



Alachua County Sheriff's Office
Department of the Jail:

A Cultural Assessment

ADDENDUM: REJOINDER TO ACSO RESPONSE

Submitted to:

The Alachua County, Florida
Board of County Commissioners
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Prepared by:

Pulitzer/Bogard & Associates, LLC
Criminal Justice Consultants
8 Saratoga Street
Lido Beach, NY 11561
516.432.9007
www.pulitzerbogard.com

Introduction

On June 14, 2005, David Bogard of Pulitzer/Bogard & Associates, LLC presented a Cultural Assessment of the Alachua County Sheriff's Office Department of the Jail to the Board of County Commissioners (BOCC). This was the culmination of a several month process, which resulted in the issuance of a 110-page Report describing the agency's formal and informal cultures relative to Jail operations.

During the course of the BOCC meeting, Sheriff Oelrich indicated that he had some factual concerns regarding some of the content of the report. He was invited by the Commissioners to prepare a written response identifying the most significant areas of concern. By a motion of the Commissioners, the Sheriff was also requested to prepare a response to each of the recommendations as set forth in the Report, including either objections to the substance of the recommendation, or, alternatively, a plan of action for implementation.

On July 11, 2005, Sheriff Oelrich submitted a document to Commissioner Chestnut and the Board of County Commissioners entitled "Jail Cultural Assessment-Responses." As requested by County staff and the BOCC, we have reviewed the Sheriff's response to the Report, and present herein a point-by-point rejoinder. Our purpose is most decidedly not to engage in a "tit for tat" dialogue, but rather only to attempt to clarify and be responsive to the Sheriff's concerns so that the BOCC and County staff may have a full picture and airing of each area of concern.

Some of the Sheriff's responses refer to documents that he states exist, but were for some reason not provided to the assessment team. Examples of this include written implementation plans for recommendations made by National Institute of Corrections consultants, routine reports of operational performance indicators, finalized use of force reports with all review signatures, written plans to improve the agency's management information system, etc. Since we did not receive this information either during the course of our fieldwork or as an appendix to the Sheriff's official response, we have no basis on which to justify modifying our findings with regard to these issues.

We are pleased that the Sheriff has questioned so few of our findings, and we believe we have been able to provide additional support or explanation for all or most of those issues with which the Sheriff has taken issue. Given that, we hope that the Sheriff, BOCC and County staff can proceed to review the many recommendations set forth in the Report and take necessary and appropriate steps to enhance and improve the Alachua County Jail's operations. As we clearly said in our Report, *this is a professional operation with dedicated staff*, but every organization is capable of improving its operations. We hope that this Report can be used as a blueprint for the kind of improvement that the citizens of Alachua County, elected leaders and County staff deserve and desire.

CULTURAL ASSESSMENT RESPONSES

Key:

- We have assigned a number, from 1-31, to each of the statements from the Cultural Assessment Report with which the Sheriff takes issue.
- Items or portions of text that are shaded are the areas on which the ACSO specifically responded and were initially highlighted by the ACSO in yellow or green.
- The ACSO rejoinder has been bolded and italicized.
- Pulitzer/Bogard's (P/BA) response is indicated by a bold, underscored designation followed by standard text.
- Page numbers refer to the relevant page in the July 11, 2005 Cultural Assessment Report.

1- Cultural Assessment Finding: 1.0 **Professionalism** (page 15)

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

Sheriff's Response:

All three NIC assessments plans of actions were addressed, and implemented to the best ability of the DOJ. The hard copy is available in the Deputy Director's Office.

P/BA Response:

The P/BA team, on multiple occasions, specifically requested from the ACSO information relative to steps taken to implement recommendations set forth in the three NIC studies yet nothing was produced. We asked top managers and

classification staff on several occasions various versions of the same questions relative to the follow-up actions taken on these studies and never received any documentation relative to implementation. Indeed, we specifically asked yet again for this information as we were drafting the Cultural Assessment Report in order to confirm our finding, but we were told no such information existed. Absent any specific comprehensive documentation being provided in response to our requests, we therefore used interviews and personal observations to ascertain the degree to which recommendations from these assessments were actually implemented.

We pieced together the available information and concluded that there was little follow-up and implementation relative to the NIC assessments.

2- Cultural Assessment Finding: 1.2.2 (page 17)

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

Sheriff's Response:

This is the same Directive Management System employed county-wide. Employees can print out any copy of any policy or directive at any time due to the availability of printers on every duty post. Hard copies of the entire manual are available for check out through each bureau and division.

