

REPORT NO. 12039

**STATE OF FLORIDA  
OFFICE OF THE AUDITOR GENERAL**



151518

**PERFORMANCE AUDIT  
OF THE  
JAIL INSPECTION PROGRAM  
ADMINISTERED BY THE  
DEPARTMENT OF CORRECTIONS**

**APRIL 5, 1993**

151518

**U.S. Department of Justice  
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been  
granted by  
Florida Office of the Auditor  
General

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

**Requests for copies of this report should  
be addressed to:**

**Office of the Auditor General  
Post Office Box 1735  
Tallahassee, Florida 32302**

**Please request by report name and number.**

**Permission is granted to reproduce this report.**

151518



State of Florida  
OFFICE OF THE AUDITOR GENERAL



CHARLES L. LESTER, C.P.A.  
AUDITOR GENERAL

JIM CARPENTER  
ASSISTANT AUDITOR GENERAL

April 5, 1993

NCJRS

DEC 2 1994

ACQUISITIONS

The President of the Senate, the Speaker of the  
House of Representatives, and the  
Legislative Auditing Committee

I have directed that a performance audit be made of the Jail  
Inspection Program administered by the Department of Corrections. The results  
of the audit are presented to you in this report. This audit was made as a part  
of an ongoing program of performance auditing by the Office of the Auditor  
General as mandated by Section 11.45(3)(a), Florida Statutes.

Respectfully yours,

Charles L. Lester  
Auditor General

Audit supervised by:

D. Byron Brown

Audit made by:

Charles F. Barrett

PERFORMANCE AUDIT  
OF THE  
JAIL INSPECTION PROGRAM  
ADMINISTERED BY THE  
DEPARTMENT OF CORRECTIONS

Table of Contents

<u>Chapter</u>	<u>Page</u>
Executive Summary . . . . .	i
I. Introduction: Purpose and Scope, Methodology . . . . .	1
Purpose and Scope . . . . .	1
Methodology . . . . .	2
II. Background: Program Design and Organization . . . . .	5
Program Design . . . . .	5
Program Organization . . . . .	7
Program Resources . . . . .	8
III. Findings and Recommendations . . . . .	11

Section 1  
Program Operations

Question 1.1 To what extent has the Department addressed the deficiencies in the Jail Inspection Program identified in the 1986 Office of the Auditor General report No. 10675, performance audit of the Department's Office of the Inspector General, issued April 21, 1986? . . . . .	12
--	----

Table of Contents

Chapter

Page

Section II  
Program Measures

Question 2.1  
Has the Department established written goals and objectives for the Jail Inspection Program, and has the Department developed performance measures that could be used to evaluate the effectiveness of the Program? . . . . . 20

Section III  
Alternatives To The Jail Inspection Program

Question 3.1  
What alternative approaches are there to the current Jail Inspection Program? . . . . . 25

Appendices . . . . . 31

A. DOC Investigations in County Jails . . . . . 32

B. Dates of Most Recent Construction and Renovation of County Jails as of December 1991 . . . . . 33

C. Jail Inspection Practices By State . . . . . 36

D. Response From the Department of Corrections . . . . . 38

# **JAIL INSPECTION PROGRAM**

---

---

## **Purpose and Scope**

---

---

This audit reviews the Jail Inspection Program, as administered by the Department of Corrections. The audit was conducted as part of the Auditor General's 10-year schedule of performance audits, as directed by Ch. 90-110, Laws of Florida.

We sought to answer three questions relating to the Jail Inspection Program:

- To what extent has the Department addressed the deficiencies in the Jail Inspection Program identified in the 1986 Office of the Auditor General report No. 10675, performance audit of the Department's Office of the Inspector General, issued April 21, 1986?
- Has the Department established written goals and objectives for the Jail Inspection Program, and has the Department developed performance measures that could be used to evaluate the effectiveness of the Program? and
- What alternative approaches are there to the current Jail Inspection Program?

---

---

## Background

---

---

Section 951.23(5), F.S., authorizes the Department to adopt rules and regulations prescribing minimum standards and requirements for county jails in Florida and to inspect those jails.<sup>1</sup> The standards and regulations for jail inspections are defined in Ch. 33-8, F.A.C., and include requirements on the care, custody, treatment, housing, and general handling of inmates. As of December 1991, 104 jails in Florida housed nearly 36,000 inmates.

Rule 33-8.002, F.A.C., requires the Department to inspect each jail at least twice annually. The inspections of full-time facilities include a review of the physical conditions of the jail, cleanliness, sanitation, safety, and comfort; the quality and quantity of bedding; the quality, quantity, and diversity of food served and the manner in which it is served; and the number and conditions of inmates. Upon completion of an inspection, s. 944.32, F.S., requires inspectors to make a full and complete report to the Department, to the appropriate board of county commissioners, and to the officer-in-charge of the jail. Instances of noncompliance with Department rules are defined as aggravated or citable violations. Aggravated violations are the most serious type of violation in that they constitute an immediate danger to the life, health, or safety of the staff or inmates and are enumerated in Rule 33-8.002(5)(a), F.A.C. Citable violations are violations of all other

---

<sup>1</sup> According to Department officials, 11 county detention facilities and all municipal detention facilities except 1 in Fort Lauderdale are temporary holding facilities. Although temporary holding facilities are subject to inspection, many of the standards in Ch. 33-8, F.A.C., do not apply. Therefore, we focused our audit on the Department's inspection of 104 detention facilities that are subject to all standards included in Ch. 33-8, F.A.C. We use the term "jail" to refer to the detention facilities included in our review.

## EXECUTIVE SUMMARY

---

written standards described in Rule 33-8.002(5)(b), F.A.C.

Procedures for reporting violations vary depending upon whether the violations are aggravated or citable. Chapter 33-8, F.A.C., provides time requirements for the reporting of violations to the officer-in-charge of the jails, to county commissioners, and to the Department's Inspector General. Chapter 33-8, F.A.C., also places time requirements upon the jails's correction of these violations.

Section 951.23, F.S., also establishes provisions for the Department's enforcement of rules and regulations prescribing minimum standards and requirements for county jails. The Department may file a lawsuit asking the circuit court either to prohibit the confinement of inmates in a county jail that does not meet standards, or to transfer inmates to another county jail that does meet standards. The expense of maintaining inmates in another county jail shall be borne by the county from which the inmates were removed.

Department inspectors also provide technical assistance to the officers-in-charge of the jails in the form of planning, recommending operations procedures and programs, and in promoting the enforcement of standards. Additionally, inspectors conduct investigations of special incidents concerning inmate deaths or serious injuries, escapes or attempted escapes, inmate strikes or riots, and other serious circumstances that occur in the county jails. As required by s. 951.23(4), F.S., the Department also reviews and approves architectural plans for the construction or renovation of county jails in order to assure they meet minimum design standards.

## EXECUTIVE SUMMARY

---

The Department of Corrections is headed by a Secretary, who is appointed by the Governor and confirmed by the Senate. Harry K. Singletary was appointed to serve as the Secretary of the Department on April 12, 1991, and confirmed by the Senate on April 26, 1991. The Jail Inspection Program is administered through the Bureau of County and Municipal Detention Facilities within the Office of the Inspector General. The Chief of the Bureau supervises nine jail inspectors, who are located throughout the state, and an architect.

Department records for calendar year 1991 indicate that these inspectors conducted 420 semi-annual inspections and follow-up inspections of county jails, 276 semi-annual and follow-up inspections of municipal facilities, and 416 investigations of special incidents ranging from suicides to alleged staff misconduct. The Jail Inspection Program is funded by general revenue and, during the 1991-92 fiscal year, was included within the budget of the Office of Inspector General. The Department estimated total expenditures for the Jail Inspection Program for fiscal year 1991-92 as \$659,099 with 13 authorized positions.

---

## Results in Brief

---

The Department has addressed some of the deficiencies identified in a 1986 Office of the Auditor General performance audit of the Department's Office of the Inspector General. The extent of overcrowding in the county jails has been reduced; counties are now required to contract for annual fire inspections of their jails; and the Department has made some improvements in the operation of the Jail Inspection Program.

## EXECUTIVE SUMMARY

---

However, the Department's inspection reports do not cite aggravated violations detected by the inspector but immediately corrected by jail personnel. As a result, inspection reports do not always reflect the conditions of the jails at the time of the inspection, and trends in the quality of conditions in the jails cannot be analyzed.

Section 186.021, F.S., requires each agency to develop an Agency Strategic Plan that specifies the objectives against which achievement of the agency shall be evaluated. However, the Department has not established written goals and objectives for the Jail Inspection Program, nor has the Department developed written performance measures that can be used in evaluating the Jail Inspection Program. The Department has some data available that could be used to evaluate performance, but without clearly defined goals and objectives, it is difficult to use that data to evaluate the Program.

Section 11.45, F.S., requires the Auditor General to identify and comment upon alternatives for accomplishing the goals of the program being audited. Using information from 45 states we identified two major alternative approaches to Florida's Jail Inspection Program: reducing the number of jail inspections annually, or discontinuing state inspection of county jails. Of the 25 states with mandatory inspection programs similar to Florida's, only 2 states inspect jails as frequently as Florida's twice per year inspections. Most other states inspect jails no more than once a year. Of the 20 states without mandatory state jail inspections for local jails, 7 states have voluntary jail inspection programs operated by state agencies or local government

## EXECUTIVE SUMMARY

---

associations, and 8 states have no formal jail inspections.<sup>2</sup> In five states the state operates the jails.

