in the Interlocal Agreement between the BOCC and the Sheriff, the document does not spell out the broad expectations regarding policy and philosophy that the BOCC has for the operation of its jail. That document needs to be made sufficiently specific to avoid conflicting perceptions about the relative importance of different services at the Jail, and to enable both parties to develop budgets that address the expected responsibilities of the Jail.

1.2 Policies and Procedures

1.2.1 While we found office-wide ACSO directives generally to be very thorough and professional, the quality of those procedures specific to the Jail is inconsistent, sometimes confusing, and vague, thus contributing little to consistent operations and providing minimal guidance to Jail staff charged with their implementation.

Policies and procedures are perhaps the clearest indication of the formal culture of an organization. They represent the official statements (in the ACSO they are known as "directives") of what the organization stands for and the expectations of how things are to be done. As such, special attention must be paid to these directives, both in terms of what they say (the formal culture) and how they are actually used (which, if it differs from the written statements, is the informal culture).

The quality of policies and procedures varies within the ACSO. For example, human resources directives that apply office-wide are thorough and are indicative of a high level of care, careful construction, and typically best practices in that field. DOJ directives, however, are often inconsistent in their drafting and in the degree to which they reflect best practices. This lack of consistent quality probably reflects a different process for drafting the DOJ directives once the Jail came under the Sheriff's Office. DOJ directives, in some instances, cite outdated

⁶ In fact, by our calculation, only one half of one percent of the annual DOJ budget goes to program related functions (\$130,000 of the FY 05 budget of \$20,593,343).

American Correctional Association (ACA)⁷ Standards, despite the fact that the Jail is no longer committed to the ACA accreditation process. In many instances, the directives are so focused on including the necessary language to satisfy Florida Model Jail Standards that they fail to provide the detail and direction necessary to truly guide staff in the steps and decisions necessary to implement the required activities. This leaves room for significant officer discretion in accomplishing goals, and this in turn gives rise to subcultures.

1.2.2 The current process of disseminating applicable ACSO and DOJ directives to staff is a source of considerable dissatisfaction on the part of DOJ employees. The current process, while employing impressive, cutting-edge technology and presenting many benefits, does not contribute as it should to staff awareness and understanding of procedural expectations.

The ACSO has employed online technology as a means of maintaining, distributing, and holding staff accountable for its directives. In lieu of issuing thick binders to each employee containing hundreds of directives, employees are required to access the Sheriff's Office website and use an individualized password to open in a "read only" format, review, and electronically sign-off that they have reviewed each policy directive. When an employee logs in to the Directives Management System (DMS), it highlights those policies (new and revised) that the employee has not yet signed off on. This online format provides management with the capability of tracking each employee's compliance with strict requirements to be "aware" of new and revised policy directives.

This electronic approach has much merit, although it is also the subject of concerns by staff that electronically posted directives are impossible to keep up with. While officers can easily tell which policies they have not signed off on by simply logging onto the DMS system, they do not, however, receive e-mails or direct notice of any kind of revisions or new policies, except for general notifications made at roll-call. In addition, there is no system established to help staff prioritize their reading of these new policies, and no timelines are set for reading them. Some staff believe that they are pressured to indicate that they have read and understand the directives, when the reality is that they do not have sufficient time at their posts to do so.

In fact, this problem is not limited to situations involving policies and procedures in electronic format, as most other jails experience the same issue when employees are handed a binder of policies and procedures and are required to sign a form indicating they have received and will be responsible for knowing these directives. As a management tool, a directives management system, whether on paper or electronic-based, can only be truly effective when supervisors ensure their staff have read and *understand* the policy directives. In the case of the Jackson incident, investigations revealed that two employees who

⁷ ACA is a national organization representing corrections employees that promulgates standards and maintains an accreditation process for correctional programs and facilities.

were terminated had not read myriad directives pertaining to their duties and responsibilities and management's expectations for performance. To be most effective, the Directive Management System must be coupled with training, mentoring, supervision, and some level of testing to ensure awareness and proficiency.

1.2.3 Several critical jail operations directives are subsumed within chapters of the directives management system that appear on their face to apply to law enforcement rather than corrections. This may indicate a culture with a preference or bias toward the law enforcement functions of the Agency.

Currently, the Directives Management System is organized into four sections: the first section (001-019, and the 110-400 series) addresses a wide range of administrative, fiscal, human resources, training, and related topics; the second section (the 600-900 series) is focused on law enforcement operations; the third section (100-1200 series) is labeled "Department of the Jail;" and there is a fourth section identified as "Fleet/Property Bureau." One concern relates to the fact that jail employees are informed that they are responsible for all ACSO directives (as opposed to patrol division employees who are, appropriately, responsible only for the first two sections). Not only does this place an unreasonable and undoable burden on jail staff to be responsible for knowing such a substantial body of directives, but it also has the effect of distracting jail staff from focusing on the relevant jail directives.

We also note that, although much of the law enforcement section of the directives management system is irrelevant to jail staff, several critical directives with direct or indirect impact on jail operations are included in this law enforcement section. Examples of this include most of section 801-819 (including response to resistance, non-deadly force, deadly force, and use of force reporting procedures), section 902-919 (governing communications), and much of 751-769 (cell extraction team [a clear DOJ function], negotiations response team, bomb call procedures, and SWAT). Presumably, Jail employees could be responsible for knowing these relevant directives rather than the entire body of law enforcement policies. In any event, the current approach is unwieldy for DOJ personnel because of:

- inconsistencies in terminology, definitions, language, and semantics;
- incongruous sequencing of critical procedural information;
- the lack of specificity and clarity with respect to staff roles, authority, functions, and responsibilities;
- insufficient and/or inaccurate intra- and inter- policy directive cross-references;
- discrepancies that thwart the positive intent of DOJ management to provide guidance and direction for processes within its span of control; and,
- the lack of indexing.

The fact that several critical jail operations directives are subsumed within chapters of the directives management system that appear on their face to apply to law enforcement rather than corrections, is perhaps indicative of a cultural bias toward a law enforcement response within a correctional setting.

1.3 Accreditation

1.3.1 The Sheriff's commitment to and success with accreditation is indicative of a culture that values a high degree of professionalism and policies and procedures based on standards.

There are many benefits associated with accreditation, including the self-assessment process that must take place to ensure that the jail's processes and directives conform to the highest and best practices available. Accreditation also allows for a degree of external, objective scrutiny of operations and directives that can be beneficial as a form of quality assurance. Finally, it can be a morale boost for staff who work together to achieve accreditation.

Accreditation by the Florida Corrections Accreditation Commission (FCAC)⁸ and National Commission on Correctional Health Care (NCCHC) are, to the credit of both the BOCC and the Sheriff, conditions of the Interlocal Agreement.⁹ The Sheriff and DOJ Director should be commended for ensuring that these accreditations were received and for their willingness to open the jail to external scrutiny through accreditation processes.

Shortly after the Sheriff assumed responsibility for the jail, the DOJ enrolled in the ACA accreditation process and committed to complying with the approximately 440 applicable national jail standards. The jail received an initial accreditation, and it was reaccredited three years later.¹⁰ However, we learned that the DOJ has since discontinued its involvement in ACA accreditation. Apparently, this decision was based on three factors: the costs associated with ACA accreditation; statutory obligation to conform to and to be inspected on an annual basis for compliance with the Florida Model Jail Standards (FMJS); and the availability of the FCAC process, which has a substantial overlap with ACA standards.¹¹

⁸ According to FCAC's website, approximately half of Florida's 67 counties have obtained FCAC accreditation for their jails.

⁹ Interlocal Agreement between Alachua County and the Alachua County Sheriff, dated April 2002.

¹⁰ According to the ACA website, approximately 25% of Florida counties currently have ACA accredited jails/jail systems.

¹¹ While there are some 440 ACA standards and 262 FCAC standards, many of the FCAC's standards are modeled after ACA's.

While accreditation from a national body such as ACA has many merits, including a new and unique focus on performance measurements, this is not in any way to diminish the Sheriff's decision to focus on FCAC accreditation. Each of these auditing and accreditation processes can be a valuable tool for improvement and monitoring of operations in the facilities. In addition, the Sheriff has continued with health care accreditation through the National Commission on Correctional Health Care (NCCHC), which is a national accrediting body.¹² This is another positive step that allows for measurement of the jail's health care practices against these standards and by auditors from throughout the country.

1.4 External Review

1.4.1 The Sheriff is receptive to external scrutiny of Jail operations, which is indicative of a professional, open, and transparent culture. However, there is a lack of follow-up on the recommendations made by outside reviewers.

One of the hallmarks of a professional agency is that it allows and welcomes outside reviewers to provide an objective perspective on its operations. To his credit, the Sheriff has repeatedly sought out external scrutiny and evaluation of the Jail. In the past two years, there have been three National Institute of Corrections technical assistance studies:

- "A Local System Assessment," dated September 22-24, 2003, was conducted by Alan Harland, Ph.D. and Robert S. Aguirre: This effort was directed toward (1) assisting jail officials in an assessment of internal management and classification procedures, and (2) assisting local government and justice system officials in examining critical reasons and remedies for jail overcrowding.
- "Inmate Classification Process," dated March 9, 2004, was a review conducted by Randy Demory and Rick Kaledas. This effort was a follow-up to the classification aspects of the September 2003 study, and was intended to evaluate the effectiveness of the inmate classification process and elements of inmate supervision.
- "A Technical Assistance Report on Suicide Prevention Practices and other Mental Health Issues within the Department of the Jail," dated April 15, 2004, was conducted by Judith L. Regina-Whiteley. This report identified physical plant and operational means to enhance suicide prevention and intervention.

¹² The most recent NCCHC audit of the Alachua County Jail occurred in October 2004.

In fact, we believe that these external evaluations are indicative of an organizational culture that does invite external scrutiny and the Sheriff should be commended for this.¹³

But inviting external scrutiny and acting on the recommendations offered are two separate and distinct issues. In the case of the March 2004 NIC review of classification procedures, the consultants offered 12 recommendations to enhance the DOJ's classification process. Specifically, the NIC Technical Assistance Report clearly recommended that the DOJ redesign its existing subjective classification system in favor of an objective classification system. Our review of DOJ directives and forms, along with numerous interviews of DOJ staff, revealed, however, that few, if any, of the 12 recommendations had been implemented to date. There appears to be no action plan in place for implementing an objective classification plan, or even for taking the preliminary steps in this direction.

Similarly, our review of the report on suicide prevention (April 2004) reflects that some of the basic recommendations of that report, including those without cost implications, had also not been implemented.¹⁴

If the culture is going to be open to the scrutiny, then it must also be receptive to evaluating the recommendations that come out of these reviews. The ACSO needs to consider implementation of those proposed changes that are cost-effective and viable.

1.5 Management Information Systems and Performance Indicators

1.5.1 The existing jail management system contributes little to effective jail management, and may actually interfere with effective communication and decision making because staff cannot readily access or protect the integrity of critical information.

Staff are plagued with a jail management system, SMARTCOP, that does not provide the fundamental components of an integrated information management system, such as data security, the ability to provide statistical data (crystal reports) necessary for management assessments, program and performance evaluations, planning, and budgeting.

¹³ Despite the fact that the Sheriff has been vocal in his objections to this Cultural Assessment, we do not attribute his resistance to a reluctance to be externally evaluated, but rather to the circumstances surrounding the decision by the Board of County Commissioners to undertake the project and the dynamics between the two entities.

¹⁴ We do note that after much deliberation between the ACSO and the BOCC, money was made available to install mesh screens in the mental health housing unit to lessen the chances that an inmate could jump off the mezzanine. The construction work was being completed while our on-site visits were underway.

One of the main problems with SMARTCOP is that this system does not have the ability to provide critical integrated data links (such as past institutional behavior and previous criminal offenses), due to the fact that it relies on the inmate's current booking number (which changes with each admission) rather than the inmate's Master Name Index number (which is a permanent number assigned to the inmate). SMARTCOP does not interface with the criminal justice information system (CJIS) used by other key criminal justice system stakeholders, such as the Criminal Clerk of Court, Court Services, and the Public Defender's Office; as a result, pertinent classification information from external sources is not readily available and classification decisions are often made based upon information reported by the inmate.

SMARTCOP's limitations also mean that staff are forced to spend a significant amount of time locating or computing information by hand. For example, SMARTCOP does not have a sentence computation component and therefore Classification staff must manually compute GAIN time each month for each sentenced inmate. Classification staff must also perform a manual review of the Disciplinary Action Summary Log to determine the date on which an inmate's term in disciplinary segregation expires. Similarly, when statistical data or historical data is required, program staff develop it via manual, time-consuming methods. By way of example, we observed that it took several frustrating hours for program staff to provide information to the court clerk--during a critical point in a murder trial-- about whether two inmates were ever housed in the same unit or cell. As presently configured, SMARTCOP is not reliable as the means by which housing officers determine which inmates need to be kept separate from each other.¹⁵

Finally, another significant concern is that program staff does not use the module containing critical classification data because rudimentary filters have not been developed to ensure information is only available on a need-to-know basis and to ensure information is not altered by unauthorized staff. Despite the lack of appropriate safeguards to protect the integrity of these records, staff continue to rely on the computer system for recording incidents rather than filing paper incident reports. Similarly, the grievance-tracking log is maintained online, which presents potential data security concerns.

While the system is clearly inadequate, staff nevertheless rely upon SMARTCOP to input and store very critical data. It is used as a permanent log in the housing units, and each shift makes a subjective decision about what daily information to extract from the online version and include in the shift summary report. Without standards to guide staff in deciding what information to include in a shift summary, the shift summaries are inconsistent and unreliable. Moreover,

¹⁵ Inmates need to be kept separate for the following reasons: the fact that they are co-defendants; previous altercations, concerns about threats carrying over from incidents in the community; or one inmate may be testifying against the other.

there does not appear to be a system for archiving SMARTCOP data as a permanent record. Beyond this, there are no guidelines and accountability to ensure data entered online is reviewed by on-coming supervisors and staff, so there are often important gaps in communication among staff.

The lack of a reliable, user-friendly, and effective inmate management information system has a significant impact on the culture of the Jail. Staff do not trust data; there is a minimum of useable cumulative or statistical data produced by the Agency; the way in which data is input has an impact on staff communication about important events affecting inmates; there is a duplication of effort because staff produce paper records as well as input data; and significant staff time is lost to manual searches for information.

1.5.2 The jail's culture is one in which objective performance outcomes and standards have not been established and therefore performance measures are not used as a basis for evaluating and shaping operations.

Most large jails possess the ability to use data to review and manage operations. It is critical that jail managers have a system that includes defined areas of accountability, collection of timely and accurate data to measure performance, and a forum in which to review the performance indicators and to address issues raised by such reviews. There is no such system available to the DOJ's managers or to the Sheriff for use in Jail operations.¹⁶

Currently, there are no operational performance indicators that have been put into place to help measure performance against DOJ's goals and mission. If the current mission is safety and security, there ought to be monthly or at least quarterly statistical reports identifying numbers of such routine jail management indicators as inmate/inmate assaults, inmate/staff assaults, use of OC (pepper spray), use of tasers, restraint chair use, suicides, attempted suicides, deaths, CERT team callouts, cell extractions, use of force incidents, fire drills, inspections, cell searches, shakedowns, inmate sick calls, staff sick calls, numbers and types of inmate disciplinary actions, etc. Data should also be available showing locations and times of incidents.

¹⁶ The ACSO has a directive (ACSO Directive 821) that applies to the law enforcement section of the Agency that establishes and describes a coordinated crime control and accountability program known as COMSTAT. According to the directive, the "program is designed to provide statistical analysis to identify and track crime trends and to develop problem oriented or community policing strategies." The directive speaks to the need for accurate data relative to what types of crimes are being committed where and when and by whom. It also speaks to the need to use effective tactics for rapid deployment of personnel and resources and for follow-up and assessment. Indeed, this approach is one that has been adopted by many law enforcement agencies throughout the country after New York City pioneered it. Unfortunately, however, this directive has not been adapted for use in the Jail for similar analytical purposes.

While top jail managers report that they track trends by reviewing incident reports, this is not a reliable and comprehensive method for tracking performance, especially when incidents are not reliably documented (see discussion later in this report). Similarly, cumulative statistics are not kept on the numbers or types of grievances filed, nor are individual grievances even recorded in such a way that would allow them to be used as an effective resource for managers seeking information about problems in the Agency (e.g., no indication of whether they are sustained or the type of grievance involved).

This is not to suggest that there is absolutely no data available for managers to gauge performance. There is a quarterly DOJ report and an annual compilation that addresses a large number of *quantitative* data elements including such overall figures as the number and legal status of inmates booked into the jail, inmates transported, average daily population, meals served, canteen sales, interviews conducted, trusty applications, GED and Life Skills classes conducted, and library books checked out. The problem is that these are not *qualitative* performance indicators that relate back to the mission. Also, there is no comparison done to show trends from month to month, quarter to quarter, or even year-to-year that would allow managers to gauge performance and changes over time.

There are two important exceptions to this finding. The Training Division does prepare an annual review of Agency-wide use of force statistics, which is quite informative and of significant value. It presents substantial data about the types of resistance encountered, the types of force used, staff and inmate injuries, and even where these encounters were located within the jail. This is precisely the type of information that jail managers need on a regular and comparative basis, rather than annually. Similarly, excellent data is maintained by the Office of Professional Standards (OPS) about employee disciplinary actions, and this data is analyzed in an annual report that provides statistics on numbers of actions falling inside and outside the guidelines, disciplinary charges, and demographics (race and gender) of employees facing sanctions. This kind of data is crucial when it comes to the Agency's ability to assess itself and self-correct for any problems it finds.

In the absence of meaningful and reliable cumulative data about operational performance, DOJ officials will always be disadvantaged when it comes to assessing and improving Jail operations, and in ensuring alignment between the formal and informal cultures of the Jail.

1.6 Human Resources

1.6.1 The Human Resources Bureau operates under well-defined, consistently implemented practices related to the hiring, placement, and retention of DOJ staff. These practices seek to safeguard employees'

interests and rights, and provide fair and objective mechanisms for mobility within the organization. Many positive mechanisms designed to support staff have been implemented.

As noted earlier, the Human Resources directives that apply agency-wide are extremely professional. Also, personnel actions, positive as well as corrective in nature, are well documented within each employee's personnel record.

All positions have well-developed job descriptions with corresponding performance evaluation criteria. The performance evaluation system is designed to measure staff members' performance against the evaluation criteria established for their respective positions. It is a computer-based program that allows for the supervisor to enter individual ratings for specific factors, while the overall rating is calculated by the computer. These criteria and electronic scoring help to minimize the potential for subjective and personal biases of the supervisor.

Those employees who sustain an illness or injury that prevents them from performing their assigned duties may be placed on temporary restricted duty (TRD) for a period of up to twelve consecutive months. A number of employees have been the recipients of this benefit. To the Sheriff's credit, when one long-term DOJ employee suffered a permanent disability and was unable to continue working with the DOJ, the Sheriff developed a transition policy that afforded employees who are unable to return to unrestricted duty, and who choose not to seek reclassification, to use up to sixty (60) days of accumulated leave (sick, annual, compensatory, or special event) to transition into retirement or other non-ACSO employment.

We were very favorably impressed by the professionalism that appears to define both the formal culture and informal culture as it relates to these important human resources issues.

1.7 Training and Staff Development

1.7.1 Responsibility for training is bifurcated between the ACSO Training Bureau and the various bureaus of the DOJ, resulting in a lack of overall accountability for training of DOJ personnel for both sworn and non-sworn staff. Training provided by the Training Bureau has a law enforcement emphasis, rather than a focus on the needs of correctional staff. Overall, there is considerable support for training for sworn line staff, but training for supervisors and non-sworn staff is inconsistent and lacking in some of the necessary support.

There is a substantial amount of training being provided to jail staff; however, no one or no one division is designated as having oversight responsibility for all training delivered to DOJ staff, whether they are sworn or non-sworn. Consequently, the training program is very fragmented.

The Training Bureau's primary focus appears to be limited to ensuring delivery of training required for officer certification or agency accreditation. The training provided to sworn correctional staff disproportionately emphasizes law enforcement-related topics over pertinent correctional topics. Many hours are spent on topics that are unrelated to the duties and responsibilities of a corrections officer (e.g., crime-specific topics, arrest procedures, and firearms) and many topics are taught from a law enforcement perspective or mindset. At times, the lesson plans suggest a more hard-line approach towards dealing with inmates than is needed or appropriate in a correctional environment. Moreover, as will be discussed more fully elsewhere in this report, we believe that there is a disproportionate focus on topics such as defensive tactics, use of force, taser certification/re-certification, and OC certification/re-certification in the annual training plan, to the diminution of communication skills, interpersonal skills, understanding inmate behavior, inmate classification, suicide prevention, legal issues, crisis intervention, and de-escalation techniques. It is these other skills that are employed most frequently on a day-to-day basis by jail staff and that are most critical in order to avoid resorting to force.

There is no structured training coordinated by the Training Bureau for supervisors. Consequently, the Security Operations Division has taken measures to ensure that some level of supervisory training is provided to all sworn supervisors. Supervisors (both sworn and non-sworn) attend an eighty-hour line supervision training program delivered through Santa Fe Community College. In addition, sworn supervisors complete the National Sheriff's Association's correspondence courses for 1st and 2nd line supervisors, and participate in the National Institute of Corrections e-learning (computer-based training). One lieutenant per year attends the Southern Police Institute's Command Officer Development course (12 -14 weeks in length). However, aside from this specialty training, there is no apparent ongoing training for supervisors regarding the monitoring, coaching, guiding, directing, or correcting of staff in the performance of their duties.

To its credit, the DOJ's Security Operations Bureau has also taken the initiative to develop what is known as "PowerPoint Training." DOJ security lieutenants conduct this training as part of the shift roll call. For each roll call during a two-week period, a five-minute PowerPoint presentation is delivered on a job-related topic such as cell inspections, the inmate disciplinary process, officer logs, etc. The PowerPoint presentations are designed to reinforce staff's knowledge of the topic. However, there is limited or frequently no time allotted for question/answer periods; the PowerPoint notes are simply read; directives are not referenced about the particular function being taught; no copy of the

PowerPoint is distributed; there is no sign-in of those in attendance; there is no assurance that training is delivered by staff certified as trainers or Field Training Officers; and there is no mechanism to measure knowledge gained or retained. A copy of the PowerPoint presentation is forwarded to the Training Bureau along with the roster of scheduled staff. For each presentation topic delivered, staff is credited with one hour of training.

The Training Bureau does not assume responsibility for pre-service training of DOJ non-sworn or contract staff. Consequently, classification and other program staff lack centralized and appropriate correctional training by subject matter experts, despite the fact that they make security decisions; they need to know key control and tool control as well as security procedures and regulations; they need cultural diversity training for understanding staff and inmates; and they need training on use of force regulations and tactics and supervision of inmates. Bureau chiefs provide non-sworn personnel with both pre-service and in-service training relative to their position/assignment, despite the fact that they have limited resources and limited training experience for this purpose. For those bureaus with no training resources, efforts are being made to provide checklists to guide staff in their day-to-day duties. Staff in these positions receive no formal security orientation to the jail and must, without the necessary skills or knowledge to guide them, interact with inmates on a routine, regular basis. Non-sworn personnel play a critical role in the Jail's operation, and so this training deficiency is one that compromises the integrity of operations and reinforces the perception on the part of some staff that non-sworn staff are less valued than their sworn counterparts.

