

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Evers, Chair
Senator Gibson, Vice Chair

MEETING DATE: Monday, January 5, 2015
TIME: 4:00 —6:00 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Evers, Chair; Senator Gibson, Vice Chair; Senators Bradley, Brandes, and Clemens

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Introductions of committee members and staff.		Discussed
2	Introductory comments by Chairman Evers.		Discussed
3	Presentation by FDLE on the status of investigations of unnatural inmate deaths, the Memorandum of Understanding with the Department of Corrections, and the Legislative Budget Request.		Presented
4	Presentation by George C. Mallinckrodt on suggested reforms for the Florida Department of Corrections.		Presented
5	Presentation by Allison DeFoor, Chairman, Project on Accountable Justice at Florida State University on Recommendations to Advance Public Safety through Increased Transparency, Accountability, and Oversight of the Florida Department of Corrections.		Presented
Other Related Meeting Documents			



Interim Commissioner Rick Swearingen

FDLE/DOC INVESTIGATIONS

Senate Criminal Justice Committee

January 5, 2015





Memorandum of Understanding

- FDLE handles DOC in-custody death, inmate/inmate and use of force investigations resulting in death
- Updated June 2014
- Expires in June 2019
- Specifies mandatory and discretionary notification/response
- Provides instructions for DOC to report incidents
- Implemented August 2014





Status of Investigations

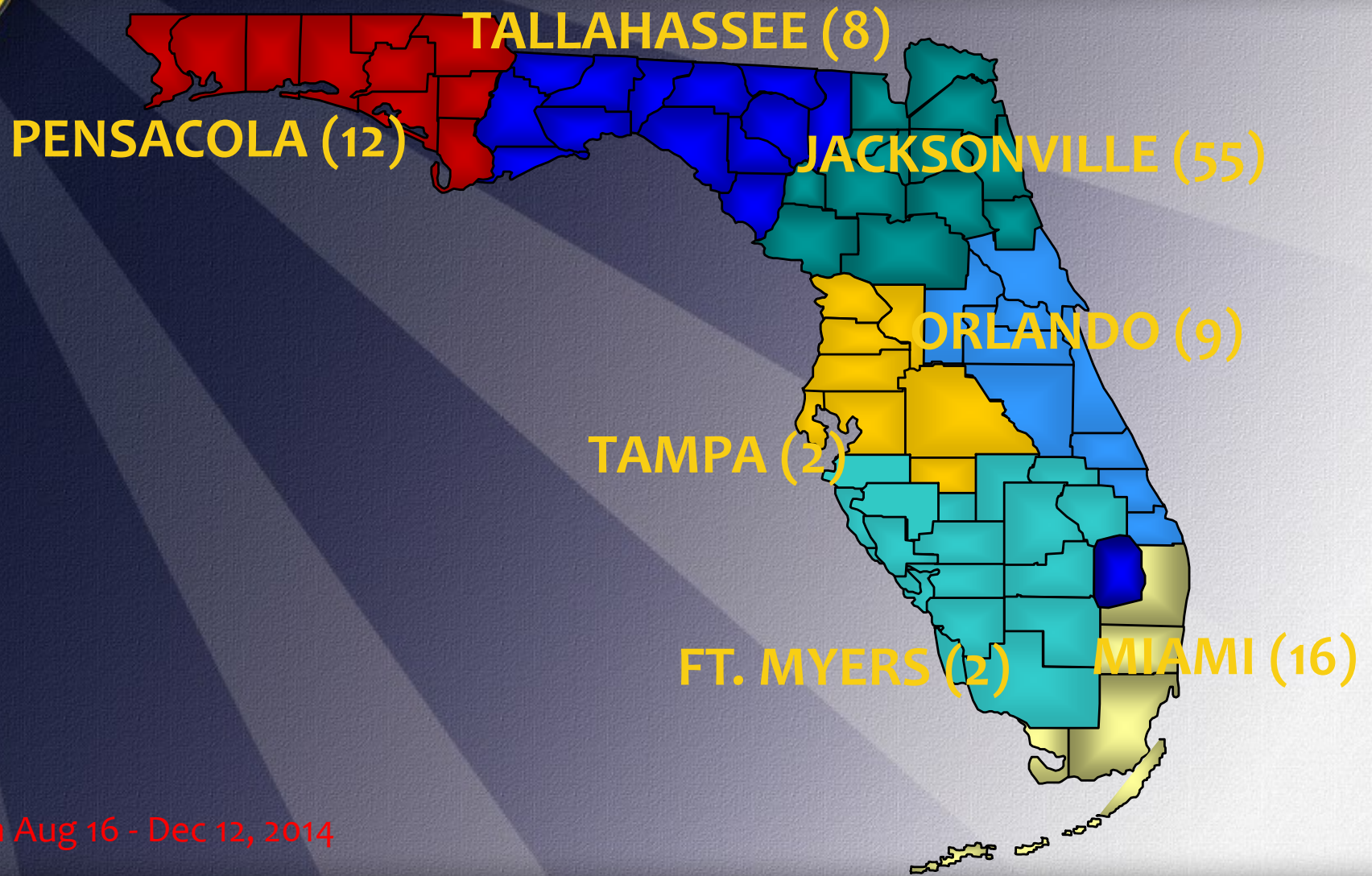
- Transferred from DOC – 82 cases
 - Previously working (10)
- Opened – 104 cases
 - In-custody death (99)
 - Non-death involving inmate/inmate (3)
 - Officer use of force (2)
- Closed – 31 cases
- Total hours worked - 3,900

*Cases from Aug 16 – Dec 12, 2014





Regionalized Investigations



*Cases from Aug 16 - Dec 12, 2014





Legislative Budget Request

- In-custody death and use of force investigations increased 29% last five years
- Recently signed MOU with Miami-Dade PD to handle use of force investigations
- Request 66 FTEs / \$8.4 million for in-custody death and use of force investigations (may be altered)





FLORIDA DEPARTMENT OF LAW ENFORCEMENT
SERVICE . INTEGRITY . RESPECT . QUALITY



**MEMORANDUM OF UNDERSTANDING
BETWEEN THE FLORIDA DEPARTMENT OF CORRECTIONS
AND THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT
RE: INVESTIGATION OF SPECIFIED INCIDENTS**

This Memorandum of Understanding ("MOU") is entered into by and between the Florida Department of Corrections ("DOC") and the Florida Department of Law Enforcement ("FDLE"), ("the Party/Parties"), as state agencies, in furtherance of their respective duties under law, for the purpose of facilitating investigations of incidents as described herein, as required by Section 944.31, Florida Statutes,¹ and as authorized by Sections 943.03(5) and 943.04(2) and (5), Florida Statutes. The Parties agree to carry out their respective duties and responsibilities outlined below, subject to controlling law, policy(ies) and/or procedure(s), and in consideration of the mutual interests and understandings expressed herein:

I. MANDATORY Notification by DOC and DISCRETIONARY Response by FDLE

A. Specified Incidents

1. **Death of Inmate:** The homicide or suspicious death of an inmate while in the care, custody, or under the control of DOC. "Suspicious death" means a death which occurs as a result of something other than apparent natural causes and following an altercation, or physical confrontation between DOC personnel and one or more inmates (such as, a use of force or inmate abuse), or other involvement of DOC personnel with one or more inmates. This does not include a) the death of an inmate by suicide; b) the death of an inmate by execution pursuant to Chapter 922, Florida Statutes; or c) the death of an inmate related *solely* to a physical confrontation between inmates, with no involvement of DOC personnel (as determined by the senior member of the DOC Inspector General's Office on scene).;
2. **Death of Person Other Than Inmate:** The homicide or suspicious death (not suicide) of any person other than an inmate a) when such person was on institutional property, or b) when the death of such person was in connection with the DOC care, custody, or control of inmates while off institutional property. "Suspicious death" means a death which occurs as a result of something other than apparent natural causes and following an altercation or physical confrontation between the decedent and DOC personnel or one or more inmates, or other involvement of DOC personnel or one or more inmates with the decedent. ; or
3. **Life-Threatening Injury to Any Person:** The infliction of life-threatening injuries in which death is imminent or likely (as determined by correctional medical staff) upon *any* person, resulting from something other than apparent natural causes and following an altercation or physical confrontation between the injured person and DOC personnel, or other involvement of DOC personnel with the injured person.

¹ "The department [of Corrections] shall maintain a memorandum of understanding with the Department of Law Enforcement for the notification and investigation of mutually agreed-upon predicate events that shall include, but are not limited to, suspicious deaths and organized criminal activity." s. 944.31, Florida Statutes.

B. Notification by DOC – Mandatory

When any Section I incident occurs, notification of FDLE by DOC is mandatory. The DOC Inspector General (designated herein as the Inspector General, Deputy Inspector General, Chief of Investigations, Assistant Chief of Investigations, or the Inspector Supervisor) will ensure that DOC promptly notifies FDLE, using the contact information in Exhibit 1. DOC Office of the Inspector General will ensure that all notifications to FDLE are made as soon as possible after being notified of a qualifying event.

C. Response by FDLE – Discretionary

After notification by DOC, response to the scene and investigative and/or forensic assistance and/or coordination by FDLE are discretionary and as FDLE deems appropriate. However, if DOC Office of the Inspector General explicitly requests crime scene assistance, FDLE will respond.

II. DISCRETIONARY Notification by DOC and DISCRETIONARY Response by FDLE

A. Specified Incidents

1. **Suicide of Inmate:** The suicide of an inmate while in the care, custody, or under the control of DOC;
2. **Suicide of Person Other Than Inmate:** The suicide of any person other than an inmate a) when such person was on institutional property, or b) when the suicide of such person was in connection with the DOC care, custody, or control of inmates while off institutional property;
3. **Death of Inmate:** The death of an inmate related *solely* to a physical confrontation between inmates, with no involvement of DOC personnel (as determined by the DOC senior inspector or DOC inspector supervisor on scene), while in the care, custody, or under the control of DOC;
4. **Life-Threatening Injury(ies) to Inmate:** The infliction of life-threatening injury(ies) in which death is imminent or likely (as determined by correctional medical staff) upon an inmate, when the injury(ies) is/are resulting from apparent natural causes and/or the injury(ies) is/are not following an altercation or a physical confrontation between DOC personnel and one or more inmates, whether on or off institutional property; or
5. **Major Organized Criminal Activity:** The receipt by the DOC Inspector General of a credible complaint or other significant evidence of major organized criminal activity involving inmates or DOC personnel at one or more institution(s). Examples might include organized tax fraud, coordination of criminal activity with subjects outside of the correctional facility or system, or staff engaging in broad and substantial contraband introduction and/or conspiracy to introduce.

B. Notification by DOC – Discretionary

When any Section II incident occurs, notification of FDLE by DOC is discretionary. If DOC decides to notify FDLE, the DOC Inspector General (designated herein as the Inspector General, Deputy Inspector General, Chief of Investigations, Assistant Chief of

Investigations, or the Inspector Supervisor) will ensure that DOC promptly notifies FDLE, using the contact information in Exhibit I.

C. Response by FDLE – Discretionary

If DOC notified FDLE of any Section II incident, response to the scene and assistance by FDLE are discretionary, i.e., not required. However, if DOC Office of the Inspector General explicitly requests crime scene assistance, FDLE will respond.

III. Implementation Procedures

- A. If a Section I incident occurs, or if a Section II incident occurs and DOC has decided to notify FDLE, the ranking DOC Inspector Supervisor or inspector will ensure that emergency medical services are provided to injured persons and that a secure crime scene perimeter is established with restricted access, if applicable. Until such time as FDLE responds to the scene or indicates that it will not be responding, DOC will ensure that only medical personnel and personnel required to secure that scene are permitted inside the crime scene perimeter.
- B. Pending FDLE's arrival on the scene, or until otherwise advised by the DOC Inspector General after FDLE has declined to participate in the investigation, the ranking DOC Inspector Supervisor or inspector will ensure that the scene remains secure; that physical evidence and documentation are protected and preserved; that all known inmate witnesses are identified and segregated pending initial interview; that all known correctional witnesses are identified and instructed not to discuss the incident amongst themselves pending initial interview; and that all other known witnesses are identified and separated pending initial interview. The DOC Inspector on scene will ensure that arrested persons at the scene are detained pending the arrival of FDLE.
- C. If FDLE responds to any of the incidents specified in Section I or II and determines to take the lead investigative role, FDLE will assume operational direction of investigations and forensic assistance or coordination. Upon FDLE's request, DOC shall assign one or more inspector(s) to act as liaison to FDLE's investigative team. However, to avoid Garrity issues, no DOC inspector will be present during any investigative questioning by FDLE of DOC personnel. FDLE will notify the State Attorney as soon as reasonably possible and coordinate questioning of DOC personnel with the involved State Attorney's Office. Any assigned DOC inspector may assist the FDLE investigative team as requested by FDLE command personnel. If FDLE determines that investigative and/or forensic assistance by FDLE is not required or necessary, FDLE will notify the DOC Inspector General and the Executive Office of the Governor – Chief Inspector General of FDLE's determination, and investigative control will be relinquished to the DOC Inspector General.
- D. Members of the DOC Office of the Inspector General will provide any assistance requested by FDLE during and after the on-scene investigation has been concluded, such as additional collection of evidence from suspects, vehicles, or involved DOC personnel, as well as the securing of other evidence such as radio communication tapes, video recordings, etc. The ranking DOC OIG member will coordinate with local law enforcement for any necessary crowd control efforts. Prior to initiating or continuing any administrative investigation or administrative review, members of the DOC Office of the Inspector General will coordinate with FDLE to ensure that there is no conflict with the ongoing criminal investigation, when FDLE has assumed the lead investigative role as contemplated by this Agreement.