P/BA Response:

The issue, representative of the formal and informal culture as we understood and presented it in the assessment report, is one of staff perceptions regarding expectations and pressures from management for them to be accountable for the voluminous procedures of the DOJ and the Sheriff's Office without adequate opportunities to review and comprehend them. This is not simply an issue involving the availability of printers. Moreover, staff reported that once they open the document with their I.D., they are immediately deemed to be accountable for having read that directive, regardless of whether they actually finished reading it or understood what they read. We do not believe that this is an effective way to ensure that staff are aware of and understand the policies and procedures. In fact, it contributes to a perception on the part of staff that management is out to catch them violating policy, which they cite as being unfair. We offered a simple recommendation on page 28 of the Report that we believe modifies the existing practice marginally, but would help the situation. We cannot speak to what is

done throughout the county and whether there are similar complaints by other county employees regarding this method of dissemination and accountability for policies and procedures.

3- Cultural Assessment Finding: 1.4 External Review (page 20)

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

Sheriff's Response:

This is a repeat issue. Please see comments in section 1.0.

P/BA Response:

See our response to 1.0

4- Cultural Assessment Finding: Also in 1.4.1 (page 21)

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

Sheriff's Response:

The twelve recommendations of the NIC Classification Assessment have all been addressed and actions adopted/implemented, as with the additional recommendations from the NIC assessments. Several Classification Plans were reviewed for their appropriateness during the last year, with the selection being made, and plans for implementation to follow. This was done well in advance of the cultural assessment.

P/BA Response:

Again, if there were written implementation plans including the rationales, adequacy, and cost considerations for pursuing or not pursuing certain courses of actions, this information should have been made available to the assessment team either when we specifically requested this or, alternatively, at the DOJ's own initiative to illustrate to us that they are, in fact, taking such measures. We were told that the DOJ had planned to attend two, no-cost workshops sponsored by the National Institute of Corrections that would have allowed them to advance this work, but both were cancelled. We expressed concern that, regardless of the external circumstances that hampered the next steps, no clear steps had been taken to implement the recommendations relative to a critical component of the operation; if the free resources were not going to be made available, then the ACSO should have identified or requested funds to make these important changes.

At the same time, one high-level DOJ administrator specifically stated to a member of the assessment team that he objected to the key recommendation of the Classification study and that is why it would not be implemented. This comment certainly is contrary to the proposition offered by the Sheriff in his response.

We continue to believe that our finding is justified in light of our observations and interviews, regardless of any documentation that may exist but not have been provided to us. Even if such written action plans exist, the discrepancy between the implementation plans and actual practice may be yet another example of a gap between the formal and informal cultures at the Jail.

5- Cultural Assessment Finding: 1.5 Management Information Systems and Performance Indicators (page 21)

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

Sheriff's Response:

While we acknowledge the current limitations to our Jail Management System, at the time it was selected it was the most cost effective solution for the Department of the Jail. Further, prior to the cultural assessment, the need for enhancements to our system had already been identified and personnel allotted to deal with changes. Specialized training had been planned for our Systems Manager to attend courses that would allow for enhanced reporting to include Crystal Reports.

P/BA Response:

As the Sheriff's response acknowledges the validity of the finding, there is not much for us to say here. On April 11, 2005, we met with the Systems Manager for the DOJ, and specifically requested a copy of all changes made to the Jail Management System and the DOJ portion of the Directive Management System as a result of staff and/or citizen complaints to determine their impact on operational effectiveness. These documents were not shown to us, but we were promised that they would be sent to us (which did not occur).

This issue goes beyond the ability to generate Crystal Reports. As the system currently operates, it cannot ensure system integrity and it also creates a host of problems for staff undertaking basic duties in their jobs. We continue to maintain that it would be appropriate for the ACSO to develop a plan of action to address the concerns raised relative to the Jail Management System and present this to the BOCC.

6- Cultural Assessment Finding: 1.5.2

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

Sheriff's Response:

Use of Force statistics are compiled monthly by the Training Bureau. The Command Staff meets quarterly to discuss use of force and training related matters. Prior to the cultural assessment, monthly reporting of some of the information mentioned above had been in progress. Subjects such as attempted suicides, inmate deaths, inmate on staff assaults, inmate on inmate assaults, C.E.R.T. call outs, fire drills, etc. were and are reported monthly to the Division Commander.

P/BA Response:

The DOJ staff failed to provide this statistical information when requested in writing prior to the assessment, or when requested orally once the fieldwork began. Such data was requested multiple times and we were told that it did not exist. One top DOJ manager stated that no such ongoing performance indicators were available, but that he instead reads all incident reports and gets a sense of

trends that way. The Sheriff's response, while maintaining that some of this information is available, does not discuss why it was not produced and does not address how this information is currently being used to enhance management decision-making capability.