---

## Findings

---

### **Most Prior Deficiencies in the Program Have Been Corrected**

The Department and the Legislature have addressed some deficiencies in the Jail Inspection Program that were noted in the 1986 Office of the Auditor General report No. 10675. The extent of overcrowding in county jails has been reduced; the Legislature has amended s. 951.23, F.S., to require counties to contract for annual fire inspections of their jails; and the Department has made some improvements in the operation of the Jail Inspection Program. However, the Department's practices related to the reporting of aggravated violations of standards need to be readdressed by the Department to assure that all violations are reported fully and completely, as required by s. 944.32, F.S.

### **The Number of Jails Exceeding Inmate Capacity Has Declined**

The Department has made progress in obtaining compliance with standards in the two major areas mentioned in the 1986 audit: overcrowding and fire safety. The Department's County Detention Facilities Annual Report for 1991 showed that 26 of the 104 county jails (25%) open at the end of the year exceeded inmate capacity, compared to 46% in 1985. The Department began collecting average daily jail population data on all 67 counties in 1986. Since 1986, the number of counties exceeding their authorized jail capacity has decreased from 32 to 11.

---

<sup>2</sup> Our interviews with other states did not identify whether jails were operated at the local level by cities or counties.

**Fire Safety Inspections  
Are Conducted  
Annually**

In response to the State Fire Marshal not being able to annually inspect all county jails, the Legislature passed Ch. 86-235, Laws of Florida, amending s. 951.23, F.S. This law requires each county to contract with personnel certified by the State Fire Marshal's Office to conduct an annual fire safety inspection of the county jails. The Department of Corrections requires its jail inspectors to obtain copies of the fire safety inspection reports and attach them to the jail inspection reports to assure the fire safety inspections are conducted annually. For calendar year 1991, the Department files contained current fire safety reports for all 104 county jails.

**The Consistency of  
Jail Inspections Has  
Improved**

The Department has made some changes to improve the management of the Jail Inspection Program, but has not implemented all of the recommendations made in the 1986 audit report. The Department changed the reporting forms to a checklist format encompassing all standards to improve the consistency and objectivity of the inspectors. The Department also developed a policies and procedures manual to aid inspectors. Department inspection reports also now clearly distinguish between aggravated and citable violations, and designate which violations are repeated from prior inspection reports.

**All Aggravated  
Violations Are Still  
Not Reported**

However, the Department does not include all detected aggravated violations in the written report. If the jail staff correct an aggravated violation before the inspector completes his inspection, then the inspector may not list that violation in his report. Although the Department has responded to previous audit criticism by clearly identifying which violations cited in the inspection reports are aggravated violations, the Department's practice of not citing aggravated violations represents an

incomplete report of the inspection. Although inspectors may report that violations have been immediately corrected, it is important that the written inspection reports accurately describe the conditions of the jails at the time of the inspections. If the written inspections do not report all detected aggravated violations, the Department cannot identify which violations are repeated and cannot determine trends in jail conditions. For example, although the Department reported a total of only 13 aggravated violations during its 1991 inspections compared to 33 aggravated violations cited in 1989, the failure to cite all detected violations suggests that these numbers reflect reporting practices rather than an actual improvement in jail conditions.

**Goals and Objectives  
Have Not Been  
Established for the  
Program**

Department planning and program documents do not set forth specific written goals or objectives for the Jail Inspection Program. The only reference to the Jail Inspection Program in the Agency Functional Plan indicates that the Department will provide technical assistance to local authorities concerning the construction and operation of local correctional facilities and programs. However, the major focus of the Program's procedures is on identifying and reporting violations of jail standards and verifying that these violations are corrected.

**Performance  
Measures Have Not  
Been Developed**

In addition to establishing written goals and objectives that define the desired results of the Jail Inspection Program, the Department should develop performance measures that can be used to evaluate whether the Program is attaining those goals and objectives. Performance measures should be established to evaluate program outputs, program outcomes, and program efficiency and effectiveness. The Department collects and maintains data related to several possible program measures such as the number of inspections and

investigations conducted, the number of violations cited, the results of lawsuits, and the construction and renovation of jail facilities. The lack of written goals and objectives, however, hinders the usefulness of how that data can be used in evaluating the program.

### **Alternatives to Florida's Jail Inspection Program**

Of the 25 states performing mandatory jail inspections, Florida is one of the three states that conducts more than one annual inspection of each jail. Illinois conducts four inspections per year, and Indiana, like Florida, conducts two inspections per year. Fifteen states conduct annual inspections and six states conduct inspections no more than once every two years.<sup>3</sup> Although a reduction in the frequency of jail inspections from twice a year to once a year could save the travel costs and staff time for approximately 104 jail inspections per year, this would represent a modest impact on jail inspector workload, as inspectors perform many other duties such as follow-up reviews, jail investigations, and technical assistance.

One possible advantage of reducing the number of required annual inspections would be the possibility of increasing the number of inspectors used to conduct each annual inspection. Of the 20 states we contacted that conduct periodic jail inspections, (including voluntary inspections), ten states use more than one inspector in all or some of their annual inspections. For example, New Jersey uses a team of three inspectors for each inspection, while Texas uses one, two, or three inspectors for each inspection depending on the size of the jail. The use of more than one inspector for each inspection provides better internal control to those

---

<sup>3</sup> Data on the number of inspections was not available for one state.

## EXECUTIVE SUMMARY

---

inspections, helping to ensure that all violations are detected and reported consistently from area to area.

A possible disadvantage of reducing the frequency of inspections is that violations may persist for longer periods of time without being detected and corrected. However, we noted that inspectors conducted 416 incident investigations in jails during 1991, suggesting that the inspectors frequently visit jails to conduct these investigations. Therefore, the inspectors would be able to observe and report obvious violations during the course of those investigations.

Twenty of the 45 states for which information was available do not have mandatory state inspections of local jails, including 5 states that own and operate local jails. Seven states have voluntary inspection programs in which a state agency or local government association conduct inspections upon request of or in agreements with the jails. Eight states do not have jail inspection programs.

These examples of states with voluntary jail inspections or no jail inspection programs suggest that another alternative that could be considered in Florida is to discontinue the state's mandatory jail inspection program. However, we identified three primary concerns that should be addressed in considering such an alternative.

First, once goals, objectives, and performance measures are established, the Department may be able to demonstrate that the Jail Inspection Program is having a positive and measurable effect on the quality of conditions within jails.

Second, the Department of Corrections has entered into a stipulated agreement with the courts in response to inmate lawsuits, to maintain a vigorous jail inspection and enforcement program. Department officials believe this agreement offers protection to the state and counties from similar legal actions.

Third, although the state could save approximately \$650,000 per year by abolishing the Jail Inspection Program, this amount is a modest investment if it is necessary to assure that the construction, renovation, and operation of local detention facilities is done in compliance with state standards.

---

---

## Recommendations

---

---

### Recommendations to the Department

We recommend that the Department inspectors follow the procedures set forth in Rule 33-8.002, F.A.C., for reporting all aggravated violations, regardless of how quickly they are corrected. Clearly listing all aggravated violations in the inspection report would assure that county officials receiving the report will be made aware that conditions threatening the life and safety of inmates or staff were detected by Department inspectors.

To facilitate evaluations of the public dollars expended through the Jail Inspection Program, we recommend that the Department establish clearly defined written goals and objectives to provide guidance for the operation of the Jail Inspection Program. We also recommend that the Department develop performance measures related to program outputs, program outcomes, and program efficiency and effectiveness. Establishing such goals, objectives, and performance measures would

## EXECUTIVE SUMMARY

---

enable the Department to better evaluate program performance and to communicate the benefits obtained through the program to Legislators, local officials, and the public.

Since 1986, 60 of the state's 104 county jails have been constructed or renovated, resulting in a decrease in the number of counties exceeding their authorized jail capacity from 32 to 11. In addition, the number of reported aggravated violations has decreased from 33 to 13 since 1989. Based on these improvements, we recommend that the Department revise its rules that require two inspections per year and establish an inspection schedule that supports the goals and objectives of the program. The frequency and scope of inspections could be based upon the compliance history of each jail. For example, the Department could conduct more in-depth and frequent inspections in those facilities that are having trouble complying with state standards. Facilities which have demonstrated a history of compliance with standards could be inspected less frequently.

---

---

### **Agency Response**

---

---

The Secretary of the Department of Corrections, in his written response to our preliminary and tentative findings and recommendations, described specific action taken or contemplated to address the deficiencies cited.

## CHAPTER I

---

### Introduction: Purpose and Scope, Methodology

---

#### Purpose and Scope

Performance audits are conducted by the Auditor General as part of the Legislature's oversight responsibility for public programs. This audit was conducted as part of the Auditor General's 10-year schedule of performance audits, as directed by Ch.90-110, Laws of Florida.

The purpose of this audit was to review the Jail Inspection Program, as administered by the Department of Corrections. Our specific audit objectives were to examine:

- To what extent has the Department addressed the deficiencies in the Jail Inspection Program identified in the 1986 Office of the Auditor General report No. 10675, performance audit of the Department's Office of the Inspector General, issued April 21, 1986? <sup>1</sup>
- Has the Department established written goals and objectives for the Jail Inspection Program, and has the Department developed performance measures that could be used to evaluate the effectiveness of the Program? and
- What alternative approaches are there to the current Jail Inspection Program?

---

<sup>1</sup> Office of the Auditor General, Performance Audit of the Office of the Inspector General of the Department of Corrections, report No. 10675, issued April 21, 1986.

## **Methodology**

Our audit was made in accordance with generally accepted government auditing standards and accordingly included appropriate performance auditing and evaluation methods. Audit field work was conducted from February through September 1992.

To gain a general understanding of the process to inspect county jails, we reviewed sections of the Florida Statutes, Department of Corrections' Rules, and the Department of Corrections' Bureau of County and Municipal Detention Facilities procedures manuals. Additionally, to obtain specific information about the inspection process, we interviewed program management and regional inspectors, and reviewed the inspection report form.