RECOMMENDATIONS

1. The BOCC and the ACSO should jointly develop a mission statement and statements of core values and goals for the Jail. This should be accomplished in a facilitated workshop setting, with the participation of key jail managers and representatives of line, program, and support staff.
2. The jail mission statement should be visibly posted throughout the facility, incorporated into the DOJ directives, and endorsed and promoted during training and orientations.
3. The Sheriff should assign staff to prepare detailed reports identifying and evaluating the recommendations made in each of the NIC studies and this assessment as well as the status of each of these relative to adoption and implementation. DOJ management staff should then develop and implement an action plan that outlines the steps, resources, and outcomes necessary to accomplish those recommendations that support the DOJ's mission and that meet with the Sheriff's approval and support.

4. The DOJ should employ a hybrid system of directives distribution, whereby the current electronic system is maintained but where there are also hard copies of current directives strategically located at duty stations and in supervisors' offices. Staff should receive direct notification when there are new directives requiring their attention.

5. The ACSO should reorganize its directives management system so that one portion of the manual applies office-wide, a second section applies strictly to patrol functions, a third exclusively to jail functions, and remaining sections to other functions. Ideally, everything pertaining to DOJ operations would be in the DOJ section. However, if it is deemed absolutely necessary to have operational procedures governing both law enforcement and jail issues (covering such issues as use of force and communications), then these joint policies should be presented in an entirely separate section.

6. A thorough review of jail directives should be undertaken now and on an annual basis, with revisions and enhancements to make the directives consistent with those that apply to other related ACSO divisions, reflective of actual and current sets of standards for which the DOJ has committed to meeting, and more proscriptive in terms of procedural steps.

7. DOJ and training staff should devise enhanced means to assure that staff understand the expected practices to implement both existing and new directives. One option could include advance training on new directives that takes place during roll call, and where understanding is measured and documented.

8. The DOJ should contract with jail management software specialists who understand jail correctional data needs so DOJ can either fix SMARTCOP or work with the BOCC to secure funding to procure another system that allows the transfer of information into a new and more functional jail management system.

9. At a minimum, the DOJ should assign a staff person to review jail incident reports and begin to compile monthly statistical reports of performance indicators such as inmate-on-inmate assaults, inmate-on-staff assaults, use of OC (pepper spray), use of tasers, restraint chair use, suicides, attempted suicides, deaths, CERT team callouts, cell extractions, use of force incidents, fire drills, inspections, cell searches, shakedowns, inmate sick calls, staff sick calls, numbers and types of inmate disciplinary actions, grievances, maintenance repair times, etc. Data should also be available showing locations and times of incidents. In addition, this report should include data on number of vacancies and overtime usage.

10. The ACSO should establish a parallel form of COMSTAT for the DOJ, with real time data and a comprehensive assessment of both quantitative and qualitative performance indicators. It can look to the widely heralded example of

a performance management system that has been in place with the New York City Department of Correction since 1995, known as TEAMS.¹⁷ TEAMS is organized around three major concepts: (1) collection and analysis of key jail data, (2) high level forums conducted by the Agency head to review and probe performance indicators and trends, and (3) close review of follow-up and implementation of changes, and is credited with reducing serious inmate-on-inmate violence by 97%, overtime by 34%, and sick leave by 38%.¹⁸

11. The ACSO Training Bureau should be given responsibility for all training for all DOJ sworn and non-sworn staff. It is essential that the Bureau have the necessary resources to assume this role, including trainers assigned to the Bureau by DOJ. The Bureau's duties should include the coordination, testing, and record-keeping of all training for both sworn and non-sworn personnel.

12. No employee, including contract staff, should come into contact with inmates without first having received an appropriate measure of orientation and/or training.

¹⁷ Total Efficiency Accountability Management System.

¹⁸ See: www.nyc.gov/html/doc/html/cap.html.

2. CROWDING AND ITS IMPACT ON THE CULTURE OF THE JAIL

2.0 Crowding is a very serious issue that has become part of the formal and informal culture of the jail. It permeates virtually every aspect of the operation and unsound practices have evolved over time to allow staff to better cope with the negative impact of the crowding. The crowding then has the effect of exacerbating the overwhelming idleness, the compromised classification procedures, staffing shortages, poor sanitation, and insufficient and/or chronically malfunctioning security equipment, and each of these deficiencies also makes the impact of the crowding so much worse.

2.1 *Extent of Crowding*

2.1.1 The Alachua County Jail is a very crowded facility. Although the ACSO lists the jail's rated capacity at 920 and the census lately has been in the range of 940 to 1000, we do not believe that this even comes close to accurately and adequately reflecting the true extent of the crowding in this facility.

The September 2003 NIC Study reported that DOJ administrative staff believed that the rated design capacity was 920. We subsequently inquired as to the derivation of this figure and learned that it had been established when the County operated the jail. We were told that the prior Jail Director gave the new ACSO Jail Director an index card marked with each housing unit and the number of inmates it can accommodate. Over time, the designations and classifications of these units have changed, but not the capacities established more than seven years ago. It is inconceivable to us that, in at least seven years, there has never been a formal effort to calculate the appropriate capacity of the Jail based on Florida standards or ACA standards, or on the basis of any other reliable and valid indicator of capacity. What's more, we were surprised to learn that there is no at-hand information about the number of cells in each housing unit. In a facility where the population rises to over 1000 inmates daily, well beyond its purported capacity, information like this would typically be in daily use.

The NIC study also reported that the jail has a self-imposed 15% classification factor (equating to 138 beds kept unoccupied), thereby establishing a lower actual capacity level of 782. (Some beds must always be kept open in order to allow for the safe classification and appropriate housing assignments for inmates, as discussed more fully below, so a lower figure like this makes sense in principle.) Nevertheless, the DOJ continues to publicize the 920 figure rather than the 782 number, so that populations of around 940-960 are perceived to be only a fraction over capacity when in fact the crowding situation is much worse. Without performing a calculation ourselves, we believe that the 782 figure is closer to what the actual jail capacity should be for purposes of this discussion.

By this calculation, the Jail is routinely operated at approximately 20% over capacity.

Perhaps the most commonly accepted definition of a jail's capacity is what has been offered by the American Correctional Association (ACA): "the original architectural design capacity plus or minus capacity changes resulting from building additions, reductions, or revisions."¹⁹

Underlying this definition is the notion that capacity only changes when the structure itself changes. Consequently, adding beds to cells or dormitories in an arbitrary manner, especially when done so in a way that compromises compliance with other space standards regarding unencumbered space, access to plumbing fixtures, and dayroom access, does not serve to alter the true rated capacity.

A second type of capacity is sometimes known as "operational capacity." When we use this term, we refer to the number of inmates a facility can reasonably and appropriately house while allowing for the necessary flexibility to accommodate all classification and placement needs and achieving substantial compliance with *all or most* mandatory or voluntary standards governing operational and physical plant requirements.

Of course, absent judicial relief from a jail's statutory authority to house all inmates, jails cannot be restricted to housing inmates at the official capacity. But, the fact remains that a reasonable and defensible operational capacity must be established as a precursor to even discussing the variety of approaches to crowding amelioration, whether or not they involve construction. We do not believe that the ACSO has taken this important step.

2.1.2 There is an inadequate amount of appropriate housing for the current population, given the need to be able to separate inmates for purposes of safety.

The importance of classification as a factor driving capacity cannot be overstated. Classification goes to the very core of a facility's responsibility to protect inmates through a deliberate process that separates inmates into groups to reduce the probability of assault and disruptive behavior.

Part and parcel of the need to identify individual characteristics that would require placement into certain groupings is the ability to actually assign inmates to living units and appropriate cell or room configurations that accurately and adequately reflect their security risk and other requirements. It is essential to identify these needs, but it is equally critical to be able to make placement

¹⁹ See, Glossary, Standards for Adult Local Detention Facilities (4th Ed.), American Correctional Association, 2004.

decisions in a manner consistent with them. These stratification needs begin with sex and then focus on age, custody level, victimization concerns, predatory concerns, mental illness, medical illness, administrative segregation and disciplinary segregation.

Another factor that enters into this equation is the number of inmates who must be separated from each other due to such issues as prior institutional altercations, co-defendants, witnesses, etc. The requirement for maintaining such separations is vital in terms of the facility's mandate to protect inmates, especially where there is pre-existing knowledge of a potential victimization risk. This compounds the already difficult process of classification and placement.

As a multi-custody and dual-gender facility, the Alachua County Jail requires a greater degree of housing flexibility to maintain the aforementioned required stratifications and separations than would a medium-custody prison for males or a facility exclusively for sentenced inmates. By flexibility we mean that there must always be a percentage of available cells in each classification category to accommodate an inmate's risk factors without undermining the integrity of the system or compromising the inmate's safety or that of others. For example, a male cannot be placed in a female unit; an administrative segregation inmate cannot be housed in a general population unit; a maximum custody male cannot be placed in a minimum custody unit, etc. This means that every bed in a facility cannot be filled and that a certain percentage (typically about 10%) of beds in each classification category must be considered to be part of the classification factor and left available to allow for proper placements. This 10% rule-of-thumb allows for the necessary separations of different inmate classifications and the natural fluctuations in those sub-groups. In other words, the operational capacity will be approximately 10% lower than the rated capacity to allow for sufficient empty beds so that all necessary custody, gender, and other separations (as required by regulations, statutes and caselaw, and standards) can be implemented.

Also within the concept of operational capacity is the necessity for a certain amount of single-celling. ACA standards²⁰ and sound correctional practice require single cells for at least 10% of the facility's rated capacity, including for maximum and close custody, inmates with severe medical disabilities, inmates suffering from serious mental illness, sexual predators, and inmates likely to be exploited or victimized by others, and inmates in segregation status. Although FMJS standards also require single-celling for classification purposes, the provision is not detailed about which groups need to be housed in this manner.²¹

²⁰ 4-ALDF-2A-34 and 4-ALDF-2A-35.

²¹ For example, FCAC Standard 10.08 states: "A written directive requires inmates who exhibit or have a demonstrated history of aggressiveness toward other inmates, or who have special classification needs to be housed separately."

Regardless of how the capacity of the jail was established, the fact remains that there is presently an inadequate amount of housing for the population. Contrary to national standards and sound correctional practice, most inmates classified as maximum-security, administrative confinement, and high-security are double-celled. Only a very small number of cells (eight) are reserved for housing only one inmate, and these are for a limited category of male inmates classified as special management (high escape risks, protective custody and other high-risk administrative confinement).

It is clear that the current capacity is insufficient for the DOJ to properly house and separate inmates according to their classification needs.

2.2 *Impact of Crowding on Physical Conditions, Safety, and Jail Culture*

2.2.1 Crowded conditions mean inmates have to share finite and overtaxed resources, translating into greater opportunities for conflict over reduced time for showers and toilet facilities, telephones, television, bed and personal space, programmatic opportunities such as law library, GED, recreation, and visitation. The crowded conditions create tension among inmates, and consequently demand more staff attention toward maintaining the perception of order and control.

Crowded conditions within many housing units continue to be an overarching concern for the inmate population of the Jail and for staff. Operating within a crowded environment has actually become part of the jail's culture as it has been the case for so long, and so many aspects of the operation have been affected.

During the on-site visits, we observed that housing units (in G and H) consistently had 85-90 inmates assigned to them in open bay and/or double bunking configurations with one officer stationed just outside the unit. These units were initially designed, we believe, for 32 to 36 inmates. Most other male and female general population units have inmates sleeping in what were designed as activity rooms, in addition to the double-celling taking place. Moreover, approximately 40% of dayroom space in the female general population units contains single beds, double-bunk beds, or floor "boats" (temporary, plastic sleeping platforms). Requiring inmates to sleep in activity and dayroom areas decreases individual usable space away from the cell, and diminishes opportunities for adequate personal interactions and group-oriented activities. Forcing inmates to sit on bunks for significantly extended time periods exacerbates tension and ultimately impacts acceptable behavior. The practice of requiring an inmate who is overweight, under 5'4", or who presents some other medical condition, to climb to an upper bunk set at least 4 ½ ft off the floor

without benefit of a ladder, not only presents a potential physical danger and consequently a legal risk management issue, but can result in conflicts between those occupying the upper and lower bunks.

Tensions consistently mount in housing areas where the production of inmate noise levels compromises the design levels for its acoustics (which affects everything from staff instructions in non-emergency and emergency conditions to TV viewing.) There is no indication whether efforts have been made to modify the acoustic design levels to accommodate the higher numbers of inmates and reduce noise levels in an effort to avoid compromises to safety, security, and order.

The impact of overcrowded conditions was also noted in one particular housing unit, 4H (with 85-90 inmates), where out of eight telephones in the housing unit, only three had been working for some time. This situation may also have reflected a lack of staff responsiveness to the issue. Especially in such a crowded setting, line staff must be constantly vigilant to report problematic conditions and malfunctioning equipment.

2.2.2 Jail staff appear to be complacent when it comes to sanitation and maintenance practices in the facility, raising legitimate concerns for inmates.

Despite spotless public areas and internal corridors, overall sanitation and hygiene practices within the facility require substantial improvement. The laxity in practice regarding staff compliance with sanitation, hygiene, and, to a lesser degree, preventative maintenance was apparent, at all times of the day in most housing units.

For example, particularly in Zones B and C, which are the older areas of the facility, inmates complained of and we observed that sills behind the mesh grating over the windows have become the site for an accumulation of dirt, expended commissary packaging, remnants of clothing and linen, mucous deposits, and soiled refuse from previous inhabitants. After noticing the conditions during escorted tours, we observed line officers and supervisors repeatedly ignore cells/rooms having either sheets, towels, clothing or other jail issued materials tied to doorway entrances, mesh metal grating and showers stalls. At no point were inmates instructed to remove the jail property nor were efforts made to report or follow-up on the unhygienic conditions created by the failure to clean areas behind the mesh metal window coverings. We reviewed shift summaries and maintenance work orders to determine whether these problems were being routinely documented and/or addressed, and we found no work order requests were being generated on this issue.

Persistent accumulation of dirt and/or other foreign substances in the ventilation ducts has raised concerns from inmates during each of our on-site visits. While the problem has been reported, it has yet to be abated by Building

Maintenance, which remains the responsibility of the County but which has experienced cutbacks in staffing as of late.

Where there are known deficiencies that impact perceived quality of life for inmates and staff, top management must be more vigilant and aggressive in the resolution of these issues and must document lapses in performance. This is especially true when the lack of direct supervision in the housing areas keeps officers ignorant about problematic conditions. In addition to reflecting poor supervision, non-communication of significant maintenance problems, and inattention to detail with regards to preventing and/or eliminating safety, security, sanitation, and hygiene hazards, this practice of overlooking maintenance problems is inconsistent with a number of DOJ policy directives, as well as generally accepted sound correctional practice (particularly in view of crowding). It may also be demonstrative of a subculture that tolerates some complacency towards deficiencies in the physical surroundings. This complacency may stem from the degree to which crowding has become a fixture in the Jail.

2.3 Crowding and Inmate Idleness

2.3.1 The fact that the jail culture does not support programming and treatment activities contributes to the impact of the crowding situation on both jail operations and interpersonal dynamics at the Jail. Program activities are very limited.

Compounding the degree of crowding is the very real concerns that stem from our observations of severe inmate idleness. It is well established that keeping inmates active can help to mitigate crowding, yet in the Alachua County Jail, the opposite appears to be true—the idleness is *exacerbating* the crowding. We have previously discussed the fact that programming and treatment activities are not considered to be part of the Jail's mission. But while there may be a philosophical objection to using a jail for programming, in a crowded jail it becomes an inmate management issue.

While program staff report that one-third of the inmate population has an identified need for educational services, opportunities to participate in such services are severely limited. This results from the availability of only one instructor for the entire facility. Instructors are provided through a contract agreement with the public school system. Juveniles receive 20 hours per week of Special Education, ABE and GED. The adult education program, however, provides only 16 slots for male inmates and 16 slots for female inmates to attend educational courses, and those courses are offered only three hours a week for each gender group.

Other than Alcoholics Anonymous, there are no substance abuse education or treatment services for a population that, if it is at all similar to other jail populations, has 70% of the inmates with drug or alcohol problems. There is

no vocational training, Life Skills has not been provided for several months because there is no staff member available to teach, and the Creative Writing program was discontinued.

There is a heavily-used library, as well as a very full schedule of religious services run by volunteers. Female trustees, however, may not be able to participate in these programs, due to the crowding situation and the fact that they are often housed with misdemeanants, who do not have access to these kinds of services. With respect to the law library, general population inmates generally have access for only one hour per week, and this is sometimes scheduled at 1 a.m., according to the official response on a grievance we reviewed.

A number of volunteers were interviewed, and they unanimously stated that they are treated professionally and that both management and staff are very helpful and supportive of their programs. These volunteers did, however, express concerns that the BOCC is not providing DOJ with an adequate program budget, noting that the volunteers have always had to use their own funds to purchase the books and related materials that they use.

Inmates are assigned as trustees in housing units, food services, grounds maintenance, laundry, and janitorial services. Inmates typically receive five days Gain Time per month towards the reduction of their sentence as the incentive for working.

As will be discussed more fully in section 5.5 below (Female Inmates), programs and work opportunities for female inmates are especially limited compared to their male counterparts.

The Life Skills program has been discontinued and this programming space is now used to conduct mental health evaluations. This redeployment of space, while apparently necessary, in a facility that is so crowded and in need of wider use of programs conveys a sense that addressing inmates' needs and reducing inmate idleness is not a priority for the Jail.

In the absence of legitimate and sanctioned positive activities, inmates often will find ways to fill the void and relieve their boredom. For example, gambling among inmates is commonplace and inmates speculate that staff tacitly, and in some cases openly, tolerate this practice. From our observations, most staff seem to ignore the gambling. Television is also a mainstay of the inmates' day, and with such large numbers of inmates jostling for space around small-screen televisions, conflicts inevitably arise.

2.3.2 The Jail has an informal and widespread practice of “enforced inmate idleness,” by routinely and significantly restricting inmate in-pod recreation and activity for more than 8 hours per day as a means of control within this crowded facility.

Many correctional systems traditionally use increased recreation and other out-of-cell activities to address problems of crowding. In contrast, the Alachua County Jail restricts these opportunities, thereby enforcing inmate idleness. Throughout the facility, we noted the following practices:

- Inmates are required to sit on bunks or remain in their cells for up to 2 hours after each meal so that pod workers can clean up.
- Officers were observed on not less than four units warning inmates as matter of routine that they will be locked down if they make too much noise, despite the fact that noise levels are the officer's subjective determination and may not take into consideration that the increased population naturally equates to increased noise levels. Moreover, the tendency for the officers to make no effort to identify the "noise makers" can result in safety issues as inmates may subsequently retaliate against culprits to decrease group punishment.

Also, some female inmates in 1D and 2D (Administrative and Disciplinary Segregation) are forced to spend their out-of-cell time in the Mental Health Unit due to lack of space or alternatives if they have a conflict with another inmate in their housing unit.

2.4 *Impact of Crowding on Classification and Housing Options*

2.4.1 Crowding and the lack of appropriate housing options makes it more difficult for staff to make placement decisions consistent with sound classification criteria. Cell assignments are driven by the staff's need to fill available beds, rather than by objective classification criteria.

One of the most critical tools required in any correctional facility, and particularly one that is crowded, is a valid and reliable classification system.²² Such a system can allow facility staff to make sound and consistent judgments concerning the security and programmatic needs of individual inmates as well as the foundation for decisions relative to housing assignments. Without question, crowding makes it more difficult to make placement decisions consistent with sound classification criteria and determinations. But also without question is the fact that precisely *because* crowding makes it more difficult to make the right placements of inmates due to lack of available cells, a valid and reliable and objective system is even more critical.

In the absence of clear, objective classification criteria that help determine which inmates may be double-celled with which others, the concern is that the

²² This issue will be addressed in more depth in the following section on Safety.

placement decisions—in terms of both assignments to pods and to specific cells—are subject to being made based on bed availability without any system of prioritization. In the 2003 Jackson case, for example, the victim was placed in a cellblock to which he should never have been assigned, except for the fact that this was the cellblock in which a bed was available.

Staff report that they often make housing assignments on the basis of their need to fill limited bed space as efficiently as possible. That decision is frequently made while the officers are overwhelmed with a multitude of other tasks, and the decision is made with very little valid and accurate information.²³ Thus, one of the key decisions affecting an inmate's safety is impacted significantly by the crowding situation and the lack of available appropriate housing.

The lack of single-celling options at the Jail means that staff often have to make compromises in safety when it comes to placement. For example, during a routine tour of the disciplinary confinement unit, we learned that misdemeanants and felons are housed indiscriminately in this unit, regardless of the charges that resulted in the inmate's incarceration. While we believe that the classification system should be based on more than the inmate's legal charges, we note this as an example of how limited housing options due to crowding create a situation in which staff cannot even comply with their established classification policies. What's more, the crowding has appeared to have affected staff's vigilance about keeping these inmates separated during recreation. We observed six inmates recreating together in the disciplinary segregation dayroom, and upon further investigation, we discovered that three of the inmates were identified as non-violent felons, one had a current violent felony, and two were misdemeanants. Two of the inmates out in the dayroom at that time were awaiting transfer to the state prison system.²⁴

RECOMMENDATIONS

1. The DOJ should prepare an updated capacity analysis of the Jail, either using internal resources or with the assistance of an outside consultant. At a minimum, the capacity analysis should allow for a minimum of 10% single-cells for inmates who are in need of protective custody, administrative segregation, or disciplinary segregation, or who are especially violent or in need of separation from others due to their vulnerability. This capacity analysis should be

²³ We are also troubled by the fact that housing officers make cell assignments; this issue is addressed in more detail in the Safety section below.

²⁴ We found it surprising that the detention officer on duty at the time inaccurately informed us that the inmates were either all misdemeanants or all non-violent felons, and did not double-check to be sure that they were in compliance with classification requirements, despite his indication that it was unusual to have so many disciplinary segregation inmates recreating simultaneously.

standards-based, and should also take into account the need for a classification factor (i.e., empty beds to allow appropriate housing placement). This capacity figure, rather than the somewhat arbitrary current figure, should then become the basis for discussions of the need for additional beds or alternatives to construction.

2. The DOJ should fully explore options to create a full range of positive and constructive activities for inmates, in order to reduce the pervasive idleness in the Jail and to meet the needs of inmates, and should work with the BOCC to secure necessary funding for expansion of these programs. These opportunities should include expanded education services as well as substance abuse treatment and education programs. There may be some potential to tap into the resources of the University of Florida and the public school system.

3. The DOJ should look to expand the number of trusties available to clean up after meals, so that after-meal activity slow-downs are kept to an absolute minimum. The increase of trusties could also have a favorable impact upon crowding, since trusties receive extra Gain Time and thus shorten their stays in jail.

4. Sanitation practices within the housing areas and cells should be as closely monitored as they are in hallways and common areas.

5. The DOJ should consider opportunities to expand program space (e.g., by expanding use of room C1-103 for evening volunteer programs and continuing to use the Chapel and the room between E2 and E3, if not converted into a housing unit).

6. DOJ staff should work with the BOCC to identify and provide more work opportunities outside the Jail in the community and jail industry programs within the Jail. Work opportunities like this would reduce the levels of crowding during waking hours and the corresponding levels of tension.

7. DOJ should budget for and invest in educational television programming and computers that can be placed in housing units, in order to augment educational services and provide more habilitation opportunities to inmates who are currently idle. DOJ should also consider creating work opportunities that blend with vocational training, such as a computer service and repair program or even a true environmental sanitation services training program, each of which would afford inmates the opportunities to develop skills for use upon release.