7- Cultural Assessment Finding: 1.7 Training and Staff Development (page 26)

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

Sheriff's Response:

As the assessors were shown during their onsite visit, training for the supervisors is conducted by the Security Operations Division. Topics such as, The Mentoring Manager, Dynamics of Leadership, Building a High Performance Team, etc. are all provided monthly through the NIC. All of this training involves a test that an eighty percent (80%) or higher grade is required to pass. The Shift Commanders are responsible for providing this information on a monthly basis to the Division Commander.

P/BA Response:

The ACSO is commended for routinely seeking outside resources such as NIC's e-learning for supervisors to supplement training. It is to an agency's credit to augment agency-specific training so that staff has opportunities for professional development whenever possible. The ACSO has a history of sending sworn supervisory staff to outside training, primarily in a conference setting, e.g., American Jail Association conferences. Access to AJA training was limited in 2004, however, we believe because of fiscal restraints.

The key point raised was that the Training Bureau-- the entity that we would assume would be the experts in training and the coordinators/facilitators of all agency training-- bears no responsibility for ongoing supervisory training for either sworn or non-sworn DOJ supervisors. The DOJ instead relies on the

Security Operations Division to coordinate and provide supervisory training. The current system of relying on the Security Operations Division to provide supervisory training fails to address the training needs of supervisors in non-sworn divisions such as classification and records. The Security Operations Division does not have the time, resources, or expertise to develop, coordinate, deliver, assess, and document supervisory training for all DOJ supervisors, sworn and non-sworn; this should be an expected function of the Training Bureau.

Additionally, although NIC's training is of very high quality, it may or may not address the actual and specific training needs of DOJ's supervisors. The Training Bureau should be responsible for conducting an annual training needs assessment to identify the training needs of all supervisors, and develop and implement an annual training plan that addresses identified training needs. Because there is no one central division responsible for the design, coordination, and implementation of training, training for supervisors is nonexistent or fragmented at best.

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

8- Cultural Assessment Finding: 2.1 Extent of Crowding (page 30)

2.1.1. What's more, we were surprised to learn that there is no at-hand information about the number of cells in each housing unit.

Sheriff's Response:

We are unclear what this statement is meant to indicate. The number of cells in this facility has been unchanged since 1994.

P/BA Response:

This information regarding the capacity in each housing unit was requested in writing and in person by P/BA. At the time that we were preparing the Report, we were provided with a photocopy of an index card, with capacities attached to housing units that carried outdated designations that no longer reflect the current identifiers; the original index card was provided to the Sheriff's Office when responsibility for the Jail was assumed from County personnel. When we questioned the reliability of this information, we were told that it would take a considerable effort for a shift commander to have to go to each unit to count cells

and given the workload at the Jail at that time (population levels had recently spiked) it might be difficult to guarantee that this would occur (in fact, it did not).

It is not enough to state that the number of cells in the facility has remained unchanged since 1994. Fluctuations in cell availability may result from maintenance issues, structural changes, etc. Moreover, a significant portion of the available housing space is in dormitories that may be seen as having more flexible capacity than cell areas. This was a very standard and legitimate request on our part and we were not provided with a unit-by-unit breakdown of original capacity based on single cells, double cells, dormitory beds, etc. Such information should be readily available and current so that Classification personnel and Shift Commanders, and also housing staff at this facility, who are responsible for making cell assignments are absolutely certain about space availability at all times. Based on the Sheriff's response reflecting 1994 data, it is quite clear that there has not been an effort since the change in administration of the jail to calculate such information for the purpose of aiding staff in their decision-making, as we accurately stated in the assessment report on page 30.

2.2 Impact of Crowding on Physical Conditions, Safety, and Jail Culture (page 33)

9- Cultural Assessment Finding: 2.2.1

During the on-site visits, we observed that housing units (in G and H) consistently had 85-90 inmates assigned to them in open bay and/or double bunking configurations with one officer stationed just outside the unit. **These units were initially designed, we believe, for 32 to 36 inmates.**

Sheriff's Response:

The fact is these pods were designed for 64 inmates. Approval was later granted by the Florida Department of Corrections to house 72 inmates in the open-dormitory pods. The floor space dimension meets FMJS and FCAC standards.

P/BA Response:

The Sheriff's response validates our previously stated concern about the lack of specific information relative to available cell and dormitory space.

10- Cultural Assessment Finding: (Further on pages 33&34)

Also 2.2.1 The practice of requiring an inmate who is overweight, under 5'4", or presents some other medical condition, to climb to an upper bunk set at least 4' ft off the floor without benefit of a ladder, not only presents a potential physical danger and consequently a legal risk management issue, but can result in conflicts between those occupying the upper and lower bunks.

Sheriff's Response:

All inmates are medically screened at their time of Booking. If there is a physical limitation that would prohibit assignment of an upper bunk, it would be so noted at that time and appropriate housing arrangements made which includes bunk assignment.