To evaluate the extent that the Department addressed the deficiencies in the Jail Inspection Program identified in the 1986 Office of the Auditor General performance audit of the Office of the Inspector General, we interviewed program management and regional inspectors. We interviewed legislative staff and reviewed the Laws of Florida that became effective after the 1986 audit to determine what Legislative action had been taken to correct deficiencies in the Program. Additionally, we examined Department data on jail populations and reviewed inspectors' semi-annual reports to identify to what extent violations of standards are reported by inspectors.

To identify the Department's goals and objectives for the Jail Inspection Program and to evaluate what performance measures are available to the Department to measure the effectiveness of the Jail Inspection Program, we reviewed the Florida Administrative Code, the Department's Agency Functional Plan and the Department's Annual Report. We interviewed program management and regional inspectors to identify what performance measures they currently use to determine how well the Program is enforcing standards. We interviewed the appropriate staff related to jail inspections in 25 other states throughout the country to determine how they measure the effectiveness of their programs.

Additionally, we reviewed Department data and semi-annual jail inspection reports to determine the extent to which data is available to evaluate the effectiveness of the Program.

To identify possible alternative approaches to the current Jail Inspection Program, we reviewed appropriate Florida Statutes, F.A.C. Rules, and Department procedures manuals. We also interviewed program management to identify how the Program has been operating over the past few years in Florida. Additionally, we interviewed staff who are knowledgeable about jail inspections in 25 other states to determine whether they have a jail inspection program, and if so, how they operate their programs in order to identify alternatives that may be used to improve Florida's Jail Inspection Program.

## CHAPTER II

---

### Background: Program Design and Organization

---

#### Program Design

Section 951.23(5), F.S., authorizes the Department to adopt rules and regulations prescribing minimum standards and requirements required of all county jails in Florida.<sup>2</sup> These standards include requirements found in state statutes, federal and appellate case law, and correctional practices recommended within the corrections profession, such as those prescribed by the American Correctional Association. The standards and regulations for jail inspections are defined in Ch. 33-8, F.A.C. The standards include requirements on the care, custody, treatment, housing, and general handling of inmates. As of December 1991, 104 county jails in Florida housed nearly 36,000 inmates.

Section 951.23(5), F.S., also requires the Department inspections of county jails to include a review of the physical conditions of the jail, cleanliness, sanitation, safety, and comfort; the quality and quantity of bedding; quality, quantity, and diversity of food served and the manner in which it is served; and the number and conditions of inmates. Upon completion of an inspection, s. 944.32, F.S., requires inspectors to make a full and complete report to the Department, to the appropriate board of county commissioners, and the officer-in-charge of the county jail. The Department contracts with health care providers to perform medical inspections of the health care of inmates at least twice annually. Each county jail is required to contract for an annual fire safety inspection by personnel certified by the State Fire Marshal's Office.

---

<sup>2</sup> According to Department officials, 11 county detention facilities and all municipal detention facilities except 1 in Fort Lauderdale are temporary holding facilities. Although temporary holding facilities are subject to inspection, many of the standards in Ch. 33-8, F.A.C., do not apply. Therefore, we focused our audit on the Department's inspection of 104 detention facilities that are subject to all standards included in Ch. 33-8, F.A.C. We use the term "jail" to refer to the detention facilities included in our review.

The inspectors are required by Rule 33-8.002(2), F.A.C., to inspect jails for compliance with Department rules at least twice annually. Instances of noncompliance with Department rules are defined as aggravated or citable violations.<sup>3</sup> Aggravated violations are the most serious type of violation in that they constitute an immediate danger to the life, health, or safety of the staff or inmates and are enumerated in Rule 33-8.002(5)(a), F.A.C. Citable violations are violations of all other written standards described in Rule 33-8.002(5)(b), F.A.C.

Procedures for reporting violations vary depending upon whether the violations are aggravated or citable. Chapter 33-8, F.A.C., provides that the inspectors shall immediately report all aggravated violations to the officer-in-charge of the jail and provide him with a written report of the violations within 24 hours of observing the violations. The inspector shall also give prompt notification of the aggravated violation to the Department's Inspector General. The officer-in-charge of the jail is required to correct aggravated violations within 24 hours of the inspector's written notification. The inspector shall reinspect the jail within 48 hours of first observing the violation to determine whether the violation has been corrected, and shall prepare a written report of his reinspection.

The Department must report citable violations detected by the inspector to the county commissioners and the officer-in-charge of the jail. The jail is required by Rule 33-8.002(5)(b)(2), F.A.C., to provide a corrective action plan within 30 days of receiving the written jail inspection report. Within 30 days of the expiration of the deadline specified in the corrective action plan, the inspector is to conduct a follow-up review to determine whether the actions taken have corrected the violation.

Rule 33-8.002(5)(b)(3), F.A.C., provides that overcrowding in a county jail is a citable violation that requires corrective action different from that of other citable violations. When an inspector finds a jail whose population exceeds its authorized capacity

---

<sup>3</sup> The Department also identifies "reportable violations" which are violations of good correctional practices recommended but not required by the Department.

the inspector submits written notification within 24 hours to the officer-in-charge of the jail and the Department. The officer-in-charge of the jail has ten days to correct the overcrowding and the inspector is required to verify that the violation has been corrected.

Section 951.23, F.S., establishes provisions for the Department's enforcement of rules and regulations prescribing minimum standards and requirements for county jails. The Department may file a lawsuit asking the circuit court either to prohibit the confinement of inmates in a county jail that does not meet standards, or to transfer inmates to another county jail that does meet standards. The expense of maintaining inmates in another county jail shall be borne by the county from which the inmates were removed.

Department inspectors also provide technical assistance to the officers-in-charge of the jails in the form of planning, recommending operations procedures and programs, and in providing other technical assistance to promote the enforcement of standards. Additionally, inspectors conduct investigations of special incidents concerning inmate deaths or serious injuries, escapes or attempted escapes, inmate strikes or riots, and other serious circumstances that occur in the county jails. As required by s. 951.23(4), F.S., the Department also reviews and approves architectural plans for the construction or renovation of all local detention facilities in order to assure they meet minimum design standards.

### **Program Organization**

The Department of Corrections is headed by a Secretary, who is appointed by the Governor and confirmed by the Senate. Harry K. Singletary was appointed to serve as the Secretary of the Department on April 12, 1991, and confirmed by the Senate on April 26, 1991.

The Department's Office of Inspector General is responsible for jail inspections, prison inspections and investigations, internal affairs investigations, inmate

grievances, and management reviews. The Jail Inspection Program is administered through the Bureau of County and Municipal Detention Facilities within the Office of the Inspector General. The Chief of the Bureau supervises nine jail inspectors, who are located throughout the state, and an architect. The architect checks all new construction and renovation plans for minimum design standards. The architect also reviews staffing plans for new jails to assure the facility is adequately staffed to meet standards for observation of inmates. (See Exhibit 1, page 9.)

Department records for calendar year 1991 indicate that these inspectors conducted 420 semi-annual and follow-up inspections of county jails, 276 semi-annual and follow-up inspections of municipal facilities, and 416 investigations of special incidents ranging from suicides to alleged staff misconduct. (Appendix A, page 32, shows the various types of incidents resulting in DOC investigations during 1991). As of February 1992, the Department had active lawsuits against 16 counties pursuant to s. 951.23, F.S., for the violation of state minimum standards.

### **Program Resources**

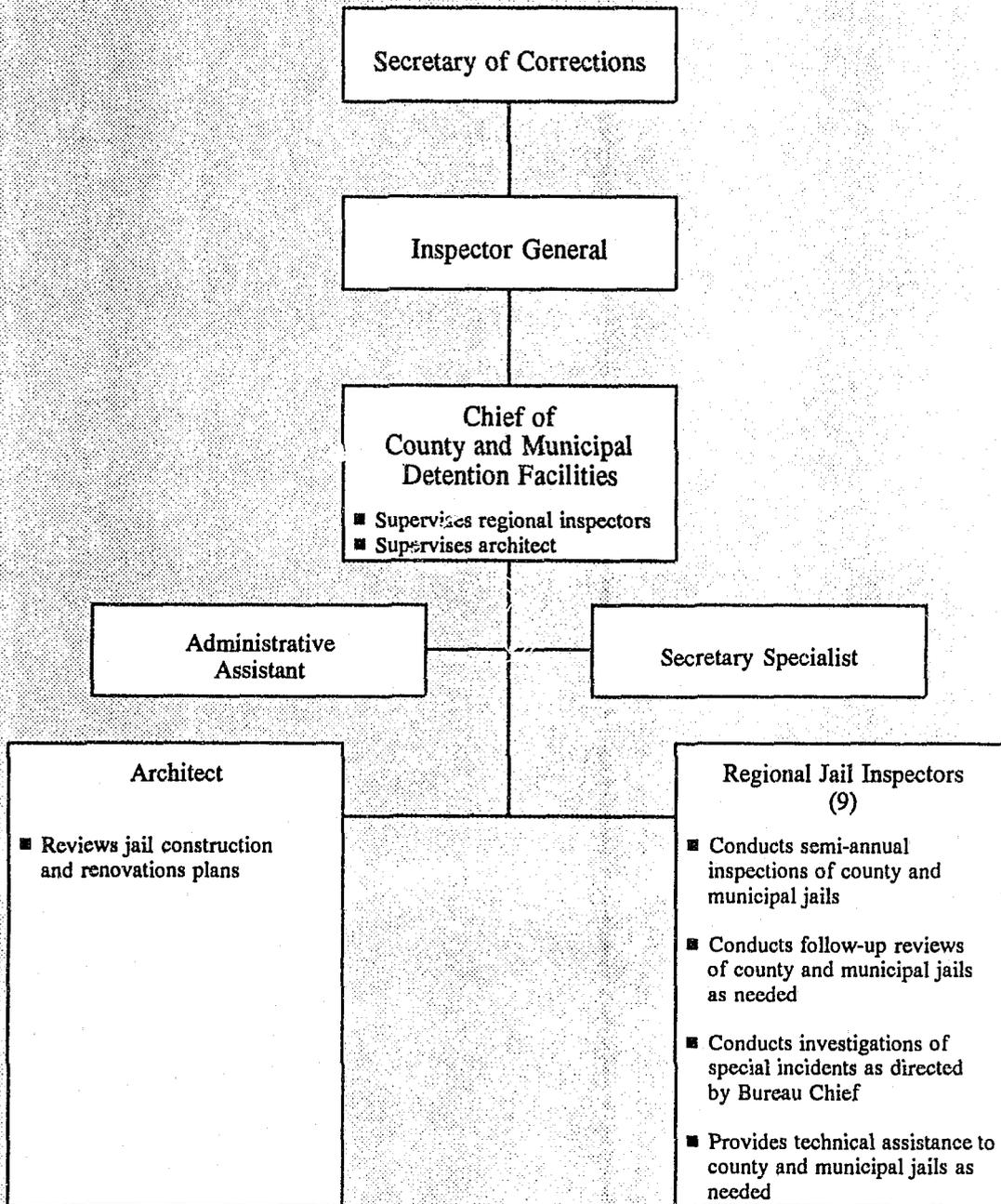
The Jail Inspection Program is funded by general revenue and, during the 1991-92 fiscal year, was included within the budget of the Office of Inspector General. The Department estimated total expenditures for the Jail Inspection Program for fiscal year 1991-92 as \$659,099 with 13 authorized positions. <sup>4</sup>