3. SAFETY

3.0 There is an apparent contradiction between the formal culture and informal subculture on issues surrounding inmate safety. There is little doubt that security, safety, and control are the primary elements of the Sheriff's mission for the Jail and that this commitment is shared by all the top DOJ managers. There are, however, many formal and informal aspects of the operation that, if not altered, will serve over time to compromise the realization of this mission. We have special concerns about the classification system and about the selection and supervision of pod workers and trustees.

The single most important aspect of the culture of a jail is whether it successfully manages to keep inmates and staff safe. It appears that the DOJ is having a significant measure of success in that regard.

We employ the caveat “appears” because of the lack of management and performance data that we have discussed earlier in this report. Without real time data, it is difficult to state with a certainty that the numbers of inmate-on-inmate or inmate-on-staff assaults is higher or lower than might be expected in a comparable local jail facility of this size. We also say this because we have identified several issues that we believe, over time, may serve to undermine the good results in this critical area.

3.1 *Inmate and Staff Perceptions of Safety*

3.1.1 Inmates and staff report feeling safe at the Jail and there are few complaints about this issue. Jail staff take allegations of sexual assault seriously, and conduct thorough and expeditious investigations of any such complaints.

During the course of our review, which included hundreds of inmate interviews as well as jail tours over three site visits, inmates consistently stated they felt safe both inside and outside of their housing units. Inmates informed us that they were aware of the procedures for notifying staff when they feel unsafe or have fears of sexual victimization. Our review of major incident reports from January 1, 2005, to April 13, 2005, pertaining to specific complaints of inmate-on-inmate sexual assaults/sexual battery, reveals that management is taking these issues very seriously and that investigations of alleged complaints are initiated in an expeditious manner. Similarly, assault and sexual assault complaints involving staff appear to be responded to and addressed in a timely manner. We found very few grievances and Office of Professional Standards (OPS) cases involving complaints about inmate safety or serious officer misconduct.

All inmates who were formally interviewed reported when asked that they had not been subjected to either a sexual assault or an attempted sexual assault

by either another inmate or a Jail employee. All inmates interviewed also specifically mentioned when questioned that signs in the housing units and notices in the Inmate Handbook had served to make them aware of the process for using the current toll-free phone number to confidentially report attempted or actual sexual assault complaints. Throughout our three on-site visits, inmates also added they would report any sexual assaults attempts or actual sexual assaults to the detention officers as they had been informed to do so.

Staff generally report feeling safe as well. Most recently-hired staff reported they feel safe performing their jobs of indirect supervision of inmates (not being posted inside the housing units). Interestingly, most veteran staff, who had worked in the jail before it was taken over by the ACSO, stated they felt safer when the duty stations were located inside the housing units.

3.1.2 Inmates and staff consistently report that racial strife and gangs are not problems at the Jail.

During jail tours and formal interviews, we inquired about the segregation we observed among black and white male inmates within the housing units, particularly in the larger housing units. In spite of the self-imposed clustering by race of inmates in congregate sleeping areas, inmates consistently reported that there was no racial strife and this finding was also borne out in interviews with both classification and security staff.

Inmates also stated they did not perceive there were gangs currently operating within the facility. Staff reported that they receive training in identifying gangs, and those interviewed reported that they are not aware of any signs of gangs, the emergence of gang activities, or gang leaders currently operating within the facility. Many staff felt this situation could eventually change with state-sentenced felons and transfer inmates staying at the facility for longer periods, as well as new trends and patterns in community demographics that ultimately causes shifts in incarceration demographics. Inside the occupied cells of some housing units, particularly in B and C zones, we observed dated ink graffiti on cell walls that is being tolerated, an important aspect of communication via code, which should be monitored and addressed as a precursor to the presence of gang activity.

3.2 Prevention of Sexual Assault

3.2.1 Despite the lack of clarity relative to what is required by jails pursuant to the recently passed federal Prison Rape Elimination Act, the leadership of the DOJ has taken important initial steps to anticipate and comply with the potential requirements of this law.

Congress passed the Prison Rape Elimination Act (PREA) in 2003. The Act requires a national analysis of the frequency and effects of prison rape in federal, state, and local institutions, and provides funding for a number of national initiatives designed to reduce prison rape.

In keeping with the goals of this new federal law and consistent with the requirements of the Florida law against prison sexual violence²⁵, the DOJ has taken aggressive measures to enhance its efforts to encourage reporting of sexual assaults and data collection of any such incidents. Notification that there is zero tolerance for sexual assault, as well as crisis phone numbers, are posted in all housing units; a notice about the PREA is laminated and located on the clear glazing at the front of each housing unit; and the inmate handbook has pertinent information on the subject of PREA directly inside the cover. Draft procedural directives pertaining to PREA are in circulation for review by staff within the chain of command and the review process is expected to be completed and approved in June 2005.

3.2.2 Some of the positive measures the Jail has taken to support the laws against prison rape are undercut by inadequate, inconsistent, or outdated training pertinent to this subject. There is an inappropriate cultural reinforcement through formal training and an informal acceptance amongst many staff of what is perceived to be consensual or “situational” homosexual behavior involving inmates. Also, current training materials do not address or emphasize the need to identify and protect witnesses of sexual assaults or how to protect and preserve all potential physical evidence associated with such assaults within a correctional environment.

Although there are many positive signs about the seriousness with which the organization views sexual assault, those signs contrast with the fact that inmates still complain about officers referring to them according to the officer’s perception or knowledge of the inmate’s sexual orientation.

Also, staff reported that they view consensual sexual conduct as something that will go on regardless of rules against it. Staff attitudes may be largely shaped by the formal culture, i.e., the training program. Contained in the curriculum for new recruits is the lesson plan for “Prisoner Homosexuality.”²⁶ The lesson plan describes the dynamics and effects of homosexuality within a correctional environment, noting that homosexuality sometimes arises when there are few outlets for sexual release, and labeling such behavior as “situational homosexuality.” Included within the lesson plan’s definition of

²⁵ Protection Against Sexual Violence in Florida Jails and Prisons Act, Florida Statutes 944 and 951.

²⁶ This lesson plan is within the Interpersonal Communication (2) section and is numbered CJD_750G.

“situational homosexuality” are inmates who engage in homosexuality “through coercion [and] force....”²⁷ In reality, such inmates are victims (or perpetrators) of sexual assault. By lumping together consensual homosexual behavior and sexual assault under this definition, the Agency is effectively training staff to rationalize or expect this kind of assaultive behavior. This training could inadvertently place some inmates at risk of sexual assault, especially if officers make inaccurate assumptions about an inmate’s homosexual tendencies.

Additionally, contrary to the lesson plan's recommended means to help control homosexual behavior in jails, we observed that staff do not regularly ensure that all cell windows and bars are kept clear, do not always effectively negotiate camera blindspots, do not always supervise shower activities closely, and do not necessarily effectively observe closely the inmates under their control (the latter two are a function of the indirect supervision management discussed in Chapter 8).

Also, the training curriculum does not provide information on the specific kinds of evidence typically found following a sexual assault, nor does it provide direction for detention officers in the collection and preservation of such evidence. A significant portion of the training on this topic focuses on the prohibition of sexual misconduct by employees of correctional facilities and the associated penalties for such behavior.

3.3 Supervision and Selection of Pod Workers and Trusties

3.3.1 Even in the wake of high-profile incidents, the system is not sufficiently specific about the manner in which inmates are selected for trusty or pod worker assignments.

One of the most significant cultural issues we found relates to the selection and supervision of trusties and pod workers. While this is an important concern in its own right, the fact that this issue has not necessarily been resolved two years after the Jackson incident manifests just how ingrained this cultural issue is. Sound correctional practice requires that inmates not be placed in positions of power or authority over other inmates, and that they should not have opportunities to abuse their positions of trust for purposes of gaining illicit privileges or the ability to manipulate other inmates. The question we asked is whether the formal culture or subculture of the Jail in fact allows inmate trusties and pod workers to have such unwarranted power.

²⁷ The lesson plan states as an objective that the student should learn to “define ‘situational homosexuality’ as homosexuality brought about inside the institution through coercion, force or by choice through the lack of appropriate sexual release.” (CJD_750G).

DOJ Policy 733, published in January 2003, is the relevant policy with regard to pod workers and trusties. Despite the existence of this policy, which is itself riddled with discrepancies, there are conflicts with actual practice that belie the cultural phenomena surrounding the issue of selection and assignment of pod workers and trusties. Examples of these inconsistencies in the directive, and conflicts between policy and practice, follow:

- The policy uses the terms “Trusty” and “Pod Worker” interchangeably, despite clear differences in authorized work assignments and privileges. The DOJ has gone to some lengths to distinguish the two work positions in some ways (e.g., uniforms, housing unit, and privileges), yet in other ways considers them the same. The result is inconsistency in performance by staff and the creation of inappropriate discretionary authority of staff pertaining to the privileges that pod workers are afforded.
- Despite the fact that the official term in the policy is “pod worker,” staff and inmates alike informally but routinely use the term “houseman” to describe an inmate who is selected and assigned to perform work within the housing unit under the indirect supervision of detention staff. Parenthetically, for some staff, inmates, and citizens, this nomenclature may have a negative historical connotation, and consequently its use hints at an elevated status in which the inmate has certain privileges within the Jail and is looked to by some staff as a liaison to other inmates.
- The policy states, “Normal inmate rules apply to all trusties/pod workers with a few exceptions, which are noted in the rules.” Unlike the trusty position, however, the selection criteria, duties, responsibilities, and privileges and any reference to the term “pod worker” are absent from the current DOJ Inmate Handbook (which contains the rules relied upon by inmates).
- Despite a clear prohibition in Policy 733--“there shall be no passing or delivering of any item(s) of any kind from inmate to inmate, or from inmate to anyone”--this was and remains a common practice at the Jail, according to staff, pod workers, inmates, and our observations during on-site visits. For instance, pod workers routinely fill water cups and carry them to and from the cells or bunks of other inmates. Pod workers issue, pick up and/or deliver clothing, bedding, and other jail-issued items to inmates for the staff throughout the day.
- Classification prepares the eligibility packet for trusties and performs clearance checks for pod workers. The criteria for selection of pod workers are not the same as for trusty. Based on current observed practice and documentation, it is clear that all pod workers do not meet the criteria of minimum custody for trusty status, as delineated in the Inmate Handbook. These distinctions between trusties and pod workers must be clearly reconciled in DOJ policies, procedures, and practices to ensure that the

DOJ's criteria for these inmate workers is clear to all staff and inmates at all times.

3.3.2 The informal culture at the Jail allows staff to tacitly support the inappropriate privileges received by pod workers. These pod workers are sometimes inadequately supervised, and are sometimes allowed to serve as "rule enforcers" within the housing areas, in contravention of good correctional practice.

Privileges received by pod workers include but may not be limited to: (1) control of television programming; (2) extra portions on meals; (3) extra out-of-cell time; (4) priority use of the inmate telephone system; and (5) access to get and deliver water and issue property to other inmates. These privileges are not authorized by Policy 733, nor are they mentioned in the Inmate Handbook; yet they remain part of an informal reward system used by staff on all shifts for inmates in pod worker positions.

Staff reported that in some cases inmates who are pod workers and other inmates who are simply "bigger" are being used to serve as rule enforcers to facilitate the ability of some officers to maintain a quiet shift. One officer expressly stated that by selecting "the biggest bully in the block [as my pod worker]," it ensures a tight, quiet shift.²⁸ Inmates report that certain inmates still have the ability to exercise much control over the lives of other inmates just by controlling the TV. This happens with staff awareness and even sanctioning of the practice.

We also observed what could be termed "undue familiarity" between certain pod workers and officers, including calling officers by their first name. This practice is highly inappropriate, and conveys to other inmates (if not checked) that the pod worker does have a measure of authority.²⁹

We took special note of the level of staff supervision of trusties and pod workers. For example, while the formal culture requires that officers assigned to the public lobby post provide supervision of trusties assigned to work in this areas, they are incapable of providing adequate supervision of trusties from this duty post, especially when only one staff person is on duty and given the numerous blind spots in the lobby, such as near the public lockers and in the bathrooms. Similarly, supervision of trusties in administrative areas is limited, and trusties working in the Booking and Classification areas can gain access to sensitive information not subjected to a standardized shredding process. Several

²⁸ Although we only heard this from one officer, that officer may very well share perceived positive results with other officers or new trainees and the practice may be more widespread than indicated.

²⁹ Although the inmate rules do not expressly prohibit this type of familiarity, we believe they should, and that staff and inmates should be required to address each other respectfully.

former administrative and non-sworn employees complained that they did not receive training in the supervision of trustees yet were required to do so.

3.4 Classification of Inmates

3.4.1 Classification decisions at the Jail rely almost entirely on the inmate's current legal charges, despite the fact that this criterion has never been found to be a valid predictor of institutional behavior. Key DOJ staff are highly invested in this practice, and a cultural myth has built up around the misguided wisdom of this approach, as reflected in the Agency's failure to implement the relevant recommendations of the NIC audit team.

As we have previously stated, effective classification of inmates is one of the keys to running a safe jail and is even more important when a jail is crowded. Classification is the process of separating inmates for housing and programming purposes by the risks they present, in order to better protect them and others, and to help in managing their behavior. Most correctional practitioners have moved away from traditional methods of classifying inmates that are based either on legal charges or the subjective determinations of classification staff to an improved system known as objective classification. According to a publication of the National Institute of Corrections³⁰, the instruments employed under an objective classification system must meet the following criteria:

1. **Validity:** The system must be capable of assigning a custody level that reflects the inmate's true risk for disruptive and violent behavior within the facility.
2. **Reliability:** The system must promote similar classification decisions for comparable inmates.
3. **Equity:** The system must use decision-making items that are non-discriminatory and are consistent with commonly accepted societal values.
4. **Utility:** The system must be efficient, simple to use, and easy to understand.

The most common factors used in a validated objective classification system are:

- Severity of current charges/convictions
- Serious offense history
- Escape history
- Institutional disciplinary history
- Prior felony convictions
- Alcohol/drug abuse
- Stability factors (e.g., age, employment, length of residence)

³⁰ "Objective Jail Classification Systems: A Guide for Jail Administrators," James Austin, Ph.D., National Institute of Corrections, 1998.

In contrast to the general trend around the country to employ objective classification methods as described above, the DOJ continues to rely on a system that is almost exclusively based on current charges. In fact, it largely mirrors, and is certainly compliant with the Florida Model Jail Standards (FMJS). However, we do not believe that conformance with the FMJS and the implementation of objective classification system requirements need to be mutually exclusive.

Jail staff use broad brush-stroke categories in separating inmates within the jail. Those categories include:

- Misdemeanants / Felons
- Violent / Non-violent
- Mental Health
- Medical
- Elderly
- Special Management

This system often fails to take into account the fact that many felons are non-violent, and need to be separated from violent felons, and that some misdemeanants have records that involve violent crimes or predatory behavior within the Jail. The risk presented by an inmate is not solely reflected by his or her legal charges, and the failure to understand that important distinction may be putting many inmates at unnecessary risk from their fellow prisoners.

The Florida Model Jail Standards set the parameters for any number of DOJ's policy directives and practices governing classification. While we would not, of course, recommend any unofficial variance from these mandatory requirements, there is a firm basis for designing a system that is valid and objective and, at the same time, conforms to the standards. In fact, the Classification Bureau Chief reports that Florida law does allow housing non-violent felons and misdemeanants together but the DOJ has elected not to do so. Thus, we find a culture at the Jail that has incorporated a powerful, but unjustified, belief in an outdated and unsafe classification system.

3.4.2 Classification decisions rely too heavily on self-reported information from inmates, because this information is not readily available through the inmate management information system (SMARTCOP). Such a cultural practice could compromise inmate safety, especially when it comes to the need to keep particular inmates separated from each other.

Classification staff rely upon current information, inmate self-reports, and their personal familiarity with inmates to determine security, custody, and housing assignments. Housing officers rely upon the Contact Card, SMARTCOP data, inmate self-reports, and their personal familiarity with inmates to determine cell

assignments. Despite the fact that SMARTCOP is supposed to serve as an effective inmate management information system, the database is designed in such a way that an inmate's history of discipline and incidents cannot be easily retrieved in a timely fashion. Even the Classification Department does not use the SMARTCOP classification module because, as discussed earlier in the report, the database does not have filters to ensure confidentiality of records and does not limit access to a need-to-know basis.

3.4.3 A culture has developed that allows housing staff to make cell placement decisions with insufficient training and, at times, with inmate influence into the decisions. This situation has the potential to lead to housing assignments that compromise inmate safety.

Although classification staff assign inmates to particular housing units, housing officers make cell assignments. This becomes a particular matter of concern when cell assignments are made in the absence of reliable data about inmates who must be kept separate due to the fact, for example, that they are co-defendants, have street-based rivalries, belong to gangs, or have a history of prior assaults, information the inmates may not volunteer to the housing officer. One housing unit (which includes some Administrative Segregation inmates) raises particular concerns, since staff are authorized to have "keep separates" in the same pod, so long as they are not assigned to the same cell. This is a practice that we believe is highly precarious and subject to staff mistakes with potentially disastrous consequences.

Even when information is available with regard to specific inmates who must be kept apart, the detention officers also may not have information or training to help them identify vulnerable or aggressive inmates who generally need to be kept apart from others. These are critical pieces of information that should be used to make sufficiently informed decisions regarding cell assignments.

Also, inmates may influence decision-making about housing by informing staff of their preferences to share or not to share the cell or a double-bunk with a particular inmate. In some cases, the inmate indicates that he has positive ties with the other inmate from the streets or another institution. In other cases, it appears that staff make their determination based on an inmate's self-report of interaction problems or conflicts with the other inmate that would preclude bunking them together.

From a risk management perspective, we have concerns that, in the absence of adequate training and very clear criteria and protocols, the assignment of detention officers to such a crucial classification function requiring specialized knowledge and critical decision-making skills appears to be inconsistent with sound correctional practice. Although it is not at all infrequent that jails assign this responsibility to unit officers, we do not believe that this

practice is appropriate here given the extreme crowding and especially in light of the Agency's history with regard to this policy.

3.5 Suicide

3.5.1 The DOJ has had a commendable record against completed suicide attempts and has been proactive in seeking technical assistance on this issue from the National Institute of Corrections. A comprehensive suicide prevention strategy and response to the NIC recommendations, however, has yet to be developed and implemented, and certain conditions at the Jail could still contribute to successful suicide attempts.

To his credit, the Sheriff requested in 2003 that the National Institute of Corrections review the DOJ's suicide and mental health prevention plan even though there had been no successful suicides at the time. This is a positive indication of the Jail's interest in addressing this important issue. Tragically, shortly after this review, the Jail experienced an inmate suicide, the first in many years.³¹

We have reviewed the NIC recommendations to determine whether the DOJ has acted to upgrade its suicide prevention efforts since the review took place. Our findings reflect that some of the basic recommendations—even those that were not cost prohibitive--were not implemented. Instead of purchasing suicide prevention tools designed to effectively cut a variety of coarse fibrous materials, DOJ instead invested in highly ineffective and poor quality "safety scissors" that are not designed for the purpose of suicide prevention response. In one case, we attempted to inspect the safety scissors located in the Booking area (where there is predictably a higher incidence of suicide attempts). We were informed by staff that these safety scissors were broken and they had resorted to using an unsecured pair of regular scissors. We also discovered and notified senior management that a non-collapsible shower rod was being used in W pod where male juvenile inmates are housed. At the time we completed our on-site activities, the non-collapsible shower rod was still being used in the unit. Additionally, we noted lax enforcement of rules and regulations prohibiting clothing, sheets, and other bedding from hanging across or from doors, windows, and through holes in metal bunks in housing units.

3.6 Life Safety

³¹ It is impossible for any jail to ensure that no suicides occur. There are simply too many factors that can lead to a person's decision to take his life and too many opportunities, especially in a large facility, for it to happen. It becomes a risk management effort then, with the jail management and staff being expected to take all reasonable and necessary precautions and prevention measures.

3.6.1 The Sheriff should be commended for making the Jail a non-smoking facility. However, self-contained breathing apparatuses (SCBAs) have been removed from use at the Jail, which could jeopardize inmate, staff, and public safety in the event of a fire or smoke inhalation.

The Jail is a non-smoking facility, so cigarettes, matches, and lighters for inmates are considered contraband. This is a most positive step when it comes to Life Safety, as it helps to eliminate many opportunities for accidental fire and arson. However, fire remains a possibility at the facility, especially in the laundry, warehouse, and kitchen areas; all these areas are highly susceptible to fires (large or small) that can produce lots of smoke due to heavy equipment and highly combustible materials (such as lint, clothing, grease, fuel, chemicals, and electrical wiring). In fact, during our last on-site visit, there was a fire incident in a mechanical room at the facility, and fire and rescue squads had to respond to resolve the incident. Additionally, we found no policy, procedure, or security checks to prevent staff from bringing cigarettes, matches, lighters, and other tobacco products into the facility, although staff who wish to smoke are required to go outside. In fact, shift reports indicate that cigarettes and a lighter were found and turned in by a trusty cleaning the Booking area during this same period.

Despite this continued risk of fire and smoke inhalation, self-contained breathing apparatuses (SCBAs) have been removed from the facility. It should be noted that the prevailing accreditation standards adhered to by the jail, FCAC, and Florida Model Jail Standards, do not require the use of SCBAs. Some staff perceive that the Department discontinued SCBAs so management could avoid having to train staff and maintain the equipment. Regardless of the reason, the failure to have SCBAs can compromise life safety measures at the Jail, and could put staff, inmates, and visitors at risk in the event of a fire or smoke inhalation.

RECOMMENDATIONS

1. Directive # 733 (regarding pod workers and trusties) needs to be more proscriptive and should delineate the exact methods and criteria for selection, responsibilities, and the authorized privileges and freedoms of movement that trusties and pod workers have. The positions of trusty and pod worker are significantly different to justify two separate directives to hold staff accountable for any unauthorized variation from policy directives.
2. The Inmate Handbook should be revised to address the process and criteria for selecting pod workers as well as their responsibilities.
3. The DOJ should discontinue the practice of detention officers making routine cell assignments. Classification staff should make cell assignments, with

housing officers and security supervisors having the ability to make emergency overrides where necessary.

4. DOJ management should take all reasonable steps to implement the recommendations of NIC to reduce the risk of successful suicide attempts. Further, staff should be more vigilant about enforcing rules requiring the removal of clothing, sheets, and other bedding hanging across doors and windows and blocking sight lines. Staff must be properly trained to be alert to both the characteristics of suicidal persons and environmental hazards that could enable suicide attempts.
5. DOJ management should quickly take all reasonable steps to implement the recommendations of NIC relative to objective classification.
6. We urge reconsideration of the current policy that allows inmates who are to be kept separate to be housed in the same housing unit, albeit in different cells.
7. The current training lesson plan concerning “situational homosexuality” should be revised to properly identify inmates who are coerced or forced into engaging in homosexual behaviors as victims of sexual assault. All staff should then receive the appropriate measure of updated training in that regard.
8. DOJ supervisors and managers should assess the degree to which current operational practices do not comply with training guidelines designed to reduce opportunities for sexual assault or consensual homosexual behavior and should make necessary changes.
9. The training lesson plans for Sexual Misconduct, Preventing Sexual Assaults, Homosexuality, and, when available, PREA, need to be cross-referenced and should avoid using words interchangeably even when there are clear differences in meaning (e.g., sexual assault, sexual battery, sexual activity, and sexual misconduct). We recommend that efforts be made to consolidate some of these lesson plans to preclude confusion for trainees and to maximize opportunities for Agency and staff accountability. As much as possible, these lesson plans should be tailored for use by DOJ staff, as opposed to law enforcement officers.
10. DOJ management should revisit the rationale for discontinuing the use of SCBAs, and should communicate to staff what alternative life safety measures have been implemented to ensure appropriate and effective levels of public, staff, and inmate safety.