P/BA Response:

The Center for Disease Control National Center for Health Statistics Report for 1960-2002 notes that in 2002 the average height for women ages 20-74 is 5'4". Given the height of the top bunk, this would practically make almost all female inmates eligible for a lower bunk. Since providing for primarily single beds mounted on the floor is not feasible with the current degree of crowding, we believe that ladders are necessary for the majority of female inmates who must access top bunks. We observed several inmates with shin bruises that they reported resulted from trying to climb onto top bunks. Parenthetically, shorter male inmates also complained during interviews that this was a problem for them too.

The Sheriff's response ignores the fact that the housing officers continue to make cell and bunk assignments, in whole or in part, particularly when such changes occur after hours or when Classification staff are not available. Thus, this is an issue that must be addressed beyond the screening during the Booking process. A plan of action, including a cost analysis, should be developed and implemented to address the need for ladders or greater accountability for sharing information regarding inmate medical needs relative to this issue.

11- Cultural Assessment Finding: (Further on page 34)

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

Sheriff's Response:

We are limited in our ability to make certain areas of the building appear as clean as others. The zones mentioned by the auditors are at least 31 years old, and despite rigid requirements for sanitation, we are impacted by the

design and age of these areas. We take exception to the generalization in this section that we are lead to believe the entire facility is unsanitary.

P/BA Response:

We specifically acknowledge in the Report the sterling cleanliness of the Jail's public areas and corridors. The discussion that follows this finding on page 34 is quite specific relative to the fact that the unsanitary and unhygienic conditions we observed were primarily in inmate housing areas and cells (both those in newer and older sections of the facility). We also point out that some of these unhygienic and unsanitary conditions are due to building design or maintenance issues (e.g., mesh metal window coverings, ventilation ducts that need to be cleaned), while others were more inmate supervision-related (e.g., sheets, towels, clothing tied to cell door openings).

When we met with the Sheriff prior to the BOCC meeting but after the issuance of our Report, he took issue with our finding that many cells presented significant problems related to sanitation and hygienic conditions. He conceded then, and states as much here, that in fact there *are* some building design issues that make it more difficult to clean cells. We recognize the challenges the agency faces in this regard. However, especially in view of the Sheriff's commitment to cleanliness, we do not understand why the Sheriff has never brought this concern to County staff or petitioned the BOCC to request funding to remove the screens that restrict the ability of staff and inmates to create sanitary and hygienic conditions in living areas. The Sheriff also does not address in his response the supervision-related concerns (i.e., removal of sheets, towels, and other items from cell door openings), which require no additional funding to remedy.

12- Cultural Assessment Finding: (Further on page 35)

2.3 Crowding and Inmate Idleness

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

Sheriff's Response:

With the primary mission of the Department of the Jail being that of detention for what are usually short term inmates, the facility is neither funded nor geared for programs. In Alachua County, the decision was made to place rehabilitative programs with the Department of Court Services. We do have programs at the jail, GED through SBAC, Library

Services, Life Skills, extensive volunteer activities (AA, GA, NA, religious, etc.) plus FMJS privileges.

P/BA Response:

We raised the issue of programs in two contexts within the report. First, we raise the question of whether the several-month period that a large percentage of inmates spend in the jail could be an opportunity to provide these inmates with services in such areas as substance abuse, education, mental health, job skills, etc. Alachua County officials must decide whether the jail can or should be an opportunity to address the deficiencies that may allow for a more successful reentry to the community by inmates. In fact, jails throughout the country and in Florida (notably, Orange County) recognize that time spent in detention can often be sufficiently long to allow for a full range of programs and re-entry preparation.

We also raised the issue of programming within the context of idleness. It is well-established that pervasive idleness in a crowded jail can lead to significant inmate behavior problems. For this reason, many jails offer a range of duration-appropriate programs simply as a way to keep inmates constructively occupied, regardless of administrators' commitments to rehabilitation and restorative justice principles.

Despite the portion of the Sheriff's response identifying programs that are offered, at the time of the assessment several program managers reported that Life Skills had not been offered for more than three months. A review of printouts of activities revealed that no Narcotics Anonymous (NA) or Gamblers Anonymous programs were being conducted for female inmates, and only two 90-minute sessions (one in restricted housing and one in general population) were being conducted each week for male inmates.

Thus, we must stand by our finding as we reported it.

13- Cultural Assessment Finding: (Further on page 36)

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

Sheriff's Response:

The Original part of the facility (some 31 years old) presents us with a scheduling challenge due to its physical design (a shared recreation yard among for 13 male housing units and 7 female housing units). We are in compliance with Florida State Law for inmate recreation. In contrast, our new section of the facility, which houses the largest number of inmates,

provides outside recreation for the majority of daylight hours, seven days a week, weather permitting because each housing pod has its own recreation yard.

