



FLORIDA MODEL JAIL STANDARDS COMMITTEE MEETING MINUTES

Friday, August 1, 2008

9:00 A.M.

Marion County Sheriff's Office

Attendees:

Committee Members:

Sheriff Ed Dean – Marion County Sheriff's Office
Sheriff John Rutherford – Jacksonville Sheriff's Office
Sheriff David Turner – Gilchrist County Sheriff's Office
Mr. Peter Corwin, Florida Association of Counties – Broward County
Mr. James Dates – Florida Association of Counties – Pinellas County

Attendees:

Les Neel – Volusia County Sheriff's Office
Matt Reinhart – Volusia County Sheriff's Office
Janice Hill – Pinellas County Sheriff's Office
Katherine Brown – Pasco County Sheriff's Office
Capt. Jeff Cloutier – Alachua County Sheriff's Office
Marietta Hardy – PHS/Alachua County Sheriff's Office
Donna DiPesa – Clay County Sheriff's Office, Retired
Ed Beckman – Pasco County Sheriff's Office
Wendy Penna – Pasco County Sheriff's Office
Kristine Delany, RN – Pasco County Sheriff's Office
William Slaybaugh Jr. – Polk County Sheriff's Office
David Parisi – Sarasota County Sheriff's Office
Howard Rich – Indian River County Sheriff's Office
Chris Helseth – Indian River County Sheriff's Office
David W. Diggs – Seminole County Sheriff's Office
Jana Paulk – Florida Corrections Accreditation Commission
Zoraida Marquez – Florida Corrections Accreditation Commission
George Lambert – Martin County Sheriff's Office
Robert Haberkorn – Martin County Sheriff's Office
James Castle – Pinellas County Sheriff's Office
Deborah Sterling – Pinellas County Sheriff's Office
Michelle Turbec – Pinellas County Sheriff's Office
Micah Smith – Pinellas County Sheriff's Office
Suzanne Kirkpatrick – Jacksonville Sheriff's Office
James Messer – Clay County Sheriff's Office
Ken Binkley – Clay County Sheriff's Office
Loretha Tolbert-Rich – Marion County Sheriff's Office
Kevin McGowan – Collier County Sheriff's Office

Capt. Greg Scott—Sarasota County Sheriff's Office
Lt. Sean Farrell – Orange County Corrections Department
Lt. Isaiah Dennard – Orange County Corrections Department
Jeffrey W. Jarvis – Brevard County Jail
Amanda Tipping – Charlotte County Jail
Sgt. Joseph Gaudette – Charlotte County Sheriff's Office
Gary Harbin – Marion County Sheriff's Office
Lydia Hightower – Marion County Sheriff's Office

Welcome:

Sheriff Dean welcomed everyone present.

Introductions:

Sheriff Dean introduced the Committee members.

Invocation/Pledge of Allegiance

Sheriff Dean led the members in the Pledge of Allegiance and the Invocation.

Quorum

A quorum was established.

Legal Notifications

Sheriff Dean confirmed notification of the meeting was published in the newspaper and properly noticed. He was advised that a copy of the notice was provided in the committee member's binders. Legal notification was acknowledged.

Approval of Minutes:

A motion to approve minutes from last meeting was made by and seconded by. The motion carried unanimously.

Old Business:

There was no old business for presentation at this meeting.

New Business:

Standard: Paragraph 11.05, Key Control

Standards Review Committee

Presenter: Sgt. J. Gaudette

Proposal: (11.05) A key control system will be designed to indicate the location of all keys and locks in the detention facility. The system will include:

(f) A key control system which provides a means for issuing, controlling, and accounting for keys issued to inmates for the purpose of completing work assignments.

Rationale: This will allow accountability for non-security keys issued to inmates that are assigned jobs in and around the facility, such as but not limited to, sanitation or grounds

keeping. Most agencies use inmates for work assignments and completing these assignments means they may need keys to complete these assignments.

Standards Review Committee Recommendation: Disapprove as providing an inmate with keys is not considered a good sound correctional practice and directly violates subparagraph 3 of 11.05.