4. USE OF FORCE

4.0 The formal culture driving the use of force within the DOJ is quite advanced and is indicative of a serious, measured, and professional approach to this critical operational issue. Nevertheless, we note that the formal culture appears to be shaped by law enforcement perspectives and methods that do not always employ the best approaches to use of force necessary for a jail environment. Although we found no pattern of complaints from inmates about use of force generally, we are concerned about the increasing use of tasers at the Jail and the way in which the authorization to use this weapon may be changing the jail culture with regard to use of force.

Without question, one of the clearest indicators of a jail's formal culture and informal culture relates to use of force against inmates. The formal culture is expressed in the policies and procedures that govern use of force, the official training that is provided, the means of force that are authorized, and the overall values and attitude of management relative to the issue. The degree to which the informal culture is congruent with the expected norms can be assessed by reviewing use of force reports, statistical documentation, training curriculum, and policies and procedures, and by interviewing staff and inmates.

4.1 *Use of Force Policy and Training*

4.1.1 The Agency's policy relative to use of force is appropriate, measured and clear. However, the use of force continuum as described in Agency directives and training reflects a law enforcement culture and perspective when it comes to the handling of incidents at the Jail.

According to the ACSO's standardized lesson plan governing use of force, the Sheriff's policy is as follows:

*The Sheriff authorizes the reasonable and necessary use of force that is required of detention officers to perform their lawful duties. However, it is the responsibility of the detention officer to resolve each confrontational situation through the use of "non-physical force" alternatives, such as advice, persuasion, or verbal warnings whenever practical.*³²

This is a strong, clear, and appropriate statement reflecting the formal culture that expects that alternatives to force are to be used in the Jail whenever possible.

We also see evidence of the formal culture with regard to use of force in the Agency's directives and training program. Unlike the Sheriff's policy

³² ACSO Standardized Lesson Plan Use of Force/Deadly Force (italics in the original)

statement, however, the directives and training program do not take such a clear stand in favor of alternatives to force. Instead, they seem to emanate from the Agency's dominant law enforcement perspective rather than being tailored to a jail-based approach to use of force.

There are numerous relevant differences between the two functions of the Agency that justify different policies and approaches to use of force. For example, law enforcement officers are dealing with suspects who may be detained and interrogated by police for possible crimes that may lead to arrests. Detention staff, in contrast, deal with inmates who have already been arrested and are under the custodial care and control of correctional staff, generally in a confined setting. Also, law enforcement officers need to consider the presence of drugs, weapons and other immediate hazards when encountering suspects. Except for during the booking process, detention staff are generally dealing with people who they have had under their custody, care, control and supervision for some period of time usually without incident prior to the need for a response to resistance. Most inmates are not, at the moment of a potential use of force interaction, necessarily suspected of crimes but instead may be having difficulties coping with any number of stressful conditions associated with incarceration, including provocative behaviors by staff. Thus, the safety risks associated with detention officers performing their jobs are therefore typically different from those confronted by law enforcement personnel.

Both law enforcement and DOJ officers use the same Levels of Resistance Matrix that serves as their use of force continuum. This matrix was developed by the Florida Criminal Justice Training Commission and The Florida Department of Law Enforcement. While this model's utility may well be appropriate for deputies on the streets, and even for probation and parole officers in the performance of their field duties,³³ we have concerns about its use in a correctional setting for the following reasons:

- The Levels of Resistance Matrix is not consistent with the information contained in the various ACSO directives relating to use of force, and as a result, there is ambiguity about when intermediate impact weapons can be used.
- It does not appear that the Levels of Resistance Matrix requires staff to consider, when feasible, an inmate's medical problems prior to use of certain levels of force. For example, use of pepper spray on an asthmatic, or tasers on someone with a heart condition, may be contraindicated. Perhaps law enforcement personnel do not have an opportunity to consider such exigencies in street situations, but a correctional setting does allow for a more considered

³³ We do not specifically comment or express any opinion as to the adequacy or appropriateness of the policies and training as it relates to law enforcement or field personnel. Our comments and concerns are limited to issues regarding correctional personnel.

response in many cases. Thus, detention staff should be trained to take known medical factors into consideration in their decision to use certain weapons, and the use of force model should be accordingly adapted for use by corrections personnel.

- The Levels of Resistance Matrix, policies, and training do not stress the need for the detention officer to: (1) contain and confine the situation, and (2) consider withdrawing from the situation and securing assistance first before allowing a use of force situation to escalate.
- While all ACSO sworn staff receive realistic judgment shooting training, there is no comparable training that focuses on the daily judgment training issues related to the use of *non*-deadly force for use in a correctional setting.

4.1.2 Although many training hours are dedicated to use of force and defensive tactics, both in the academy and in-service trainings, we do not believe staff are adequately trained to judge the need to escalate or de-escalate in response to an inmate's behavior. The Jail's formal culture, as exemplified by policies, procedures and training, does not necessarily prepare detention officers to use the least amount of force necessary in a given situation. Moreover, training allows officers too much discretion in selecting levels of force in response to resistance by inmates.

Of the 530 hours new Jail recruits spend in training, approximately 80 hours are devoted to Defensive Tactics and another 80 hours for Firearms. Use of force is governed by statute, which requires the Criminal Justice Standards and Training Commission to develop a course specifically designed to explain circumstances under which physical force is authorized and to teach the proper methods and techniques in applying authorized physical force upon an inmate. The Criminal Justice Standards and Training Commission has developed the matrix of acceptable uses of force dependent upon the type of resistance offered by an inmate, as described above. Both use of force and defensive tactics routinely appear in the DOJ's annual training plan.

Within the overall training hours, new recruits receive 112 hours of what the Agency defines as "Interpersonal Communications" training. However, the subject matter that falls within this rubric is extremely broad and covers an assortment of topics, ranging from recognizing prisoner deception and manipulation to handicapped inmates to preventing sexual assault, and training officers consider the topics as "fillers" for gaps in the schedule during in-service training. Staff receive a lot of information on characteristics of specific populations, but interaction skills are not emphasized. This is a critical skill when it comes to reducing use of force incidents. The curriculum is largely cognitive-based rather than focusing on actual skill development; the training does not

appear to incorporate to any significant extent the use of scenarios and role-playing that foster skill building.

Similarly, DOJ staff are not trained to progressively negotiate choices prior to, during, and after each attempted level of force to establish control. Nor are they trained in the mechanics that are necessary to effectively keep confrontations positive and engage each inmate with the goal of creating opportunities for a “win-win situation.”

In fact, DOJ personnel are trained that when an inmate physically refuses to comply with or respond to an officer’s orders³⁴, the officer has seven apparently equivalent options for physical control, including applying handcuffs, application of pressure point techniques, spraying pepper spray, and shooting a taser.³⁵ These are clearly not comparable or equal responses, yet the officer is authorized to select from these various options even though the taser and pepper spray methods are clearly disproportionate to the described inmate resistance and pose significant risks to the inmate relative to the alternatives. This puts the officer in a precarious position, as he could later be criticized for having used a taser or pepper spray, when handcuffs might have, in retrospect, been deemed sufficient.

Training also requires staff to consider a variety of additional mitigating and/or aggravating factors in their use of force decisions.³⁶ What is unclear is how these factors are to impact an officer’s decision to use force. For example, if there is a mitigating factor, does it reduce the level of the response or does it reduce the type of force response within a given level of the use of force matrix?

An additional concern is the potential confusion that could result from the fact that incapacitation techniques, which include stunning an inmate temporarily, are also classified as an appropriate level of force just below use of deadly force when an inmate is actually making overt, attacking motions. An officer therefore may not be able to tell whether tasers belong at the lower level or at the higher level in response to very different levels of inmate resistance.

The formal culture of the Agency—as reflected in training practices and in policy directives--does not sufficiently take into account the dynamic range of human interactions occurring daily (and even hourly) between detention officers and inmates that is part of maintaining an environment where staff retain total

³⁴ This is labeled as a Level Three Resistance.

³⁵ These are characterized as Level Three officer response options.

³⁶ Such factors include: seriousness of crime committed by the inmate; size, age, and weight of the inmate and officer; physical ability of the inmate and officer; number of inmates present who are involved, or who may become involved; weapons possessed by or available to the inmate; known history of violence by the inmate; legal requirements.

control. This can result in corrections officers using higher levels of force than necessary in some situations.

4.2 Use of Force in Practice

4.2.1 Inconsistencies among multiple policy directives regarding use of force can lead to inconsistencies in the application of force at the Jail. Also, there is a lack of clarity about use of force review procedures, and use of force reporting and review requirements are not adequately enforced.

It is clear that the ACSO takes very seriously its legal obligation to define in directives how and when force can be used. But putting this goal into practice is somewhat more complicated. DOJ staff are expected to be knowledgeable about and accountable for as many as six ACSO policy directives that directly or indirectly pertain to use of force in the performance of their job functions. Unfortunately, there are numerous conflicts within the definition sections of ACSO use of force policy directives. While we were informed by officials that this problem results from multiple drafters of the respective directives sections (i.e., DOJ and law enforcement), it nonetheless sets the stage for unaccountable and inconsistent performance in an area of high liability. Definitions appear to be interchangeable (for example, the terms “intermediate weapon” and “intermediate impact weapon” are used interchangeably), and the terminology differs yet again from the terms used in the current training academy lesson plans on the subject.

There is presently no clear protocol being used by DOJ top management to review each use of force incident. In fact, our review of 60 or more use of force reports for the period December 2004-March 2005 indicates that most reports contain incomplete supervisory and administrative sign offs, suggesting a consistent lack of quality assurance by top management. Inconsistencies in this area raise questions about the degree to which staff can be held accountable for their actions and the extent to which training issues can be flagged.

Report writing represents the logical way by which the DOJ and each of its lawful agents can articulate the rationale for a specific level or degree of force, and it should be considered the touchstone for staff training in a number of areas related to interpersonal competence and officer safety. We found many instances of incomplete incident reports, including gaps in details, inconsistencies in reporting sequences of events or persons involved, and inconsistencies that suggest a need for more staff training on report writing related to use of force. Moreover, of the 60 use of force incident reports we reviewed, there were no incident reports submitted by witnesses. Florida law³⁷ and the ACSO training only require that witnesses complete separate written reports when they believe an inmate was unlawfully abused; however, it is common practice in most jails that when staff witnesses are present in jail use of

³⁷ 944.35 (5). F.S.

force situations, they are required to submit reports regardless of whether they suspect abuse. We believe that this is a deficit in DOJ policy, as it deprives the reviewers of incident reports the opportunity to obtain a more complete picture of what occurred when force was used.

4.2.2 The DOJ does not videotape planned use of force incidents.

Many jails have opted to videotape planned uses of force. The practice serves several important functions, including: (1) to deter the inmate who will now be in a position to be prosecuted successfully due to his actions; (2) to deter staff from being overly aggressive or acting in a manner contrary to their training; (3) to aid managers in bringing administrative action against officers who use excessive force during such incidents that is inconsistent with training and Agency policy; (4) to assist officers who are unfairly accused of using excessive force; and (5) to use real world incidents as a training aid to improve performance for all staff.

Despite these benefits to videotaping and the relative ease with which many other correctional agencies have implemented the practice, the DOJ's culture has not recognized or seized upon the benefits of this measure.

4.2.3 The overall frequency and types of inmate resistance to staff at the Jail has remained fairly stable in recent years. Despite this fact, there has been a significant increase in the use of tasers during this same time.

Our review of the 2004 and 2003 end-of-year analyses on use of force reports revealed that in 2004, there were 514 incidences of inmate resistance (everything from hostile body language and refused commands, to violent grabs, pushes and kicks), while there were 536 such incidents in 2003. The types and frequency of resistance displayed by inmates were remarkably similar from year to year, with the only significant changes being more incidences of hostile language and refused commands in 2004.

The use of tasers is increasing as more officers are certified and as the DOJ becomes more comfortable in its availability and application. In 2004, tasers were displayed 22 times, the drive stun used six times, and fired 29 times. In 2003, taser was employed 15 times (the detailed breakdown of usage was not available in 2003).

Other devices such as restraint chairs and pepper spray do not appear to be increasing in use to any significant extent. In 2004³⁸, the restraint chair (a

³⁸ As we discuss elsewhere in this report, use of force statistics are only compiled and published once a year. There are no monthly or even quarterly reports, which means that we had to rely on somewhat dated information; more importantly, the lack of cumulative data deprives supervisors and administrators of the opportunity to track such incidents and compare rates on a frequent basis so as to identify trends and respond to them rapidly.

four-point restraint device for extremely unruly inmates) was used 24 times, versus 18 in 2003. As for pepper spray (also called "OC"), in 2004, it was displayed 46 times, and sprayed 51 times. In 2003, OC was sprayed 62 times (the detailed breakdown of usage was not available in 2003).

We found no pattern of disproportionate application of force based on race of the inmate.

4.2.4 The use of tasers is changing the dynamic with regard to use of force in the Jail. There is significant controversy throughout the country about this type of weapon due to reports of multiple deaths and injuries resulting from its application, and it is uncommon to see a jail employing tasers.

We reserve our greatest concerns in the use of force context for the use of Electronic Muscular Disrupters (tasers). This is a technique that is now widely used by police departments for street encounters,³⁹ but comparatively few jails have adopted it for internal use. In the law enforcement arena, there are substantial reports of deaths and injuries due to or related to the use of tasers and many departments are reconsidering their use of this technique until further research can be done to provide proof of its efficacy and safety.⁴⁰ This is a very powerful tool, and it presents many opportunities for incorrect use. For example, we found cases in the Jail where the taser probes hit the inmate in the lower stomach or groin area rather than in the stomach or center of mass where its laser sight is supposed to be aimed prior to the release of the projectiles. We are also concerned that staff may not be properly trained to safely remove the 1-2" probes from the body.

Some staff indicated that they are extremely reticent to respond to orders from supervisors to use tasers for fear of harming an inmate and then being placed in a position of blame. One employee reported that she intentionally failed the taser certification test so that she could not be called upon to use this device.

4.2.5 Considering the number of use of force incidents, there appear to be very few injuries to either inmates or staff that are associated with use of

³⁹ According to a May 12, 2005, article in USA Today, about 7,000 of the nation's 16,000 police agencies have bought tasers. But concerns about whether the weapons are safe have increased recently, as Amnesty International and The Arizona Republic have reported that more than 100 people have died since 1999 after being shocked with stun guns. The reports have led officials in Arizona, New Mexico, Wisconsin, and elsewhere to launch inquiries into the safety of stun guns or to consider limits on when police can use them.

⁴⁰ See, for example, a recent in-depth article in the Palm Beach Post on the use of tasers by Florida police officers: Antigone Barton, "Are officers too quick to fire tasers?," Palm Beach Post, Sunday, May 29, 2005, available at: http://www.palmbeachpost.com/localnews/content/local_news/epaper/2005/05/29/m1a_TASER_0529.html.

force incidents. However, the data is difficult to interpret with regard to injuries from taser usage.

There were very few injuries to staff as a result of use of force incidents, with only five minor injuries (bruises and abrasions) in 2004 and three in 2003. It is possible that taser and OC use may indeed result in lower incidence of injuries to staff, which consequently translates into cost-savings, as jail officials contend.

There have been a minimal number of injuries to inmates from use of force incidents as well. The statistics, however, may be misleading. As there are numerous use of force reports that we reviewed where taser probes entered a subject's body successfully, sometimes in unintended areas such as the groin, it would seem reasonable to conclude that those injuries that did occur were somewhat serious in cases where tasers are used. Secondary injuries following taser or OC use, such as when the subject falls or when his/her head makes contact with the walls (sometimes resulting in contusions), may also need to be factored into the analysis, even if this part of the information is only collected by medical personnel following treatment.

Data on this subject is also difficult to interpret because the category "Suspect Injury or Exposure" includes taser probes and OC, despite internal memoranda from 2003 and 2004 stating that the Training Academy no longer considers contact with OC or taser probes as injury. The tracking report and the written report needs to be consistent for accuracy of information provided for readers to avoid unnecessary confusion and questions pertaining to actual injuries resulting from use. There may in fact be reduced injuries to inmates as a result of taser or OC use, but more clarification on reporting methods, improved definitions of injuries, and statistics on prolonged effects and treatment are needed before such conclusions can be reached.

RECOMMENDATIONS

1. We believe that the Sheriff should re-evaluate the need for tasers inside the Jail and should take into account in his review the national record on taser deaths and injuries. The Agency should consider suspending taser usage pending the results of similar inquiries in other states. At the very least, the DOJ needs to develop highly specific training to address the concerns raised in this report.
2. All directives relevant to use of force should be assessed for direct applicability to the DOJ environment. These directives should be consolidated so that DOJ staff need only be familiar with one comprehensive directive governing jail-based use of force/response to resistance.

3. Less discretion should be afforded staff when it comes to responding to inmate resistance, so that it is more clear which responses are appropriate, e.g., restraints at one level, OC at the next level, and, if still used, tasers at a higher level. This contrasts to the current system in which staff are given a very wide selection of, in our view, not necessarily comparable choices as to which type of force to employ. Such a system would make training easier, would serve to protect staff from allegations of excessive force, and would better insulate the ACSO from such claims.

4. Performance indicators should be developed that allow supervisors to determine when an officer appears to use force disproportionately often compared to other staff assigned to comparable posts. Early detection of such officers should lead to increased training requirements and a closer review of the incidents in which the officer is involved.

5. DOJ should encourage the Training Bureau to develop a skill-based IPC curriculum tailored to DOJ staff that includes the following components:

- Listening skills
- Engagement
- Modeling & reinforcing pro-social behaviors
- Effect of staff demeanor on inmates
- Establishing rapport with inmates
- Reinforcing and punishing behaviors
- Reinforcing attitudes
- Setting boundaries

6. The DOJ should consider establishing a system of video-taping planned uses of force incidents.

5. TREATMENT OF INMATES

5.0 Inmates at the Jail are sometimes treated disrespectfully and in a way that does not allow for individual accountability. Whether driven by resource constraints or by a philosophy or attitude about inmates, the Jail's culture clearly conveys a belief that inmates are entitled to little more than a minimal level of constitutionally-required services. Services for inmates are not made a priority at the Jail, and this is reflected in the lack of programmatic opportunities, the minimal access provided to the law library, the minimally adequate food service and the limited (and recently reduced) funding allotted for meals, and the numerous fees-for-services that are imposed on inmates. There are also many concerns associated with the delivery of medical care services.

5.1 *Respectful Treatment and the Management of Inmate Behavior*

5.1.1 Inmates perceive that staff are generally rude, disrespectful, and non-responsive to them while demanding complete respect and compliance with inconsistent rules.

In our interviews, staff referred to inmates appropriately, and gave little indication of any concerted attitude that would interfere with their interactions, such as hostility, lack of respect, or racism. In describing to us how certain situations were handled, staff members spoke in ways that made clear that they were looking out for the interests of the inmate involved. Most grievances we reviewed showed a clear interest in addressing the inmate's needs, and in those cases in which investigations involved inmate interviews, the written documentation indicated respectful questioning of the inmate.

On the other hand, inmates complain about rude and disrespectful treatment, and say that officers sometimes do not respond to their concerns. For example, there were reports of officers' verbal abuse, cursing, sleeping on the job, and denying inmates opportunities to get drinking water after 11 p.m. Some officers, notably, were singled out for their respectful and helpful treatment, so clearly inmates are able to distinguish among officers. While their complaints regarding treatment by officers did not reflect a consistent pattern of complaints about any particular detention officers, we were told that treatment often depends upon the race of the officer. Inmates perceive that African-American officers tend to go more strictly by the book so as not to be seen as favoring the population, which is predominately African-American. African-American inmates report African-American staff are more often rude and verbally abusive. In contrast, they see Caucasian officers as being more lenient to the inmate population because these staff do not want to be considered as racially prejudiced. Thus, in an ironic twist to the Agency's good faith effort to have a "color-blind" culture, there may be a negative race-based impact on the treatment of inmates.

Inmates also report that staff can be non-responsive to the inmates' needs. Specifically, inmates complain that staff take too long in responding to written requests and grievance complaints, and they were able to back up their complaints with copies of these materials, which had dated responses.

Another cultural pattern, which will be discussed further in Finding 8.3.1, involves a lack of treatment-oriented interaction between correctional staff and inmates. We observed that detention staff disproportionately rely on remote surveillance when it comes to managing inmates, and that staff rarely walk around and interact with inmates. This is compounded by the lack of program and classification staff, as discussed in 8.2.2. Sound correctional practices require ongoing personal contact and interaction between staff and inmates, excluding electronic surveillance. The lack of such direct supervision obviously affects relationships between staff and inmates, which can profoundly impact the culture of the Jail.

5.1.2 There is a cultural pattern of staff employing methods of group discipline, often in cases where such treatment is unwarranted.

We noted that DOJ staff place an emphasis upon group punishment rather than individually-based responses to inmate misbehavior. In some cases, this group discipline is an extreme response on the part of staff: for example, we witnessed officers threatening to lockdown a pod because of high noise levels. In two instances, the pod was in fact locked down for several hours. This form of punishment is meted out based upon individual officer discretion, occurs without any formal process, and fails to take account of the fact that noise levels naturally increase as crowding increases. Inmates truly resent this arbitrary practice. Even worse, this approach to managing inmate behavior has the potential to lead to inmates meting out discipline to each other as one means of protecting their limited programming opportunities and freedoms within severely crowded housing units.

The use of group punishment through bunk restriction was confirmed via shift summaries. In view of the inconsistencies in shift summaries, the problem may be more widespread than reported.

5.1.3 Formal disciplinary decisions are driven by security rather than treatment and programming considerations, and operate inconsistently to the detriment of first-time offenders.

Disciplinary hearings are conducted on the night shift when Classification staff are not available to participate. Decisions about discipline are therefore perceived by inmates to be biased towards "custodial" responses, since such decisions are not balanced out with the perspectives of staff members who may recommend treatment-oriented approaches to managing behavior. Moreover,

inmates feel security staff are more likely to recommend a disproportionate amount of disciplinary segregation and/or loss of Gain Time.

Another inmate perception is that there is harsher treatment of first-time offenders. Inmates reported that the high rate of recidivism tends to influence officers' assumptions that inmates are familiar with DOJ rules and the routine of the Jail, and as a result, the officers provide only perfunctory instruction about institutional rules. Inmates indicated that this often results in inmate-upon-inmate exploitation when they have to rely on peers to "teach them the ropes." In contrast, they believe that recidivists receive less discipline because staff are more tolerant of them as a result of familiarity.

5.2 Health Care

5.2.1 Although the DOJ is committed to providing sound and appropriate health care services to the inmate population, there are significant problems with the delivery of health care services at the Jail. As a contracted service, the medical care agreement does not lend itself to effective monitoring by Jail staff to ensure that the health care needs of inmates are being met. The culture has begun to informally accommodate the problems in the health care delivery system rather than addressing the problems directly.

It was not within the scope of this inquiry to audit the delivery of health care services at the Jail. Nevertheless, we cannot overlook the frequency and consistency of complaints about this issue, and we believe that these issues have come to be an important aspect of the Jail culture and are affecting the level of inmate and even staff distress.