P/BA Response:

This finding addressed the practice of staff requiring inmates to sit on their bunks for two hours after each meal as opposed to allowing them to participate in some constructive activities in their housing units, such as those set forth in the Sheriff's directive DOJ 727 – Recreation and Leisure (i.e., TV, table games, letter writing, reading, and other acceptable leisure activity.)

As discussed above, reducing idleness is a key component of inmate behavior management, especially in a crowded jail. While the physical design may inhibit the ability of the DOJ to maximize recreation activities, the practice of enforced idleness is, in our view, ill-advised and potentially contrary to agency policy.

14- Cultural Assessment Finding: 3. Safety (page 40)

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

Sheriff's Response:

As mentioned in a previous response (1.5.2) with respect to this statement, the information is compiled and reviewed monthly. This information was never requested by the P/BA staff.

P/BA Response:

Our initial request for documents and data that was submitted to the ACSO included the following:

“Internal Performance measures Statistical Reports for last two years (e.g., addressing such data as: use of force, use of restraints, taser use, OC use, inmate/inmate assaults, inmate/staff assaults, sexual assaults, suicide attempts, suicides, other deaths, etc.)”

The ACSO response to this request was as follows:

“Some of these reports will be forthcoming from the ACSO Training Bureau. Criminal files may be available if closed. The jail's JMS has ad hoc reporting and extraction may take time.”

Other than annual use of force data, the ACSO Training Bureau never provided these reports. Moreover, when such information was not received, we followed up and were repeatedly told by high-level DOJ managers that such reports did not exist beyond *annual* use of force reports (that we believe are excellent, but of lessened value due to their infrequent compilation) and quarterly reports of quantitative measures that are of extremely limited utility.

Our Report describes in great detail on pages 23-24 the types of performance indicators that should be collected and available to DOJ managers.

15- Cultural Assessment Finding: (Further on page 45)

3.3.2 Staff reported that in some cases inmates who are pod workers and other inmates who are simply bigger are being used to serve as rule enforcers to facilitate the ability of some officers to maintain a quiet shift. One officer expressly stated that by selecting the biggest bully in the block [as my pod worker], "it ensures a tight, quiet shift."

Sheriff's Response:

Officers are well aware that this is a prohibited practice, and if P/BA had any information specific here by staff, then they should have informed DOJ command. Per Directive 733, housing officers do not select trustees or pod workers.

P/BA Response:

Whether it is a prohibited practice or not, the self-report by the unnamed officer raises concerns that this may be indicative of an informal culture that was a theme present at the time of the Jackson incident and perhaps may still exist. We agreed to maintain the anonymity of this officer and would simply stress the need for DOJ management to broadly reiterate its performance expectations relating to informal powers of rule enforcement that may sometimes be bestowed upon pod workers, trustees, and other inmates in violation of Directive 733.

16- Cultural Assessment Finding: 3.4 **Classification of Inmates** (page 46)

3.4.1 Classification decisions at the Jail rely almost entirely on the inmate's current legal charges, despite the fact that this criterion has never been found to

be a valid predictor of institutional behavior. Key DOJ staff are highly invested in this practice, and a cultural myth has built up around the misguided wisdom of this approach, as reflected in the Agency's failure to implement the relevant recommendations of the NIC audit team.

Sheriff's Response:

Please refer to the second highlighted section of 1.4.1

P/BA Response:

See our response to 1.4.1. It is certainly the case that the current classification system is based primarily on the inmate's current legal charges, and this was confirmed via review of existing forms and interviews with both Classification and top DOJ management staff.

17- Cultural Assessment Finding: 3.5 Suicide (page 49)

3.5.1 Our findings reflect that some of the basic recommendations—even those that were not cost prohibitive-- were not implemented. Instead of purchasing suicide prevention tools designed to effectively cut a variety of coarse fibrous materials, DOJ instead invested in highly ineffective and poor quality "safety scissors" that are not designed for the purpose of suicide prevention response.

Sheriff's Response:

Here again, all recommendations from the three NIC reviews have been addressed. Annual Suicide Prevention training is provided by the Training Bureau during regularly scheduled In-Service Training. Some of the Command Staff of the Alachua County Sheriff's Office were stakeholders in bringing formalized Crisis Intervention Training to the jail under the auspices of N.A.M.I. We have since begun training officers for increased skill levels while dealing with inmates who have mental health and related issues. Physical upgrades have occurred in the primary housing unit for inmates that have mental health issues to include barriers to prevent inmates from jumping from the second tier or from the stairs.