- E. Criminal investigative efforts regarding an incident shall take precedence over any related internal or administrative investigation conducted by DOC. To help ensure that the criminal investigation is not impeded or negatively affected by internal or administrative investigative efforts, DOC shall initiate its internal or administrative investigation only after the criminal investigative efforts have been concluded, or when otherwise specifically authorized by the FDLE's investigative team. DOC will retain overall direction and responsibility for any internal or administrative investigation initiated in response to any specified incident.
- F. No internal report or statement authored or obtained by DOC personnel involved in the subject incident that has been provided to DOC under order or policy shall be provided, or its contents revealed, to the criminal investigative team or the prosecutor, until such time as the criminal investigative team and the FDLE Office of General Counsel agree that the criminal investigation will not be adversely impacted by any immunity that may attach to any such statement. The criminal investigative team and the FDLE Office of General Counsel may consult with the prosecutor to determine whether such statement may adversely impact any subsequent criminal prosecution. However, the criminal investigative team and the FDLE Office of General Counsel will make the final determination regarding use of such statements in FDLE's investigation.
- G. At the appropriate stage(s) of an investigation initiated under this MOU in which FDLE is involved, FDLE may forward copies of all investigative reports and investigative summaries to the State Attorney having jurisdiction over the case and to the Executive Office of the Governor – Chief Inspector General and the DOC Inspector General, for review. Such reports by FDLE will reflect the material factual findings of the investigation but will not offer recommendations or reach legal conclusions concerning whether any force that may have been used was justified.
- H. Transmittal of reports and summaries will be done so as to preserve any applicable exemptions from public disclosure and to maintain any applicable confidentiality of information. All press releases related to such investigations and all responses to public records requests shall be coordinated between DOC and FDLE, to ensure that disclosure, if any, is appropriate and timely.
- I. The Office of the State Attorney may assert primary jurisdiction and responsibility for some investigations contemplated by this MOU, when applicable.

IV. Financial Obligations

This MOU is not a contract for services and is not intended to create financial obligations as between the Parties. However, in the event that costs are incurred as a result of either or both of the Parties performing their duties or responsibilities under this MOU, the Parties agree to be responsible for their own respective costs.

V. Management and Administration of the MOU

A. MOU Managers

The representatives of the Parties designated below are the MOU Managers and are responsible for enforcing performance of the terms of this MOU and will serve as liaison/agency contacts regarding issues arising out of this MOU, *except*, DOC will use

the FDLE contact information on Exhibit I for notifications required under Sections I and II of this MOU.

FOR THE DEPARTMENT	FLORIDA DEPARTMENT OF LAW ENFORCEMENT
Jeffery T. Beasley, Inspector General	James Madden, Assistant Commissioner
Office of the Inspector General	
510 South Calhoun Street	P.O. Box 1489
Tallahassee, Florida 32399-2400	Tallahassee, Florida 32302-1489
Telephone: (850) 488-9265	Telephone: (850) 410-7001
Facsimile: (850) 414-0953	Facsimile: (850) 488-8213
Email: Beasley.jeff@mail.dc.state.fl.us	Email: Jimmadden@fdle.state.fl.us

B. MOU Administrator for DOC

The Operations Manager, Bureau of Contract Management and Monitoring, is designated the MOU Administrator for DOC and is responsible for maintaining the official MOU file, processing any amendments or termination of the MOU and for maintaining records of all formal correspondence between DOC and FDLE regarding administration of the MOU.

DEPARTMENT OF CORRECTIONS
 Operations Manager, Contract Administration
 Bureau of Contract Management and Monitoring
 Florida Department of Corrections
 501 South Calhoun Street
 Tallahassee, Florida 32399-2500
 Telephone: (850) 717-3681
 Fax: (850) 488-7189

VI. Training Program

FDLE and DOC will jointly develop and administer a training program to appropriate FDLE and DOC personnel, as necessary, to assist in meeting the goals and requirements of this MOU. This training will include, but not be limited to, instruction on the legal aspects of obtaining and utilized statements from correctional officers under investigation, particularly the requirements related to the Garrity Rule, regarding officers' rights and immunity, and the use of statements in criminal proceedings.

VII. Termination of Prior Agreement, Scope of Agreement, and Amendments

The MOU between DOC and FDLE dated August 17, 2010, regarding the subject matter of this MOU, is hereby terminated and replaced by this MOU. This MOU represents the entire agreement between DOC and FDLE on this subject matter. Any alteration or amendment of provisions of this MOU, other than a change to the contact information in Section V above and Exhibit I, shall be in writing, signed by duly authorized personnel of DOC and FDLE, and attached to the original(s) of this MOU.

VIII. Effective Date and Termination

This MOU shall become effective after execution by DOC and FDLE, on whichever execution date is later, and shall terminate five years from the effective date or earlier, upon thirty (30) calendar days notice by either Party or by mutual agreement of both Parties. Notice of early

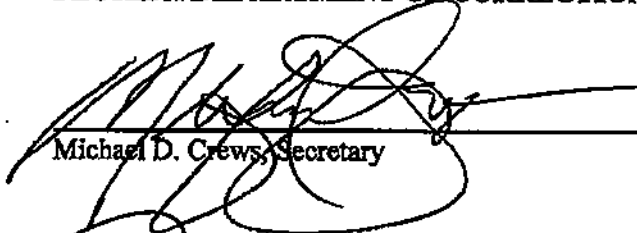
termination shall be delivered by certified mail and return receipt requested to the MOU Managers of the Parties.

IX. Public Records

FDLE agrees to: (a) keep and maintain public records that would ordinarily and necessarily be required by the Department to perform the contracted services; (b) allow public access to records in accordance with the provisions of Chapter 119 and 945.10, Florida Statutes; (c) ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law; (d) meet all requirements for retaining public records. Any press release related to investigative activities and responses to public records requests shall be coordinated jointly by the involved agencies to assure that disclosure, if any, is appropriate and timely. FDLE's failure to comply with this provision shall constitute sufficient cause for termination of this Agreement.

WHEREFORE, the Parties execute this Memorandum of Understanding by their undersigned duly authorized officials.

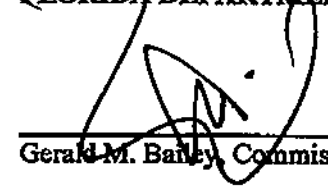
FLORIDA DEPARTMENT OF CORRECTIONS



Michael D. Crews, Secretary

6/23/14
Date

FLORIDA DEPARTMENT OF LAW ENFORCEMENT



Gerald M. Bailey, Commissioner

(TK)

6/23/14
Date

EXHIBIT 1

**INSTRUCTIONS FOR THE DEPARTMENT OF CORRECTIONS (DOC)
IN REPORTING INCIDENTS
TO THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE)
*pursuant to the Memorandum of Understanding (MOU) between DOC and FDLE***

**Call FDLE at -1-850-410-7645 or 1-800-342-0820
(24-hr – Watch Desk – Tallahassee)**

Prompt notification to FDLE is important.

- Identify yourself as reporting an incident involving the Department of Corrections.
- Indicate the location of the incident.
- Briefly summarize the incident and the current situation.
- Provide the name and means of immediate contact with the DOC representative currently in charge of the situation.

The FDLE Watch Desk personnel will contact the appropriate FDLE representative(s), who will then contact the DOC representative to confirm receipt of the information, advise as to FDLE's response, and coordinate efforts.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/5/15
Meeting Date

Tab 3
Bill Number (if applicable)

Topic DOC Deaths

Amendment Barcode (if applicable)

Name Elsa Whitlock

Job Title Paralegal

Address 910 North Duval St.

Phone 224-5556

Tallahassee FL 32303

Email e.d.whit@ix.netcom.com

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

Treatment of the Mentally Ill in the Florida Department of Corrections

Recommendations to Reduce Inmate Abuse

Transitional Care Unit



Dade Correctional Institution





"What's it going to take to change anything in here, does somebody have to die first?"

George C. Mallinckrodt

“While working there I witnessed several guards take turns beating a handcuffed inmate unmercifully. The only person I told about the incident was my coworker. She advised me to say nothing about it or risk retaliation. Soon I was overcome with depression and paranoia, so I found work elsewhere and turned in my resignation.”

Former Staffer at TCU – Dade CI

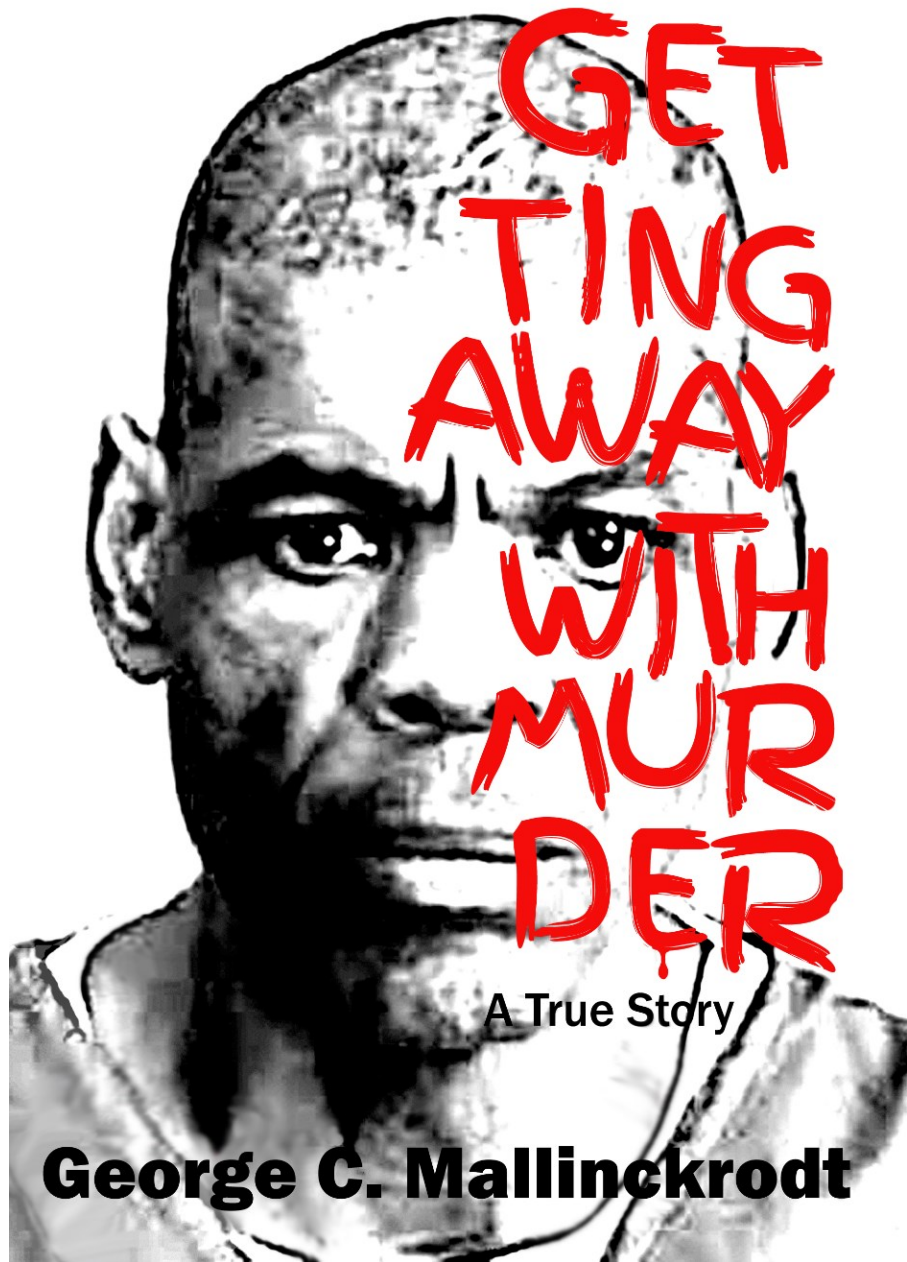
“They killed him!”

Former Coworker at TCU

In the middle ages, the mentally ill were thrown into dungeons where they were beaten, tortured, and killed.

What's changed?

George C. Mallinckrodt



A story of the nearly
three years
I worked as a
psychotherapist in the
Transitional Care Unit
at Dade Correctional
Institution



Pursued justice for
Darren Rainey
from inside the FL
DOC at great risk
to his own life

Harold still fears
retaliation...

And death

Harold Hempstead DC# 268866

Treatment of the Mentally Ill in the Florida Department of Corrections

South Florida Reception Center



The Florida Department of Corrections is the largest single provider of mental health services in the state

Suggestions for the Humane Treatment of the Mentally Ill

- Partner with county jails
- Segregate the mentally ill from the general population
- Maintain medications from jail
- Immediately perform a psychiatric evaluation
- Prescribe psychotropic medications and counseling
- **NO SOLITARY CONFINEMENT**

Requirements for Guards in a Psychiatric Setting

- No “Use of Force”
- Personality Screenings for All Guards
- Yearly Crisis Intervention Training
- Ongoing Trainings by Staff Psychologists

Recommendations to Reduce Inmate Abuse

What constitutes inmate abuse?

- Skipping Food Trays – “Air Tray”
- Punitive Cell Search
- Taunting / Antagonizing / Tormenting
- “Excessive Use of Force”
- Denial of Medical Treatment
- Punitive Use of Pepper Spray

“The Florida Department of Corrections is riddled with sadistic, amoral, sociopaths and the people who enable, support, and cover-up their crimes.”