A number of complaints arose repeatedly during interviews and in our review of grievances about the quality of medical care at the Jail. The most salient concerns were those about inmates' requests for sick calls not occurring in a timely fashion; medications being confiscated at admission and not being promptly resumed; physical examinations not occurring within prescribed timeframes; and non-responsiveness by health care providers to calls for assistance from staff on behalf of inmates experiencing potentially significant pain or ailments.

Correctional health care services, of course, are a constitutional right, and the Jail's obligation to ensure that these medical needs are being met is not minimized by the fact that a private provider (First Correctional Medical or "FCM") is contracted to provide these services.

It is critically important that health care services at the Jail be delivered in an efficient and effective manner, not only because of the legal and humanitarian

concerns, but also because the failure to meet these needs could result in public health crises both at the Jail and in the community.

A 2004 accreditation audit by the National Commission on Correctional Health Care (NCCHC) found that approximately 15% of inmates were not receiving a comprehensive health appraisal within 14 days of arrival at the jail, as required by DOJ policy, NCCHC Standards, and the DOJ-FCM contract. Our review of 35 randomly selected inmate files revealed that 12% did not receive the assessment within 14 days, with an average non-compliance time of 4 days. This level of non-compliance is comparable to what was found by the NCCHC audit team last year, and is consistent with the findings of the DOJ's medical contract monitor who reported that he conducts periodic record audits to monitor this issue. So it appears that there has been little progress on this issue since it was brought to the attention of the DOJ and FCM over a year ago.⁴¹

There were also a number of concerns raised by inmates, especially about the confiscation of medications upon admission. Upon arrival, an inmate's medication is confiscated; inmates claim that a new supply of medication often is not issued until after the inmate has received a full health appraisal two or more weeks after arrival, unless the inmate is seen sooner because of chronic illness. This allegation is directly disputed by FCM staff and by DOJ's contract monitor, who state that medications are suspended typically for less than a day until the physician can confirm continuation of the medication, can prescribe a generic version, or the issuing pharmacy can verify the original prescription.⁴²

Staff and inmates alike expressed much frustration with the lack of responsiveness to both sick call and medical emergency requests. Although sick call requests are reviewed and triaged within 24 hours, inmates are not seen for 3 to 5 days after submitting such requests, which leave many with the perception that their urgent needs are not taken seriously. Even officers describe FCM's responsiveness to serious but perhaps not immediately life-threatening requests for medical care as so lax in many instances that officers report that they sometimes call an emergency response code, just to get medical staff to respond. This practice reduces security because staff must also respond from other critical areas when codes are called. Although employees could potentially be disciplined for this, supervisors have accepted this practice, knowing it to be an effective way to simply get a medical response. In other words, the DOJ has

⁴¹ First Correctional Medical (FCM) states it has conflicting priorities because Florida Correctional Accreditation Standards require inmates to receive a medical assessment within 14 days of intake, no matter how recently they may have been in the jail, and medical review every 90 days. NCCHC (with whom they are accredited) requires an annual physical no matter how often they are seen during the year. For compliance with accreditation standards, urgent/emergent care, chronic care, health assessments, and annual physicals take priority. The number of people seen at sick call is adversely affected by the aforementioned priorities.

⁴² Resolution of this issue is not within the scope of this report. However, it is an issue that is deserving of documented follow-up from the perspective of contract monitoring by the DOJ.

adapted its culture and informal protocol in order to adapt to a less than responsive medical care system.

Yet another concern about sick call is that there was consistent reporting from staff and inmates that a particular sick call nurse is rude and not responsive to medical requests. The Health Administrator acknowledged this problem and told us that it is being addressed. However, it raises a question about whether the contractor is responding in a timely manner to reports of concerns.

Also, some inmates report they are reluctant to seek medical attention because of required co-payments, and the choice they have to make between using the money their family sends for medical treatment and using it to purchase food to sustain themselves (given the fact that meals at the Jail are considered inadequate, as discussed below).

Many of the issues we observed regarding medical care are ones that can and should be identified and resolved by DOJ's contract monitor and FCM's administrator. Moreover, the private provider should be required to report appropriate performance indicators so that the quality of care can be reviewed. This issue will be discussed more fully later in this report, but it is worth noting that privatized services such as medical care deserve careful scrutiny by the Agency since the risks to inmates are great and the County is not relieved from liability.

5.3 Access to Courts

5.3 Chronic complaints from inmates about the law library and other access to courts issues suggest that the culture does not appropriately value the importance of these constitutional rights.

There were chronic complaints on the part of inmates, both during interviews and in grievances, concerning limited access to the law library, lack of legal assistance from the librarian (who is not trained to provide such assistance), and lack of access to the Public Defender in order to receive adequate free legal assistance. It is important to point out that the law library, like the general library, is provided as a branch of the community public library.

General population inmates generally have access to the law library for only one hour per week, and for some inmates, access is limited to the hours of midnight to 1 a.m. Compounding the frustrations for inmates with legal concerns, they are only allowed to receive six pages of copies during any law library session or upon written request for legal materials. Moreover, inmates also complained about not being allowed to assist other inmates with their law library research, despite the fact that library staff are not formally trained in legal research or to provide adequate assistance in criminal, civil, and administrative

legal matters. This does not allow inmates adequate or reasonable access to legal materials and assistance to facilitate the preparation of documents, defense and legal representation. While it is understandable that some scheduling constraints are necessary in a Jail with a burgeoning population, these restrictions seem at best extreme, and at worst punitive. Staff seem to miss the point that most inmates who wish to use the law library are seeking to prepare for their legal defense or to use these resources to ascertain their rights. The culture of the Jail fails to respect this critical need of inmates.

5.4 Food Service

5.4.1 Food service at the Jail was universally reported by both staff and inmates to be of inadequate quantity and poor food quality, a complaint verified by our own observations. This is a source of significant discontent in the Jail and can contribute to inmate unrest.

National corrections dietary standards require the provision of a nutritionally-balanced diet that follows a prescribed menu that takes into consideration food flavor, texture, temperature, appearance, palatability, and responsiveness to inmate eating preferences. Meeting such standards has long been recognized as a major deterrent to inmate dissatisfaction and unrest. However, food service at the Jail falls short on each of these counts.

We observed unhygienic aspects to the food service operation, specifically the fact that almost a third of the food trays we examined were noted to contain dried food particles from previous meals. Also, some meals were delivered in styrofoam trays with tops that were not completely closed so as to retain legally required food temperatures.

As noted earlier, inmates (other than trustees and pod workers) are assessed a daily \$2 subsistence for food. Nevertheless, staff and inmates alike report meals to be quantitatively and qualitatively inadequate and as consisting of inexpensive, starchy, bulk food items. For example, breakfast on an almost daily basis is limited to a combination of starches such as oatmeal, grits, and cornbread; on some occasions, applesauce and 8 oz. of milk are also included. Female inmates report milk is often provided only in powdered form. On no fewer than four or five days during our nine to ten days on-site, lunch consisted of two slices of bologna, four slices of bread, one small packet of mustard, and a starchy vegetable such as beans. If a salad is served at all, it is usually warm and withered. No beverages other than water or milk are provided. Food is not seasoned, and inmates do not have the option to purchase salt, pepper, or sugar at the commissary.

Food service at the Jail is contracted out to Aramark, which we were told is paid \$.75 per meal per inmate, and this low spending level accounts for the

limited quality and quantity. This is in contrast to the more than \$1.50 per meal that we were told was being spent before the Agency opted to contract out food service. Although it is admirable that the Sheriff clearly has attempted to control costs where possible, a 50% decrease in food related costs must result in a significant diminution in quality and quantity. It also raises a significant concern about management's limited recognition of the risks of prolonged inmate dissatisfaction with this service, especially in the context of a very crowded jail where issues such as food quality can often take on exaggerated importance.

5.5 Female Inmates

5.5.1 Opportunities for female inmates to engage in work and programs appear quantitatively proportionate to their male counterparts. However, logistical complications, when combined with the crowding problem plus the relatively smaller numbers of female inmates at the Jail, may result in the women not being afforded qualitatively equal programmatic opportunities to male inmates. Moreover, some of their special needs are not being adequately met.

Statistics show that, compared to male inmates, female inmates generally have the sole responsibility for children; experience more problems acquiring adequate finances and housing; have more serious physical, emotional and sexual abuse histories; have less education and significantly less work experience or preparation for employment; and have been addicted to drugs or alcohol. Yet the Alachua County Jail currently offers no gender-specific programming for women, such as programs that teach meaningful work skills, parenting, and life skills for redirecting their lives and making more personally and socially positive behavioral choices.

Females comprise 12% of the Jail population, and their opportunities to engage in work appear proportionate to their male counterparts. However, the only work program that accepts females is the laundry, and the only work skill they can develop involves folding clothes and linens, hardly a meaningful skill.

Because women comprise a significantly smaller population at the Jail than men, they are more often housed contrary to the applicable classification criteria. While this placement issue does not at this time appear to present security problems, it certainly results in programming and treatment problems. For example, female trustees are typically housed with female misdemeanants, and as a housing unit they are restricted from participation in religious services, which are primarily offered to felons. Also, crowding in the misdemeanor unit may result in the moving of a trusty to whatever bed is available in the felon unit, which temporarily deprives the woman of her trusty status and means she cannot receive the same amount of Gain Time.

There were also complaints about the needs of pregnant inmates not being adequately addressed. For example, pregnant women were being limited to only one thin mattress, which often caused them bodily bruises and an inability to sleep, despite requests for two mattresses from the community physician who provides OB/GYN treatment. This issue was, however, resolved favorably for the women during the course of this assessment.

Female inmates reported that women do not receive routine gynecological screening, and that post-delivery follow-up services with an OB/GYN are provided only upon request. Interviews with medical staff confirm these reports.

5.6 Co-payments

5.6.1 The extensive number of fees and co-payments required of inmates at the Jail is so burdensome on inmates that it has become almost punitive. Such fees are remitted to the County pursuant to terms of the interlocal agreement. The Sheriff and the BOCC are apparently using these fees in an effort to keep the budget in check, but perhaps with insufficient recognition of the troubling impact this has on the inmate population.

Consistent with a nationwide trend over the past ten years, Alachua County's inmates are charged a wide range of fees and co-payments.⁴³ Some of the costs include:

- \$2 Daily Meal Fee (unless a Trusty)
- A \$10 Booking Fee for jumpsuit and linen use;
- \$5 Doctors/Infirmary/Dental visit
- \$2 - \$5 per prescription
- \$80 emergency medical transport to hospital when baby is to be delivered
- Administrative costs for special transport to funerals, etc.

Some of these costs, specifically the medical and prescription co-pays, can have a positive benefit by serving to dissuade inmates from accessing health care for bogus reasons (e.g., as an opportunity to leave the housing unit or to potentially interact with staff or other inmates for illegitimate reasons) and therefore free up health staff to focus on the real needs of the inmate population.

⁴³ These fees are authorized (but not required) by Florida State Statute 951.033. A 1997 National Institute of Corrections survey of large jails confirmed that the charging of inmate fees is prevalent and increasing. Inmates are most commonly charged fees for medical care and participation in work release programs. Other fees reported include per diem charges, services such as bonding, telephone use, and haircuts, and participation in programs such as weekend incarceration, electronic monitoring, or substance abuse treatment. See, Fees Paid by Jail Inmates: Findings from the Nation's Largest Jails, CS: LIS, Inc., Special Issues in Corrections, National Institute of Corrections, February 1997.

Conversely, these co-pays can provide a disincentive for inmates to seek *needed* services, which could place the facility and the community at risk in some cases. Although no inmates are denied medical care due to a lack of funds, accumulated charges are deducted from any funds they receive from family and friends. State law allows liens to be placed against the debt and any current or future personal property or assets may be attached to satisfy the debt. In other words, these fees can amount to a significant, potentially long-term, financial burden for the inmates.

While any one of these charges alone can arguably be justified, as a package they amount to an unreasonable burden on inmates—the individuals least able to assume this financial cost—and reflect the priorities of the Sheriff and BOCC.

RECOMMENDATIONS

1. Supervisory staff should make concerted efforts to model and reinforce for line staff the expectations relative to respectful treatment of inmates (even when the inmates behave inappropriately). Complaints in this regard, especially when they present patterns, should be taken seriously and used as a means of feedback and quality assurance.
2. Inmate disciplinary hearings should be reconstituted to allow for the participation of staff from non-security disciplines to participate.
3. The BOCC and DOJ Director should review the various fees charged to inmates and evaluate whether the imposition of all such fees continues to be justified given that they are burdensome to inmates at the Jail and their families, and may impose a substantial hardship to inmates when they re-enter the community.
4. We suggest that the DOJ take all necessary steps to ensure that the health care contractor, First Correctional Medical, alter procedures and receive the necessary support from the DOJ to address the ongoing problem with delayed 14-day physical examinations. This issue should receive enhanced oversight by the contract monitor.
5. Discussions should be initiated with the current DOJ food services vendor about enhancing the quality and appeal of the food provided to both staff and inmates. The DOJ (with BOCC input and financial support) should consider increasing the payments per meal, as we believe that the current amount paid per meal (\$.75) is not sufficient to provide meals that are of sufficient quality.

6. DOJ policy and procedure should include a general disapproval with regard to any group punishment, absent special circumstances. Directives should stress individual inmate accountability as the strongly favored approach.
7. The DOJ should consider enhancing access to legal research by instituting inmate legal assistant trusty positions and by providing several computers and access to legal research software to allow inmates to access information on their own. This would likely save money over time associated with the purchase and maintenance of traditional law book collections. Library staff should be more flexible about providing inmates with copies of materials when there appears to be a compelling need for this information. Law library hours should be reviewed with an eye towards giving inmates more frequent access at more reasonable hours.
8. DOJ should investigate the possibility of contracting with a local law school for an internship or clinical program to assist inmates with accessing legal information. Such a program could even be extended to the inmate disciplinary process, with law students representing inmates in disciplinary hearings.
9. We recommend that more quality control should be directed toward expediting appropriate responses to written requests and grievances submitted by inmates. For example, there could be a staff meeting focusing on this issue, and timeliness of response to grievances and written requests could be included as performance indicators to be reviewed by supervisors.

6. SYSTEMS OF ACCOUNTABILITY

6.0 The ACSO takes staff misconduct and inmate complaints seriously; conducts legitimate investigations; and holds individuals accountable for failure to comply with Agency policy and procedures. These effective measures ensuring individual accountability, however, contrast with often ineffective measures designed to ensure systemic accountability. There is room for improvement when it comes to ensuring quality control and to identifying and remedying “big picture” issues at the Jail.

6.1 *Quality Assurance*

6.1.1 The Jail does not have adequate systems in place for ensuring that that there are no inconsistencies between policy directives and that there is not a gap between policy and practice. As a result, DOJ managers are not sufficiently proactive in ensuring the quality of operations.

Policy and procedure audits are an important component of a quality assurance plan, because they help to measure whether a jail is actually performing in a manner consistent with those policies and procedures. Such audits are especially important when those who draft the policies and procedures are removed from daily operations of the institution. The DOJ does not have an internal system in place to accomplish this goal. Although there is an auditing and accreditation arm of the Office of Professional Standards, it is designed to serve an accounting function and to coordinate with outside accrediting agencies, rather than fulfilling a compliance function that ensures staff compliance with operational policies and procedures. Administrators have no way to find out proactively that a directive is flawed or that there is a level of non-compliance that should be of concern; instead, the DOJ is in a reactive mode, and must wait for negative situations involving staff disciplinary action to arise before they learn such critical information.

Similarly, there is only one DOJ employee with the part-time responsibility of updating DOJ directives and interfacing with directive writers for other departments of the ACSO. This does not provide a sufficient level of resources to accomplish the important tasks of reconciling discrepancies, correcting inaccuracies, indexing, and filling in gaps in procedures contained within the directives. Left unresolved, such discrepancies create confusion for the personnel to whom they apply and other users, which naturally affects job performance. Moreover, inconsistencies in the Agency’s policies—the formal culture—can have repercussions in the informal culture, as these inconsistencies fuel perceptions articulated by some staff regarding favoritism and/or lack of

fairness by the Sheriff's Office in its administration of discipline for staff who violate directives.

6.1.2 Top managers do not appear to be conducting meaningful inspections of the facility with the level of regularity that helps ensure quality of operations, promotes staff accountability, and builds rapport with staff.

Although top DOJ managers are performing weekly inspections as required by their job descriptions, we question whether such inspections are accomplishing their intended goals. Throughout our on-site visits, it was rare to see anyone above the rank of Shift Commander in the housing units or consistently interacting with staff at their duty posts. Our impression was confirmed through statements from a wide range of staff members that they rarely see top administrators.

There is also a lack of meaningful documentation about findings from the inspections. For example, a spot check of four recent weekly inspection reports⁴⁴ revealed such results as: "All areas that are the responsibility of the [...] Division were in good working order. No other significant activity to report at this time." These perfunctory reports, with no detail and no or very limited findings relative to safety, security, maintenance, inmate management, or any other issues that must, or should have been apparent during the inspection, were accepted and signed-off by top level DOJ administrators. Inspections constitute a basic method of quality control for a jail official, and the failure to be more visible and document findings is a missed opportunity to build rapport with staff and demand staff accountability.

Our concern about the quality of inspections was made more acute by the fact that we readily observed numerous unsafe and unsanitary conditions during our tours (e.g., sheets and towels hanging from cell doors and from light fixtures; accumulated garbage on the window sills behind the mesh grating; etc.). These are the types of issues that managers should pick up on instantly during their inspections. If management and supervisory level officers do not raise questions about obvious security and sanitation violations, then line- and first-line supervisory staff will also adopt a level of apathy and complacency about conditions, knowing that they will not be called to task for them. Dynamics of this nature enable agencies to develop a subculture that is not aligned with the Agency's formal policies.

6.1.3 There is a gap between policy and practice when it comes to writing and filing incident reports, especially if they document negative occurrences. While top officials take the failure to submit incident reports very seriously, there appears to be a cultural norm among line- and mid-level managers that allows staff to avoid documenting negative occurrences.

⁴⁴ These DOJ reports are labeled: "On call Commander's Weekly Inspection Report."

During our on-site visits, we received and confirmed reports from line- and mid-management staff that they do not always provide notification of incidents up the chain of command nor do they always write incident reports, as required by policy directives. Some of the situations described by staff involve relatively benign occurrences, such as major power outages and large mechanical failures, events that may happen with some level of frequency and without any significant consequences. But not all examples are so benign. In one situation, we were informed about a potentially serious breach of security that was averted by staff before it came to fruition. A sergeant who was aware of the occurrence allegedly told the line staff involved in the incident not to document it because, in essence, it would “look bad for the entire Agency.” When we brought this to the attention of a high-level DOJ manager, his immediate and furious reaction and appropriate follow-up to both the incident and the effort to avoid informing administrators was clearly indicative of a formal culture that, to its credit, expects that such incidents will be documented.

We also sensed that failure on the part of staff to routinely comply with this expectation was a long-standing concern by management. Indeed, some of the most common disciplinary charges against staff involved the failure to follow Agency policies and procedures, and in particular, the failure to file incident reports when warranted. For example, there was a disciplinary sanction given to a sergeant for failure to adequately document an allegation of sexual assault against a female inmate by another female inmate. This response suggests that the failure to file incident reports is taken seriously by the Agency, and the frequency of disciplinary charges confirms that there may be a pattern where documentation of negative incidents is avoided in order to protect individual staff members, or to avoid extra effort. It is also conceivable that an agency that feels it has been unfairly and extensively beat up on may be reluctant to document less serious incidents to avoid scrutiny. This type of informal cultural norm is only addressed when it somehow comes to the attention of top management.

As a cultural issue, this is particularly troubling because the practice undermines the purpose of—and may result in violations of—laws, policy directives, and professional standards. Moreover, when some unusual occurrences and major events are not documented, they do not enter any form of database, thus rendering those databases unreliable and essentially meaningless as a management information tool.

6.1.4 DOJ and other ACSO managers do not appear to consistently and regularly review incident reports, use of force reports, and grievances as a means of identifying issues that need to be addressed. In general, there is no system in place that allows top administrators to identify and remedy systemic deficiencies. The culture of the DOJ is one that holds individual staff accountable for misdeeds, but does not necessarily look to address “big picture” concerns.

Although much information about the state of the Jail can be gleaned from grievances, incident reports, and use of force reports, top administrators do not routinely look to these documents as a management information and quality assurance tool. Regular reviews by top administrators would serve to provide a final quality check on individual reports and also would allow managers to obtain useful information on significant trends and patterns. As just one example, the Office of Professional Standards does not review grievances in a proactive effort to identify concerns or to assist in its accreditation and auditing functions.

As we reported earlier in this document in Finding 4.2.1, more than 60 use of force reports that we randomly selected had not received review sign-offs by top-level jail officials, contrary to Agency policy. The failure to review these documents is a breach of the Agency's formal culture, and indicative of an informal culture that does not adequately value the importance of quality assurance.

This informal culture is also revealed in the apparent lack of a system for identifying and correcting systemic deficiencies of the kind that can lead to tragic incidents. For example, although the inmate and staff involved in the Jackson incident were disciplined appropriately, there was no effort made to formally modify policy or training deficiencies that led to the situation⁴⁵ (e.g., poor classification practices; too much discretion in the hands of housing officers to make cell assignments; too much power on the part of individual inmates; failure to record housing changes or file incident reports). Without systemic reviews, it is hard for DOJ managers to assure stakeholders that such incidents would not re-occur. Again, this suggests that the culture of the Agency is one that focuses on individual accountability and does not fully consider the possibility of systemic problems.

This point ties in with our earlier observation that the Agency has not been responsive to the recommendations made by outside reviewers.

6.1.5 The DOJ does not have a fully effective contract monitoring system in place for two important services—health care and food services—that are contracted out to private vendors. We also note that there are significant concerns about the quality of these services, which ought to warrant additional attention to contract monitoring.

Any time an agency elects to outsource one of its key functions, a system should be put in place to ensure accountability with regard to the provision of that service. Absent an effective contract monitoring system, there is no assurance of quality services.

⁴⁵ In fact, an OPS Investigator did point out several of these policy-related issues in the investigation reports, though those observations apparently did not receive any follow-up attention.

As was discussed in the earlier section, DOJ contracts out both medical care and food service. Not only do we have concerns about the quality of both of these services, but inmates and staff alike register frequent and consistent complaints about food and medical care at the Jail. Although staff assigned to monitor these contracts are aware of these complaints, the concerns should generate a more comprehensive review of services and demand for performance measures.

Contract monitoring for food services compliance is a work in progress. The Contract Monitor has not received formal training in contract administration/monitoring, food services safety and sanitation, or state licensing requirements for food services. Moreover, the contract monitor does not have adequate documentation tools to use as guidelines for inspections, nor does the monitor appear to have a clear understanding of his authority and limitations in this role.

There is a separate monitor for the health care contract. The monitor's primary functions are: responds to or provides oversight of inmate medical complaints; reviews records to determine compliance with timely initial screenings, 14-day mental health assessments, and 14-day physical health appraisals; ensures that chronic care is provided as required; and ensures that clinical notes and medical authority signatures are in the record, inmate refusal of care is documented, and medical records formats are followed. Unfortunately, given the scope, complexity, and crucial nature of the health care contract and the current lack of responsibility placed on the vendor to report on its own performance, we believe this level of monitoring is not sufficient to ensure compliance with the contract.