P/BA Response:

Although we did not mention in the Report the installation of barriers to prevent inmates from jumping from the second tier or from the stairs in one of the housing units, we do acknowledge that here as a positive step. We also acknowledge and commend the annual in-service training and the initial crisis intervention training that some jail staff are now receiving.

With regards to the quality of the scissors used in suicide prevention activities, we observed and reported on the inadequacy and safety concerns surrounding the use and availability of these purchased non-safety scissors that are left in unsecured areas. Neither the scissors that were purchased nor the substandard replacement scissors that were present during our onsite visit in Booking were designed to cut fibrous material, especially when such material is wet. The suicide prevention tools that were recommended by NIC and which are used in jails throughout the country are designed for such purposes.

On March 24, 2005, while touring the facility's housing unit for juveniles, we observed a non-collapsible shower rod in the shower area. We immediately brought this serious issue relating to suicide prevention to a top DOJ manager. As of the final day of our last onsite visit, this issue remained unaddressed and unresolved.

18- Cultural Assessment Finding: 4.2 Use of Force in Practice (page 56)

4.2.1 Moreover, of the 60 use of force incident reports we reviewed, there were no incident reports submitted by witnesses. Florida law and the ACSO training only require that witnesses complete separate written reports when they believe an inmate was unlawfully abused; however, it is common practice in most jails that when staff witnesses are present in jail use of force situations, they are required to submit reports regardless of whether they suspect abuse. We believe that this is a deficit in DOJ policy, as it deprives the reviewers of incident reports the opportunity to obtain a more complete picture of what occurred when force was used.

Sheriff's Response:

The P/BA staff did not review the final version of the Incident reports relative to the Uses of Force, which are maintained in Archives at the DOJ. It is entirely possible P/BA staff were not clear as to the document requested. An incident report is a report of information, the Use of Force report is specific for computing statistics. Details of the entire occurrence are incident reports and are reviewed through to the director. The incident report contains a report of each witness which is initialed by the writer.

P/BA Response:

We specifically requested completed use of force reports that describe the incident that occurred and the force that was employed. This request quite clearly indicated that we were also interested in seeing the management review associated with each of these incidents. The captain in charge of the Security

Operations Division told us that copies of all completed reports were maintained in a central repository for statistical purposes by the Training Bureau. When we requested this precise information from Training Bureau staff, we were shown reports that purportedly were responsive to our request. When we inquired as to why so many reports did not have signatures of command staff reflecting management review, we were informed that they did not know the reason. If, in fact, these reports were not the final completed use of force reports as we were lead to believe, then we erred in relying on information from both the DOJ Division Commander and Training Bureau staff, each of whom should have known that we were being shown incomplete information and that we would well draw some conclusions based on that which we were shown. It also raises other questions regarding how the Training Bureau identifies gaps and training needs for supervisors and managers related to the handling of such incidents if they do not receive the fully completed reports.

We accept the Sheriff at his word on this issue, although the confusion on the part of ACSO staff who should have known the answers to these questions is itself a concern that should be addressed within the agency.

19- Cultural Assessment Finding: (Further on page 58)

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

Sheriff's Response:

The use of Tasers is an agency decision and policy. We will continue to use this management tool with regard to arrestees and inmates within the limits of the Levels of Resistance.

P/BA Response:

We recognize and respect that the decision to use tasers in the Jail is a policy decision that is clearly within the purview and legal authority for the Sheriff. Unfortunately, the Sheriff's response does not address the concerns we articulated regarding the use of tasers within the current ACSO Levels of Resistance, including adequacy of judgment training in the use of these purportedly equivalent options within the jail.

Jails throughout the country are either discontinuing the use of tasers, or reevaluating their policies and procedures in light of published reports of serious injuries and deaths resulting from their use. Moreover, the manufacturer of the devices has just recently published an update to its customers, including cautions

about officers using multiple shocks against subjects—this too is resulting in law enforcement and corrections agencies reconsidering and changing their policies.

A recent study and mounting publicized concerns raised by the International Association of the Chiefs Of Police and human rights organizations effectively pinpoints the need for a review of policy and practice in the use of tasers in law enforcement and corrections agencies, if for no other reasons than risk mitigation, fear of liability, and to address myriad concerns about when the use of tasers may be contraindicated, such as for persons with certain medical conditions.

20- Cultural Assessment Finding: (Further on page 62)

5.1.3 Formal disciplinary decisions are driven by security rather than treatment and programming considerations, and operate inconsistently to the detriment of first-time offenders. Disciplinary hearings are conducted on the night shift when Classification staff is not available to participate. Decisions about discipline are therefore perceived by inmates to be biased towards custodial responses, since such decisions are not balanced out with the perspectives of staff members who may recommend treatment-oriented approaches to managing behavior.

Sheriff's Response:

Please refer to the response in section 2.3.1.