George C. Mallinckrodt

Recommendations

- Impartial, independent agency to investigate inmate abuse, beat-downs, torture, and deaths



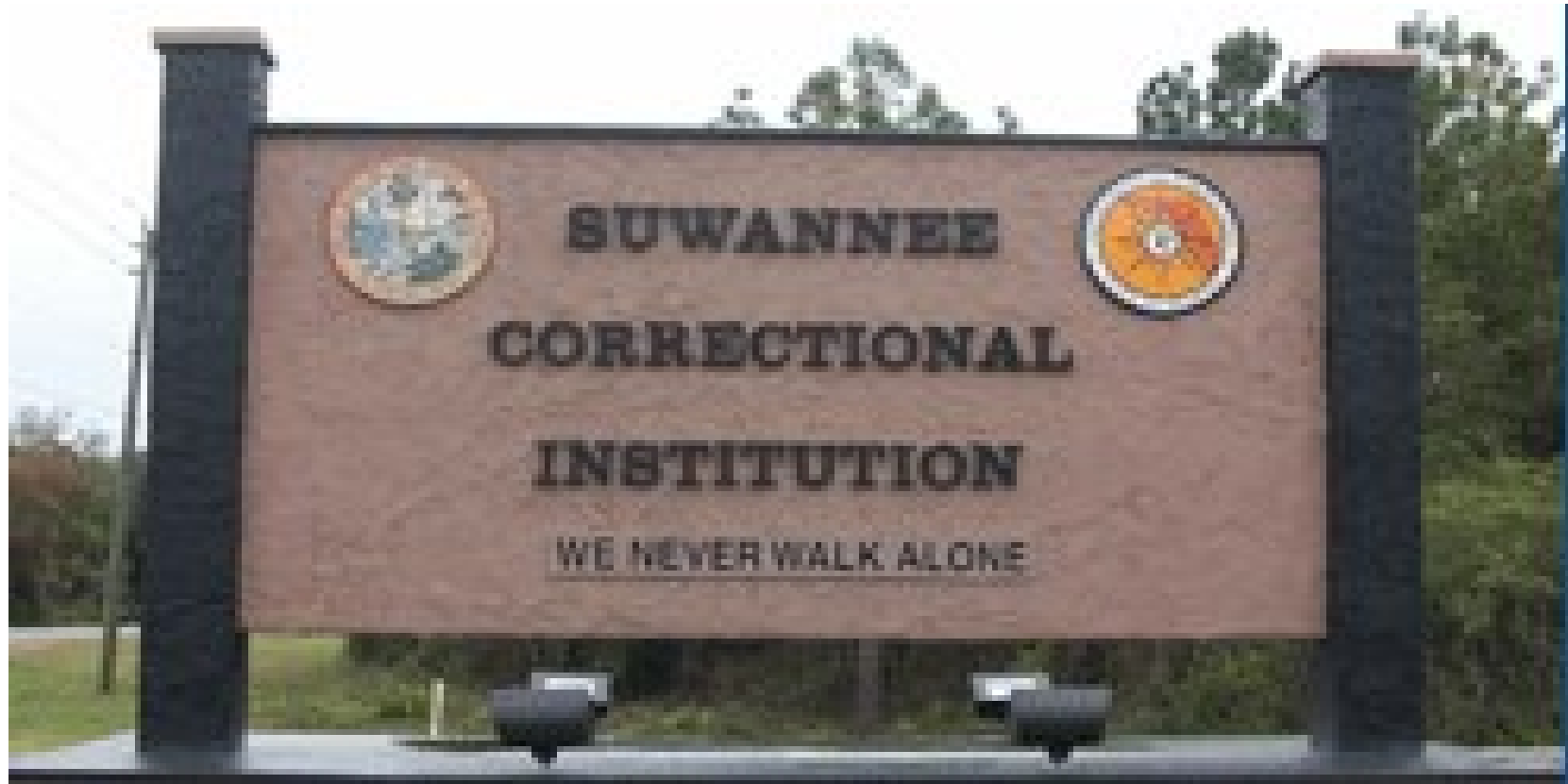
- Lowell Correctional Institution
- Mother of four young children
- Due to be released in 7 months
- Feared for her life
- Died Oct. 1, 2014

Latandra Ellington

Inmate homicides do not elicit first-rate investigations when compared to civilian homicides

Recommendations

- Impartial, independent agency to investigate inmate abuse, beat-downs, torture, and deaths
- Collect and process all inmate grievances
- Install, maintain, monitor all cameras – 100% Coverage



- “The Red Room”
- “Blood Trail”
- “Code 99”

Recommendations

- Impartial, independent agency to investigate inmate abuse, beat-downs, torture, and deaths
- Collect and process all inmate grievances
- Install, maintain, monitor all cameras – 100% Coverage
- Body cameras for correctional officers
- Collect, disseminate, and distribute all incoming and outgoing regular and legal mail
- Establish a toll-free confidential (unmonitored) hotline on inmate's payphones to report inmate abuse

Private Providers of Medical Services

- Adhere to Standard of Care
- Future contracts must have contractual clauses to address inmate abuse

Corizon Employee Manual

2. While on duty no employee shall:

- a. Have personal conversations with inmates or client staff. All conversations with inmates and client staff shall be strictly professional.
- b. Use profane or abusive language.

c. Abuse inmates in any manner.

- inmate.
 - g. Have unauthorized keys to any area of the institution. All authorized keys will be maintained in a secure manner at all times.
 - h. Enter restricted areas of the institution without proper authorization, or for reasons other than specifically for the purpose of providing medical care.
 - i. Use CMS owned property, or institution-owned property, for personal use or gain.
 - j. Use physical force on any inmate except in self-defense, and only to the degree that is reasonably necessary.

Private Providers of Medical Services

- Adhere to Standard of Care
- Future contracts with Florida must have a contractual clauses to deal with inmate abuse
- Educational and training seminars to cover the recognition and reporting of inmate abuse
- Provide support services in the event an employee had to testify in court against corrections officers
- Penalty for not reporting abuse – Dismissal

“A prison that deprives prisoners of basic sustenance, including adequate medical care, is incompatible with the concept of human dignity and has no place in civilized society.”

Supreme Court Justice Anthony Kennedy

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

January 5, 2015

Meeting Date

Bill Number (if applicable)

Topic Treatment of the Mentally Ill and Reduction of Inmate Abuse

Amendment Barcode (if applicable)

Name George C. Mallinckrodt

Job Title Former Psychotherapist in TCU at Dade Correctional Institution

Address PO Box 398374

Phone 305-297-6054

Street

Miami Beach

FL

33239

Email georgemallinckrodt@gmail.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing S.P.A.N. - Stop Prison Abuse Now

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Increased Transparency, Accountability, and Oversight of the Florida Department of Corrections

Project on Accountable Justice—



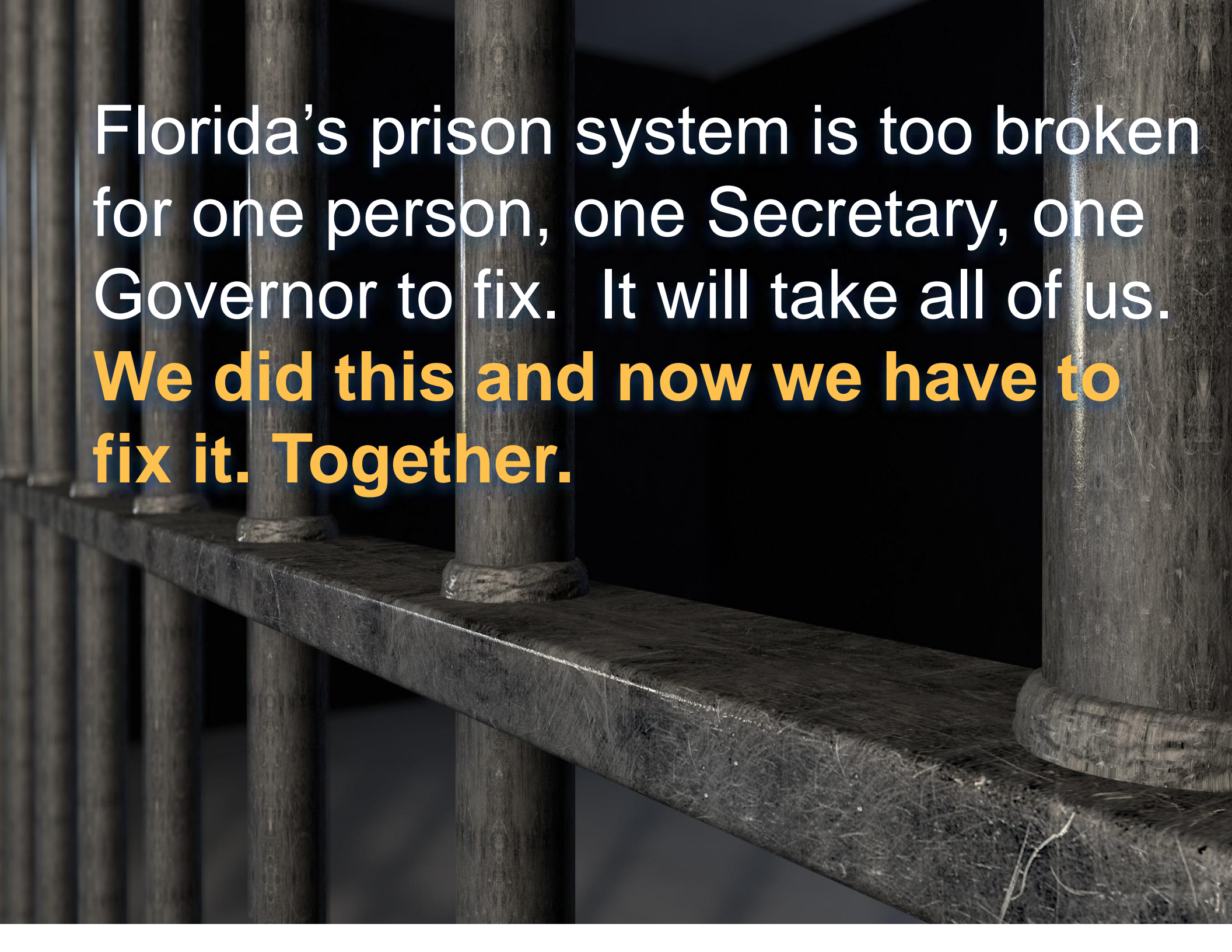
**A partnership of
Florida State University
Baylor University
St. Petersburg College
Tallahassee Community College**

Project on Accountable Justice—



**A partnership of
Florida State University
Baylor University
St. Petersburg College
Tallahassee Community College**

Established in October 2012, the PAJ mission is to advance public safety through research and evidence.

A close-up photograph of a wooden prison cell door. The door is constructed from dark, weathered wood, featuring vertical bars and a horizontal beam. The lighting is dramatic, with strong highlights and deep shadows, creating a somber and confined atmosphere. The text is overlaid on the image, with the first part in white and the second part in yellow.

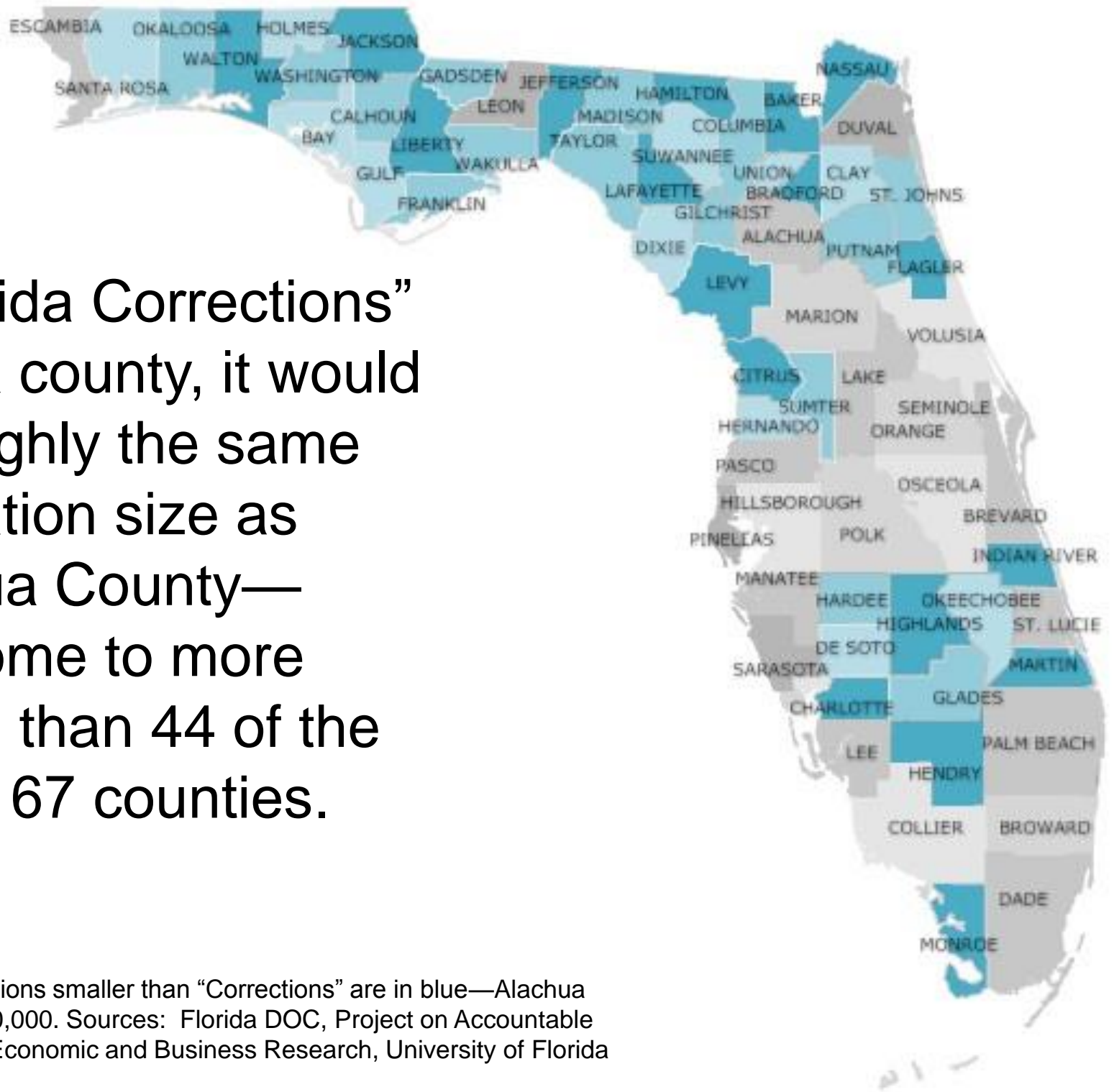
Florida's prison system is too broken
for one person, one Secretary, one
Governor to fix. It will take all of us.
**We did this and now we have to
fix it. Together.**



**What happens inside prisons
does not stay inside prisons:**

**33,000 people in and 33,000
people out each year touches
all of our communities.**

If “Florida Corrections” were a county, it would be roughly the same population size as Alachua County—and home to more people than 44 of the state’s 67 counties.



44 counties with populations smaller than “Corrections” are in blue—Alachua County population ~ 250,000. Sources: Florida DOC, Project on Accountable Justice, and Bureau of Economic and Business Research, University of Florida

A framework for the dialogue:

External
Oversight
Advances
Public Safety

Incarceration
is Punishment

Rehabilitation
is a Central
Purpose of
Corrections

Recommendations:



1) Public Safety Oversight Commission

Create an independent advisory council responsible for external oversight of corrections.