---

<sup>4</sup> These expenditures do not include legal services related to enforcement activities. The Department of Legal Affairs provides legal services to the Department of Correction's Jail Inspection Program. The Department of Corrections had a \$26,000 contract with a private law firm to assist with some lawsuits during the 1991-92 fiscal year.

**Exhibit 1**

**Department of Corrections  
Bureau of County and Municipal Detention Facilities  
Jail Inspection Program  
Functional Organizational Chart  
1992**



Source: Office of the Auditor General based on Department of Corrections information.

## CHAPTER III

---

### Findings and Recommendations

---

#### Section 1

#### Program Operations

Section 951.23, F.S., directs the Department to adopt rules and regulations prescribing minimum standards for county jails. Section 944.31, F.S., directs the Office of the Inspector General to inspect county jails to ensure these standards are followed by the county jails. These standards as prescribed in Ch. 33-8, F.A.C., relate to the jail's physical and living conditions, safety conditions and practices for staff and inmates, and number of inmates in the facility. The inspections are conducted twice annually by regional inspectors. Section 944.32, F.S., provides that upon completing an inspection of a jail the inspector shall make a full and complete report. One copy of the inspection report shall be filed with the Chief of the Bureau of County and Municipal Detention Facilities, one copy of to the officer-in-charge of the jail, and one copy to the Board of County Commissioners of the county where the inspection is made. The Department is authorized to enforce the correction of violations through the circuit courts.

In 1986 the Office of the Auditor General conducted a performance audit of the Department's Office of Inspector General, including the Jail Inspection Program.<sup>5</sup> The 1986 audit reported that although the Department had increased its inspection and enforcement effort, many of Florida's county jails continue to be found in noncompliance with state rules and regulations. We noted two primary areas of concern in that report:

---

<sup>5</sup> Office of the Auditor General, Performance Audit of the Office of the Inspector General of the Department of Corrections, report No. 10675, issued April 21, 1986.

- Many county jails were not in compliance with Department standards; and
- Improvements in the Department's management of the Program were needed.

To determine the extent to which the Department has addressed deficiencies identified in our 1986 audit, we interviewed program management and regional inspectors. We interviewed legislative staff and reviewed the Laws of Florida that became effective after the 1986 audit to determine what Legislative action had been taken to correct deficiencies in the program. Additionally, we examined Department data on jail populations and reviewed semi-annual inspection reports to determine what changes have been made in the operations of the Jail Inspection Program.

#### Question 1.1

**To what extent has the Department addressed the deficiencies in the Jail Inspection Program identified in the 1986 Office of the Auditor General report No. 10675, performance audit of the Department's Office of the Inspector General, issued April 21, 1986?**

The Department and the Legislature have addressed some deficiencies in the Jail Inspection Program that were noted in the 1986 Office of the Auditor General report No. 10675. The extent of overcrowding in county jails has been reduced; the Legislature has amended s. 951.23, F.S., to require counties to contract for annual fire inspections of their jails; and the Department has made some improvements in the operation of the Jail Inspection Program. However, the Department's practices related to the reporting of aggravated violations of standards need to be readdressed by the Department to assure that all violations are reported fully and completely, as required by s. 944.32, F.S.

## **County Jails Compliance With Standards**

In our 1986 performance audit of the Department's Office of the Inspector General, we reported that many jails were out of compliance with jail standards, including at least 20% that were cited for aggravated violations in 1985. The most common deficiency cited in the 1985 inspection reports that we reviewed was overcrowding, as 46% of the jails were overcrowded on the day of the inspection, and an additional 24% had been overcrowded on at least one day during the month prior to the inspection. Another major area of deficiency was fire safety, as all jails were not being inspected annually. We concluded that the Department was unable to meet the need for timely fire inspections because neither the Department nor the State Fire Marshal had sufficient number of trained staff to carry out fire inspection responsibilities.

We found that the Department has made progress in obtaining compliance with standards in the two major areas mentioned in the 1986 audit: overcrowding and fire safety. The Department's County Detention Facilities Annual Report for 1991 showed that 26 of the 104 county jails (25%) that were open at the end of the year exceeded inmate capacity, compared to 46% in 1985. The Department began collecting average daily jail population data on all 67 counties in 1986. Since 1986, the number of counties exceeding their authorized jail capacity has decreased from 32 to 11, and the total statewide jail population as a percent of authorized capacity has decreased from 109% in 1986 to 99% in 1991.

One of the primary ways the Department has reduced the number of overcrowded jails has been through legal action against the counties. Since the beginning of 1985, the Department has cited overcrowded conditions in lawsuits initiated against a total of 29 counties. As of December 1991, all of these counties had expanded or planned to expand the number of beds through the construction of new facilities or renovation of existing facilities. Appendix B, pages 33 through 35, contains a listing of the most recent construction or renovation dates for each jail in the state and notes the 29 counties that were

cited for overcrowded conditions in lawsuits filed since 1985. Of the 104 jails operating as of December 1991, 60 had been constructed or renovated since January 1, 1986.

To address the fact that the State Fire Marshal had not inspected all county jails annually, the Legislature passed Ch. 86-235, Laws of Florida, amending s. 951.23, F.S. This law requires each county to contract with personnel certified by the State Fire Marshal's Office to conduct an annual fire safety inspection of the county jails. The Department of Corrections requires its jail inspectors to obtain copies of the fire safety inspection reports and attach them to the jail inspection reports to assure the fire safety inspections are conducted annually. For calendar year 1991, the Department files contained current fire safety inspection reports for all 104 county jails.

### **Improvements in Program Management**

Our 1986 audit reported that the inspection format was inadequately designed and that the Department had not established controls such as written guidelines to ensure that inspections were conducted uniformly. Furthermore, jail inspection reports did not always clearly identify aggravated violations, cite deficiencies with precision, nor indicate which deficiencies were repeat violations.

The Department has made some changes to improve the management of the Jail Inspection Program, but has not implemented all of the recommendations made in the 1986 audit report. The Department changed the reporting forms to a checklist format encompassing all standards to improve the consistency and objectivity of the inspectors. The Department also developed a policies and procedures manual to aid inspectors. Department inspection reports also now distinguish between aggravated and citable violations, and designate which violations are repeated from prior inspection reports.

Jail inspectors are required to report their findings on a jail inspection report. These reports include a summary description of the conditions of the jails, and separate

listings of aggravated violations. However, we found that the reports do not always list aggravated violations detected by the inspectors if the violations were corrected by the jail staff before the end of the inspection. For example, an inspector may find a toxic substance uncovered in the food services area during an inspection. He brings the aggravated violation to the attention of the officer-in-charge at the jail, who immediately sees the violation is corrected. We found that some inspectors describe corrected aggravated violations in the summary section of the report without clearly identifying them as aggravated violations. The Bureau Chief said that the inspection reports notify the jail administrators and county commissioners of violations that need to be corrected, but do not include violations that have been corrected.