Effective contract monitoring is one of the most important aspects of quality assurance in correctional agencies, and the experiences of many prisons and jails around the country can attest to the dangers of allowing a private vendor to operate with insufficient oversight.

6.2 Grievances

6.2.1 The DOJ's inmate grievance system appears to be a genuine and meaningful effort to resolve individual inmate concerns. However, there is no effort made to collect or analyze inmate grievance data and use the grievance system as a management information tool to identify problem areas or issues within the Jail.

The inmate grievance system is managed by a staff person in the Classification Department (the grievance coordinator), who refers complaints to the relevant departmental supervisor for a response. The process appears to run efficiently and inmates are typically provided with substantive (rather than

perfunctory) responses to their complaints. It appears that genuine efforts are made by the departmental supervisor to look into the inmate's complaint and to address the issue wherever possible, though naturally the quality of the response varies among individual department heads. To the DOJ's credit, a relatively large number of grievances were found to be legitimate and the grievances appear to have been resolved appropriately.

Grievances are typically responded to within 30 days, and there is a tickler system in place to identify outstanding responses. It should be noted, however, that 30 days is longer than either necessary or appropriate in many cases, especially when urgent medical needs are involved. We observed with concern that medical complaints routinely take two to three weeks to resolve, by which time the complaint may be moot. We also spot checked and found similar response times with food related grievances.⁴⁶ Inmates often complained about these delays.

The DOJ's grievance system is better than many we have reviewed in other correctional agencies. As a method of responding to the concerns of individual inmates, it is reasonably effective, and does not appear to be biased against the inmates. Nor do staff responding to the grievances appear to be looking for an excuse to avoid a substantive response.

The primary weakness of the grievance system lies in the fact that there is no systematic approach to collect or analyze inmate grievance data and compile it for use as a management information tool. For example, the tracking system is no more than an on-line log recording the filing and answering of a complaint. There is no monthly or annual summary of the types of complaints received, or even the number of complaints overall. There is no way short of a hand-calculation to determine the average time it takes for a grievance to receive a response. Nor are the grievances reviewed at a high level for informational purposes. This is a missed opportunity for administrators to systematically identify and respond proactively to patterns of complaints, and to keep abreast of inmate discontent.

Another concern is that the on-line tracking system is vulnerable to tampering, since there is no feature on SMARTCOP that limits access to the grievance coordinator. Similarly, we noted that there are no lockboxes in which inmates can place their completed grievance forms. Grievances are simply handed to officers for delivery to the grievance coordinator. The grievance system as it currently works does not promote confidentiality, and there is no assurance that the complaints actually reach the grievance coordinator, which often results in multiple submissions by inmates for their original concerns and consequently impedes the efficiency of the response system.

⁴⁶ Responsibility for the direct response to medical and food grievances lies with the private vendors, although this should be an element of the DOJ's contract monitoring efforts.

6.3 Investigations

6.3.1 The Sheriff's Office has excellent institutional capacity to conduct investigations of serious staff misconduct. The Office of Professional Standards (OPS) appears to be professionally run; the investigators have good credentials; and the investigatory reports we reviewed reflected competent and appropriate investigatory skills. OPS's statistical files provide a rich source of management information.

The OPS appears to be very professionally run, and we have confidence in the office's ability to adequately review problems coming to its attention. The investigations we reviewed were handled competently; the relevant parties were interviewed and leads pursued; and files were well-kept. As with every internal affairs entity, investigators often find staff nervous about speaking with them and reluctant to come forward with information; however, this gives investigators a healthy dose of independence and allows for more objective investigations.⁴⁷

We were especially impressed by the extent to which cumulative annual data is analyzed by the OPS and made available for review by top administrators. OPS produces an annual report that provides excellent and easy-to-interpret information about the types of charges they investigate and the numbers of cases in each category; compliance with disciplinary guidelines; and demographic characteristics of staff charged with and disciplined for various offenses. Although law enforcement and the DOJ are both included within the database, the system is designed to allow officials to separate the relevant data by division of the Agency. This kind of data is crucial when it comes to the Agency's ability to assess itself and self-correct for any problems it finds.

6.3.2 There is no system in place for ensuring that all complaints relevant to officer misconduct are referred to OPS for investigation. There is no coordination between the grievance and OPS systems, creating a gap that should be addressed.

The majority of investigations handled by OPS involve cases referred by supervisors and involve dereliction of duty on the part of a staff member; the remainder of cases involve formal complaints typically initiated by someone outside the Agency (e.g., a relative of the inmate involved). Few if any cases begin with a complaint by the inmate.

⁴⁷ We did receive one particular complaint alleging a lack of objectivity on the part of OPS. This situation involved a staff member who had had an altercation with a supervisor. The disciplinary case was assigned to an investigator whom the employee believed to be biased against him due to a prior public disagreement. Although it may not have been wise to have assigned this particular investigator to this case, in fact, special precautions were taken to ensure fairness and the disciplinary case was resolved in a manner that largely gave a favorable outcome to the staff person who was concerned about bias.

Unlike many correctional agencies, the DOJ does not have an explicit triage system for dealing with inmate complaints. The grievance system and the OPS investigations system run on two entirely different tracks, whereas they should be seen as complementary processes. The grievance system is really designed to deal with less serious complaints, while more serious allegations by inmates—including claims that involve staff misconduct—should be handled by OPS.

There is not an adequate formal system for ensuring that appropriate grievance complaints relevant to officer misconduct are referred to OPS for investigation. Consequently, there may be inmates' complaints about officer misconduct that are filed as grievances (and we found several) that never come to OPS' attention. This is not to say that these grievances are overlooked and that supervisors assigned to handle the grievances do not assess their legitimacy; indeed, a supervisor assigned to respond to the grievance may well decide to refer the allegation to OPS. But there is no guarantee that an inmate grievance about staff misconduct will ever reach the attention of investigators.

Neither the grievance system nor the OPS investigation system offers cumulative information on staff who may have committed more than one offense, a pattern that may require some higher-level review.

6.4 Staff Disciplinary Process

6.4.1 Accountability is demanded of staff at all levels, as evidenced by numerous disciplinary actions taken against staff for failure to comply with established policies and procedures. There are clear disciplinary guidelines in place, and the sanctions prescribed for infractions appear to be appropriate for the seriousness of the charges.

Supervisors appear to be attentive to serious lapses on the part of staff, and they can refer to OPS any allegations of staff misconduct or failure to follow directives. Complaints along these lines can also be made by members of the public, and in theory, inmates can also refer allegations about staff to OPS, although this does not appear to be a frequent occurrence. Numerous staff members are disciplined each year for failing to comply with established policies and procedures. Misconduct appears to be taken very seriously by management, given the types of disciplinary sanctions that are employed. Actions are taken against supervisory and high-level staff, as well as against front-line staff. This is a system that, by all appearance, demands accountability and professionalism of all staff.

The ACSO has established disciplinary guidelines that prescribe the recommended sanction for each type of violation. In general, we observed that charges were grouped appropriately according to their levels of seriousness. We

note, however, that the guidelines may send a mixed message about the dangers inherent in a “code of silence,” because the charge of “Failure to report official misconduct” is only considered a Level 3 disciplinary violation, akin to being AWOL. If the Agency wishes to reinforce the fact that cover-ups of officer misconduct will not be tolerated, then this offense should be treated as a more serious violation.

6.4.2 The sanction guidelines are an excellent tool to ensure that discipline is consistent and fair. However, frequent downward departures from the guidelines and reductions in recommended sanctions undercut the goal of consistency and contribute to a perception of unfairness.

The disciplinary guidelines are designed with a highly sophisticated and impressive structure in place for ensuring that appropriate sanctions are meted out for staff misconduct or for failure to follow Agency policies and procedures. Although there are wide ranges of potential sanctions, this system is designed to ensure a reasonable level of consistency among disciplinary actions. The guidelines use a point structure to take into account prior disciplinary history, and those points evaporate after a certain number of years depending upon the seriousness of the prior offense. This is a very sensible and well-thought out structure. However, an informal culture has developed that is in conflict with this formal approach to discipline, when we consider how this disciplinary sanctioning system works in practice.

The Sheriff, who makes the final determination about the disciplinary sanction, departs downward from the guidelines in a surprisingly high number of cases. For the ACSO as a whole, roughly 21% of disciplinary actions in 2004 resulted in a downward departure; at the DOJ, that figure is approximately 11%. There was only one case last year in which the imposed sanction was above guidelines, and that case involved a Jail employee.

Even where the sanction falls within the guidelines, the Sheriff typically imposes a sanction lower than what is recommended by his senior managers, including the Jail Director.⁴⁸ We were given estimates that the Sheriff departs downward from the recommendations of his staff in 35-50% of cases (even though the ultimate sanction employed may still be within the guidelines range). These senior staff people may have a better sense of the seriousness of the misconduct and whether the staff person is deserving of significant punishment. This practice could also undermine these managers’ authority and diminish them in the eyes of their subordinates.

⁴⁸ However, there tended to be agreement in those cases that warranted a termination. Each of those termination cases either involved a serious breach of Agency policies and procedures or involved outside criminal conduct (e.g., a DWI, drug use, or domestic violence offense) that would result in an officer’s loss of certification under Florida’s corrections accreditation rules.

While these departures may or may not have been justified, there is no way to tell because there is no record of the Sheriff's rationale for lowering the sanction from that called for by the guidelines or recommended by top DOJ managers. There were consistent reports from staff that the Sheriff "has a big heart" and is very compassionate, and he will often lower the sanction when requested to do so by the staff person involved. While this may be admirable in many ways, it tends to lead to a perception of unfairness on the part of other staff and a charge of disparity, the very thing the guidelines were intended to protect against. Indeed, there was even a lawsuit about this issue.

Two final points of note relative to OPS's role in the disciplinary process are as follows: the Chief Investigator of OPS recommends a disciplinary sanction to the Sheriff, and OPS issues a notice to the employee indicating the sanction that the Sheriff intends to impose. Both of these practices could lead to a perception that OPS is something more than just a neutral fact-finder, and could contribute to staff unease with OPS investigators.

RECOMMENDATIONS

1. Additional staff resources should be dedicated to the effort to review and address discrepancies and weaknesses in DOJ directives as well as those that have Agency-wide applicability.
2. The DOJ or OPS should be charged with the responsibility of developing and implementing an internal directives self-audit program, with a certain number of directives audited each quarter. These audits should assess the degree to which actual operations comport with policy and procedures, evaluate compliance with applicable standards, and determine whether there are opportunities to improve upon compliance and/or the procedures themselves. The New York City Department of Correction and the District of Columbia Department of Correction are two local jail systems that have implemented sound audit programs of this type.
3. Weekly or bi-weekly inspections should be team efforts led by the Director, accompanied on occasion by the Sheriff, and the team should include both executive-level administrators and facility managers. The team would inspect and meet with staff working in each housing pod. The benefits of this type of inspection process are many. First, it makes the Sheriff and Director more visible and ensures that they have planned opportunities for comprehensive inspections. Second, it allows housing unit staff to discuss issues with representatives of each facility component with executive-level staff hearing the issue as well (e.g., line staff reporting that maintenance staff have failed to respond to a broken cell door for an extended period of time). Third, it helps to meet any applicable standards that require ongoing facility inspections.

Fourth, it allows staff at all levels to share common definitions of how a “clean” and “well-functioning” housing pod area should appear.

4. Weekly inspections by top managers must be done in a manner that is less perfunctory and more disciplined and focused. Inspections should note physical plant concerns, sanitation and hygiene issues, inmate concerns that were brought to the attention of the commander, staff concerns brought to the commander’s attention, and follow-up issues from previous inspections. We recommend a checklist type of inspection form be developed to guide those inspections in lieu of the current open-ended format. At the same time, upper level DOJ staff should not accept and sign off on perfunctory reports as they presently do.
5. A system needs to be developed to guide and prioritize the review of incident reports by middle and top DOJ managers. Incident reports should be reviewed by different managers depending on their seriousness. For example, the Director of DOJ should be reviewing all incident reports that involve use of force, inmate or staff injury, or some significant incident, while the administrative captain or Bureau Chiefs should review all incident reports. Reviews should involve a sign-off on the substance of the report and should identify any follow-up that must occur in terms of training, potential discipline, or other administrative actions.
6. DOJ should require monthly, quarterly, and annual reports of all inmate grievances filed during that time period, breaking down the information by type of grievance, numbers of grievances in each category, demographics of the inmates filing the grievances (e.g., gender, race, and housing assignment), and outcome of the grievance. Top DOJ managers should review these reports with an eye towards any potential patterns that may exist.
7. The DOJ would benefit from developing a system that ensures that grievances about officer misconduct are immediately routed by the grievance coordinator to OPS for review and investigation.
8. Locked boxes should be installed in housing units with access limited to the grievance coordinator. This will help establish an expectation of confidentiality on the part of grievants, and will help ensure that grievances are actually delivered to the coordinator.
9. The Sheriff should make disciplinary decisions within the guidelines established by the employee disciplinary code unless there are compelling and overarching reasons to depart from them. The rationale for all departures from the guidelines should be documented in the employee’s disciplinary record and the OPS investigation files.

10. Although disciplinary decisions properly and ultimately lie with the Sheriff, to the extent possible, the Sheriff should try to avoid deviating from the recommendations of top DOJ managers. This practice would enhance overall staff morale, reduce risk management concerns, and show support and confidence in top DOJ managers.

11. Notices of intended disciplinary action should be issued by the Sheriff rather than by OPS, in order to avoid staff confusion about OPS's role in disciplinary decisions. Moreover, OPS investigators and supervisors should not be making disciplinary recommendations to the Sheriff. This compromises their position as neutral investigators.

12. Directive # 353-Standards of Conduct and Violation levels, should be modified so that failure to report a level one misconduct would, in and of itself, be a level one misconduct, failure to report a level four misconduct would be a level four misconduct, etc. This would serve to reinforce the Sheriff's clear policy and emphasis concerning staff integrity.

13. To relieve the DOJ staff of some of the burden of monitoring the health contract while at the same time enhancing the quality of monitoring, First Correctional Medical (FCM) should be required to report on performance indicators pursuant to provision 2.10 D of the contract (provide daily, weekly, monthly quarterly and annual reports as specified by the Sheriff's office). FCM should be required to submit reports with data relative to contractual performance indicators, such as: length of time to complete 14 day-history/physicals, length of time between request for sick call, triaging and being seen, length of time between confiscation of medications at admission and resumption of medications after review by medical staff, length of time to respond to grievances, and other issues that may be the subject of frequent complaints by inmates or otherwise be a concern to DOJ contract monitoring staff. Contract monitors should then expand the scope of their current spot audits to confirm the data reported by the vendor.

14. DOJ should identify training opportunities and available resources for staff serving as contract monitors in order to enhance their skills and the efficacy of contract monitoring activities. While there may be some costs associated with this, the risk management and fiscal consequences of not effectively monitoring these two contracts are substantial.

7. MORALE

7.0 Morale at the Jail is reasonably high, though there are pockets of discontent. The Sheriff clearly has the respect and support of the vast majority of his staff. However, there is a somewhat vacillating level of morale on the part of middle and line staff, due primarily to persistent, but mostly inaccurate, perceptions about certain staffing issues at the Jail, specifically the impact of the physical agility test, perceptions of favoritism on the basis of race and gender, perceptions that the staff disciplinary guidelines are applied unequally, and perceptions that there is organizational favoritism to law enforcement. We carefully reviewed each of these concerns on the part of staff and did not find these concerns to be justified for the most part, but we do believe the underlying concern about morale needs to be addressed, if only by debunking the myths and elucidating the facts surrounding these issues.

7.1 *Morale in General*

7.1.1 At the upper supervisory levels of DOJ, morale is quite high. There is strong respect for the Sheriff, and a consistent belief that he sets the tone for the Agency. There is general agreement that he has created a far more positive environment than existed prior to his stewardship. At the same time, staff feel beleaguered by the continued external focus on the Agency in the wake of a few well-publicized incidents that have occurred in recent years.

The staff members we interviewed feel that there is a commitment to professionalism, to compliance with standards and policies, and to quality services. There is a sense that expectations are high for staff, but that there appears to be reasonable tolerance for mistakes as long as truthfulness is paramount. Even among those staff who do not share the Sheriff's political beliefs, there is support for many of the changes he has brought to the Agency. Staff feel a great deal of loyalty to the jail and indicate that they pour a lot of their energy into their jobs rather than simply "putting in their 12 hours and going home."

Staff at all levels understandably share a sense that they have been "beat up" a lot in the past two years and they feel under constant scrutiny. This has certainly been a morale deflator. While there is residual fallout from such incidents, morale has improved significantly recently as evidenced, in part, by the fact that staff are not taking off their duty uniforms when leaving work out of shame, as was the case for quite a while in the aftermath of these incidents.

As previously mentioned in section 6.4.2, one remaining issue that has served to deflate morale is the fact that the Sheriff often departs from the

recommendations of his top managers when it comes to employee disciplinary actions.⁴⁹

7.1.2 Among mid-level and line-staff, morale is also reasonably high, with the exception of concerns expressed about certain staffing practices. There is a clear schism between a relatively small number of employees who are vocal in their discontent, and the majority of staff who believe strongly that the Sheriff is doing a good job relative to the prior form of jail management.

Staff morale remains high from all appearance. Staff care about the meaning of their uniforms and the service they provide to the public. Notably, the number of staff grievances filed in 2003 and 2004, two and four respectively, is extremely small for an organization of this size. These grievances cover all employees of the ASO, not just the DOJ. Four of the grievances were related to performance evaluations, one was related to the ability to test for a promotion, and one was determined to be a non-grievable issue. It should be noted that not one of these grievances originated at the DOJ.

However, there has been some tension surrounding the issue of unionization. While the majority of staff initially voted for a union in 2003, suggesting some level of discontent, a year of unsuccessful contract negotiations and questionable union demands led to staff voting for decertification after a one year period. It appears that unionization has been ardently supported by a small but vocal group of staff members, who continue to attempt to raise issues about the Sheriff's leadership. The specific areas of discontent will be discussed in detail below.

As a cultural dynamic, it is interesting that core union supporters complain that the Sheriff has said that staff at the Jail today, in contrast to the past, "have a voice but not a vote."⁵⁰ In fact, this may be the most appropriate leadership approach for a uniformed correctional agency; it is not and should not be a democracy, even though a full and fair exchange of information and views is desirable. The Sheriff, as the elected head of the Agency, should empower staff by providing them with an opportunity to participate and offer and have their input taken into consideration, but in the end, the Sheriff should be the decision-maker, regardless of popular views. The two incongruent views within the Agency about where power should lie have led to what can only be described as a cultural clash. In the past, the Jail had an Advisory Committee that brought together jail employees to address issues of concern; this entity has been dormant for quite a while, however, which has eliminated a forum for addressing some of these concerns.

⁴⁹ This issue is addressed more fully in section 6.4 of this report.

⁵⁰ Current and former staff who worked in the jail many years ago articulated the view that the union existing at that time had a disproportionately high degree of say in how the jail was managed.

As was mentioned earlier in section 6.1.2, we heard consistent reports from staff at all levels about a lack of visibility by top management staff within the Jail and from the Office of the Sheriff, which they perceive to be a lack of basic courtesy and respect for the staff.

7.1.3 The Sheriff has a full array of formal employee recognition mechanisms that are generally perceived well by staff, although these mechanisms appear to be tilted very much toward law enforcement personnel over corrections staff.

ACSO Directive 316 addresses awards and recognition and states the policy as follows:

The ACSO shall formally recognize outstanding performance of duty, acts of heroism and continuous years of service by ACSO employees and reserve deputies and outstanding law enforcement related services by citizens.

Throughout the Jail we observed supervisory employees with plaques that they received from the Sheriff for various reasons, and photographs of employees being congratulated by the Sheriff and/or DOJ Director for years of service recognition. This type of recognition clearly is well-intentioned and potentially valuable, and it is to management's credit that efforts are made in this regard.

Careful reading of the directive, however, suggests that there are many more opportunities for deputies and even citizens to receive awards than for DOJ personnel, and several of the awards specifically speak to law enforcement acts or the kinds of activities that are more likely to occur in patrol situations.⁵¹ Although we have no reason to suspect that this is anything but unintentional, this nevertheless could lead to a perception that DOJ staff are less highly valued than law enforcement officers.

7.2 Diversity Issues

7.2.1 The DOJ is not an organization plagued by racism. We found no pattern or evidence or even serious complaints suggesting that employment decisions were made on the basis of race or even that racist attitudes were pervasive. We found to be completely without merit virtually all of the "facts" or cases that are consistently and publicly cited as evidence of racism within the Agency.

⁵¹ This directive was published in 2002, four years after the jail was taken over by the Sheriff.

The Sheriff and top-level administrators appear to be supportive of diversity. At the same time, however, line staff overwhelmingly reported the perception of racial disparity, and cronyism in discipline and promotion. In contrast, most of the higher-level administrators did not believe that racial tensions were a significant issue at the jail. A few noted that while some adverse decisions/actions are attributed by line staff to racism, in fact, the underlying issues were all performance-related in these specific cases.

We heard from long-time employees that the racial situation is significantly improved from a decade ago. The racial tension back then was described as “so thick you could cut it with a knife.” In contrast, the environment now is described as healthier and less polarized.

Among the claims we investigated were charges that African-Americans and whites are treated differently in the staff disciplinary process. One of the cases frequently cited in support of this allegation involved a high-ranking white administrator who had charges dropped on a case involving use of drugs, while an African-American officer was terminated for similar conduct. On closer examination, however, we discovered that the white administrator was in fact subjected to a higher-level criminal investigation than the African-American officer, who faced only administrative investigation; this was done explicitly to avoid any appearance of impropriety. Moreover, the facts were not equivalent: the white administrator was found to have not had the intent to use his wife’s prescription cold medication (thus explaining the “not sustained” outcome of the case), while the African American officer who was terminated for drug use was confirmed to have smoked marijuana, an illegal substance. Further dispelling any notion of racial bias is the fact that a similar case against an African-American deputy for use of his wife’s medication was also “not sustained” following an OPS investigation.

There is also a frequently stated perception that disciplinary actions taken against officers at the jail are inconsistent and racially-biased. In an earlier section of this report, we addressed the staff disciplinary process and the Sheriff’s frequent deviations from the disciplinary guidelines. However, we found no pattern of deviations from the guidelines on the basis of race. In 2004, two of the three downward departures involving sworn Jail staff benefited African-American males. For the Agency as a whole, there was a somewhat greater percentage of white employees benefiting from downward departures, but the differences with regard to these figures are not at all significant. We have a separate concern about the fact that the justifications for these deviations are nowhere made clear in the disciplinary record, but by the same token, there is no evidence that the Sheriff made any of his determinations taking racial factors into account. We also found no indication of any racial disparities in the frequency with which cases are sustained against minority employees either at the DOJ or in the Agency as a whole, in either 2003 or 2004.

7.2.2 Although there was no overt evidence of intentional discrimination or even discomfort with race relations, it appears that some of the facially neutral policies at the Jail are having a disparate impact on minority and female staff members, especially as it relates to promotions and CERT team membership. This has had a demoralizing effect on the affected employees.

Of 264 employees at the DOJ in February 2005, 147 (55.7%) were males and 117 (44.3%) were females. There were 106 minority staff members (40.2%). Yet there are no minorities or women in the top four positions in the Jail, and only two women (both unsworn) and two minorities at the bureau chief and shift commander levels (out of eight total positions). Among uniformed staff, no female is at a rank higher than Sergeant. Not surprisingly, it leads to a perception that there is a lack of interest in promoting females and minorities working at the Jail, and female employees frequently indicated that they see a glass ceiling when they consider their chances for advancement. Some females expressed hesitancy to pursue advancement perceiving it is a “good old boy” network from which they are excluded.