Structure:

Independence from Corrections
Appointed Commissioners with Professional Staff

Authority to:

Inspect all Correctional Facilities, Records
Conduct Confidential Interviews, Hearings, Issue Subpoenas, Take Sworn Testimony

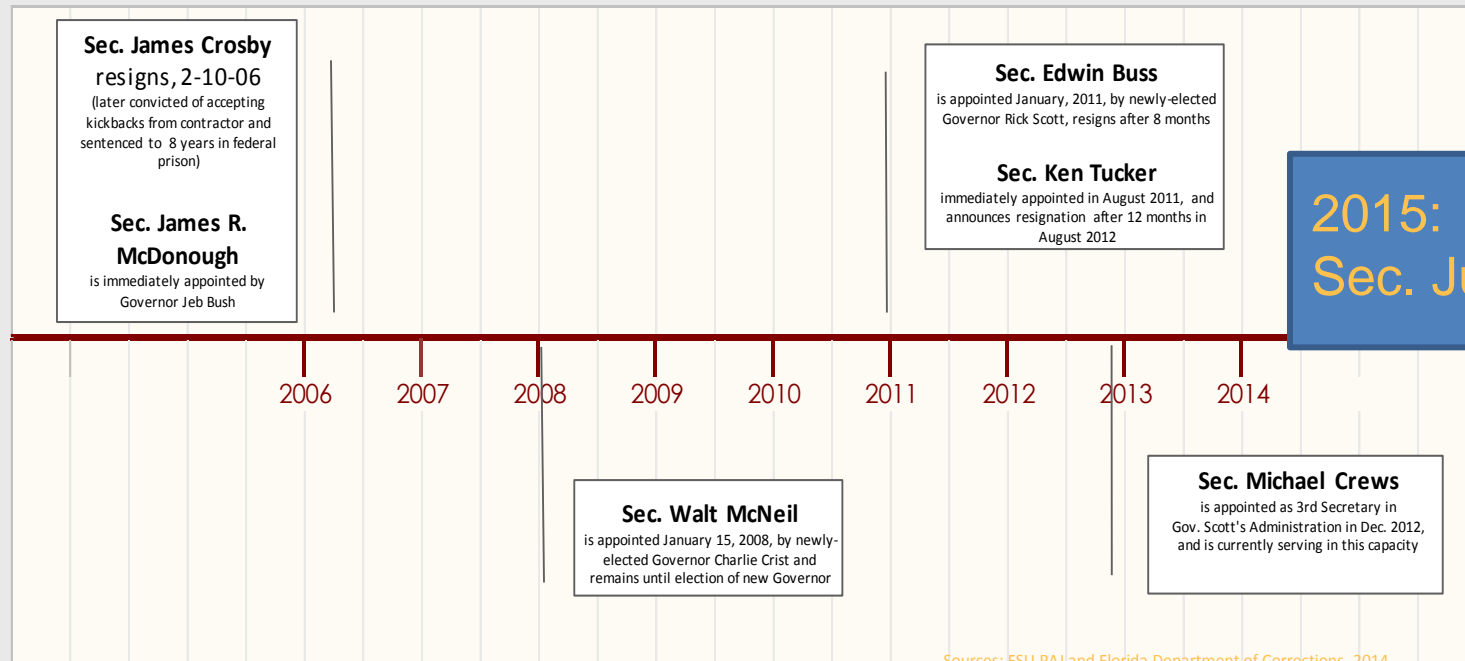
Duties:

Ongoing Monitoring
Develop Public Safety Performance Measures
Recommendations for System Improvement

2) Stable Leadership

Unlink the Secretary of the Florida Department of Corrections' term from the Governor's term of office.

Timeline of Florida Department of Corrections Secretaries



2015:
Sec. Julie Jones

Sources: FSU PAJ and Florida Department of Corrections, 2014
<http://www.dc.state.fl.us/oth/timeline/>



2) Stable
Leadership

Options

5-year Term

Florida Governor and Cabinet Appointment

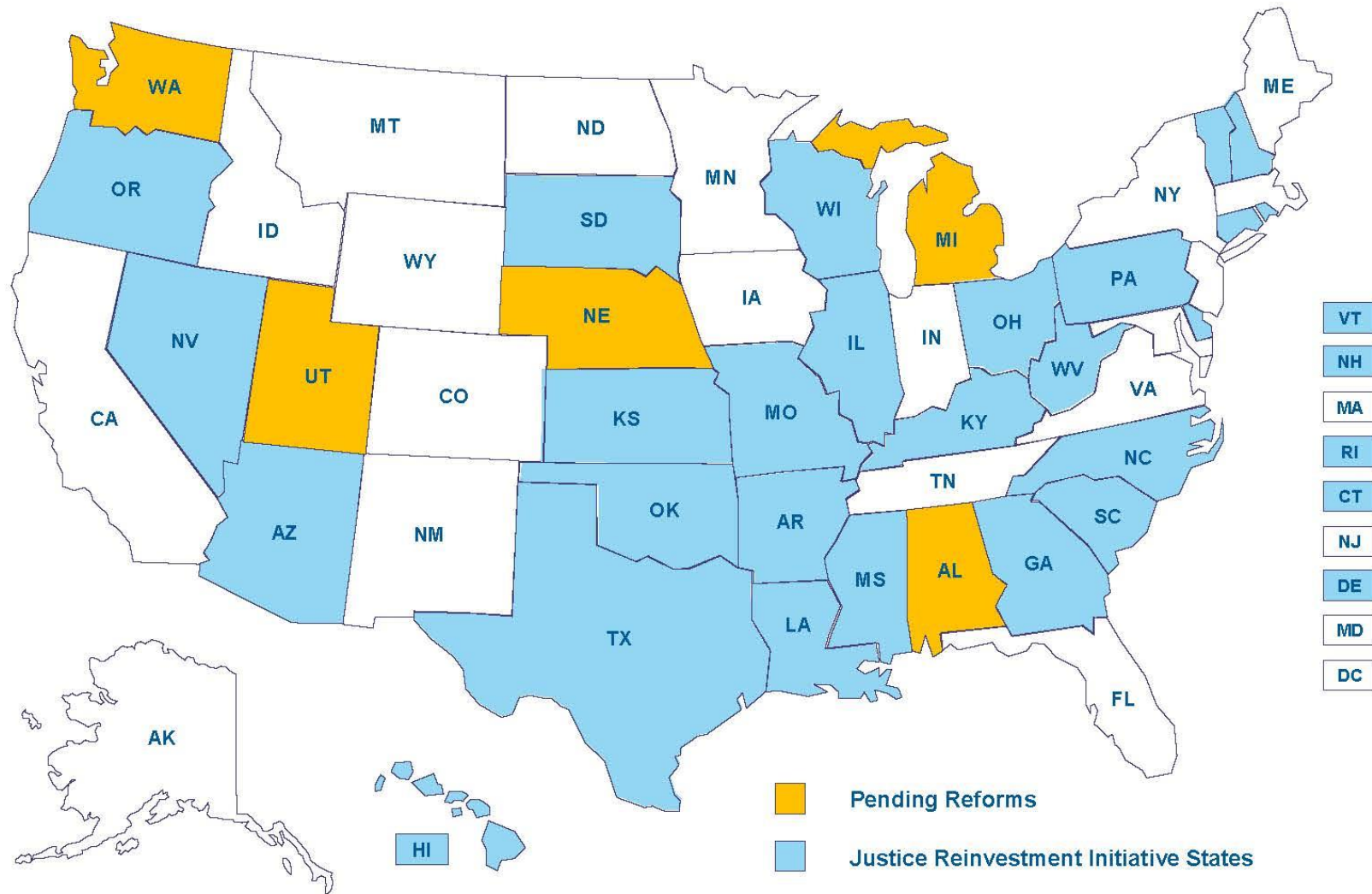
Oversight Commission Involvement in Vetting,
Hiring, and Performance Review



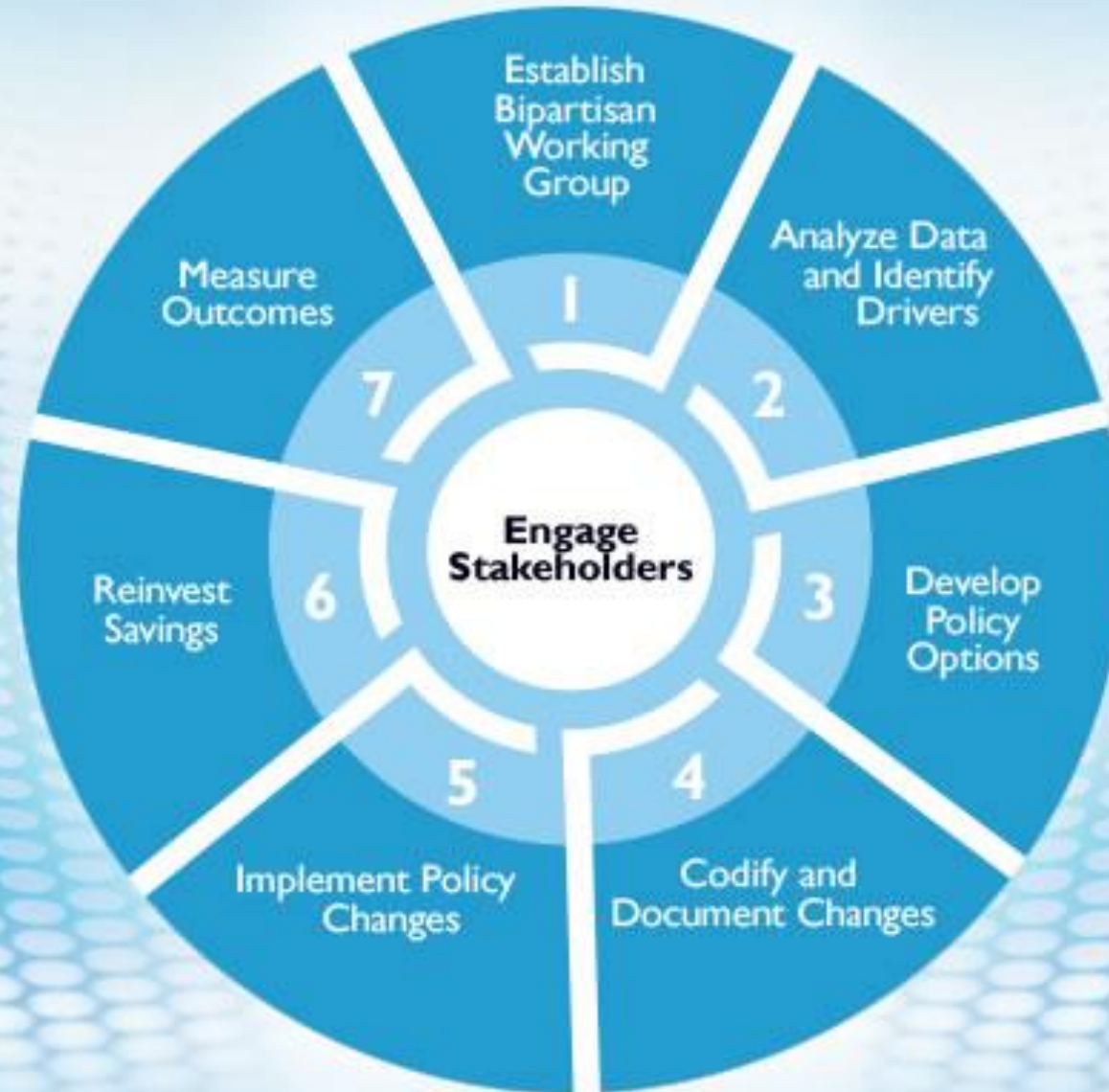
3) Justice Reinvestment Initiative

Participate in “Justice Reinvestment Initiative,” a data-driven approach to corrections policy that seeks to cut spending and **reinvest** savings in practices that have been empirically shown to improve safety and hold offenders accountable.

Diverse States Pursuing Justice Reinvestment



How does it work?