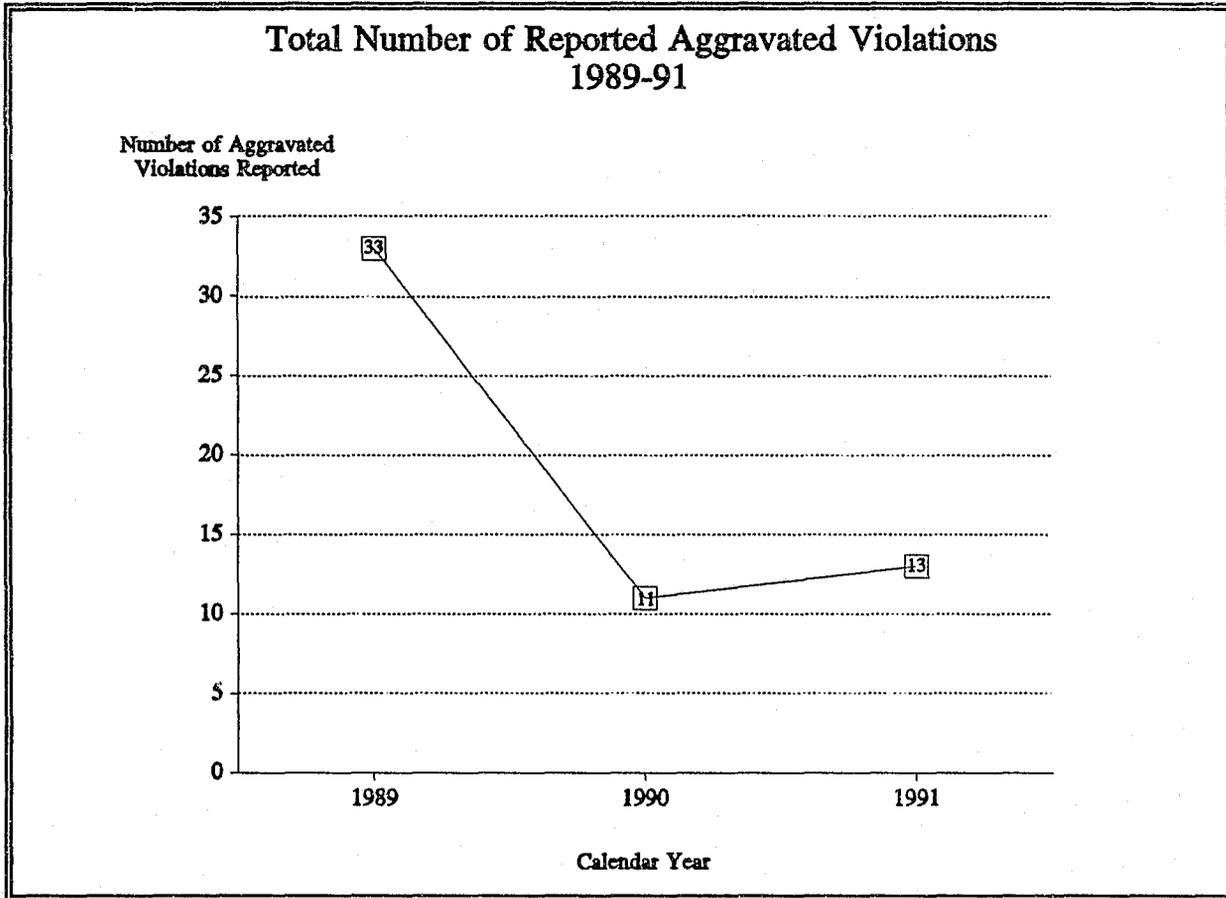
Jail inspectors are required to report all aggravated violations to the jail and the Department. Chapter 33-8.002(5)(a)2, F.A.C., provides that when an inspector observes an aggravated violation he shall immediately notify the officer-in-charge of the jail and within 24 hours of the time of first observing the violation provide the officer-in-charge with a special written report describing the violation. The inspector shall mail a copy of the report to the Bureau Chief and a copy of the report will be forwarded to the Inspector General.

According to the Bureau Chief, if the jail staff correct an aggravated violation before the inspector completes his inspection, then the inspector may not list that violation in his report. Program management stated that inspectors normally report these aggravated violations to the Bureau Chief by telephone, but the Bureau Chief does not maintain records indicating that these violations were verbally reported.

Because s. 944.32, F.S. requires inspectors to make full and complete reports of their inspections, we believe that it is important that all aggravated violations detected by the inspectors be listed in their reports, regardless of whether the violations are immediately corrected. The failure to list those violations results in an incomplete report of the actual number of aggravated violations detected by the Department. As a result, the Department cannot identify aggravated violations that are repeated and cannot determine trends in jail conditions.

Although the Department has responded to previous audit criticism by clearly identifying which violations cited in the inspection reports are aggravated violations, the Department's practice of not citing aggravated violations that have been corrected represents an incomplete report of the inspection. The Bureau Chief estimated that as many as 95% of aggravated violations are corrected before the inspectors complete their inspection, and are thus not reported. Although we believe that it is appropriate for inspectors to report that the violations were immediately corrected, it is important that the inspection reports accurately describe the conditions of the jails at the time of the inspections. For example, the Department reported a total of only 13 aggravated violations during its 1991 inspections of 104 county jails, which was less than the 33 aggravated violations cited in 1989. (See Exhibit 2, page 17.) Although these numbers suggest that jail conditions in 1991 were better than those in 1989, the practice of not including all aggravated violations on inspection reports limits the Department's and the counties' capabilities to assess changes in jail conditions over time.

Exhibit 2



Source: Office of the Auditor General based on Department of Corrections' information.

**Conclusions and Recommendations**

The Department and the Legislature have addressed deficiencies in the Jail Inspection Program that were noted in the 1986 Office of the Auditor General report No. 10675. The extent of overcrowding in the county jails has been reduced; the Legislature has amended s. 951.23, F.S., to require counties to contract for annual fire safety inspections of their jails; and the Department has made some improvements in the operation of the Jail Inspection Program. However, the Department's inspection reports do not clearly identify aggravated violations detected by the inspector but immediately corrected by jail personnel.

As a result, inspection reports do not always reflect the conditions of the jails at the time of the inspection, and trends in the quality of conditions in the jails cannot be analyzed.

Therefore we recommend that the Department inspectors follow the procedures set forth in Rule 33-8.002, F.A.C., for reporting all aggravated violations, regardless of how quickly they are corrected. Clearly listing all aggravated violations in the inspection report would assure that county officials receiving the report will be made aware of the conditions threatening the life and safety of inmates or staff that were detected by Department inspectors and that more complete data is available for evaluating changes in jail conditions.

## Section II Program Measures

Section 951.23, F.S., directs the Department to inspect all county and municipal detention facilities to determine whether minimum standards and requirements for jail operation are being met, and to enforce Department rules and regulations prescribing these minimum standards and requirements. As directed by s. 944.31, F.S., the Department has established a Jail Inspection Program within the Office of the Inspector General to carry out these inspection activities. The Department estimated it spent \$659,099 operating the Jail Inspection Program in fiscal year 1991-92.

Officials and employees who manage state programs are responsible for determining whether programs achieve the purposes for which they were authorized and funded. In order to make this determination, agency management must establish goals and objectives and an effective system to evaluate its efforts in achieving intended results. Section 186.003(2), F.S., defines a goal as the long-term end toward which programs and activities are ultimately directed. Goals allow management to assess whether their efforts have been successful. Section 186.003(3), F.S., defines an objective as a specific, measurable, intermediate end that is achievable and marks progress towards a goal. Establishing objectives involves setting specific performance criteria directed at attaining the program's overall goals. Section 186.021, F.S., requires each agency to develop an Agency Strategic Plan that specifies the objectives against which achievement of the agency shall be evaluated. <sup>6</sup>

---

<sup>6</sup> Chapter 92-142, Laws of Florida, amended s. 186.021, F.S., effective July 1, 1992, to require agencies to develop an Agency Strategic Plan in lieu of the Agency Functional Plan. Each Agency Strategic Plan is to specify objectives against which the agency is to evaluate the achievement of its goals.

### Question 2.1

**Has the Department established written goals and objectives for the Jail Inspection Program, and has the Department developed performance measures that could be used to evaluate the effectiveness of the Program?**

The Department has not established written goals and objectives for the Jail Inspection Program, nor has the Department developed written performance measures that can be used in evaluating the Jail Inspection Program. The Department has data available that could be used to evaluate performance, but without clearly defined goals and objectives, it is difficult to interpret that data.

To determine whether the Department has established written goals and objectives for the Jail Inspection Program, and developed performance measures that could be used to evaluate the Program, we reviewed Department documents, including the Florida Administrative Code, the Agency Functional and Strategic Plans, and the Comprehensive Correctional Master Plan. We also interviewed Department program administrators and jail inspectors.

### **Goals and Objectives**

Department planning and program documents do not set forth specific written goals or objectives for the Jail Inspection Program. The only reference to the Jail Inspection Program in the Agency Functional Plan indicates that the Department will provide technical assistance to local authorities concerning the construction and operation of local correctional facilities and programs. However, the major focus of the program's procedures is on identifying and reporting violations of jail standards and verifying that these violations are corrected.

Our interviews with Department managers and inspectors, and our review of Jail Inspection Program documents, suggest that Florida's Jail Inspection Program operates with a number of informal goals, such as:

- Assuring that jails comply with jail standards, including the use of legal action when necessary;
- Detecting and reporting violations of jail standards through periodic inspections; and
- Providing technical assistance to jails to help them comply with standards.

Although these goals are often complementary, there are situations in which the goals may be in competition with one another. For example, the goal of providing technical assistance to jail management may conflict with the goal of detecting and reporting violations during an inspection.

### **Performance Measures**

In addition to establishing written goals and objectives that define the desired results of the Jail Inspection Program, the Department should develop performance measures that can be used to evaluate whether the program is attaining those goals and objectives. Performance measures should be established to evaluate program outputs, program outcomes, and program efficiency and effectiveness.

Program output measures refer to the activities of the Program, such as the number of semi-annual inspections conducted, the number of follow-up reviews, the number of investigations of special incidents, the number of lawsuits the Department has filed against counties, and the amount of technical assistance provided to jails. Of the potential program output measures that we identified, the Department maintains data on the number of semi-annual and follow-up inspections conducted. The Department also maintains data as to the number of investigations conducted of special incidents, and the number of lawsuits the

Department filed against counties. The Department does not keep records on the amount of technical assistance provided.

Program outcome measures refer to the results of program activities and could include the number of violations detected and corrected, the number of repeat violations, the outcomes of lawsuits filed, and other measures that may or may not result directly from the Jail Inspection Program, such as the number of counties constructing or renovating their jails, or the number of jails exceeding capacity. Although Department inspection files include data on the number of violations, the Department does not aggregate this data for purposes of measuring program results.