Discussion: Sgt. Gaudette stated that these inmates are going to be supervised; however, the reality is they are being given the means to perform these jobs as some tools, such as lawn mowers that require keys to not operate. He stressed that the inmates are not being given security keys. Sheriff Rutherford stated that he takes pause when he hears budget concerns being used as a reason to slacken security. He stated he was concerned over giving any keys to inmates. Mr. Corwin stated two different types of keys were mentioned. Sgt. Gaudette stated the key would be for a specific piece of equipment. Sgt. Gaudette stated at this time there is no means to track keys for equipment; there is no way of knowing which inmate has been issued a key. The alternative is to define what a security key is. Sheriff Dean asked Lt. Harbin if the Standards Review Subcommittee would review this matter further due to the further explanation. Lt. Harbin responded some guidance from Sgt. Gaudette would be appreciated. It was decided that Sgt. Gaudette would review his submission and resubmit for the next meeting.

Motion: None

Proposal withdrawn by Sgt. Gaudette.

Standard: Paragraph 12.08, Bedding, Clothing and Personal Items

Standards Review Subcommittee

Presenter: Sgt. J. Gaudette

Proposal: (12.08) Bedding, Clothing, and Personal Items - Beds and bedding shall be kept in good repair and cleaned and sanitized regularly. Used mattress and pillow covers shall be washed at least weekly and blankets washed or dry cleaned at least quarterly. Sheets and personal clothing shall be washed at least weekly. Sheets, ~~and~~ blankets, **and mattresses** shall be stored in a clean, dry place between **cleaning laundering** and issue. Inmates to be held longer than 24 hours should be issued clothing and personal comfort items, such as soap, towels, toothbrush and toothpaste. Razors and blades may be issued on a controlled basis.

Rationale: To add additional wording to include how mattresses will be stored after last use and cleaning and prior to being reissued again.

Discussion: Sheriff Dean opened this issue for discussion.

Standards Review Subcommittee Recommendation:

Motion: Approve as it allows for the proper storage and cleaning of mattresses. Sheriff Rutherford motioned for approve; Mr. Corwin seconded.

Standard: Paragraph, 9.09

Standard: Medical Standards Review Subcommittee

Presenter: Ms. Wanda White

Proposal: (9.09) ~~At a minimum, Pro se inmates, who are actively representing themselves in a case, will be~~ **are** provided reasonable access to legal materials to assist them in filing any type of action cognizable in Florida ~~or federal~~ courts.

Rationale: The current language and the ruling in Henderson v. Crosby, 883 So.2d 847 (Fla. 1st DCA 2004) was reviewed by Steve Brady, FDLE Attorney and legal counsel for Florida Corrections Accreditation Committee (FCAC) and the Commission on Accreditation for Florida Law Enforcement Accreditation (CFA). After a review, he recommended the proposed language to the FCAC Standards Review and Interpretation Committee. The proposed change was approved by the FCAC Commission. Providing reasonable access to legal materials for federal courts could have a huge financial and logistical impact on facilities. If it is not required, then it should not be included as a minimum in the standard. Thus, it is appropriate and prudent for us to follow the advice provided by legal counsel actively involved in a Florida correctional standards review process.

Standards Review Subcommittee Recommendation: Approve as the original change was to ensure compliance with Henderson v. Crosby, therefore, based on the legal review, this change should satisfy that requirement.

Discussion: Sheriff Rutherford asked if there was an impact for those facilities who house federal inmates. Ms. White advised it was discussed, but the ruling in Henderson v. Crosby states if they are inmates in Florida, the facility only has to provide the minimum required. Steve Grady is the regional legal advisor of the Orlando Region of the Florida Department of Law Enforcement and during his research found this related specifically to prisons; however, he believes it would also incorporate local jails. The current language has been in FMJS since 2007. The wording was changed in the August 2007 FMJS meeting to its current language. Lt. Harbin stated this standard has been changes several times over the last couple of years due to Henderson v. Crosby and we now have a good legal opinion, a copy of which was provided to the Committee by Ms. White. Sheriff Dean asked if there was any legal obligation for those facilities housing federal inmates. Lt. Harbin stated that we are only required to provide any material regarding cases in the state of Florida. Anything outside of the state's jurisdiction would be incumbent on the Federal Marshal's to provide.

Motion: Sheriff Rutherford made a motion to accept the legal opinion from Mr. Brady, which was seconded by Mr. Corwin. Approved.