Source: Bureau of Justice Assistance

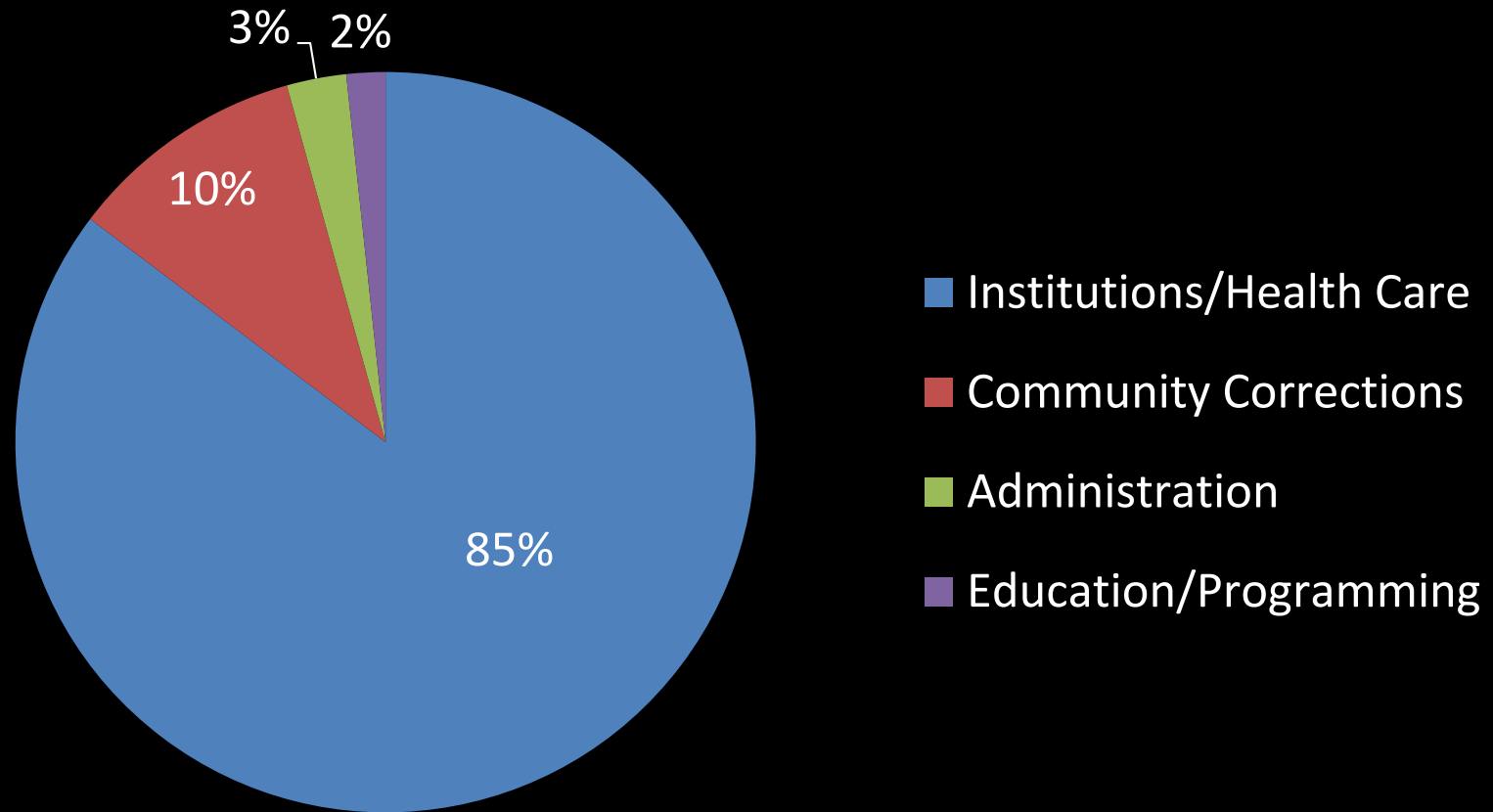
One Size Does Not Fit All

Sentencing and Corrections Reforms in Justice Reinvestment States

Policy Reform	2014		2013				2012					2011					2010			2009		2008				2007			Total					
	ID	MS	OR	SD	WV	KS	MO	DE	GA	PA	HI	OK	AR	KY	AL	LA	NC	OH	SC	NH	MI	IL	WI	AZ	PA	CT	RI	VT		KS	NV	TX		
Sentencing/Pretrial	Reclassify/redefine drug offenses		✓	✓	✓				✓				✓	✓			✓	✓																8
	Reclassify/redefine property offenses		✓	✓	✓				✓				✓					✓	✓															7
	Establish /expand presumptive probation for certain offenses		✓	✓	✓						✓			✓				✓												✓				7
	Revise sentencing enhancements		✓							✓				✓				✓	✓															5
	Revise mandatory minimums			✓						✓				✓			✓		✓															5
	Reduce crack-powder cocaine disparity																		✓	✓														2
	Revise sentencing guidelines/establish sentencing commission																										✓							3
	Improve pretrial release systems					✓			✓			✓		✓																				4
	Establish presentence assessment					✓			✓	✓			✓	✓															✓					6
	Revise drug-free school zone													✓						✓														2
Authorize risk-reduction sentencing																										✓							3	
Release	Revise parole hearing/decision/eligibility standards	✓	✓				✓				✓		✓	✓					✓	✓	✓						✓	✓					12	
	Expand good/earned-time prison credits /re-entry leave		✓	✓			✓		✓	✓						✓	✓	✓	✓	✓								✓	✓				12	
	Establish/expand geriatric or medical parole		✓										✓						✓			✓											5	
Community Corrections	Establish earned discharge (probation/parole)	✓	✓	✓	✓		✓	✓					✓	✓					✓	✓				✓									12	
	Authorize performance incentive funding			✓									✓	✓					✓	✓			✓						✓				8	
	Authorize administrative jail sanctions	✓	✓			✓	✓						✓	✓					✓	✓													11	
	Authorize graduated responses for violations	✓	✓		✓	✓	✓		✓	✓	✓		✓	✓					✓	✓										✓	✓		15	
	Cap revocation time	✓	✓				✓		✓	✓	✓		✓	✓		✓																	10	
	Establish/improve electronic monitoring		✓			✓			✓				✓	✓															✓				7	
	Establish mandatory reentry supervision					✓	✓						✓	✓					✓	✓													8	
	Require/improve risk-needs assessment	✓	✓	✓	✓	✓			✓	✓		✓	✓	✓		✓	✓	✓	✓	✓		✓	✓				✓						17	
	Require evidence-based practices				✓	✓			✓	✓	✓		✓	✓							✓	✓						✓					11	
	Reform/pilot specialty courts (HOPE, drug courts, etc.)		✓	✓	✓	✓			✓				✓	✓		✓																	9	
Reduce probation terms											✓																	✓				2		
Improve interventions such as sub abuse/mental health/CBT	✓			✓	✓	✓		✓										✓	✓		✓	✓		✓			✓	✓	✓	✓		14		
Sustainability	Require fiscal impact statements		✓	✓	✓									✓					✓			✓											6	
	Establish leadership/board qualification requirements	✓	✓													✓			✓														4	
	Require data collection/performance measurement	✓	✓	✓	✓	✓							✓	✓		✓	✓	✓	✓		✓		✓										17	
	Establish measures to streamline/improve efficiency of system	✓	✓		✓	✓			✓	✓			✓	✓		✓	✓	✓	✓		✓				✓	✓							12	
	Improve restitution/victim notification systems	✓	✓		✓						✓									✓														6
Establish oversight council	✓	✓	✓	✓			✓	✓											✓														7	

Notes: The Justice Reinvestment Initiative is supported by The Pew Charitable Trusts and the U.S. Department of Justice, Bureau of Justice Assistance. Intensive technical assistance to the states is provided by Pew, the Council of State Governments Justice Center, the Vera Institute of Justice, and other partners. Reforms include those enacted in legislation and by executive or court order. Reforms in GA were enacted in 2012 and 2013; LA reforms in 2011 and 2012; CT reforms in 2004 and 2008. Policy reforms in each state were developed by bipartisan, inter-branch working groups and based on analyses of the states' specific criminal justice challenges. The number of policy reforms in a state does not correspond with the impact on prison populations or costs. For more details about policies, impacts, and reinvestments, see individual state pages at www.pewstates.org/publicsafety.

Florida DOC Budget: Room to Reinvest



Source: Florida DOC



4) Culture and Professionalism

Begin a multi-year, measurable effort to “right the ship” through a strategic plan to **support** and advance the professionalism and culture of Florida correctional officers.



4) Culture and Professionalism

Options to underscore the value of and enormity of responsibility of correctional officers.

Education Requirements: Incentives for Advancement

Selection Process: Age of Hire, Screening

Voluntary Early Buyout

Centralized Training Academy

Regular Transfers of Institutional Staff at or above Captain as well as civilian staff in leadership

Competitive Pay



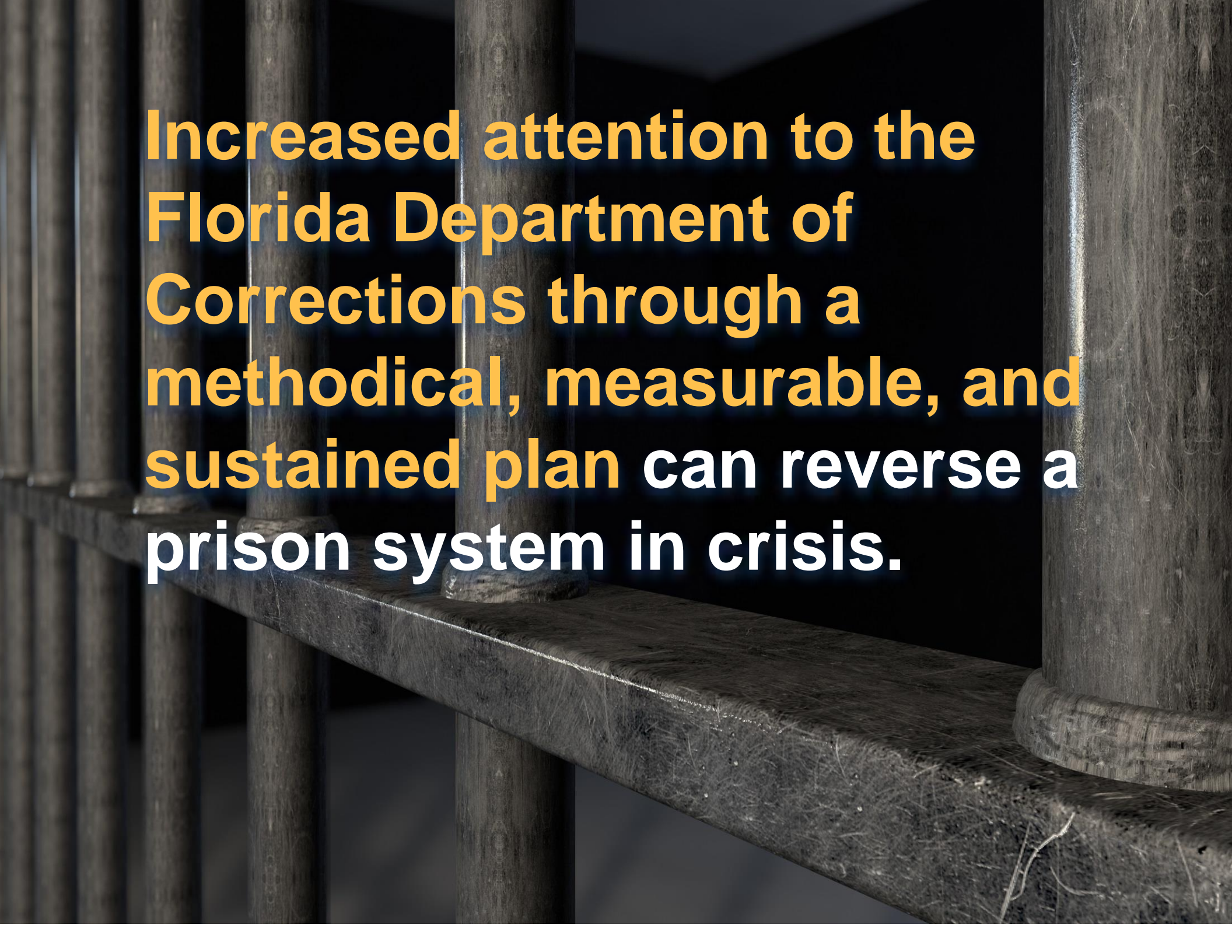
5) Performance Measurement

Expedite the implementation of performance measurement and management.

Is Florida measuring what matters?

Is Florida learning from performance data?

Is transparency and public engagement an integral component to Florida DOC performance reporting?



Increased attention to the Florida Department of Corrections through a methodical, measurable, and sustained plan can reverse a prison system in crisis.

Thank you for your interest.

For more information, please contact:

FSU Project on Accountable Justice

Allison DeFoor, Chairman

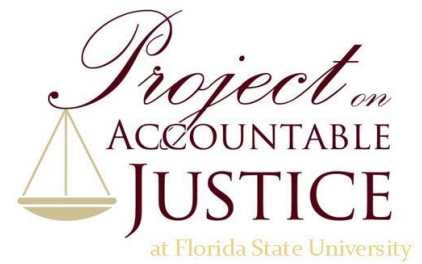
Deborah Brodsky, Director: dbrodsky@fsu.edu

Website: iog.fsu.edu/paj/

Report may be found at:

<http://iog.fsu.edu/paj/documents/Recommendations%20to%20Improve%20DOC%2011-12-14.pdf>

**Recommendations to Advance Public Safety through
Increased Transparency, Accountability, and Oversight
of the Florida Department of Corrections**



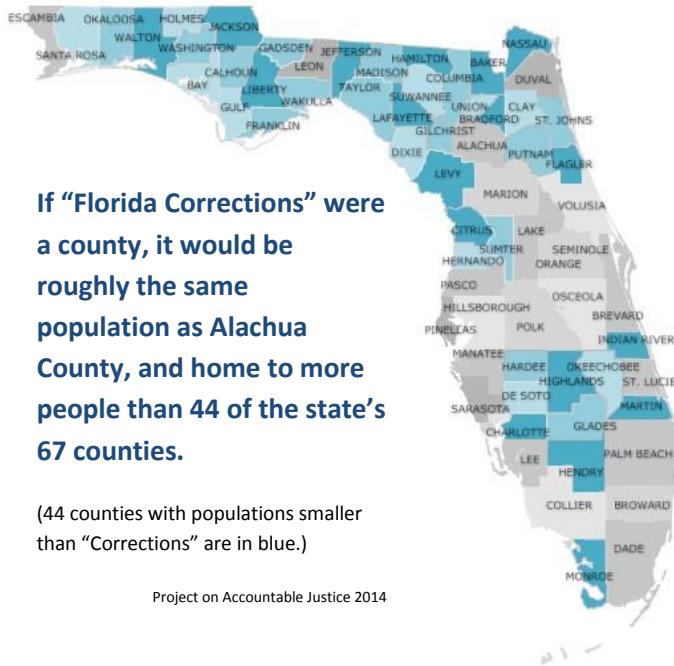
The Florida Department of Corrections (DOC) is the third largest corrections agency in the country, employing the most state employees (1 in 7 Florida state employees), at a cost of more than \$2.3 billion annually. The DOC is also an agency in crisis and has engaged daily for the past months in triage to respond to instances of failure to carry out the Department of Corrections' constitutional and statutory obligation to safely and effectively house inmates, currently numbered more than 100,000.

The investigative diligence of the *Miami Herald*, the *Palm Beach Post*, the *Tampa Bay Times*, and *The News Service of Florida* has brought necessary scrutiny to the agency for isolated acts, which have subsequently uncovered systemic failings.¹ These deficiencies have facilitated an environment that is dangerous, brutal and in some cases, deadly. The agency has responded in stages, by revising and clarifying policies, by the firing of several correctional officers, and efforts continue to identify system deficiencies.

Failure in corrections means less safety, more victims, more costs, and fewer reformed offenders. The question facing Florida now is whether we will collectively rise up to meet the challenges that have been festering for many years. Will Florida clean up this last area of performance unaccountability in government?

¹ See the *Miami Herald's* (and other publications) ongoing reporting on Florida Department of Corrections, at Appendix A.

- 1. Create a Public Safety Oversight Commission.**
- 2. Unlink the Department of Corrections Secretary's term from the Governor's term.**
- 3. Participate in Justice Reinvestment Initiative.**
- 4. "Right the ship" through a comprehensive strategic plan to support and advance the professionalism and culture of Florida correctional officers.**
- 5. Expedite the implementation of performance measurement and management.**



As taxpayers and citizens that bear the direct financial and societal costs of incarceration and recidivism, Floridians should expect more. To keep this in context, the population currently under the supervision—either in prison or under some other form of supervision like probation—of the Florida Department of Corrections is larger than that of 44 of Florida’s 67 counties.² This large population of men and women are removed from society and thus, out of sight and out of mind.

But, the impact of what occurs inside prisons has very real implications for Floridians. For every correctional officer, there is a family. For every inmate, there is a family. And for all of these families, there is a community where prisoners return as rehabilitated, law-abiding neighbors or as hardened criminals. The traffic between the inside and outside is dynamic, with more than 33,000 people admitted and an equal number of people released in 2012-2013.³ Thus, whether we wish to admit it or not the consequences of what happens inside of prisons has an impact felt broadly and deeply across the state. Prioritizing the Department of Corrections is an opportunity to make Florida a healthier, safer place.

The Department has acted with increasing urgency and has pledged a policy of zero tolerance for employees who act against the law and agency policies.