For example, using a measure of program outcome, the number of violations cited may be one factor that indicates whether jail conditions are generally improving as a result of the Jail Inspection Program. We reviewed all semi-annual inspection reports from 1989 through 1991 to determine trends in the number of violations identified by Department inspectors. Our analyses of data from these semi-annual inspection reports showed limited variation in the average number of citable and repeat violations during that period.<sup>7</sup> See Exhibit 3, page 23. While this data indicates that the Jail Inspection Program is detecting consistent numbers of violations, it could also be used to suggest that the program as presently designed may not be a contributing factor to improving the conditions in jails. The Department may consider using this information in evaluating the design and implementation of its Jail Inspection Program.

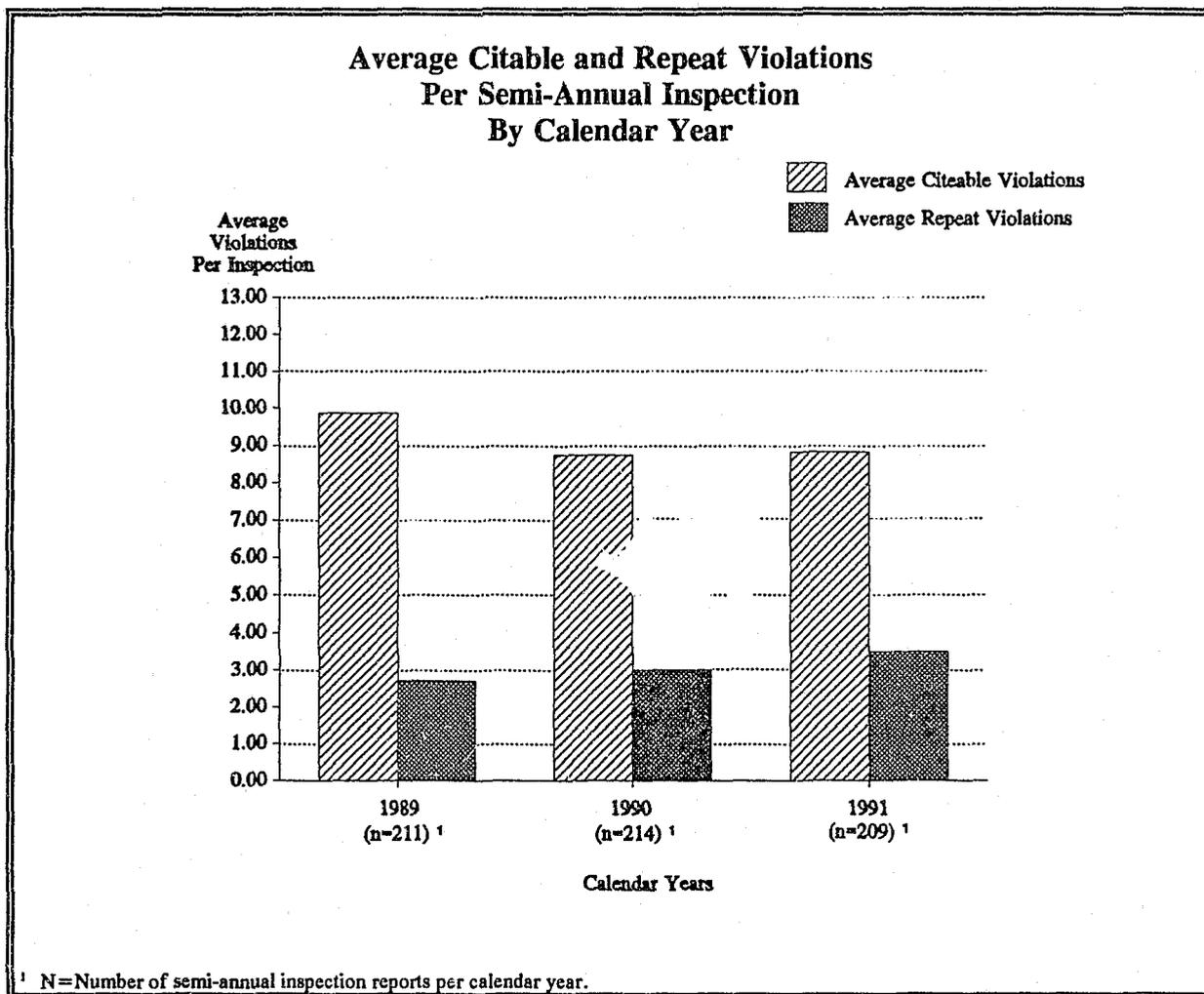
The Department also maintains data related to the outcomes of its lawsuits and the construction and renovation of county jails. It also presents data regarding the number of jails that are overcrowded in its Annual Report on County Detention Facilities. Although the Department has data related to several possible program outcome measures, the lack of written goals and objectives hinders the usefulness of that data in evaluating the program.

---

<sup>7</sup> A repeat violation is a violation that was cited on the previous inspection and was identified again at the time of the follow-up inspection. As far as the Department inspectors can tell, a repeat violation has not been corrected since the prior semi-annual inspection.

Program efficiency measures describe a cost to benefit relationship. For example, efficiency measures for the Jail Inspection Program could include the cost per inspection, the costs of enforcing standards through circuit court proceedings, the cost to the counties of correcting violations, and the average time required to correct violations. Although the Department maintains expenditure data, it does not develop cost analyses of its program efforts.

Exhibit 3



Source: Department of Corrections' Semi-Annual Inspection Reports.

## **Conclusions and Recommendations**

To facilitate evaluations of the public dollars expended through the Jail Inspection Program, we recommend that the Department establish clearly defined written goals and objectives to provide guidance for the operation of the Jail Inspection Program. We also recommend that the Department develop performance measures related to program outputs, program outcomes, and program efficiency and effectiveness. Establishing such goals, objectives, and performance measures would enable the Department to better evaluate program performance and to communicate the benefits obtained through the program to Legislators, local officials, and the public.

### Section III

## Alternatives To The Jail Inspection Program

### Background

Florida's Jail Inspection Program involves the establishment, monitoring, and enforcement of standards for jails owned and operated by local governments. Section 11.45, F.S., states that in conducting a performance audit of a state program, the Auditor General shall identify and comment upon alternatives for accomplishing the goals of the program being audited.

To identify possible alternatives to improve the current structure and operation of Florida's Jail Inspection Program, we reviewed appropriate Florida Statutes, F.A.C. Rules, and Department procedures manuals; interviewed program management; and interviewed staff who are knowledgeable about jail inspections in 25 other states.<sup>8</sup> We also reviewed the current literature on inspections of jails, including a 1991 study on Florida jail standards by Rosazza Associates that was requested by the Florida Legislature, and a survey of jail inspection practices in 45 states completed in 1991 by this same organization.<sup>9</sup>

### Question 3.1

**What alternative approaches are there to the current Jail Inspection Program?**

We identified two alternative approaches to Florida's Jail Inspection Program that are used by other states. First, of the states that have mandatory jail inspection

---

<sup>8</sup> See Appendix C, page 36, for a list of the 45 states for which information was available and the 25 states which we contacted.

<sup>9</sup> Report Of a Study of Florida Jail Standards Chapter 33-8, Florida Administrative Code. Rosazza Associates, Inc., Colorado Springs, Colorado. October 21, 1991, and State Standards Programs: State of the Art. Thomas A. Rosazza and Mark D. Martin. American Jails. May through June 1991.

programs similar to Florida's, most inspect the jails no more than once per year compared to Florida's two inspections per year. Second, 15 of the 40 states that have locally operated jails do not have mandatory state inspections of those jails.

Of the 45 states for which information was available, 25 states, including Florida, had mandatory jail inspection programs. The 20 states without mandatory jail inspection programs can be grouped into 3 basic categories: state owned and operated jails, voluntary jail inspection programs, and no jail inspection programs.

### **Mandatory Jail Inspection Programs**

Of the 25 states performing mandatory jail inspections, Florida is one of the three states that conducts more than one annual inspection of each jail. Illinois conducts four inspections per year, and Indiana, like Florida, conducts two inspections per year. Fifteen states conduct annual inspections and six states conduct inspections no more than once every two years.<sup>10</sup> One advantage to a reduction in the frequency of jail inspections from twice a year to once a year would be to save the travel costs and staff time for approximately 104 jail inspections per year. However, since jail inspectors perform many other duties such as follow-up reviews, jail investigations, and technical assistance, such a reduction in the frequency of jail inspections would probably not result in substantial savings to the state.

One possible advantage of reducing the number of required annual inspections would be the possibility of increasing the number of inspectors used to conduct each annual inspection. Of the 15 states that conduct mandatory jail inspections for which information was available, 7 states use more than one inspector in all or some of their annual inspections. For example, New Jersey uses a team of three inspectors for each inspection, while Texas uses one, two, or three inspectors for each inspection depending on the size of the jail. The use of more than one inspector for each inspection provides better internal controls to those

---

<sup>10</sup> The data for one state, South Carolina, was not available to identify how often inspections were conducted. See Appendix C, page 36.

inspections, helping to ensure that all violations are detected and reported consistently from area to area.

A possible disadvantage of reducing the frequency of inspections is that violations may persist for longer periods of time without being detected and corrected. However, we would note that inspectors conducted 416 incident investigations in jails during 1991, suggesting that the inspectors frequently visit jails to conduct these investigations. Therefore, the inspectors would be able to observe and report obvious violations during the course of those investigations.