Despite the troubling statistics, we found no indication that race was an explicit factor in any of the decisions made in promotions. The Sheriff and his staff can point to performance justifications for all of his hiring decisions.

The recent appointments of African-American males to two of the highest and most critical positions in the Agency--Chief Deputy (the second-highest post within the Agency) and Patrol Bureau Chief may help dispel some concerns about the lack of opportunities for minority staff.

Another way in which apparently neutral criteria may result in a disparate impact on women has to do with the department's Cell Extraction Response Team (C.E.R.T.), which currently has no women members. Our interviews with key staff and our review of relevant documentation reveal that no female officer has ever passed the test requiring candidates to run one mile in 10 minutes. We have difficulty seeing this standard as a legitimate bona fide occupational qualification of serving on the CERT team. Whether or not this is the intention of the test, it appears to impose an artificial barrier for women interested in this area of specialized training and skill development opportunities with the DOJ.

A perception of racism or favoritism may be bred by the fact that guidelines and criteria for making important staffing decisions are either not made clear by administrators or are not routinely enforced. For example, the Sheriff's practice (described more fully below) of making all decisions about civilian promotions and promotions of sworn staff above the rank of lieutenant without any formal interview processes or screening committees, leads to employee perception problems and charges of favoritism. The negative impact

of these practices has helped create a culture in which some non-whites and women do not feel valued by the organization.

7.3 Physical Agility Test

7.3.1 Staff perceive that the Physical Agility Test has resulted in a number of terminations of long-term, older employees, and this has been a source of much consternation within the Agency. However, the perception is entirely unjustified, because no employee has been terminated for failure to pass the test.

When the Sheriff assumed responsibility for the DOJ in 1998, he made clear that a physical agility testing (PAT) program for DOJ sworn staff would be developed and implemented and made a condition of continued employment. After a three-year phase-in period, semiannual PATs began to be conducted in July 2003. The test was designed to be passed by approximately 95% of participants. During the phase-in period, the ACSO made extraordinary efforts to support staff and enhance chances of success by providing staff with access to nutritionists, fitness equipment, incentives, and access to the course for “on your own” practice, in order to help them prepare for this new requirement. Policy provides that those who fail the PAT for non-medical reasons have 30 days in which to rectify the deficiency and pass the PAT. Employees who fail the retest after the 30-day period are relieved of sworn duty status and are temporarily assigned to a non-sworn duty assignment (with no change in pay or benefits). If after sixty days from the date of the reassignment, the employee is still unable to pass the PAT, administrative action is taken. Administrative action may range from permanent non-sworn assignment (if a position is available), with all employee pay and benefits adjusted accordingly, up to and including termination.

There is a widespread belief that employees have been terminated for failing to pass the PAT in the required time. We were provided with the names of several individuals for whom this was alleged to have been the case. We reviewed the personnel records for each of these individuals, and we also reviewed all terminations since 2003. We found no documented evidence that any employee was dismissed for failing to pass the PAT. With 264 employees in the DOJ, there were a total of 19 terminations for the period 2003-2004: 14 were for policy violations and 5 were for medical reasons relative to the employee’s ability to perform the essential functions of his/her position. These cases typically involved situations in which the employee was on temporary restricted duty (TRD) due to a medical condition and was unable to return to his/her position in full duty status; was on TRD for a lengthy period of time and was unable to participate in the PAT at the time or in the foreseeable future; or was declared permanently unable to perform the essential functions of his/her position. In all cases where an employee was terminated due to his or her inability to perform the essential functions of the position, he or she was offered

the opportunity to apply for other available positions within the ACSO/DOJ for which they qualified. All declined to do so.

It is also the case that large numbers of staff have passed the PAT easily and many have been awarded incentives as a result of passing the PAT within specified times. The PAT appears to be a positive mechanism for ensuring that staff maintains optimum health status, which enhances both staff and inmate safety within the DOJ. The fear that the PAT would detrimentally impact older, veteran staff has not materialized; in fact, many older staff outperform younger staff in completing the PAT.

This is a good example of a situation in which the Jail has a cultural lore that simply is not supported by the facts. But it is also the case that the Agency has done little to combat this misperception about the PAT that has been so damaging to staff morale. For example, the Training Bureau—which keeps excellent documentation about this issue—has not published results of the PAT, which would be one way to dispel the rumors surrounding both the difficulty of the test and the consequences of failure. Moreover, we were even incorrectly told by some supervisors that staff had been terminated due to their inability to pass the PAT.

7.4 Promotions

7.4.1 Promotions to the rank of Sergeant or Lieutenant are objective, with mechanisms for fairly measuring potential candidates in light of job-related qualifications providing for the likelihood that the most highly qualified individual will be selected for promotion. However, promotions to the rank of Captain and higher are at the sole discretion of the Sheriff and give the appearance of being tied to nebulous factors other than merit, correctional expertise, and experience. This practice further influences staff perceptions that favoritism is rampant.

For each anticipated sergeant or lieutenant promotion, a subject matter expert group assists the Human Resources Board in developing the promotional testing process. Elements of the process may include role-playing sessions, oral board interview, written examination, review of a candidate's personnel file, proficiency demonstration, and/or work experience. All elements used to evaluate candidates for promotion are job-related and non-discriminatory, and tests are validated in an appropriate manner, whenever possible. Outside sources help in the administration of the promotional process. Candidates who successfully complete the promotional process are placed on an 18-month eligibility list for consideration when a position becomes open. The Sheriff makes selections from within this group, typically after consultation with the appropriate command staff.

In contrast to this objective system for lower-level promotions, promotions for middle- and high-level supervisory positions are handled in a more informal manner, albeit one that is not uncommon in both public and private sector organizations. At this time, staff members are not invited to apply for these posts; rather, the Sheriff will identify good candidates, call them to his office, and promote them without benefit of a formal process. This can result in staff feeling left out, and suspecting that performance and merit are not fairly considered. In an Agency or department such as this where rumors often carry the weight of truth, this practice influences staff perceptions that favoritism plays a large role in decision-making and that the “chosen ones” are considered “in” once they pay their dues. We heard staff say that the favored groups include those who are campaign contributors, hunting and fishing buddies of the Sheriff, regular informants who report back to management on activities within the jail, or even part of a smokers’ clique where strong relationships are built as employees and managers who smoke get the opportunity to mingle more often. Many staff, particularly those who worked under the old administration, believe that this non-competitive practice imposes a barrier to their opportunities for advancement.

Similarly, a significant number of detention officers reported that they believe shift and duty assignments are also based upon favoritism. They point out that certain assignments could end up limiting their opportunities to cross-train and thereby competitively enhance skill development and promotional opportunities. Perceptions pervade that the undesirable assignments are being used as an informal means of punishment by management. Some staff also perceive that a system needs to be established in order to effectively track job assignments and rotation as a means of ensuring fairness while minimizing stress and related problems associated with the need for job/task variation. Claims of demoralization, whether factually supported or not, will persist to the detriment of the organization’s mission if the issue of favoritism is not successfully resolved.

7.5 Relationship between Jail and Law Enforcement Functions

7.5.1 There is a widely-shared, and to some degree valid, perception that there is organizational indifference to the DOJ, and that Jail staff are not accorded the same respect as the law enforcement side of the Agency.

As was previously discussed in this report, the jail is subsumed into what was historically a law enforcement agency and there is a dominant culture that both in perception and in fact favors the law enforcement side of the operation. Indeed, many people within the Agency refer to the non-jail side of operations as the “ACSO,” to distinguish it from the DOJ. Many important functions of the Agency appear to be tilted toward law enforcement over corrections. Some examples are provided below, and many of these are discussed more fully elsewhere in this report:

- Myriad administrative policies and procedures are geared to law enforcement and do not address DOJ needs;
- Jail staff are required to be familiar with all ACSO directives, while law enforcement personnel are only required to know those that pertain to them;
- A disproportionate amount of training is geared towards the law enforcement side of the Agency;
- Two of the four top DOJ positions are filled by persons who were promoted from law enforcement positions outside the DOJ;
- Budget cuts most often adversely affect the Jail;
- The Jail usually gets equipment that is law enforcement surplus, if it acquires any such resources at all. For example, there is only one car for the Jail's use and it is surplus from worn-out law enforcement cars. Moreover, all law enforcement Bureau Chiefs have cars, while four DOJ Bureau Chiefs do not;
- Jail staff have less input into Agency planning and budgetary processes than their law enforcement counterparts. Whereas all law enforcement Bureau Chiefs participate in budget meetings, only one DOJ representative is allowed;
- The Communications network differs between DOJ and the rest of the Agency, and as a result, DOJ is excluded from access to significant management communications.

Given these types of issues, it is not a surprise that so many staff describe the Jail as the “red-headed stepchild” of the Agency, whether or not this perception is true. Much resentment revolves around this perception.

7.6 Pay Parity and Disparity

7.6.1 The Sheriff has been able to achieve pay parity between sworn DOJ staff and sworn law enforcement officers. This has been received extremely positively by Jail staff and has helped reduce complaints about the Jail's perceived second-class status within the Agency.

The fact that there is pay parity between jail and law enforcement positions is something for which the Sheriff and the BOCC are to be congratulated, especially as this important accomplishment is somewhat

uncommon across the country.⁵² In spite of the other factors that favor law enforcement detailed above, the fact that the Sheriff made this a priority sends a very positive message about the equal value of corrections and law enforcement.

One comparatively minor pay disparity existed in the training arena until just this month. Up until May 2005, law enforcement field training officers (FTOs) received \$50 per pay period to train probationary staff, while those DOJ FTOs who are paid received half as much. That discrepancy has now been remedied. Nevertheless, some DOJ staff expressed resentment about the fact that some other DOJ FTOs receive no compensation at all for their work, due to an insufficient number of authorized DOJ FTO slots.

7.6.2 There is a significant pay disparity between sworn and unsworn staff pay, a gap that has generated morale problems among the non-sworn staff, who are predominantly female.

At the same time that the Sheriff has emphasized and established pay parity for sworn personnel, he has apparently not addressed the salaries and pay ranges/grades of non-sworn personnel. Non-sworn personnel wages were not proportionally adjusted at the same time as sworn personnel wages were, resulting in greater disparity than before between the two groups. There has been no formal Agency-wide effort to upgrade the pay grades for non-sworn personnel.

We also heard numerous complaints from non-sworn Jail staff that they feel undervalued when compared to their law enforcement counterparts.

In short, the culture is one that seems to favor sworn staff throughout the Agency, a probable holdover from the time when law enforcement was the Sheriff's primary function. The Agency also rewards security functions over treatment and programming functions, a clear reflection of the values of the Agency. Non-sworn staff are disproportionately female (84% of non-supervisors and 90% of supervisors), a fact that may contribute to the perception that women are undervalued by the Agency.

7.6.3 There have been other concerns raised about compensation by Jail staff that have not been adequately addressed by management. The culture has not supported effective communications between management and rank-and-file officers on this and other issues.

There are three other complaints regarding compensation at the Jail that are generating a significant amount of resentment. The first is that there is a

⁵² The current pay plan actually shows DOJ sworn officers at a lower pay scale than their law enforcement counterparts. This is accounted for by the fact that the Sheriff was unable to grant cost of living increases pending negotiations with the union during 2004. We were told that the current disparity would now be remedied, although not retroactively.

troublesome pay disparity within the sworn DOJ rank-and-file. Detention Officers with five or six years' tenure are making comparable or even lower wages than newly-hired probationary Detention Officers. The second is that there is no paid shift differential for evening/night shift personnel. The third is that staff do not get paid a premium for providing translation services as needed for Spanish-speaking inmates. It is uncertain whether the failure to pay such a differential for this work is a standard practice within Florida, but it is certainly a contentious issue among many staff. For those staff members who are disgruntled by these current realities, it helps create a perceived need for a union to address issues of fair and equitable compensation consistent with other jurisdictions and industry standards. Management does not appear to have established reasonable communications to clarify and quell the dissent over its position on this matter.

RECOMMENDATIONS

1. Communication between the Sheriff and Jail staff needs to be improved to decrease the negative impact and frequency of unfounded rumors that color staff's perceptions. To the degree that is it lawful and appropriate, the Sheriff needs to shed light directly on personnel actions that have contributed or may contribute to staff dissension.
2. The Sheriff should enhance the opportunities for staff to have a voice, especially now that the collective bargaining effort has ended. The currently dormant Jail Advisory Committee could be resurrected and formalized in directives; if the Jail Director attended meetings of this group, and at times the Sheriff attended as well, it could provide a means to improve communication flow and to respond to distorted stories and allegations.
3. The Agency should select captains and non-sworn supervisors through a comparable process to that currently used to select sergeants and lieutenants. This would communicate to all staff that they have equal opportunities to compete for high-level positions, while still reserving for the Sheriff the right to select from those employees who make it into the higher band. The DOJ Director should be actively involved in the final selection process. This would help dispel many perceptions of favoritism and decision-making based on non job-related criteria.
4. The DOJ should review the criteria required for CERT team membership, with an eye towards determining whether all of the physical requirements are bona fide occupational qualifications (BFOQs).
5. There needs to be a review of the disparity of pay between sworn and non-sworn staff. The ACSO and the BOCC should jointly undertake a compensation study with an eye toward increasing the salaries of non-sworn personnel over time to reflect the significant contribution these staff members make to Jail

operations. This measure may also serve to address perceptions that non-sworn staff, who are disproportionately female, are treated differently than sworn staff because of their gender.

6. Regularly scheduled formal inspections of the Jail by the Sheriff and Jail Director would help dispel perceptions by line staff of a lack of basic courtesy and respect for the staff, at the same time as these inspections would address several other issues raised in this report.

7. The Agency is encouraged to revise ACSO Directive 316 regarding awards and recognition to allow greater opportunity for DOJ employees to qualify for these awards.

8. Although disciplinary decisions, especially those involving suspensions and terminations properly and ultimately lie with the Sheriff, the Sheriff should try to avoid deviating from the staff disciplinary guidelines and the recommendations of top DOJ managers unless warranted by compelling reasons. Additionally, the DOJ Director should be authorized to make some decisions with respect to less severe discipline. These changes would enhance overall staff morale, reduce risk management concerns, and show support and confidence in top DOJ managers.

9. The DOJ should discontinue the practice of having non-trained volunteers serve as FTOs, and the ACSO should properly authorize and fund the necessary complement of FTOs required to provide the requisite training.

8. SECURITY AND STAFFING

8.0 Security is clearly the DOJ's core mission. However, the mission could potentially be jeopardized by lax enforcement of certain security measures, an insufficient staffing plan, and inadequate supervision of inmates, all of which contribute to an informal culture that sometimes appears to be misaligned with the Agency's overall goals.

8.1 *Enforcement of Security*

8.1.1 The DOJ has numerous security systems in place that are designed to accomplish the critical goals of controlling access and movement in and around the facility. However, there is an apparent contradiction between the formal culture and subculture on issues surrounding security, as evidenced by our observation of lax enforcement of security measures in numerous instances.

The formal culture of the Jail is one that emphasizes the Agency's safety and security mission. Policy directives, training, and equipment are all designed to ensure the security of the facility and the safety of those who live and work in the Jail. However, this formal culture can be compromised by an overconfident mindset that believes that a breach of security "can't or won't happen in our backyard or on our watch." During our on-site visits, we observed numerous instances in which it appeared that staff were not strictly enforcing Agency security measures, and we also learned of gaps in security systems. While we have no reason to believe security breaches have actually occurred as a result of any of these oversights or gaps, we believe that examples like this could compromise the DOJ's commitment to security.

- Facility managers reported there is no random inmate drug testing because "the facility does not have contraband problems."
- One contract worker with a known criminal history for drug abuse was subjected to a criminal background check, but not to any systematic surveillance while performing construction related work in the facility;
- Staff are lax about enforcing rules and regulations regarding graffiti on walls and tattoo work;
- The walk-through scanner is not always used as intended; staff are allowed to enter the facility through alternative entrances and visitors are not always required to clear the scanner, thereby creating opportunities for drugs or other dangerous contraband to enter the facility;
- Perimeter security checks are conducted and documented inconsistently;
- The lobby control booth typically remained unlocked and ajar as a convenience for staff;

- The Jail's security monitoring capability has not been upgraded through an effective preventative maintenance system and the purchase of additional cameras to address poor sight lines and blindspots,⁵³
- Visitors and contract staff were observed entering the facility without the slightest objection by staff, despite the fact that they triggered audible alarms as they passed through the walk-through scanner;
- There is no electronic system to record when security rounds are being conducted;
- Trustees assigned to the public lobby and exterior of the facility are not adequately supervised (discussed elsewhere);
- Visitors and inmates on the second floor non-contact visiting corridor are not adequately supervised (discussed elsewhere); and
- Staff do not always enforce rules about not allowing inmates to hang blankets, towels, and sheets from their cell bars.

Lax enforcement of security rules can quickly become a serious and potentially dangerous informal culture of the Agency.

8.2 Staffing Levels

8.2.1 The current staffing plan does not provide adequate numbers of staff to meet reasonable expectations relative to inmate supervision, creating a safe environment, and implementation of sound correctional practices.

Though a formal staffing analysis was outside the scope of this cultural assessment, staffing levels need to be considered because they play a role in determining both the formal and informal cultures of the institution. Despite the fact that the Agency emphasizes safety and security as its primary objectives, the staffing plan as it is currently configured sends mixed messages to staff. The perception by many staff is that safety and security may not be as important as officially articulated because sufficient numbers of staff have not been allocated to carry out some basic security functions. As a result, staff and inmates are routinely placed in situations that to some degree compromise their safety.

For example, in some of the higher-risk housing areas, we found staffing levels to be below what national correctional standards, with minimal or no-backup available in many instances.⁵⁴ Additionally, while the corridor of the 2nd

⁵³ Staff indicated that they have informed management about these problems for years but these concerns have been either ignored or have not been deemed a high enough budget priority to result in change.

⁵⁴ The minimum staffing plan at the Jail simply requires one officer and one escort officer assigned to these units (i.e., B-unit and C-unit). When the escort officer performs escort duties, it leaves the B-unit housing officer alone without immediate intervention or backup. Should intervention or backup be required in this situation, staff assigned to C-unit is expected to provide the needed intervention or backup, which in the worst-case scenario would leave C-unit totally

floor non-contact visitation area is camera-monitored, the actual visiting booths for the visitor or inmate are not monitored and there is no officer assigned to this area. During one tour, we observed an inmate groping himself through his clothing in the presence of his visitor, and in another instance, a visitor had removed her upper garment to display a very inappropriate and translucent white tank top to the inmate she was visiting. These kinds of incidents would be prevented if supervision were adequate.

During our three on-site visits, we observed lobby staff working hard, and being very responsive to visitors while managing other responsibilities inside the control room. The fact that they are forced to multi-task due to under-staffing, however, contributes to their lessened ability to enforce a variety of security measures. For example, as noted above, we consistently observed visitors being allowed to enter the non-contact visitation area of the facility without staff objection, despite the fact that they set off audible alarms as they entered a walk-through scanner. We also noted lax security procedures in the public lobby involving trusties assigned to clean the public restrooms, as well as only indirect supervision of the visitor lockers by the officers assigned to the public lobby control room post. Each of these situations could lead to undetected breaches of security. For example, correspondence, drugs, or other dangerous contraband could easily be transported in and out of the facility using the trusties as convoys.

The DOJ has numerous security systems in place, and with appropriate staff deployment and attention to security measures, those security systems should be effective tools for the Agency. But inadequate staffing in particular posts, combined with lax enforcement of the rules as discussed in the previous finding, creates critical flaws in the DOJ's security plan. Simply put, the Jail's informal culture is not as security conscious as the Agency's formal policies and procedures would suggest. We emphasize that we are not in any way suggesting that any breach of security has occurred, but such a situation remains very feasible as long as these concerns remain unaddressed.

8.2.2 The staffing allotment for the Classification Unit is wholly inadequate to allow those staff members to fulfill all the tasks with which they have been charged, let alone the other responsibilities that are typically associated with that unit in most correctional agencies. As a result, certain important functions are left undone, which affects the security of the facility as well as the quality of operations.

Another area in which staffing shortages significantly affect the culture is in the Classification Unit. Caseworkers' responsibilities include:

- conducting inmate classification interviews and assess reclassification needs;

unmanned (if both escort officers have left the area). Both B- and C- units house the most serious male offenders in DOJ custody.

- monitoring inmates' mental health, medical, and other needs;
- monitoring inmates' legal status for purposes of housing assignments;
- maintaining inmate segregation logs;
- processing inmate trusty applications;
- assisting in coordinating transport and transfers;
- monitoring sentenced inmates and calculating gain time;
- processing and responding to inmate requests and managing the inmate grievance system;
- conducting conflict resolution and crisis management/intervention for inmates;
- developing and teaching inmate program classes; and,
- maintaining inmate files.

These tasks represent a number of critical security functions, and they go to the heart of the services offered to inmates.

Despite the importance of this work, the FY2005 budget authorizes only eight DOJ classification caseworkers.⁵⁵ While this complement may be sufficient to conduct basic classification functions, it is wholly insufficient to complete the other very important related and ancillary functions. It is an unreasonable expectation to believe that the current number of classification staff can attend, in a professional and timely manner, to the list of expectations for this unit. In fact, there are other activities in which classification staff should be involved that are not even listed here, such as the inmate disciplinary process in order to provide some balance with custody staff. Especially given the concerns we have about the Jail's classification system's lack of validated, objective, risk assessment measures, the staffing shortage in this area could have potentially serious consequences for inmate safety.

The culture of the Jail, and ultimately security, is affected by the lack of attention and lack of resources directed to the services and programming function within the Agency.

8.2.3 Insufficient numbers of training staff have affected the ability of the Agency to ensure that Jail staff receive appropriate and targeted training opportunities. This has an impact on the quality of Jail operations and makes it more likely that an informal culture will arise to fill in the gaps in formal training.

The number of staff available for training purposes is a source of concern. The FY2005 DOJ budget allocates two sergeants for assignment to the training bureau. Supervision and direction is provided to these sergeants by the Training Bureau Lieutenant. In addition, a number of DOJ sworn staff are designated as Field Training Officers (FTOs); however, the current number of authorized FTOs

⁵⁵ There was one vacancy during our visits on-site.

available to train new recruits is inadequate, which results in non-certified staff training new recruits.

Due to insufficient staffing levels, the training provided through the Training Bureau is available only to sworn staff and it emphasizes only the training required for continued officer certification or agency accreditation. There is no high-level or ongoing training available for supervisory staff, and non-sworn staff do not receive training services.

Therefore, the staffing shortages in the Training Bureau are having a significant effect on both the formal and informal cultures of the Jail, by limiting appropriate training opportunities for the entire complement of Jail staff. Training is one of the most effective ways for an agency to ensure that its formal and informal cultures are aligned. In this case, however, a lack of meaningful training programs ensures that an informal peer-to-peer form of training will occur, which simply perpetuates the sub-culture's myths and traditional ways of doing business in the facility.

8.3 Supervision of Inmates

8.3.1 The current deployment of staff to duty stations located outside rather than inside the housing units diminishes the ability of staff to effectively supervise inmates; enforce rules consistently; and take proactive measures to preempt problems such as conflicts and/or assaults, strong-arming tactics, sexual misconduct, or racial tensions.