Florida Department of Corrections Secretary Michael Crews:

"I have made it clear that there is zero tolerance for corruption or abuse at the Department of Corrections, and we continue to root out any-and-all bad actors who do

² Florida DOC comments on its timeline: “Would it surprise you to know that the number of offenders under FDOC supervision and in FDOC’s custody is larger than the population of 48 of 67 Florida counties?” at <http://www.dc.state.fl.us/oth/timeline/index.html>. PAJ updated using 2013 county population information, University of Florida, Bureau of Economic and Business Research at: <http://www.bebr.ufl.edu/content/florida-county-population-projections-free-download>

³ Florida Department of Corrections, inmate admissions and releases, 2012-2013 at: <http://www.dc.state.fl.us/pub/index.html>

not live up to our expectations. Our standards are high and we will accept nothing less to ensure the safety of our staff and those in our custody, as well as Florida families.”⁴

The Secretary’s recent rounds of visits to all Department facilities around the state—and the resulting firing of dozens of DOC employees—are to be recognized as essential steps. Additional steps, including the release of data on inmate deaths, the announcement of the hiring of a Mental Health Ombudsmen and related training and certification specialization for the handling of mentally ill inmates are also potential improvements.⁵ But both the firings and the recommendations remain reactive steps, internally limited, and still do not address systemic weaknesses and failings of accountability.

For understandable reasons, including the potential impact on security and safety, correctional facilities are insular and relatively closed to public scrutiny. The continuing revelations point to where the historically closed world of Florida corrections can be dangerous and deadly in worst cases, but more commonly reflect missed opportunities. As agency responses continue, what happens tomorrow and in the short-term is anyone’s guess. But what happens over the long-term is in all Floridians’ interest and utterly changeable.

The purpose of this paper is to help set Florida down a path to a more responsive and accountable justice system—not to assign blame for recent developments. These recommendations focus on resolving systemic issues in order to prevent future abuses and deprivations. The problems emerging now have been developing over years and responsibility is widely shared. As a result, the recommendations that follow are necessarily expansive.

As a contribution toward righting the course that the Department of Corrections has long been on we present five recommendations to improve the transparency, accountability, oversight, and overall effectiveness of the Florida Department of Corrections.

⁴Florida DOC Secretary Crews’ remarks from July 2014 press conference as reported by the *Miami Herald* at: <http://www.miamiherald.com/news/state/article1976475.html>

⁵ Florida Department of Corrections, memo from Dr. Dean Aufderheide, Director of Mental Health Services, to Florida DOC Secretary Michael Crews, “Mental Health Recommendations,” dated October 2, 2014.

Framework for Recommendations

Three principles are fundamental to providing a framework for this preliminary list of recommendations and are also intended to provide guidance for continuing dialogue.

These principles are central to improving the overall operations and ultimate societal outcomes of reduced crime and victimization, rehabilitated individuals, and restored communities. All recommendations reflect these principles.

- 1) **External oversight enhances and advances public safety.** Oversight is a proactive and collaborative means by which the State of Florida can achieve improved transparency of and accountability for operating correctional facilities.
- 2) **Incarceration itself is punishment.** Deprivation of individual liberty through incarceration is one method by which individuals are penalized for crimes. It is further recognized that there are instances when correctional facility management and officer and public safety warrant additional sanctions. However, in all cases, punishment must be handled ethically, accountably, and in strict adherence to Florida Department of Corrections rules and policies, the law, and the Constitution.
- 3) **Rehabilitation is a central purpose of corrections.** The vast majority of prisoners, 87 percent according to the Department of Corrections,⁶ will return to Florida communities after fulfilling their prison term.

Prison environments that encourage pro-social behavior through positive and productive interaction with correctional professionals, who in turn model and encourage socially acceptable behaviors, can increase the likelihood that ex-offenders will reintegrate back into community as law-abiding neighbors. Bottom line: the overwhelming majority of prisoners are coming home, whether their rehabilitation is supported or discouraged.

"So I would hope that the general public would see that we are being proactive. Do I think it's enough? The results will prove that as we move down the path...What's incumbent upon us, as leaders in this agency, is to make sure that we continue to do and evaluate and look at all of our practices, protocols, policies, procedures and everything that we have to make sure that we're maximizing the safety of our staff, our inmates and the general public who comes into our institutions, that we're conducting ourselves properly and within the realm of what we say we expect and that we treat everyone fairly and respectfully. But I am confident that we're making some significant changes in this agency on things that for a long time perhaps weren't addressed. Maybe they should have been. I don't know. But this agency has been around a long time, a lot of history. And when we began, this agency, as most correctional systems were, was viewed as a warehouse for inmates."

*Florida DOC Secretary Michael Crews
News Service of Florida, October 20, 2014*

⁶ Florida Department of Corrections, 2013 Florida Prison Recidivism Study: Releases From 2005 to 2012, accessed on September 30, 2014, at <http://www.dc.state.fl.us/pub/recidivism/2013/index.html>

The following recommendations are in no way exhaustive, but present a point of departure for a long overdue, comprehensive state-level conversation that embraces the fundamental importance to public safety through housing prisoners humanely.

Recommendations

1 Create a Public Safety Oversight Commission—an independent advisory council responsible for external oversight of both the departments of Juvenile Justice and Corrections. Charged with monitoring the conditions of all Florida state correctional facilities, this body would be empowered to walk into any facility at any time—juvenile and adult—with access to every corner, inmate, employee and record.⁷

The forms of oversight currently in place have proved insufficient to ensure the safety of prisoners and correctional officers. Professor Michele Deitch, an internationally recognized expert in correctional oversight models, describes external oversight of correctional facilities as an “umbrella concept”, with seven essential, complementary functions. Deitch asserts, “These oversight functions are not in competition, nor mutually exclusive... The best way to ensure that oversight is effective is to ensure that each of these critical functions is being served effectively.”⁸ Effective and efficient oversight requires:

- 1) regulation
- 2) auditing
- 3) accreditation
- 4) investigations
- 5) reporting
- 6) legal action, as redress and corrective when wrongdoing and constitutional violations are found; and,
- 7) inspections and monitoring.⁹

⁷ See: Brodsky, D. (16, July 2014). Give prison facilities consistent, independent oversight. *Miami Herald*. Retrieved September 30, 2014, from <http://www.miamiherald.com/opinion/op-ed/article1975826.html>

⁸ Deitch, M. (2007). Distinguishing the Various Functions of Prison Oversight. In M. Deitch (Ed.), *Opening up a Closed World: What Constitutes effective Prison Oversight?L Conference Proceedings*. Austin: Lyndon B. Johnson School of Public Affairs, The University of Texas at Austin.

⁹ Mushlin and Deitch, *Opening Up a Closed World: What Constitutes Effective Prison Oversight?*, 30 Pace L. Rev. 1383 (2010)
Available at: <http://digitalcommons.pace.edu/plr/vol30/iss5/1>

Florida already has bodies that serve several of these functions. For instance, the Legislature uses its authority over funding to regulate prisons, and the Florida Auditor General and the Office and Program Policy Analysis and Government Accountability (OPPAGA) have the power to audit the Department of Corrections.¹⁰ Self-regulatory bodies, such as the American Correctional Association (ACA),¹¹ have their place in the spectrum of accountability mechanisms. Reporting by the media¹² and investigations by the Office of the Inspector General and the Florida Auditor General also serve key roles in the umbrella of accountability.¹³ And, legal action through the courts¹⁴ provides an expensive outlet of last resort.¹⁴

However, the final function identified by Deitch—inspections and monitoring—could be introduced. This function provides routine, external scrutiny—that is, regular monitoring performed by an entity outside of corrections. This missing function can be an integral component to righting the course for the Florida Department of Corrections. Florida should seek a proactive remedy to ensure safe and effective prisons by establishing an external oversight commission or board that has the power to monitor institutional conditions and policies across the state.

Across the country, mechanisms for oversight of correctional institutions are deployed in a variety of way and in different forms and levels of authority, including ombudsmen, state commissions, and fully external bodies with authority to walk into prisons.¹⁵ In reviewing

¹⁰ Additionally, the American Correctional Association provides optional accreditation for institutions, and, within the Department of Corrections, the Inspector General conducts investigations.

¹¹ Florida Department of Corrections' institutions and work release centers are accredited by the American Correctional Association (ACA). Described by ACA, "accreditation (is) intended to improve facility operations through adherence to clear standards relevant to all areas/operations of the facility, including safety, security, order, inmate care, programs, justice, and administration." See Florida Department of Corrections: <http://www.dc.state.fl.us/pub/aca/index.html> and ACA: http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_Accreditation/ACA_Member/Standards_and_Accreditation/SAC_AboutUs.aspx?hkey=7f4cf7bf-2b27-4a6b-b124-36e5bd90b93d

¹² See Appendix A of this document

¹³ While this recommendation focuses on the need for an additional form of external oversight to complement the multi-faceted processes of regulation, oversight, review, and investigations already in place to ensure safe and humane prisons, there is room for improved processes of internal reviews. Among concerns, a 2013 Auditor General Report No. 2013-074, specific to the Department of Corrections' oversight of security operations, observed several challenges in meeting the statutory obligations of a security review commission (as mandated in s. 944.151). Although obligated to convene this body by law, according to the Department of Corrections, the security review commission had not met since 2008 due to budgetary constraints. DOC had, instead, reassigned duties across the agency. The AG recommended resuming the commission as intended, or instead, changing the law. Additional recommendations suggest areas where a more formalized reporting process would bolster oversight functions as well as increase transparency of operations. See: http://www.myflorida.com/audgen/pages/pdf_files/2013-074.pdf.

¹⁴ The federal courts have, for the past 40 years, served a critical oversight function in protection of prisoners, notably: *Holt v. Sarver*, *Rhem v. Malcolm*, and *Ruiz v. Estelle*. See: Deitch, M. (April 2012). The need for Independent Oversight in a Post-PLRA World. *Federal Sentencing Reporter*, 24(4), 236-244.

¹⁵ See examples: Michele Deitch, *Independent Correctional Oversight Mechanisms Across the United States: A 50-State Inventory*, 30 Pace L. Rev. 1754 (2010) Available at: <http://digitalcommons.pace.edu/plr/vol30/iss5/21>

the models, it appears that (not surprisingly given the uniqueness of states more generally) each state's needs are very different, and any such newly established body should seek to complement the roles and authority of currently existing (and functioning) entities.

While there is no known perfect model, there are basic concepts of governance known to be successful (think of oversight bodies of community colleges and state universities), which are also ultimately transferable to Florida criminal justice planning and oversight.

Minimally, several states operate with some level of a formalized, state-level body convened to coordinate state-level strategy and improve the effectiveness of their criminal justice systems (see side box examples from Texas and Georgia).

It should be noted that Florida previously had an external body in place, the Florida Corrections Commission, which served to some extent an oversight function, but was never fully utilized and was eventually defunded.¹⁶

Given that there is no central body looking at criminal justice issues from a state vantage, rather than from the eyes of the agency, and that there is virtually no external, independent oversight, the following specifications are offered for consideration.

TEXAS: The nine member Texas Board of Criminal Justice is appointed by the governor to oversee the Texas Department of Criminal Justice (TDCJ). The Board members are appointed for staggered, six-year terms and are responsible for hiring the executive director of the department and setting rules and policies which guide the agency. Several other divisions of TDCJ report directly to the board, including the Inspector General, Internal Audit, State Counsel for Offenders, and PREA Ombudsman.

See: <http://www.tdcj.state.tx.us/tbcj/>

GEORGIA: The Criminal Justice Coordinating Council was created by the Georgia General Assembly in 1981 as an Executive Branch agency to effectively lead the coordination of all components and all levels of the state's criminal justice system. The Council is composed of 14 ex-officio members, representing the involved and related agencies (Corrections, Juvenile Justice, Public Defenders, Children and Families, etc.) and an additional ten Governor-appointed members.

See: <http://cjcc.georgia.gov/>

Recommended Structure/Authority/and Duties for the Public Safety Oversight Commission:

- Structure:
 - Independence from corrections/juvenile justice;

¹⁶ The Florida Corrections Commission was created by the 1994 Legislature in s. 20.315 (6), F.S., to provide oversight to the Department of Corrections and the criminal justice system more broadly. The Governor-appointed, Senate confirmed 9-member commission was charged with, among duties: providing recommendations on major criminal justice policies, reviewing the department's annual budget request and financial status and to, "evaluate, at least quarterly, the efficiency, productivity, and management of the Department of Corrections."

- Composed of appointed commissioners; and
 - Professionally staffed, with leadership appointed for a fixed term, subject to legislative confirmation, and subject to removal for just cause.
- Authority to:
 - inspect all correctional facilities, public or private, juvenile and adult, announced or unannounced;
 - obtain any and all records related to a facility's operation or condition;
 - conduct confidential interviews with all staff, inmates, citizens, and public officials related to operations and condition; and
 - convene public hearings, issue subpoenas, and take sworn testimony.
 - Duties to include:
 - Ongoing monitoring of all Florida correctional facilities;
 - Development and ongoing reporting of public safety performance measures;
 - Review of and comment on legislative budget proposals;
 - Review of and comment on proposed legislation;
 - Publication of an annual report;
 - Publication of annual surveys, benchmarking improvement from key stakeholder groups: victims, volunteers, correctional officers, correctional health care professionals, and inmates.
 - Development of recommendations for system improvement.¹⁷

2 Unlink the Secretary of the Florida Department of Corrections' term from the Governor's term of office.

Among many important duties, the Governor of the State of Florida has the authority to appoint executive agency heads. As is customary during gubernatorial transitions, the Governor sets the tone of administrative priorities by putting his or her own team in place in the executive agencies. This is completely within his or her prerogative and is often a highly political process.

¹⁷ These recommendations are adapted from and based upon a review of several documents, including then-Governor-Elect Rick Scott's *Law and Order Transition Team Report*, accessed at <https://www.scribd.com/doc/45759725/Segment-001-of-DOC-Transition-Report>; an ABA resolution American Bar Association, Criminal Justice Section, Report to House of Delegates, August 2008, accessed at http://www.americanbar.org/content/dam/aba/publishing/criminal_justice_section_newsletter/crimjust_policy_am08104b.authcheckdam.pdf; *Confronting Confinement: A Report of the Commission on Safety and Abuse in America's Prisons*, Vera Institute of Justice, accessed at http://www.vera.org/sites/default/files/resources/downloads/Confronting_Confinement.pdf; and the *Report and Recommendations of the 2011-2012 Florida Government Cost Saving Task Force* accessed at <http://www.floridataxwatch.org/resources/pdf/12082010GCTSF.pdf>.

However, public safety is a governmental imperative which rises above the fluctuations of politics and demands consistency and strong leadership. The Department of Corrections is an agency crying out for stability, consistent leadership and specialized, professional diligence.

The current crisis at the DOC has not occurred overnight, nor will it be remedied overnight. Even more, there have been six Secretaries appointed to the Department of Corrections over a period of eight years. It is a disservice to the public and to the people of Florida for the State not to consider putting in place a way to ensure more stability of leadership, insulated from politics.