### **Alternatives to Mandatory Inspections**

The 20 states without mandatory jail inspection programs can be grouped into three basic categories:

- Five states own and operate local jails, and thus are not in a role of inspecting jails operated by local governments. The five states that own and operate the jails are small or sparsely populated states, including Connecticut, Delaware, Hawaii, Rhode Island, and Alaska. State ownership and/or operation of local jails would require a substantial transfer of resources and funding responsibility from the local to the state level;
- Seven states have voluntary inspection programs in which a state agency or local government association conduct inspections upon request of or in agreements with the jails. For example, the Georgia Department of Community Affairs conducts inspections only upon the request of the county, and the Idaho Sheriff's Association conducts periodic inspections of the jails without state government involvement; and
- Eight states do not have jail inspection programs: For example, Washington abolished a mandatory jail inspection program in 1987 due to controversies with local government; Louisiana's jails are currently under federal court orders to improve conditions and are being monitored at the direction of the federal court; The New Hampshire Association of Counties manages a self-audit program that allows each county to inspect its jails.

These examples of states with voluntary jail inspections or no jail inspection programs suggest that one alternative that could be considered in Florida is a discontinuation of the state's mandatory jail inspection program. A discussion of this alternative should address, at a minimum, three primary areas: the effect of jail inspections on the quality of jails, legal issues, and cost savings.

**The Effect of Jail Inspections.** If the Jail Inspection Program is not having a positive and measurable effect on the quality of conditions within county jails, then the usefulness of the Program to the state can be questioned. However, as discussed in Question 2.1 above, the Department has not established performance measures that can be used to evaluate the effectiveness of the Jail Inspection Program. Therefore, we believe it is important that the Department develop measures that can be used to report on Program effect.

**Legal Issues.** One role of the Jail Inspection Program that is often emphasized by Department officials is the protection of the state and the counties from legal actions similar to the 1981 *Arias vs. Wainwright* case. That lawsuit led to the identification and correction of several deficiencies in Florida's Jail Inspection Program. In response to that lawsuit, the Department of Corrections entered into a stipulated agreement to maintain a vigorous jail inspection and enforcement program. Since the *Arias* suit was resolved, there have been no successful class action lawsuits against the state or counties due to jail conditions. However, any major change to this program could cause that agreement to be revisited.

**Cost Savings.** The Department expends over \$650,000 per year to regulate county and municipal jails, providing for periodic inspections, the establishment of jail standards investigations of complaints and special incidents, review and approval of architectural plans, and technical assistance. If the Legislature removed all of these responsibilities from the Department, the state could possibly realize a savings of up to \$650,000 per year. The savings could be partially offset, however, if the state were to incur

additional legal expenses revising the Arias vs. Wainwright agreement. Additional costs could also be incurred if jail conditions deteriorated due to the lack of mandatory inspections and the federal courts became involved as has happened in Louisiana.

### **Conclusions and Recommendations**

We identified two major alternatives to the current operation of Florida's Jail Inspection Program: reducing the number of jail inspections required annually, or discontinuing the state regulation of county and municipal jails. However, prior to pursuing either alternative, the Department needs to develop goals, objectives, and performance measures for the Jail Inspection Program. As the information about program performance is developed, the Department should periodically evaluate how the state can best accomplish these goals and objectives.

Since 1986, 60 of the state's 104 county jails have been constructed or renovated, resulting in a decrease in the number of counties exceeding their authorized jail capacity from 32 to 11. In addition, the number of reported aggravated violations has decreased from 33 to 13 since 1989. Based on these improvements, we recommend that the Department revise its rules that require two inspections per year and establish an inspection schedule that supports the goals and objectives of the program. The frequency and scope of inspections could be based upon the compliance history of each jail. For example, the Department could conduct more in-depth and frequent inspections in those facilities that are having trouble complying with state standards. Facilities which have demonstrated a history of compliance with standards could be inspected less frequently.

---

## Appendices

---

<u>Appendix</u>	<u>Page</u>
A. DOC Investigations in County Jails . . . . .	32
B. Dates of Most Recent Construction and Renovation of County Jails as of December 1991 . . . . .	33
C. Jail Inspection Practices By State . . . . .	36
D. Response From the Department of Corrections . . . . .	38

## Appendix A

### DOC Investigations in County Jails

Incident	Number of Incidents Investigated in 1991
<b><i>Inmate Violence Incidents</i></b>	
Inmate on Inmate Assault	3
Sex Offenders	3
Life in Danger/Fears for Life	2
Sexual Harassment	2
Disturbance/Riot	4
Suicide	12
Attempted Suicide	12
<b>Section Total</b>	<b>38</b>
<b><i>Staff Incidents</i></b>	
Staff Negligence	2
Allegations vs. Staff	19
Alleged Staff Misconduct	27
Discrimination	7
Harassment/Threatening Inmates	1
Use of Force/Excessive Force	1
Assault/Physical Abuse by Staff	25
<b>Section Total</b>	<b>82</b>
<b><i>Other Incidents</i></b>	
Personal Property Claim	7
Attempted Escapes	3
Escapes	8
Violation of Department Rules	37
Medical Complaints	107
Inmate Deaths	42
Facility Conditions	35
Conditions/Violation of Rights	43
Miscellaneous	14
<b>Section Total</b>	<b>296</b>
<b><i>Total Incidents</i></b>	<b>416</b>

Source: Office of the Auditor General based on Department of Corrections' information.

## Appendix B

### Dates of Most Recent Construction and Renovation of County Jails as of December 1991

County	Jail Name	Date Construction/Renovation Completed			
		Pre 1970	1970-79	1980-85	1986-91
Alachua <sup>1</sup>	Alachua County Jail			1985	
	Alachua County Work Release				1988
Baker	Baker County Jail				1988
Bay <sup>1</sup>	Bay County Jail		1976		
	Bay County/Annex				1989
Bradford <sup>1</sup>	Bradford County Jail				1989
Brevard	Brevard County Jail				1987
Broward	Broward County Jail			1985	
	Broward County Complex		1971		
	Broward Stockade	1951			
	Ft. Lauderdale Jail				1989
Calhoun	Calhoun County Jail	1967			
Charlotte	Charlotte County Jail		1975		
Citrus <sup>1</sup>	Citrus County Jail				1987
	Citrus County/Annex				1989
Clay	Clay County Jail				1988
Collier <sup>1</sup>	Collier County Jail			1985	
	Collier Stockade	1962			
Columbia	Columbia County Jail				1987
Dade <sup>1</sup>	Dade County Jail - Main				1986
	Dade Central Detention Center	1956			
	Dade County North		1974		
	Dade Training and Treatment	1953			
	Dade Women's Detention Center		1978		
	Dade County West				1987
	Dade County/Gilford Knight				1989
DeSoto	DeSoto County Jail		1974		
Dixie <sup>1, 2</sup>	Dixie County Jail	1953			
Duval <sup>1</sup>	Duval County/Pre-Trial				1991
	Duval J.I. Montgomery Center	1965			
	Duval County Community Corrections				1989
Escambia	Escambia County - Main			1984	
	Escambia/Annex	1954			
	Escambia Road Prison		1970		
Flagler	Flagler County Jail				1991
Franklin <sup>1</sup>	Franklin County Jail				1990
Gadsden <sup>1</sup>	Gadsden County Jail				1990
Gilchrist	Gilchrist County Jail	1967			
Glades	Glades County Jail				1986
Gulf	Gulf County Jail	1968			
Hamilton	Hamilton County Jail				1986
Hardee <sup>1</sup>	Hardee County Jail				1986
Hendry	Hendry County Jail				1986
Hernando	Hernando County Jail				1988

County	Jail Name	Date Construction/Renovation Completed			
		Pre 1970	1970-79	1980-85	1986-91
Highlands	Highlands County Jail			1984	
Hillsborough <sup>1</sup>	Hillsborough Central				1990
	Hillsborough West				1988
	Hillsborough Work Release				1990
Holmes	Holmes County Jail	1955			
Indian River <sup>1</sup>	Indian River County Jail				1988
Jackson	Jackson County Jail				1988
Jefferson	Jefferson County Jail		1970		
Lafayette	Lafayette County Jail	1952			
Lake <sup>1</sup>	Lake County Jail				1991
Lee	Lee County Jail			1983	
	Lee County Annex				1990
Leon <sup>1</sup>	Leon County Jail				1986
Levy <sup>1</sup>	Levy County Jail				1988
Liberty	Liberty County Jail	1950			
Madison <sup>1, 2</sup>	Madison County Jail	1951			
Manatee <sup>1</sup>	Manatee County - Main			1984	
	Manatee Work Release				1988
	Manatee - Port Stockade				1990
Marion	Marion County Jail			1985	
Martin	Martin County Jail				1990
Monroe <sup>1</sup>	Monroe County - Main				1990
	Monroe Marathon				1991
	Monroe Plantation Key				1990
Nassau <sup>1</sup>	Nassau County Jail				1986
Okaloosa	Okaloosa County Jail			1985	
Okeechobee	Okeechobee County Jail				1987
Orange <sup>1</sup>	Orange Annex (MJB)			1984	
	Orange County/Whitcomb Building				1991
	Orange County/Genesis				1989
	Orange County/Central			1984	
	Orange County 33rd Street				1988
	Orange Work Release			1982	
Osceola	Osceola County Jail				1988
Palm Beach <sup>1</sup>	Palm Beach County Jail			1983	
	Palm Beach Belle Glade Annex			1983	
	Palm Beach Stockade				1986
Pasco <sup>1</sup>	Pasco County/Land O'Lakes				1991
	Pasco County Jail West (NPR)			1981	
Pinellas	Pinellas County - Maximum Security				1988
	Pinellas County - Medium Security				1988
	Pinellas County - Minimum Security			1983	
	Pinellas Female Security			1981	
Polk <sup>1</sup>	Polk County Jail	1961			
	Polk County Annex				1988
Putnam	Putnam County Jail				1987
St. Johns <sup>1</sup>	St. Johns County Jail				1986
St. Lucie <sup>1</sup>	St. Lucie County Jail				1987
Santa Rosa	Santa Rosa County Jail			1983	

County	Jail Name	Date Construction/Renovation Completed			
		Pre 1970	1970-79	1980-85	1986-91
Sarasota	Sarasota County - Main				1987
Seminole <sup>1</sup>	Seminole County Jail				1986
Sumter	Sumter County Jail				1988
Suwannee	Suwannee County Jail	1939			
Taylor <sup>1</sup>	Taylor County Jail				1991
Union	Union County Jail				1987
Volusia <sup>1</sup>	Volusia County Jail		1977		
	Volusia Branch Jail				1986
Wakulla	Wakulla County Jail				1991
Walton	Walton County - Main				1987
Washington	Washington County Jail	1926			

<sup>1</sup> Lawsuit initiated by Department in 1985 or later citing overcrowded conditions as one of the violations.