Standard: 9.04, Visiting

Standards/Medical Review Committee

Presenter: Lt. Gary Harbin

Proposal: (9.04) Visiting:

(d) **The most common types of visitation used in correctional facilities include, but are not limited to non-contact, contact, and video.**

(1) The allowing of contact visitation on any special occasion shall be the prerogative of the Officer-in-Charge or designee.

Rationale: Video Visitation has a tendency to be a controversial subject as more and more jails go to the system. Currently there is nothing in place that authorizes or prohibits the use of video visitation. By including the authorization in the Florida Model Jail Standards, agencies have a formal document in which to refer in the event of litigation.

Standards Review Subcommittee Recommendation: Approve as the Subcommittee concurs with the rationale provided.

Discussion: There was no discussion.

Motion: Motion made by Sheriff Rutherford to approve the recommendation, seconded by Mr. Corwin. Approved.

**Standard: Paragraph, 2.02, FMJS Certified Jail Inspector
Standards/Medical Review Committee
Presenter: Lt. Kathy Brown**

Proposal: (2.02) "FMJS Certified Jail Inspector" - Any person who has successfully completed the FMJS Inspector Certification Course and is presently recognized, by the FMJS Committee, to conduct correctional operations' inspections. Additionally this FMJS certification is only valid for four (4) years. All FMJS inspectors are required to complete at least two jail inspections within the 4 years **in order to maintain the certification.** ~~and successfully complete an eight (8) hour re-certification course every four years.~~ If an inspector does not complete the two (2) jail inspections within the four (4) year period, he/she must retake the entire FMJS certification course. **Proof of these inspections will be compiled from the reports submitted to the Compliance Subcommittee.**

Rationale: Due to budget cuts and gas prices, agencies are unable to send their staff to attend a one day class. We may soon be faced with not having enough inspectors to conduct the inspections throughout the state. Agencies can not justify the expense of gas, hotel, and per diem for an (8) eight hour class. For those inspectors that are actually out there doing inspections, there is nothing new that we can really teach them. With the current policy, if they have not performed at least two (2) inspections within a four (4) year period they are not be qualified to conduct inspections.

Standards Review Subcommittee Recommendation: Approve, with changes. Some agencies, who do not participate in peer review groups, are limited to the number of inspections they can conduct during the 4 year period. Due to this they are required to expend funds to send inspectors to a full forty (40) hour initial certification class.

Proposed Wording: "FMJS Certified Jail Inspector" - Any person who has successfully completed the FMJS Inspector Certification Course and is presently recognized, by the FMJS Committee, to conduct correctional operations' inspections. Additionally this FMJS certification is only valid for four (4) years. **In order to maintain the certification, all FMJS inspectors are required to complete at least two jail inspections within the 4 years or and successfully complete an eight (8) hour re-certification course every four years. ~~If an inspector does not complete the two (2) jail inspections within the four (4) year period, he/she must retake the entire FMJS certification course.~~ Proof of these inspections will be compiled from the reports submitted to the Compliance Subcommittee.**

Discussion: Sheriff Dean asked Lt. Harbin if the Subcommittee had any recommendations. Lt. Harbin stated the subcommittee would like to propose a change to the proposal submitted by Lt. Brown. In order to maintain the certification, all FMJS inspectors are required to complete at least two jail inspections within the 4 years or successfully complete an eight (8) hour re-certification course every four years. One of the things brought to the attention of the subcommittee is the fact that some of the facilities who are not involved in a peer review inspection team have inspectors who are, at times, unable to go out and conduct inspections every four years so they would like to have something in place that would enable them to maintain their certification. This change would be in lieu of either or: either do two inspections every four years, or do an eight hour recertification class. Sheriff Dean stated the issue seems to be; it is too much of a burden to for the agency to send inspectors to an eight hour class. The proposal would be that if two inspections are being done, then the individual should not have to go to class. Sheriff Dean stated the Florida Model Jail Standards structure provides the ability to set our own standards. He stated that it has worked well. Sheriff Dean stated that if we become too lax, at some point, it may be taken out of the hands of corrections personnel. He stated he is unaware of any certification that does not require some type of continuing education.

Captain Beckman asked that if the Florida Sheriff's Association was receptive, with the new technology, would it be possible for continuing computer education with read and delivery receipts, so one would be aware if the inspector had received and opened the email, understood and signed off on it.