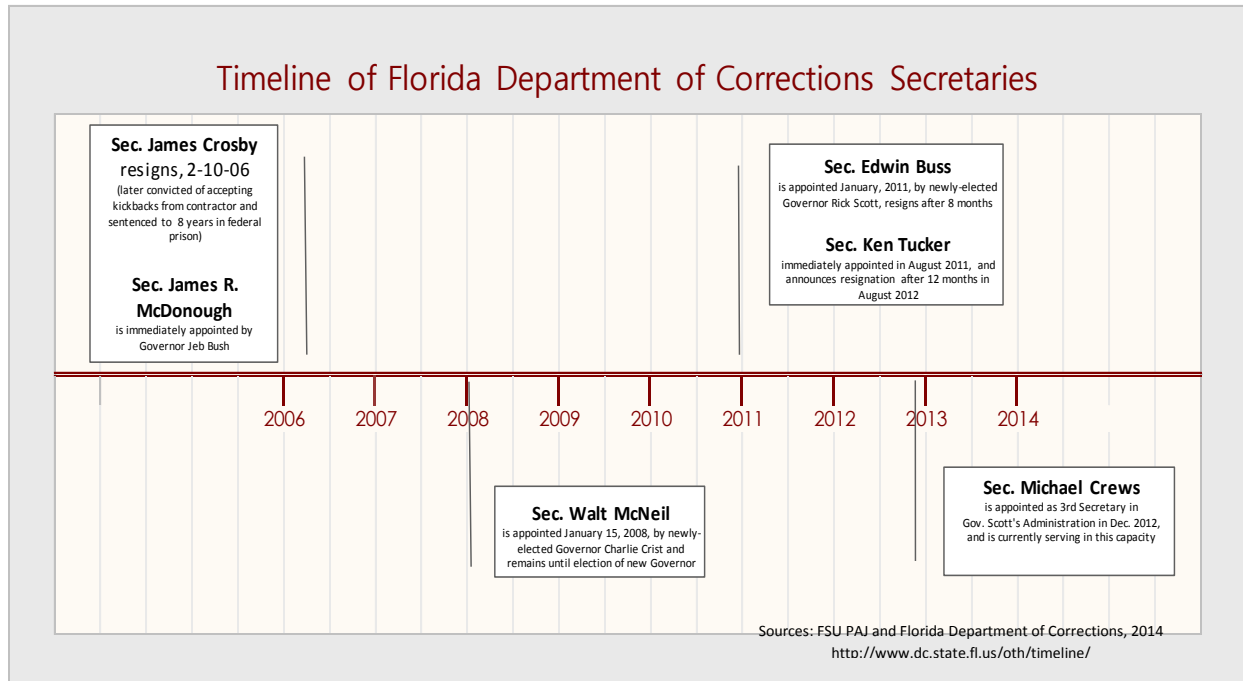
Florida should consider appointment of the Secretary of Corrections for a five-year term, a term long enough to weather the possibilities of transition disruptions, with reappointment subject to performance and merit and removal subject to performance and misconduct. One such option could have the above-mentioned Public Safety Oversight Commission (see Recommendation 1 of this paper) appoint and/or be integrally involved in the vetting, hiring and performance process. Another option would be to follow the model of the Florida Cabinet agencies, where the Governor has appointment authority with approval from the Cabinet and subject to Senate confirmation. Among these agencies are the Florida Department of Highway Safety and the Florida Department of Law Enforcement.

This longer-term process would assure appointment would be focused on long-term goals of agency performance while prioritizing the vitally important business of ensuring the safety of Floridians, both behind and outside of prison walls.

“No corporation, even in a hostile takeover situation, would ever handle transition the way we do in the states. It is as though you fired the president of a company, plus all the heads of operating divisions and the staff of the corporate central office all at once.”

—a former Governor, as quoted by the
National Governors Association in
Transition and the New Governor: A Planning Guide
<http://www.nga.org/files/live/sites/NGA/files/pdf/98OMCTTRANSITIONGUIDE.PDF>

It must be acknowledged that the soft concept of “culture”—which is the embodiment of the values, behaviors, and beliefs of an organization—is often cited as a major hurdle in organizational reform, but even more acutely so in prisons with their behind-locked-doors isolation. For Florida to seriously embrace agency improvement, it must strengthen and stabilize the leadership of the Department of Corrections. Strong, professional leadership are essential guiding organizational and cultural change



3 Participate in Justice Reinvestment Initiative—Policy makers in several states have worked across party lines and through broad stakeholder engagement to reform their correctional laws and practices through the formal consensus-driven process known as justice reinvestment (JRI).

Florida’s population of incarcerated state prison inmates is more than 100,000 (100,994 as of July 2014¹⁸) is projected to increase over the next five years.¹⁹ Currently, the price tag is more than \$2.3 billion.

¹⁸ Florida Department of Corrections, “Trends in Prison Admissions and Populations,” July 2014. Accessed on September 30, 2014, at: <http://www.dc.state.fl.us/pub/pop/monthly/index.html>

¹⁹ Florida Office of Economic and Demographic Research, “Results of Criminal Justice Estimating Conference,” July 23, 2014. Accessed on September 30, 2014 at: <http://edr.state.fl.us/Content/conferences/criminaljustice/index.cfm>

The problems and challenges of the size of Florida’s prison population is something that the State has heretofore failed to address in a systemic way. The Department of Corrections is an agency that has historically operated in response to mandated budget cuts and short-term budget fixes—and in so doing has struggled to embrace a more strategic and longer view tied to public safety outcomes. In one telling example, merely one year after closing several prisons, the Department of Corrections returned to the Florida Legislature and requested an additional \$59 million to re-open several facilities.²⁰

On the one hand, recent claims of budget cuts leading to chronic understaffing and high turnover at the Department may have contributed to the current agency-wide crisis, and should not to be ignored, particularly if they are directly impacting the agency’s ability to perform core functions. The Department has publicly cited, among challenges, difficulties in staffing, including an inability to offer comparative and competitive salaries; a failing and aging transportation fleet; severe facility maintenance issues; and less-than-state-of-the-art equipment, such as security cameras. On the other hand, simply throwing money at a problem is never a solution.

States pursuing Justice Reinvestment initiatives—and states embracing similar models of review—have been steadily improving key outcomes—like continuing crime declines and recidivism reduction through reinvestment strategies aimed to improve public safety—through a more deliberate and measured process.



<http://csgjusticecenter.org/jr/>

Technical assistance is provided by the Council of State Governments, Pew Public Safety Performance Project, Vera Institute, and other national experts. The technical assistance offers a data-driven examination of a state’s prison population and criminal justice systems, which in turn leads to informed policy and budget deliberations. Further, JRI provides a

²⁰ Bousquet, S. (2013, October 31). Florida wants to reopen prisons to house more inmates. *Tampa BayTimes*. Retrieved September 30, 2014, from <http://www.tampabay.com/news/publicsafety/crime/florida-wants-to-re-open-some-prisons-to-house-growing-inmate-population/2150125>

public platform that serves to raise public awareness of and accountability for public safety in states.

These deliberations belong in the public realm and must be driven by research and must fully account for all points in the system. The consensus process and any resulting recommendations provide solutions through a systemic and state-level lens.

Florida has considered this option before and once had in place a mechanism to bring such a body into the deliberative public policy process;²¹ however, seating of this body was stopped when the House of Representatives declined funding for staff and other needs. Anything larger than discrete policy fixes has been met with resistance—perhaps rightly so. At its worst this approach is potentially harmful as individual stakeholders' interests may supersede the public interest. It has been observed that this process must be consensus driven.

As Jeanette Moll, a researcher at the Pew Public Safety Performance Project and a former researcher at the Texas Public Policy Foundation's Right on Crime, offered at an event held in 2013 at St. Petersburg College, the need for consensus development and data review (such as exercised through JRI) for systemic overhauls cannot be understated:

"There is no state that has been successful in justice reforms without having every single entity, every single stakeholder, at the table....Everyone needs to be at the table and part of the discussion before the first line of text in a bill gets written."²²

While it is recognized that Florida is a state with its own priorities and unique challenges, Florida should not dismiss what has been learned as key to successes across state lines that result in measureable successes.

For example, Georgia—which in 2009 led the nation with 1 of every 13 adults under some form of correctional supervision²³—has undertaken a multi-year, multi-pronged process through the establishment of the Special Council for Criminal Justice Reform for Georgians.²⁴

²¹ Senate Bill 2000 was passed by the 2008 Legislature and created the Correctional Policy Advisory Council, which was never seated.

²² Jeannete Moll from March 23, 2013, joint Project on Accountable Justice/St. Petersburg College forum. See video archive of FSU Project on Accountable Justice and St. Petersburg College "Kids are Different" event at <http://iog.fsu.edu/paj/videos.html>

Early results are promising. Recently reported at a meeting of the Council:

- 7% reduction in prison population to 52,000 inmates (from 56,000, with a projection of 60,000 for 2016).
- 17% reduction of new prison commitments (from 21,600 in 2009 to 18,000 in 2013).
- 16% reduction in total state jail populations (from 44,000 to about 37,000 over the past four years.)²⁵

Commenting on the consensus process Georgia continues to employ, Governor Nathan Deal shared the following statement:

“The secret was creating the Special Council on Criminal Justice Reform. By allowing this group to bring together people from all different political leanings and all different points of view, we let them discuss recommendations before the actual introduction of legislation. So instead of waiting until a legislative session, when time gets very constrained, our council met over an entire year. And when recommendations were put forward, it took much of the pressure off the committee process and gave members of the General Assembly confidence that these ideas had been thoroughly discussed and vetted.”²⁶

Fortunately, there now exists a substantial body of research that can provide illuminating guidance in the reform of criminal justice policies and practices.²⁷ The experiences of other states show that a concerted and methodical approach to explore reinvestment strategies that work to address system shortcomings result in reductions of the prison population and to the better management of public resources. Moreover, these changes produce more successful outcomes for communities and enhance public safety. **A simple calculation using Georgia’s recent success provides some food for thought. A comparable seven-percent reduction in Florida’s prison population—or roughly 7,000 prisoners—could save the state more than \$120,000,000 annually.**²⁸

²³ Pew Center on the States. *One in 31: The Long Reach of American Corrections*, 2009. Accessed on September 30, 2014 at http://www.pewtrusts.org/~media/legacy/uploadedfiles/pes_assets/2009/PSPP1in31reportFINALWEB32609pdf.pdf

²⁴ HB 265 was passed by the Georgia Assembly in 2011, creating a Special Joint Committee on Criminal Justice Reform, which was later extended by Governor Nathan Deal’s Executive Order. See: HB 265 at: <http://www.legis.ga.gov/legislation/en-US/display/32806> and Executive Order at: http://gov.georgia.gov/sites/gov.georgia.gov/files/imported/vgn/images/portal/cit_1210/42/0/18549517305_24_12_02.pdf

²⁵ Klein, M. Georgia Public Policy Foundation. “Getting Smart on Crime Puts Georgia Ahead.” September 12, 2014. Accessed on September 30, 2014, at: <http://www.georgiapolicy.org/getting-smart-on-crime-puts-georgia-ahead/#aVO4Q>

²⁶ Pew Public Safety Performance Project. *Leading on Public Safety: 4 Governors Share Lessons Learned from Sentencing and Corrections Reform*, 2013. Accessed on September 30, 2014 at http://www.pewtrusts.org/~media/legacy/uploadedfiles/pes_assets/2013/PewPSPPGovernorsQA.pdf

²⁷ Likely the most comprehensive analysis of the research to date examining the explosive growth of incarceration in the U.S. was released in May 2014 by the National Research Council. Among the summary findings: the increase in incarceration may have caused a decrease in crime, but the magnitude of the reduction is highly uncertain; the incremental deterrent effect of increases in lengthy prison sentences is modest at best. See: National Research Council, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. Available at http://www.nap.edu/openbook.php?record_id=18613&page=R1

²⁸ Florida Department of Corrections 2012-2013 annual per inmate cost of \$17,388 x 7,000 (7 percent of total 100,000 inmate population)=\$121,366,000.

The Elephant in the Room: The Cost and Care of Housing Florida's Aging and Elderly Prisoners

Florida prisons are on a steady trajectory to become the world's largest nursing homes, holding thousands of aging and infirm prisoners—a destination never intended. Currently, the percentage of prisoners aged 50+ is roughly 20% of the total inmate population, with projections of this population growing.

Numerous requests for raw data were made by the authors and other research partners at the Claude Pepper Center at Florida State University for a period of more than a year to the DOC in order to examine Florida's state prison population more fully, including detailed historical demographic, medical, and offense information for a joint study. These data are still being sought. In the absence of this detailed information, it is difficult to estimate the potential effect, cost savings, and the efficacy of different policy and administrative recommendations with specificity. However, the partners have identified several acute challenges, including expense and safety, Florida faces in meeting the constitutional threshold of health care to this growing and aging segment of Florida's state prison population.

A fundamental question is whether Florida will opt into Affordable Care Act (ACA) participation, which answers to what extent the cost of care for a growing aging population of prisoners may be shifted away from the state budget, were Florida to begin a more concerted effort to examine and expand release mechanisms. Moreover, Florida must ensure first that any alternatives considered—including expanded supervision options—would keep Floridians safe. Florida must also continue to examine the state's movement to privatize medical services, which raises questions of system stability, service limitations, and quality of care, particularly highlighted through recent media attention. There are any number of potential changes Florida may wish to undergo—expanding compassionate/medical parole, intermediate sanctions such as house arrest and electronic monitoring, development of new models of care. But the state must first acknowledge the situation, and then look to build consensus going forward.

Rill, L., Polivka, L., Manguso, M., and Brodsky, D. (2014). *The Silver Tsunami: Florida's Rapidly Aging Inmate Population*.
Manuscript Submitted for Publication.

4 Begin a multi-year, measureable effort to "right the ship" through a comprehensive strategic plan to support and advance the professionalism and culture of Florida correctional officers.

Throughout the past several months of scrutiny, the Department of Corrections has maintained that it is only the few—or dozens—of individuals who are directly responsible for instances of inappropriate and excessive force and abuse of inmates. In this observation the Department is right to voice a defense of the thousands of dedicated and responsible men and women against the infection of a "few bad apples." The Department has also been right to take immediate actions to address identified problems.

"When you are given the responsibility of guarding the public trust it is an awesome duty...there is no greater sin for a public official (of which we all are) than to violate the trust placed in us. There is no such thing as being 'a little corrupt.'"