Currently, an indirect style of inmate supervision is in use by the DOJ. Indirect supervision of each housing cluster or zone is supported by the use of remote split-screen camera monitors located directly outside these units at one of the duty stations. The detention officer assigned to monitor the split-screen camera located outside a housing cluster also doubles as the primary officer responsible for supervising one of the housing units. Given that safety and security rounds are being conducted no more than once per hour, and considering the crowding situation, levels of inmate idleness, and the blind spots within the camera monitoring system, we believe that this is an ineffective means of identifying and addressing "trouble" occurring within the unit.

We observed that line officers and supervisory staff in these housing areas often had inconsistent (and consequently ineffective) approaches to rule enforcement, particularly with regard to seemingly minor violations (such as sheets, blankets, towels, and clothes placed over cell doors, windows, and shower rods). Yet even this minor rule violation could compromise sanitation, safety, and security goals. The crowding situation simply exacerbates the risks involved.

Additionally, when staff have limited direct observation of a unit, they sometimes resort to “group punishment” as a means of maintaining control when a problem develops because they are unable to ascertain the responsible person. Our concerns with group punishment were discussed earlier in this report. That this situation has developed is indicative of the need for a more interactive and principled approach to inmate supervision, a management style that stresses accountability and total control of the environment by the officer. Such an approach is known as “direct supervision,” and its overall goal is the active and continuous supervision of prisoners, which naturally promotes a more secure and safe environment for both inmates and staff.⁵⁶

The DOJ Director is well-versed in and familiar with the concept of direct supervision as a management philosophy backed by a supervisory style that (1) places staff face-to-face with inmates, and (2) gives staff full responsibility for the management of inmate behavior. Interestingly, we noted on our tours of the facility that duty stations were once located directly inside the housing units, consistent with direct supervision practice. With that layout, the officer had greater opportunities to safely manage the events and dynamics of inmate behavior from a more logical vantage point. While the housing pods in the jail were never operating under the exact and complete set of direct supervision principles, nevertheless, there were important elements of the system in place at one time. We have been unable to ascertain why the current administration elected to discontinue this elemental form of direct supervision, which had so many immediate benefits and that could have been even more effective if staff were trained in this style of management.

8.4 Overtime

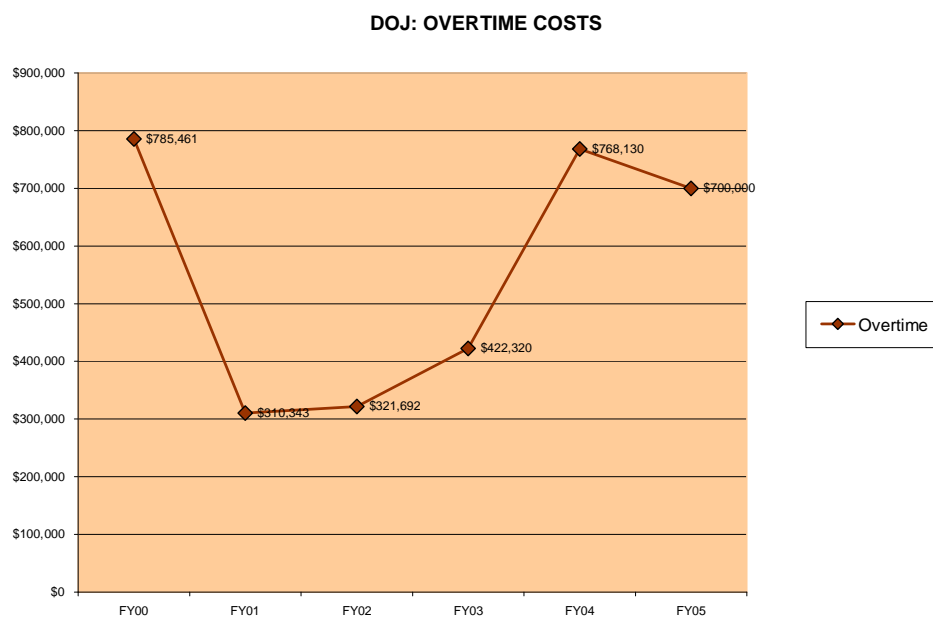
8.4.1 Since assuming responsibility for the Jail, DOJ managers have made significant progress in limiting the uncontrolled use of overtime and has sought to regulate its financial impact. Due to a large number of ongoing staff vacancies, however, the DOJ continues to be forced to rely heavily on overtime in order to provide basic shift coverage, and the way in which overtime assignments are made contributes to staff perceptions of favoritism and bias.

To its credit, the DOJ has been hugely successful in implementing measures to mitigate the high costs associated with the utilization of overtime since 2001. Some of these measures include:

⁵⁶ The direct supervision concept has profoundly challenged traditional assumptions about the dynamics of incarceration and significantly altered practices in inmate management. A number of studies have been conducted identifying the benefits of direct supervision, including the ability of staff to be proactive; identify/resolve problems; evaluate the mood/atmosphere of a unit; assess the criticality of issues; aid in helping the inmates to feel safe, thereby reducing the need for inmates to seek weapons; and monitor the use of resources.

- institution of 12-hour work shifts;
- clarification that sick hours are not considered hours worked for purposes of calculating overtime; and
- creation of minimum and optimum staffing plans

The commendable downward trend was disrupted in FY03 and FY04, however, primarily as a result of an increasingly high number of ongoing staff vacancies. In fact, while FY2005 budget authorizes 147 DOJ detention officers assigned to security, it consistently operates with 18-20 vacant detention officer positions.⁵⁷ The chart below illustrates the initial sharp downward trend in overtime use, followed by a move towards increased overtime use, and finally a recent effort to grab hold of this situation.



Even though steps have been taken to regulate overtime, overtime usage continues to be a significant concern. Records we reviewed for a two-week period revealed that, overall, about 10% of all shift hours were filled using overtime, with an average of 38 hours of overtime per shift (the equivalent of three officers working on overtime). This rate of overtime usage is simply to

⁵⁷ Factors that detrimentally impact the ability to attract and retain competent staff include the following:

- the DOJ competes with FDOC for qualified personnel;
- Gainesville has the lowest unemployment rate in the state (less than 3%);
- wages are very compressed, while FDOC wages are significantly higher;
- retirement is transferable between the State and the County;
- cost of living in Gainesville is very high compared to outlying areas;
- limited opportunities to transfer or be promoted compared with FDOC;
- consistent with national trend; and
- corrections is not considered a desirable job.

maintain minimum staffing levels, which, as we noted above, are inadequate to ensure full compliance with all reasonable security measures.

With no formal policy establishing procedures about how voluntary and mandated overtime will be assigned, supervisors typically and understandably solicit staff who are known to readily accept overtime assignments. The result of this practice is that for the first six months of FY06, one staff member earned \$18,000 in overtime wages, two staff members each earned \$12,000, and five staff members each earned \$9,000.⁵⁸ This practice encourages perceptions of favoritism and the notion that those who willingly accept overtime assignments are more likely to be selected when promotional opportunities become available.

Additionally, excessive, chronic overtime commonly results in staff burnout, increased mistakes, security/safety breaches, and staff exhaustion, all of which could compromise the Agency's mission. To combat this concern, the DOJ has wisely instituted a policy that an officer may work a maximum of 120 hours in a given pay period; should a staff member exceed this number of hours, the supervisor must justify it in writing to the Division's Commander.

In short, an informal culture has built up around the staffing shortage, and it is one that views overtime as a normal and routine part of the detention officer's job, despite the security risks and financial consequences that are a result of excessive overtime usage. And like all informal cultures, it gives rise to widely shared negative perceptions that may or may not be accurate.

RECOMMENDATIONS

1. We recommend that a comprehensive staffing analysis of the DOJ be performed by an objective entity that is mutually acceptable to both the BOCC and the Sheriff. The staffing analysis should identify all required and optional posts, as well as appropriate staffing for the Classification and Training Bureaus and elsewhere in the DOJ; should address the need to reduce reliance on overtime; and should then be used as the basis for reevaluating staffing levels within the DOJ.
2. Management should initiate a comprehensive internal security audit, reviewing areas such as those identified in this report as well as other critical security measures, and should be more vigilant about ensuring that staff enforce all policies, procedures, and post orders relating to security.
3. There is a need for tamper-resistant equipment that allows management to ensure that security rounds are being conducted pursuant to directives and that appropriate supervision of inmates and activities is occurring. The DOJ

⁵⁸ DOJ managers provided these approximate figures.

should purchase equipment that requires staff to conduct frequent and random rounds within the housing units at multiple locations, in public visitation areas, and in areas where the trustees are often working unsupervised for long periods of time.

4. We believe that there would be significant benefits to the implementation of direct supervision in the jail, especially in the eight pods within units G and H, as well as in the four largest female pods (1E, 2E, 3E, and 4E). This method of inmate management would enhance actual supervision of inmates and should reduce some of the subcultural activities that inevitably occur, especially where large groups of inmates are not continuously supervised. This would also enhance and clarify detention officer accountability for housing unit operations, and would ultimately make the job of detention officers safer and more desirable. Direct supervision is widely accepted as a sound correctional practice for actively supervising inmates in several counties in Florida and throughout the United States, and is supported by the Florida Model Jail Standards. Technical assistance may be available through NIC, or through other consulting sources.

5. Overtime should be offered through a more systematic and transparent process, to avoid the appearance of favoritism and to reduce the possibility of a few employees making excessive amounts of overtime.

6. As the number of vacancies is an ongoing problem in the DOJ (as well as in other correctional agencies), ACSO Human Resources staff should initiate a system to interview and track the reasons for DOJ employees leaving the Agency. This may help isolate causes for voluntary terminations and lend itself to developing a strategy to reduce such departures.

9. COMMUNICATION AND RELATIONSHIPS

9.0 The ACSO needs to improve intra-agency communication, and to clarify the respective roles of the Sheriff and the DOJ Director. The DOJ appears to be responsive to and respectful of the public. The tense relationship between the BOCC and the Sheriff has been a distraction from critical issues needing cooperative resolution.

9.1 *Communication and Relationships within the Agency*

9.1.1 The Agency could benefit from improved communication among staff at all levels, and especially between line- and mid-level staff and top management. Communication and the sharing of information is key to breaking down some of the subcultures and perceptions within the Agency, and to strengthening the atmosphere of trust.

Organizations that do not have well-established avenues of communication for staff and reliable sources of information for staff to learn about issues that affect them tend to develop informal methods of communication and information-sharing. These informal methods often rely on rumors, which are fueled by negative perceptions that are enmeshed with available information. We believe that this is why negative and inaccurate perceptions have abounded about the Jail, and why such perceptions have acquired the aura of legitimacy.

When it comes to the issues that have generated the most consternation among staff—specifically, distrust about the physical agility test, promotions, overtime, staff assignment, and disciplinary processes—communication about the way in which these decisions are made has been minimal. While the Sheriff and key deputies are entitled to have discretion in these matters, there is a way to exercise that discretion while communicating the grounds that will influence decision-making.

Also, we noted several missed opportunities for positive communications throughout the Agency that could help show Jail staff how much they are valued as part of an Agency that has traditionally been known for its law enforcement function. Some of these opportunities are addressed in our recommendations below.

9.1.2 Between the Sheriff and DOJ Director, it is unclear who actually “runs the jail.” While the Alachua County Jail is not unique in this respect, confusion as to who has authority to make key management decisions lends itself to unintended consequences.

The dynamics between elected sheriffs and their appointed jail director is frequently a complicated one. Some sheriffs, especially those without

backgrounds in corrections, take a largely hands-off approach to their jails, electing to hire a professional jail administrator and delegating all day-to-day operational and management (as well as many policy decisions) to that administrator. Other sheriffs, especially in smaller organizations or those in which the jail might be a larger part of the operation than law enforcement, may be actively involved in daily management with the administrator's role limited to strictly operational responsibilities. And still others attempt to strike more of a balance between the two. The choice among these different styles depends upon many circumstances, including the political profile of the sheriff, the political profile of the jail, the personality of the sheriff and the jail administrator, the degree to which the sheriff maintains an "open door policy," etc.

Regardless of which approach is selected, it is essential that it be fully understood by the sheriff, the jail administrator, and the staff of the jail. Clarity is critical so that important decisions do not fall through the cracks, so that there is strict accountability and clear authority, and so that staff may place their confidence and trust where it belongs.

We note that there is little clarity in this regard within the ACSO. When asked, "who runs the jail," the Sheriff responded immediately to the effect that the DOJ Director does. The Sheriff explained to us that his own role is to set policy and parameters; he noted that he might be in the jail only four times a month and on some of those occasions, he might not even venture into the secure areas of the facility. Curiously, when asked the same question, the DOJ Director responded, "The Sheriff does, although I am the department head and it is a team effort with an emphasis on chain of command." The almost unanimous perception of line staff and managers was that the Sheriff runs the Jail and that the Director is simply an intermediary between the decision-maker and the staff.

Perhaps the clearest example of the ambiguous extent of the Jail Director's authority relates to the concerns pointed out earlier in this report about the Sheriff's frequent departures from the DOJ Director's recommendations about employee discipline. This practice raises the issue of why the department head is not empowered to make even lower-level disciplinary decisions. Moreover, placing the DOJ Director in the position to merely recommend discipline and then departing from his recommendation in as many as 50% of cases sends a clear message about who really runs the Jail, and that message runs counter to the Sheriff's stated position. This may be a place where the formal and informal cultures of the Agency clash.

The Sheriff's open door policy is another example of a practice, in this case a formal one pursuant to written directive, that effectively allows employees to approach the Sheriff directly with complaints, concerns, personal needs, etc.⁵⁹

⁵⁹ ACSO Directive 003 requires employees to attempt to resolve issues with their chain of command before seeking to speak with the Sheriff, but we were informed that this does not always occur in contrast to the terms of the formal policy.

Open door policies often have the effect of marginalizing subordinate administrators in the eyes of their employees.

The Director should be commended for maintaining a high profile outside the jail, as he is involved in many important statewide criminal justice and corrections issues that ultimately benefit the DOJ.⁶⁰ Although he takes an aggressive and forward-looking role outside the Agency, we note that, at times, certain important management issues at the DOJ may get lost because neither the Director nor the Sheriff follow-up on them. Chief among these are the necessary follow-up reviews and implementation decisions from external reports such as those provided by the NIC.

The dynamic we are observing concerns us because there may be an informal culture that inhibits the Jail Director from initiating policy changes or addressing high-level operational issues due to ambiguity about the extent of his authority. So too are staff uncertain about the Jail Director's role, which may over time make them complacent about responding to top DOJ management.

9.2 Relationship with the Public

9.2.1 Jail staff at all levels seem to be very committed to good "customer service." From the Jail Director who ensures that every public complaint and query is responded to on a timely basis, to the public lobby officers who were observed being most polite and helpful to visitors under potentially trying circumstances, we found there to be a true desire to respect the community and be responsive to public needs.

It is worth noting that our public meeting yielded almost no citizen complaints about the Jail, either from relatives of inmates or from those who have concerns about the Jail as a part of the Gainesville community. Similarly, only a very few citizens have contacted us during the course of the study, and very few letters about the Jail have been received by the BOCC and the County Manager from the public over the past two years. We thus conclude that there is no widespread community dissatisfaction about the jail.

During the course of on-site visits, we observed staff treat visitors with respect and helpfulness. In one case, a visitor reported that she was the grandmother of a particular female inmate and had been told by the inmate during an earlier telephone call that day that the inmate was not doing well due to some medical/mental health problems. The lobby officer located the inmate via SMARTCOP, contacted the housing unit, received confirmation from the housing officer who met with the inmate that the inmate was doing fine, and informed the

⁶⁰ For example, the Director is a member of the statewide commission that oversees certification of detention officers and he has forged helpful alliances with the Florida Corrections Accreditation Commission.

grandmother that she was okay. Upon receipt of information allaying her concern, the woman profusely thanked the lobby officer (who did not seem inconvenienced by the visitor's request in the least) and left the facility.

In another situation we observed, one visitor was refused an opportunity to visit after reportedly calling ahead and being informed by staff that an inmate was eligible to receive a visit. Upon arrival at the facility and following the procedural check on the SMARTCOP system, the officer scrolled down and added up the time for the inmate's visit and informed the visitor that the inmate had used up all of his allotted visitation time with a visit from his mother that had occurred earlier during the week. Errors affecting visitors, such as this one (which was largely the result of a computation glitch in the SMARTCOP system rather than a staffing error), are the source of chronic complaints by the lobby officers on the day and evening shifts. Nevertheless, the public seems generally very understanding and cooperative with the visitation rules and regulations, even in cases where they are denied visits for the previously described reason.

We also heard from an investigator for the Public Defender's office that he experiences no difficulties getting into the facility and then accessing his clients once inside the secure perimeter. In fact, we observed staff to be most respectful of official visitors, including attorneys. Also, as we discussed in another chapter, a number of volunteers were interviewed and they unanimously stated they are treated professionally and both management and staff are very helpful and supportive of their programs. However, the volunteers mentioned their frustration at having to pay for their own materials for inmates in these programs.

9.3 Relationship with the Board of County Commissioners

9.3.1 The current tension between some members of the BOCC and the Sheriff has taken attention away from the significant issues in need of cooperative resolution.

The Sheriff, of course, operates the Jail under an interlocal agreement with the BOCC and receives funding from the Board. This means that he is answerable to the BOCC for services he provides, but as an elected official, he is also answerable to his constituency and operates under independent authority. This situation creates a complicated dynamic, and it is one that not unsurprisingly gives rise to tension between the two bodies. That tension is magnified by media attention to these issues.

Furthermore, there is potential for disagreement stemming from the fact that the interlocal agreement does not really speak to the mission of the Jail, as we discussed earlier in this report. There needs to be clarity and agreement between the two bodies as to the mission of the jail and the manner in which

resources will be provided to support that mission. If the mission is to include or emphasize habilitation services, including education and substance abuse services, then this needs to be agreed to between the BOCC and Sheriff and the budget needs to reflect it.

Beyond the need to clarify the interlocal agreement, the BOCC has an obligation to the citizens of Alachua County to monitor the contract with the Sheriff on an ongoing basis. Naturally, this obligation includes the need to ensure that the precise terms of the contract are being met, but it also means that the Board needs to determine whether the jail's operation reflects the expectations of the community and its leadership. This Cultural Assessment can and should be viewed as a significant first step on the part of the BOCC in its efforts to meet that obligation.

We firmly believe that if the two bodies--the Board of County Commissioners and the Sheriff--can work jointly and in an atmosphere of trust to address the legitimate areas of concern raised in this report, then Alachua County will benefit from a Jail that does an even better job of protecting inmates, staff, and the public, while providing meaningful and cost-effective services to its stakeholders.

RECOMMENDATIONS

1. The Sheriff's Newsletter could highlight some of the organization's diversity and could be more inclusive of the Jail staff and the important role they serve for the County, as opposed to being as heavily oriented towards the law-enforcement function as it is now. At the same time, it could be used as a tool to enhance communication among Jail staff at all levels.
2. The Sheriff could emphasize and communicate the Jail's mission through greater emphasis on corrections-related materials available in the staff briefing room. Messages are communicated both verbally and non-verbally, and the fact that the materials on bulletin boards are all promoting the Agency's law enforcement image speaks volumes to the Jail staff.
3. Top management could do more to communicate how employee suggestions translate into cost savings, benefits, or cost containment strategies of the Sheriff. Even processes that are streamlined and that therefore result in greater efficiencies, such as improvements to the safe and accurate release of inmates that reduce daily crowding, can be presented as accomplishments that result in cost containment or savings. Additionally, programs designed for and made available to benefit staff, including, for example, Employee Assistance, Employee Recognition, Wellness, Smoking Cessation, and Community Service—must be made more visible and the benefits derived by staff and/or outside stakeholders should be shared.

4. The Sheriff should consider the mixed messages that are being sent to staff and top management concerning who runs the DOJ. If, in fact, the Sheriff expects the DOJ Director to be fully in charge, then the Director must have full authority and be publicly supported by the Sheriff. There should be clear expectations of the role of the Director, and the incumbent must have the requisite authority and responsibility.

5. We believe the Jail should remain under the auspices of the Sheriff's Office, and we would recommend against returning the operation of the Jail to the BOCC and against privatization of the Jail. Calls for either such action are unwarranted, and we believe that changing management would be erroneous, disruptive, and in conflict with the wishes of the vast majority of Jail staff.

6. Ongoing oversight of the Jail by the BOCC should, at a minimum, include the following four components:

- The BOCC and Sheriff should agree to a timeframe for the Sheriff to report back on each of the recommendations raised in this assessment. Where there is disagreement with a recommendation, that fact should be stated and explained. Where a recommendation requires funding, the amount of funding should be identified, researched, and addressed through the budget process. And where the recommendation simply requires action on the part of the ACSO, then an implementation timeline and action steps should be identified.
- The BOCC and Sheriff should agree to have an outside entity perform an objective assessment of the jail on a regular schedule, perhaps every three years through 2012, when the interlocal agreement expires. These assessments do need not be on the scale of this present Cultural Assessment, but they should serve in effect as an ongoing follow-up to the findings and recommendations emanating from this report. The Sheriff and the BOCC should jointly select the entity performing the assessment.
- The Sheriff should prepare and submit to the BOCC quarterly jail performance reports, with comparisons to the previous quarter, the same quarter a year earlier, and year-to-date. These performance reports should address a variety of issues, including a summary of major events and statistics on a variety of key indicators within such categories as public safety, institutional safety, substance abuse and mental health, inmate demographics and profile, and fiscal performance.
- Members of the BOCC should devote at least a half-day each year to individual or group tours of the Jail, so that they can see for themselves what is or is not happening and can remain responsible monitors of the interlocal agreement.

V. CONCLUSION

This is a lengthy report, containing numerous stated concerns on the part of the consultant team; however, this should not be misinterpreted to mean that the Agency is experiencing significant trouble. That is not the case, and the context of our report and our findings must be framed and understood.

This is a large, complex organization with hundreds of employees that operate in a most difficult realm, i.e., the provision of detention services. The consultant team is made up of experienced corrections professionals who could walk into virtually any corrections agency and find a myriad of concerns such as those identified here. As former jail administrators, we have no doubt that we could walk into our own former agencies and find areas of concern and room for improvement.

Moreover, every organization—not just correctional agencies—has subcultures. The existence of a subculture that diverges from an organization's formal culture is not itself grounds for concern. But to the extent those subcultures are in conflict with an agency's mission or prevent the organization from operating in as professional a manner as possible, then the misalignment between formal and informal cultures needs to be analyzed and addressed.

We have tried to paint a picture of the formal culture and subculture of the Jail, using specific examples wherever possible. Certainly, there are important issues raised in this report. In fact, there are some areas that we believe warrant priority attention, given risk management concerns. But the number of examples and concerns identified in this report should in no way be viewed as an indictment of the organization, its leadership, and certainly not the men and women who work so hard in the trenches in a very difficult and challenging environment. Rather, our findings should be viewed as an opportunity to do better, to increase the level of professionalism, and to set the bar higher. Because we found the decision-makers to be dedicated, conscientious professionals who really want to do a good job, we believe that this report is, overall, a very positive picture of the Agency. Good faith and good intentions--despite the clichés about roads being paved with them--in our view actually represent a very strong foundation for an excellent correctional agency.

There is absolutely not one stated concern or recommendation that is not resolvable and achievable in this organization—it is a matter of recognizing the issues and putting forth the effort necessary to address them. We believe that the many talented staff of the DOJ and the ACSO as a whole are indeed up to the task.