It was also stated that the recertification process has been diluted down and to maintain the integrity of the process, it would be more harmful to do completely away with the recertification process.

Lt. Brown stated the only additional change she would make is to turn it around so if this measure was adopted, to make sure the stronger option is to have the inspectors attend the training.

Sheriff Rutherford stated to lay off on budgets the reason for relaxing standards is not valid. He stated the stronger we keep this process, the better we will all be. Sheriff Rutherford stated he likes the way the wording is currently.

Mr. Corwin asked if they make no changes then everyone has to do the eight hours in person, and Lt. Brown confirmed.

It was reiterated that those counties not in the middle of the state, but in the periphery, do not have the options to go out and do jail inspections.

Motion: Made by Sheriff Rutherford to approve with changes; seconded by Mr. Corwin. Approved.

Standard: Paragraph 7.05 (g)
Standards/Medical Review Committee
Presenter: Ms. Debbie Sterling for Mrs. J. Phillips

Proposal: (7.05) Each inmate shall be given a health appraisal...but shall include at least the following items:

(g) Review of the results of the medical examination, tests and identification of problems by a physician when required by procedures as referenced in **(7.02) ~~(i)~~ (i)** of this standard;

Rationale: 7.02 (i) would be an incorrect reference, as it requires "Detoxification procedures under medical supervision." 7.02 (j) would be the correct reference, as it relates specifically to the topic discussed in 7.05 (g), by requiring "A procedure by the Health Authority proscribing standards for review of health appraisals and identification of problems to be reviewed by a physician, advance registered nurse practitioner, or physician assistant."

Standards Review Subcommittee Recommendation: Approve as the proposed change is technical in nature and identifies the correct reference.

Discussion: None.

Motion: Motion by Sheriff Rutherford, seconded by Mr. Corwin. Approved.

Standard: Paragraph 4.01
Standards Review Committee:
Presenter: Lt. Gary Harbin

Proposal: When receiving and admitting an inmate to a detention facility, the certified staff responsible for such admission shall inquire and reasonably determine that established rules, regulations, and legal procedures for such admission are met. Any legal or procedural questions concerning the admission of a person to a detention facility must be clearly resolved prior to completing the admission process. **When a foreign citizen is received/admitted to a detention facility for any reason, the agency shall make notification using the guidelines as set forth by the Department of State.**

Rationale: Recognizing that the FMJS are minimum standards, the Subcommittee recommends changing the wording of 4.01 to a simple statement and allow each agency

ensure compliance with the state department rules as best suits their needs. This will allow the agency flexibility to determine who actually makes the notifications.

Standards Review Subcommittee Recommendation: Approve: The subcommittee was asked by Sgt. Ricky Blush, Brevard County Sheriff's Office to review 4.01 due to an inconsistency with the wording of the standard and the actual reporting requirements of the Department of State. After the review, we present the revised 4.01 for consideration and approval.

Discussion: Approve with changes, which Changes Include: When receiving and admitting an inmate to a detention facility, the certified staff responsible for such admission shall inquire and reasonably determine that established rules, regulations, and legal procedures for such admission are met. Any legal or procedural questions concerning the admission of a person to a detention facility must be clearly resolved prior to completing the admission process. **When a foreign citizen is received/admitted to a detention facility for any reason, the agency shall make notification using the guidelines as set forth by the U.S. Department of State.**

Motion: Sheriff Turner made motion to approve with change, Sheriff Rutherford made second. Approved.

Subcommittee Updates:

Compliance Subcommittee: Captain Cloutier stated in their last meeting, there are several items they would like to bring to the attention of the committee.

- 1) There still are inspectors using different inspection checklists which are confusing to the committee to siphon through the inspection reports. A recommendation was made that all inspectors download the new inspection report checklist from the website. Because there were changes in the middle of the year, some inspections occurred before July 2007, and some were done after, for which adjustments were made. However, some inspections done after July still used the old inspections.
- 2) Regarding the integrity of the process, for the first time, the committee has encountered a problem county; a county which has had problems two years in a row. This county had serious violations, the same violation from 2006-2007. Both times the inspection report was submitted; and they did not provide a remediation report or after action report describing how they would address the issue. New information obtained indicated this county has completed their 2008 inspection; however the report has not been reviewed. This county was also awarded their initial accreditation. This calls attention to the issue of how to address counties who do not fix reported discrepancies. A concern is although we are not enforcement committee, how to we attend to those agencies that have serious violations and choose to do nothing about them. Sheriff Dean responded there is nothing in the statute to give us enforcement capability or authority. These counties which have nothing beside their county name at this time

have not submitted their inspection. A letter will be sent to the Sheriff or County Commission of the respective counties.