Then-Assistant Secretary of Institutions George Sapp, 2007
<http://www.dc.state.fl.us/oth/timeline/2007.html>

There is no question that the Department of Corrections employs thousands of honorable and dedicated correctional professionals across the state. However, the infection of even a few results in a tyranny of the minority, casting a dark shadow over the entirety of the agency.

The system itself has become complacent to—and thereby complicit with—acts of dishonor, cruelty, and corruption. Continuing attempts to isolate and remove the acute problems identified in the system still fall short of addressing larger issues of organizational culture.

As such, there are opportunities to put in place mechanisms that underscore the value of and enormity of responsibility presented in the daily work of correctional officers in a difficult environment.

Even under the best of circumstances, the job of a correctional officer is personally and professionally difficult and potentially dangerous. The conditions that prisoners face are also the conditions that correctional officers face—the same institutions that have no air conditioning also house the men and women who show up to work every day as correctional officers. Correctional officers must manage large populations of criminally convicted individuals who have been placed under the care of the state against their control or will.

In much the same way that prisons more generally are insular, the window into the observable behaviors and characteristics of correctional officers is blurry. However, increasing the application of social science research and performance measurement within the Department of Corrections has the potential to improve overall system effectiveness. Broadly speaking, the literature in this area is slim in answer to the question, What makes a

**Florida Department of Corrections
Code of Conduct**

- I. I will never forget that I am a public official sworn to uphold the Constitutions of the United States and the State of Florida.
- II. I am a professional committed to the public safety, the support and protection of my fellow officers, and co-workers, and the supervision and care of those in my charge. I am prepared to go in harm's way in fulfillment of these missions.
- III. As a professional, I am skilled in the performance of my duties and governed by a code of ethics that demands integrity in word and deed, fidelity to the lawful orders of those appointed over me, and, above all, allegiance to my oath of office and the laws that govern our nation.
- IV. I will seek neither personal favor nor advantage in the performance of my duties. I will treat all with whom I come in contact with civility and respect. I will lead by example and conduct myself in a disciplined manner at all times.
- V. I am proud to selflessly serve my fellow citizens as a member of the Florida Department of Corrections.

<http://www.fldocjobs.com/index.html>

good correctional officer, beyond difficult to measure, but certainly observable features such as maturity, trustworthiness, and respect for the weight of the duty—the very qualities embraced in the Department of Corrections’ Code of Code of Conduct. But the reality is, the sheer number—more than 15,000—of institutional correctional officers needed to staff Florida’s prisons makes answering this task an immense challenge.

However, on one extreme end of the spectrum—recent research has begun to identify patterns in “deviant” behaviors from the field. Identification of the “bad apples” in a system as large as the Florida DOC is an imperative, and, as suggested in the research, there are mechanisms to reduce the likelihood of occurrence and reoccurrence.²⁹ Many of these protections and safeguards are already in place, and, at a minimum would benefit from external monitoring and refined data collection.

Perhaps a better framework to discuss organizational improvements through personnel begins instead with a more systemic question: Can we enhance the DOC’s processes to attract, hire, retain, and promote the highest caliber of correctional officers across Florida? As the Commission on Safety and Abuse in America’s Prisons reported as a key finding in 2006, “Better safety inside prisons and jails depends on changing the institutional culture, which cannot be accomplished without enhancing the corrections profession at all levels.”³⁰

The areas identified below are options to consider just as the Commission suggested: to underscore the critical importance of providing support for, encouragement to, and facilitating the success of Florida’s correctional officers.

- Minimum education requirement for correctional officers. Currently the minimal requirement for a correctional officer is high school degree, or its equivalent, while probation officers must hold a bachelor’s degree. A criminal justice incentive pay program is already in place to allow for up to \$130 per month for post-secondary education, career development and advanced training.³¹ To what extent is this being encouraged and utilized, particularly for attaining post-secondary degrees? If not, why not? Are there degrees and educational paths that would encourage more pro-social interaction between inmates and correctional officers?

²⁹ See: Ross, J.I. (2013). Deconstructing Correctional Officer Deviance: Toward Typologies of Actions and Controls. *Criminal Justice Review*, 38(1), 110-126.

³⁰ Gibbons, J. and Katzenbach, N. *Confronting Confinement: A Report of the Commission on Safety and Abuse in America’s Prisons*. 2006. Vera Institute of Justice. Accessed at: http://www.vera.org/sites/default/files/resources/downloads/Confronting_Confinement.pdf

³¹ Florida Department of Corrections , State of Florida employment Benefits, at: <http://fldocjobs.com/benefits/occupations.html>

- Minimum age for hire. Currently in Florida, the minimum hiring age for correctional officers is 19. Looking at other states, this number varies greatly. Has Florida examined this hiring minimum? Does the state review patterns of misconduct in relation to age and experience?³²
- Selection process. Is there sufficient screening in place? Just as the science of actuarial risk assessment is strong and growing across criminal justice—and in hiring more generally—could Florida benefit from more employing additional screening tools?
- Voluntary early buyout program for correctional officers and leadership based upon age and/or length of service. Prison work life is stressful and a system that is undergoing change may add to this stress, and compound prison burnout. Would an option for employees looking for a change in a time of many changes be welcome?
- Centralized training academy for community supervision and correctional officers to ensure consistency and encourage a positive culture. Prisons are like cities unto themselves and, as mentioned throughout this paper, remain very isolated. Officer training presents opportunity more than merely covering a common curriculum. It is also an opportunity to reinforce a common understanding of core values and expectations. As the training has become increasingly fragmented, has the state diluted the potential to encourage a shared thread of culture and camaraderie across the agency?
- Regular transfers of all institutional staff at or above the Captain level as well as civilian staff in leadership positions. Increasing the interaction of leadership across the system may decrease the likelihood of inflexibility and isolation. Fresh leadership may help to build and bridge a more consistent positive culture statewide, bringing new ideas and fresh eyes to the historically isolated prison system. Would a process of regular rotation bring benefits?
- Step pay plan that contains benchmarks in order for each step to be awarded. Is there a sufficient plan in place to recognize the value of, and encourage and reward the stability of employees who reflect the ideals of the Department of Corrections’ mission and goals?

5 Expedite the implementation of performance measurement and management.

Throughout this paper, recommendations underscore the need for accountability and measurement across the Florida Department of Corrections. It is difficult to evaluate the effectiveness of any system without a robust way of measuring performance. For the purpose of this paper, “performance measurement” refers to an ongoing method of monitoring/reporting on a program/agency’s progress made toward achieving established goals.

³² Cursory research found the following variances in minimum age requirements across the country: age 18—Georgia, Louisiana, Mississippi South Dakota; 19—Alabama and Florida; 20—North Carolina; 21—California, Kentucky, Maryland, New York City. The Federal Bureau of Prisons does not have a minimum age requirement, but its educational /and or experiential requirements of a four-year degree or 3 years supervisory experience raise the minimum standard.

Further, performance measurement provides an understanding of what an agency/program is trying to accomplish and a methodical way to benchmark progress. Performance measurement is fundamentally vital to advancing the health of organizations. Simply, without measuring results, success is indistinguishable from failure. Without understanding what success and failure looks like, it is impossible to learn from, to duplicate or eliminate, or, as appropriate, to reward.

This is not to say that the Florida Department of Corrections, or for that matter, the State of Florida, does not already collect and report on its data. That would be untrue.

The fact is that Florida already collects, and in a variety of capacities and forms, publicly reports on literally millions of pieces of data collected in the everyday operation of Florida corrections. However, the collection and sharing of such information may be refined and strengthened so as to support agency and state priorities as well as to ensure public engagement in and accountability of corrections. It is a constructive way to bridge the accountability gap between the agency, currently under strain and criticism, and the public.

A quick review, for instance, of the Department's Performance Dashboard³³ illustrates one place to review the level at which data is collected and reported. The implementation of such a measurement system is to be commended. However, it is not clear how the information gathered within the department, publicly reported in this capacity, is leveraged to achieve agency goals and inform public policy and budget policy decision making more broadly. The Dashboard itself is also incomplete and has remained so for a period of monitoring over the past year. Additionally, it is still not known to what extent were the measurements vetted and reviewed beyond the agency. These observations of this system are merely offered as examples of where, perhaps, more public engagement and oversight would benefit the DOC and the public more broadly.

³³ Florida Department of Corrections. Performance Dashboard accessed at: <http://www.dc.state.fl.us/pub/perfmeas/index.html>

This paper will not enumerate the places across the system where an injection of performance metrics could advance both more limited agency goals, but additionally advance public safety statewide.

Instead, the recommendation here is to use the opportunity of external oversight, particularly found through the creation of a Public Safety Oversight Commission, to advance the goals of the Florida Department of Corrections and public safety more broadly through the continued development of a robust, standardized system of regularly reported (suggest quarterly) performance measures.

Going Forward: Public Trust and Confidence in the Florida Department of Corrections

Recent research by Professors at Florida State University and Florida Atlantic University examined whether public scandal in corrections departments has an impact on the public's perception of agency effectiveness. This research leveraged the high profile 2006 Florida DOC scandal which led to former Florida DOC Sec. Jimmy Crosby's 8-year sentence to federal prison. This analysis found that public opinion was not affected by news of the scandal.

This finding in isolation could be discouraging to someone who has any interest in the effectiveness and societal expectations of prisons. However, the authors made several additional key observations that can inform next steps:

- 1) The public more generally (not specific to Florida and to this study) has little confidence in the effectiveness of prisons in meeting goals of punishment and rehabilitation.
- 2) The public's lack of responsiveness to this scandal suggests a gap in accountability; that is, if the public does not care what happens, then the agency may operate with impunity and with no expectations or consequences for performance and behaviors.
- 3) The public may know little about prisons, which also suggests a gap in accountability; that is, with little knowledge of what should be occurring in prisons, then how would the public know to demand anything else?

The researchers suggest the following as potential remedies going forward, which support the recommendations of this paper: increasing research that improves objective measurement and annual publication of performance trends and public opinion.

Mancini, C. and Mears, D. (2013). The Effect of Agency Scandal Toward Public Views of the Correctional System. *Criminal Justice Review*, 38(1), 5-28.

Conclusion

Prisons have multiple purposes: punishment, incapacitation, deterrence, and rehabilitation. Each of these enumerated goals must be met at some level by the State in meeting and sustaining a safe, effective, and balanced justice system. But the decisions on the extent to which these goals are met cannot be left to individual correctional officers, or even wardens.

As detailed in this report, increased attention to our Florida Department of Corrections, through external oversight, through public engagement, through enhancing the professionalism of correctional officers, and through robust performance measurement can bring with it multiple benefits.

Though culpability must be identified down to the individual level in instances of criminal misconduct and abuse, ultimately it is the State of Florida that is responsible for the care of prisoners.

For this to be accomplished, however, mechanisms must be implemented that not only enhance the environment for incarcerated individuals, but also for the men and women who are employed by the Department of Corrections and its contractors. Florida must do better and must act to promote a system that supports rehabilitation through more public accountability and is driven by professionalism of its correctional team. It is time for the State to develop a methodical, measureable and sustained plan to reverse a prison system in crisis

“What happens inside jails and prisons does not stay inside jails and prisons. It comes home with prisoners after they are released and with corrections officers at the end of each day’s shifts. We must create safe and productive conditions of confinement not only because it is the right thing to do, but because it influences the safety, health, and prosperity of us all.”

Vera Institute of Justice

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This Project on Accountable Justice report was written by
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ABOUT FSU PROJECT ON ACCOUNTABLE JUSTICE: The mission of the Florida State University Project on Accountable Justice (PAJ) is to advance public safety through evidence-based practices and policies in Florida and beyond. PAJ is a collaborative public policy research laboratory determined to find answers through data and across a spectrum of academic disciplines for practical application in juvenile and criminal justice policy deliberations. With a distinguished Executive Committee guiding the operation, PAJ facilitates research, public education and dialogue to provide reform options that turn Florida and the nation from a trajectory of expensive and outmoded practices of mass incarceration and poor performance to stopping victimization, turning countless lives around, rebuilding families, saving billions of taxpayer dollars and, ultimately, enhancing safety and vitality in communities across our country.

PAJ is a partnership of Florida State University, Baylor University, St. Petersburg College, and Tallahassee Community College.

Any findings, opinions, or recommendations expressed herein are that of the authors and do not necessarily reflect the opinion of the Executive Committee, partners, or supporters of the Project on Accountable Justice.

November 2014, FSU Project on Accountable Justice, iog.fsu.edu/paj/

CourtSmart Tag Report

Room: LL 37
Caption: Senate Criminal Justice

Case:
Judge:

Type:

Started: 1/5/2015 4:03:47 PM
Ends: 1/5/2015 5:52:32 PM **Length:** 01:48:46

4:03:47 PM Meeting Called to Order
4:03:50 PM Roll call
4:04:11 PM Senator Evers introduces committee staff
4:09:08 PM Senator Clemens introduces himself
4:10:12 PM Senator Bradley introduces himself
4:10:26 PM Senator Gibson introduces herself
4:11:15 PM Senator Brandes introduces himself
4:12:21 PM Representative Raulerson introduces himself
4:12:50 PM Chairman Evers introduces himself
4:13:21 PM Introductory comments by Chairman Evers
4:16:55 PM Tab 3- Presentation by FDLE by Commissioner Swearingen
4:18:04 PM Commissioner Swearingen discussing status of investigations of unnatural inmate deaths
4:18:58 PM Commissioner Swearingen discussing Memorandum of Understanding with DOC
4:21:20 PM Commissioner Swearingen discussing Legislative Budget Request
4:24:07 PM Senator Bradley asking about mou verbal agreement between fdle and doc
4:25:32 PM Senator Bradley asking about mou verbal agreement between fdle and doc to be in writing
4:27:19 PM Senator Gibson asks Senator Bradley to re-ask his question
4:28:25 PM Senator Bradley explains his understanding of question
4:29:29 PM Commissioner Swearingen explains FDLE's position
4:29:50 PM Senator Evers commenting on verbal MOU between FDLE and DOC
4:31:11 PM Senator Clemens asks about what happens if MOU isnt met
4:33:45 PM Senator Soto asks about inspector generals involvement in the two agencies
4:35:31 PM Senator Gibson asks about the MOU
4:40:13 PM Senator Bradley asks about MOU and if it isnt followed
4:40:43 PM Senator Evers asks about investigation of deaths
4:47:42 PM Tab 4- Presentation by George C. Mallinckrodt
5:12:15 PM Tab 5- Presentation by Allison DeFoor
5:47:20 PM Elsa Whitlock, Paralegal- Regarding Tab 3
5:52:18 PM Meeting Adjourned