<sup>2</sup> New jails in planning phase as of December 1991.

Source: Department of Corrections' records of county jails.

## Appendix C

### Jail Inspection Practices By State

States with Mandatory Inspections	Included in OAG Survey	Frequency of Inspections	Inspectors Per Inspection
Arkansas	Y	Annual	5
Illinois	Y	4 per year	1 or more
Indiana	Y	2 per year	1
Iowa	Y	Annual	1
Kentucky		Biannual	N/A
Maine	Y	Biannual	1 or 2
Maryland		Annual	N/A
Michigan	Y	Biannual	1
Minnesota	Y	Annual	1
Nebraska	Y	Annual	1
New Jersey	Y	Annual	3
New York		Annual	N/A
North Carolina		Biannual	N/A
North Dakota	Y	Annual	1
Ohio	Y	Annual	1
Oklahoma		Annual	N/A
Oregon		Every 2 to 3 years	N/A
Pennsylvania	Y	Annual	1
South Carolina		N/A	N/A
Tennessee		Annual	N/A
Texas	Y	Annual	1 to 3
Virginia		Every 3 years	N/A
West Virginia	Y	Annual	1 to 8
Wisconsin	Y	Annual	1 to 2

N/A = Information not available.

States with State Run Jails	Included in OAG Survey	
Alaska	Y	
Connecticut	Y	
Delaware		
Hawaii		
Rhode Island		
States with Voluntary Inspection	Included in OAG Survey	Responsible Agency
California	Y	State Board of Corrections
Georgia	Y	State Department of Community Affairs
Idaho	Y	Sheriff's Association
Kansas		State Department of Corrections
Montana		Sheriff's Association
Utah		Sheriff's Association
Wyoming		Sheriff's Association
States Without Program	Included in OAG Survey	Comments
Arizona	Y	
Colorado		
New Hampshire	Y	
Louisiana	Y	Under Federal Court Order
Missouri	Y	
New Mexico		
South Dakota		
Washington	Y	Abolished Jail Inspection Program in 1987
States for Which No Information Available		
Alabama		
Massachusetts		
Mississippi		
Nevada		
Vermont		

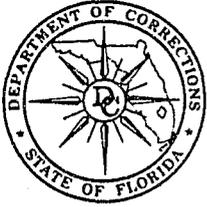
Source: Office of the Auditor General Survey of States and Rosazza Associates of State Jail Inspection Programs.

## **Appendix D**

### **Response From the Department of Corrections**

In accordance with the provisions of s. 11.45(7)(d), F.S., a list of preliminary and tentative audit findings was submitted to the Secretary of the Department of Corrections for his review and response.

The Secretary's written response is reprinted herein beginning on page 39.



FLORIDA  
DEPARTMENT of  
CORRECTIONS

Governor  
LAWTON CHILES  
Secretary  
HARRY K. SINGLETARY, JR.

2601 Blair Stone Road • Tallahassee, Florida 32399-2500 • (904) 488-5021

March 29, 1993

Honorable Charles L. Lester, Auditor General  
111 West Madison Street  
Post Office Box 1735  
Tallahassee, Florida 32302

Dear Mr. Lester:

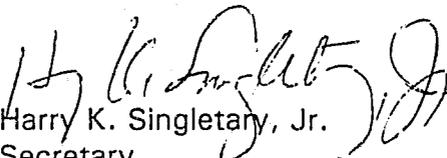
Pursuant to the requirements of Section 11.45 (7)(d), Florida Statutes, enclosed is my response to the preliminary and tentative audit findings and recommendations related to:

Jail Inspection/Investigation Program Administered by the  
Department of Corrections

This response reflects the specific action taken or contemplated to address the deficiencies cited.

Thank-you for your continued cooperation and presentation of recommendations for improvement of our operations.

Sincerely,

  
Harry K. Singletary, Jr.  
Secretary

HKS/EAS/tp

cc: Bill Thurber, Deputy Secretary  
David L. Smith, Inspector General  
Ronald L. Ferguson, Chief Internal Auditor

The following information outlines the finding and recommendations contained in the Auditor General's report and the department's response.

### **Finding 1.1**

Inspection reports do not always list aggravated violations detected by the inspectors if the violations were corrected by jail staff before the end of the inspection. The failure to list those violations results in an incomplete report of the actual number of aggravated violations detected by the department.

### **Recommendation**

Chapter 944.32, F.S., requires inspectors to make a full and complete report of his inspections, we believe that it is important that all aggravated violations detected by the inspector be listed in his report, regardless of whether the violations is immediately corrected.

### **Department of Corrections Response**

All inspectors have been instructed to follow the procedure set forth in Rule 33-8.002, F.A.C., for reporting all aggravated violations in the inspection report. Attached is a copy of an interoffice memorandum sent to all jail inspectors advising them to follow the procedures outlined in the administrative rule and cite all aggravated violations regardless of how quickly they are corrected. (Appendix A) \*

### **Finding 2.1**

The Department has not established written goals and objectives for the Jail Inspections Program, nor has the Department developed written performance measures that can be used in evaluating the jail inspection program.

### **Recommendation**

To facilitate evaluations of the public dollars expended through the jail inspection program, we recommend that the department establish clearly defined written goals and objectives to provide guidance for the operation of the jail inspection program. We also recommend that the department develop performance measures to evaluate program outputs, program outcomes and program efficiency and effectiveness. Establishing such goals, objectives, and performance measures would enable the department to better evaluate program performance and to communicate the benefits

---

\* The Appendices referred to by the Department of Corrections are public records of the Department of Corrections and are not reproduced herein.

obtained through the program to legislators, local officials, and the public.

### **Department of Corrections Response**

In response to this finding and recommendation the department has developed specific goals and objectives for the jail inspection program. These goals and objectives have been incorporated into the Department's Strategic Plan. Attached as Appendix B are the pages from the Strategic Plan listing the goals and objectives for the program. \*

With the established goals and objectives in place the Department has initiated action to develop written performance measures that can be used in evaluating the jail inspection program. The department currently collects a significant amount of data concerning local detention facilities. This data includes: rated capacity of each facility, average daily population, listing of all complaints for each facility by category, number of citable violations, number of law suits and current status, etc.

Bureau staff are currently working with Advance System Design, a company specializing in software design and development, to develop a program to aggregate this data for the purpose of measuring program results. We are anticipating that the program will allow bureau staff to review on a monthly and annual basis, such thing as numbers of citable violations and whether they are increasing or decreasing and in which facilities. Special incidents can be evaluated by category to see if they are increasing or decreasing and at which facilities. The amount of technical assistance being provided, type, as well as location. With this data the department will be able to assess the performance of the bureau and determine the progress being made toward accomplishing the established goals and objectives. We anticipate the program to be on line within three to six months.

### **Finding 3.1**

Research revealed that of the 45 states for which information was available, 25 states, including Florida, had mandatory inspection programs. Of the states that have mandatory jail inspection programs similar to Florida's, most inspect the jails no more than once per year compared to Florida's two inspections per year. One advantage to reducing the frequency of jail inspections from twice per year to once a year would be to save the travel cost and staff time for approximately 104 jail inspections per year. Another possible advantage of reducing the required number of annual inspections would be the possibility of increasing the number of inspectors used to conduct each annual inspection. The use of more than one inspector for each inspection provides better internal controls to those inspections, helping to ensure that all violations are detected and reported consistently from area to area.

---

\* The Appendices referred to by the Department of Corrections are public records of the Department of Corrections and are not reproduced herein.

## **Recommendation**

The audit identified two major alternatives to the current operation of Florida's Jail Inspection Program: reducing the number of jail inspections required annually, or discontinuing the state regulation of county or municipal jails. However, prior to pursuing either alternative, the department needs to develop goals and objectives and performance measures for the jail inspection program. Once goals and objectives are developed, the department should revise its rules that require two inspections per year and establish an inspection schedule that supports the goals and objectives of the program. The frequency and scope of inspections could be based upon the compliance history of each Jail.

## **Department of Corrections Response**

As previously noted, the department has recently developed goals and objectives for the jail inspection program. We are in the process of developing performance measures. Once completed, the Department will be in a better position to evaluate the effectiveness of the program and any need for changes in the inspection schedule.

We would point out, however, that a reduction from two annual inspections to one annual inspection would involve more than merely changing department rules. The department is currently under a federal consent order in the *Arias v Wainwright* case that specifically requires two inspections per year.\* Changing the number of inspections would require court action to modify the consent order. This is not without precedent; however, courts have historically been reluctant to modify consent orders without a compelling reason. We would also offer that a legitimate argument could be made that compliance history could be directly related to the frequency and scope of the inspections. The reduction in the number and scope of inspections could have a negative impact on the frequency and scope of compliance. The department would not want to assume a reactive rather than proactive approach to the inspection process which was the case prior to the *Arias* litigation. However, the department will review this proposal with legal counsel to determine the feasibility.

---

\* The Department of Corrections appended a copy of this case ruling, (TCA 79-0792) which is a public record of the Department of Corrections and is not reproduced herein.