Captain Cloutier also stated that two other counties, during this past year, have serious violations and when they submitted their report; neither county provided a remediation plan. The question remains in this letter writing notification should the counties who have not sent in their reports be addressed with a reminder of what is stated in the Florida Model Jail Standards; and then the counties who have serious violations and have not reported to the Committee, their intentions to fix the problem.

Lt. Brown stated that a requirement exist that requires any inspector discovering a serious violation must write a separate letter to the facility commander right then and there. The facility in question has 24 hours to come up with some type of a plan of action. The inspector is supposed to go back within 48 hours from finding the serious violation and re-inspect and put that in the report. Sheriff Dean asked if this was done in those two cases. Captain Cloutier stated he was not in possession of that information at this time. Sheriff Dean stated letters will be sent to these counties.

Captain Cloutier requested that he be allowed to become a member of the committee and relinquish the chairmanship to Lt. Kathy Brown who has volunteered to take the Chair position for the Compliance Subcommittee.

The Committee approve the change in Committee Chair.

Medical Subcommittee: Mrs. Janice Hill stated that in the early part of 2007, she was asked to go back and do something about the retraining. They had placed their inspectors in the total 24 hours program. Mrs. Hill stated she has a proposed recertification training which is eight hours in length. When they went through their last training in 2007, there were 11 nurses; three for recertification, eight were first time inspectors. Since the last time the Florida Model Jail Standards Committee met, she has only received two inquiries in reference to Medical Inspector Training, and none for recertification. There are 41 medical inspectors who are current. These inspectors have to attend recertification once every four years for twenty-four hours. Mrs. Hill requested of the Committee for direction in reference to offering an eight-hour recertification. Sheriff Dean stated that it appears that the class should be offered at least every other year so as not to lose any more inspectors.

Lt. Harbin stated that last year, the eight hour recertification class had been approved to once every four years and Mrs. Hill was to work out a lesson plan for that. Also, in that standard, the addition of two (2) inspections every four years were included. Lt. Harbin asked if the Committee wanted to parallel the medical and jail inspector training and take out the two inspections every four years requirement. As of this time, medical inspectors are required to do two inspections every four years, plus attend a recertification class, which was 24 hours and has been changed to eight hours.

A decision was made for the Medical inspector training to mirror that of the Jail Inspector Training. Motion was made by Mr. Corwin, and seconded by Sheriff Rutherford. Approved.

Mrs. Hill stated that in the minutes of the August 2007 meeting, it was proposed that a full class would be held in the Spring of 2008; however, that has not been accomplished at this time. Sheriff Dean stated that in conjunction with the Training subcommittee, the Medical subcommittee could handle this at that level.

A request was made for a list of medical inspectors to be provided. Ms. Hill stated that the list is with the Florida Sheriff's Association and although all the records have not been lost, there has been some difficulty in obtaining a list. Sheriff Dean requested that Lt. Harbin make contact with Ned Hefner and request the list of inspectors be placed on the FSA website.

Training Subcommittee: We held one new inspectors course in Miami in March certifying 33 new inspectors. One re-certification class was held in Pasco in July re-certifying 19. There is a remainder of 19 still requiring certification this year. Re-certification due: 2008 – 48; 2009 - 51; 2010 -36; 2011 – 135; 2012 - 33. There are a total of 305 inspectors state-wide. Lt. Brown stated she provides Mr. Hefner a list of all those inspectors and those who need to be recertified. Lt. Brown stated that if the list is also placed on the FSA website, it will aid in the effort to identify those inspectors who have somehow not been recertified.

A letter will be sent to Mr. Ned Hefner requesting a complete list of inspectors and for notification go from FSA to an inspector notifying them of the expiration of their credentials.

Open Forum: None comments from the audience.

Meeting adjourned at 11:15 a.m.

Respectfully submitted by:
Lydia E. Hightower, Accreditation Secretary
Marion County Sheriff's Office