P/BA Response:

We do not understand the Sheriff's response to this finding. This is not a question concerning the delivery of programming or treatment to inmates, but instead it is recognition that there are practical operational considerations beyond simply black and white rules and proscribed punishments that should be considered in the course of an inmate disciplinary process. As the Sheriff has a sizeable Classification unit to deal with some of the types of issues that we suggest are germane, it only makes sense that these Classification staff members would participate in the disciplinary process to ensure that the relevant considerations are taken into account.

As there does not seem to be a question regarding the accuracy of our reporting on this issue, we will stand by our finding.

21- Cultural Assessment Finding: 5.2 Health Care (Entire Section) (page 63)

P/BA Note: the original finding was not included in the Sheriff's response and so it is omitted here as well.

Sheriff's Response:

Health care as provided by the Department of the Jail meets NCCHC National Accreditation Standards, FCAC State Accreditation Standards, and FMJS statutory requirements.

P/BA Response:

Accreditation is an important indicator of whether rules are being followed and standards are being met. We have recognized and commended the DOJ in our Report for its efforts to secure accreditation. Accreditation does not, however, mean that all required standards are being satisfied, nor does it ultimately answer the question of whether inmates are receiving needed services and whether their rights are being violated. For example, we highlighted one important problem, relative to inmates receiving health appraisals within 14 days of admission that was identified by the health care accreditation auditors last year and that has not yet been resolved. Moreover, we raised a series of legitimate concerns in the cultural assessment report pertaining to the delivery of health care. Therefore, regardless of whether the DOJ meets accreditation and statutory requirements, the Sheriff's response does not specifically or adequately address these substantive concerns.

22- Cultural Assessment Finding: 5.3 Access to Courts (page 65)

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

Sheriff's Response:

Access to Law Library is in accordance with Florida Law. Additionally, inmates, other than Pro Se, have unlimited access to their attorney(s) whenever the attorney desires a consultation with his client.

P/BA Response:

As was the case with the issue surrounding health care, the issues that we raised were *practical* ones that contribute to *perceptions* on the part of inmates relative to constitutional and statutory rights, including being provided access to the law library at 1:00 a.m. and the lack of trained librarians or inmate law clerks to assist with legal research.

We should also point out that not all inmates have attorneys for the civil issues with which they need legal help—e.g., divorce; benefits; personal injury, civil

rights, etc., —so it is not enough to rely on criminal attorney consultations as an alternative to the law library.

23- Cultural Assessment Finding: 5.4 Food Service (Entire Section) (page 66)

P/BA Note: the original finding was not included in the Sheriff's response and so it is omitted here as well.

Sheriff's Response:

Food Service at the Department of the Jail meets all requirements of the F.M.J.S and state laws. We exceed the federally recommended level of caloric intake prescribed. Quality is certified by a licensed dietician for nutritional content. Subsistence fees are well within the law.

P/BA Response:

The emphasis of our findings went beyond the question of literal compliance with minimal standards. We stand behind the statements in the assessment report regarding this aspect of the jail culture and the potential for unrest caused by the failure to address the issues of quality, variety, palatability, and quantity for the meals served at the facility. Not only were concerns about the quality and quantity of food raised by inmates (a relatively routine complaint in many jails), but many staff raised the same concerns about the food provided both to the inmates (out of concern for the inmates and out of a properly placed recognition that poor food for inmates does not make their inmate management responsibilities any easier) and their own meals, which they find unacceptable. When we raised these concerns with top management of the DOJ, they did not dispute our observations, but rather indicated that they were attempting to work with the vendor to address this issue, although the very low price paid per meal was a clear factor making the problem more difficult to resolve.

24- Cultural Assessment Finding: 5.5 Female Inmates (Entire Section) (page 67)

P/BA Note: the original finding was not included in the Sheriff's response and so it is omitted here as well.

Sheriff's Response:

Please refer to the response in section 2.3.1

P/BA Response:

We raised a number of issues within section 5.5 relative to female inmates. We previously addressed the issue of programming and treatment and reentry preparation relative to the Sheriff's response.

25- Cultural Assessment Finding: (Further on page 67)

5.5.1 Also, crowding in the misdemeanant unit may result in the moving of a trusty to whatever bed is available in the felon unit, which temporarily deprives the woman of her trusty status and means she cannot receive the same amount of Gain Time.

Sheriff's Response

This is an erroneous statement. If a trusty gets moved to another housing assignment except for a disciplinary action, they still receive their Gain Time according to law and ordinance.

P/BA Response:

Our numerous interviews with staff and inmates revealed this information. Certainly, there are a limited number of Trusty positions. Trusties who work outside of their housing unit (i.e., non pod positions) are housed with the misdemeanants. If a woman is moved from the unit for Trusties (because it becomes crowded as the misdemeanant population expands) to a unit where no pod-trusty position is available for her to fill, she does not continue to earn Trusty Gain Time.

We maintain that our statement accurately reflects the actual operation. It is possible, based on the Sheriff's response, that this discrepancy between what we were told and what the Sheriff states reflects incongruence between the formal and informal culture.

26- Cultural Assessment Finding: 6.1 **Quality Assurance** (page 72)

6.1.2 Our concern about the quality of inspections was made more acute by the fact that we readily observed numerous unsafe and unsanitary conditions during our tours (e.g., sheets and towels hanging from cell doors and from light fixtures; accumulated garbage on the window sills behind the mesh grating; etc.).

Sheriff's Response:

Please refer to the response in section 2.2.2. (page 74)

P/BA Response:

We stand by this statement for all the reasons articulated in our response in Section 2.2.2.

27- Cultural Assessment Finding: 6.1.4 (Page 74)

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

Sheriff's Response:

As we commented earlier, P/BA staff did not go to the correct place to review these reports or ask the correct questions. Please see the response in 4.2.1. P/BA has clearly erred with the above statement.

P/BA Response:

As we pointed out in our previous response under 4.2.1, if there was any error on the part of the assessment team with regard to our review of use of force incident reports and management reviews of same, it was a result of ACSO staff not providing us with the correct documentation, which we requested with great specificity.

28- Cultural Assessment Finding: Also 6.1.4

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

Sheriff's Response:

Please see the response to section 1.0.

P/BA Response:

We addressed this issue in section 1.0.

29- Cultural Assessment Finding: 8.1 Enforcement of Security (page 95)

8.1.1 Perimeter security checks are conducted and documented inconsistently.

Sheriff's Response:

Perimeter security checks are documented on the Shift Summaries daily, as they have been for years. These checks are noted in the JMS logs and on the Event Log at the end of each shift.

P/BA Response:

The Shift Summaries that we requested on-site, and which were printed out and provided to us at that time by the on-duty Shift Commander, reflect those inconsistencies that we alluded to-- specifically, failures to indicate which staff are performing the perimeter security checks, failures to consistently record that the perimeter security checks were being completed on a given shift, and failures to consistently perform the checks without notation when there is variance. This is relevant to the cultural norms of the organization, since we did receive reports from line staff and first-line supervisory staff that these perimeter checks were sometimes not being conducted due to a lack of available staffing and time constraints during the shift. Our review of this issue focused on actual practice and not simply documentation, which we know from experience may or may not always be an accurate reflection of actual practice.

30- Cultural Assessment Finding: 8.3 Supervision of Inmates (page 99)

8.3.1 We observed that line officers and supervisory staff in these housing areas often had inconsistent (and consequently ineffective) approaches to rule enforcement, particularly with regard to seemingly minor violations (such as sheets, blankets, towels, and clothes placed over cell doors, windows, and shower rods).

Sheriff's Response:

Again, this has been answered in our response to 2.2.2. Further, while this is an ongoing problem, each day cell inspections cause the items referenced to be remove. Continuous violations by inmates may cause disciplinary actions to be initiated.

P/BA Response:

Regrettably, what the Sheriff maintains (and we agree) should be occurring as a result of the formal culture and expectations, does not routinely occur on the part of often overwhelmed line staff and their supervisors. In some cases, line supervisors and Shift Commanders were our escorts throughout our visits to housing units and failed to address these issues with the staff on duty. In other cases, housing officers entered the unit or conducted rounds while we were present yet ignored these violations of institutional rules and regulations.

31- Cultural Assessment Finding: 9. COMMUNICATION AND RELATIONSHIPS (page 106)

9.1.2 Although he takes an aggressive and forward-looking role outside the Agency, we note that, at times, certain important management issues at the DOJ may get lost because neither the Director nor the Sheriff follow-up on them. Chief among these are the necessary follow-up reviews and implementation decisions from external reports such as those provided by the NIC.

Sheriff's Response:

Using the example of the NIC as a basis to make this comment is once again factually inaccurate. Please refer to the response in section 1.0. Some recommendations are implemented as funding allows. In addition, the management philosophy of the jail is defined by its value statement of "The ACSO stands for the highest quality law enforcement and inmate detention rendered with dedication to equality, fairness and professional integrity."

P/BA Response:

We previously addressed the NIC follow-up issue in section 1.0.

This value statement is extremely important in defining the image and perception of the agency. Given the concerns that we cited throughout the cultural assessment with regards to food service, health care, crowding, sanitation and hygiene, discipline, and lack of programmatic opportunities, it is clear that there is a level of incongruence between philosophy or theory and actual practice within the DOJ.