



WALTON COUNTY DEPARTMENT OF CORRECTIONS

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Danny Glidewell, Corrections Director

May 25, 2010

Honorable Scott Brannon, Chairman
Walton County Board of Commissioners
DeFuniak Springs, FL 32433

Re: Walton County Jail Operations and Management Review

Dear Commissioner Brannon:

On March 17, 2010 you requested that Sheriff Michael Adkinson review the operations of the Walton County Jail to determine if the jail "could be operated in a more efficient, productive and potential cost savings manner." You also requested that the Sheriff provide an opinion as to whether turning the operations of the jail back to the Sheriff would provide other benefits and ensure the "most efficient solution" for Walton County. The stated purpose of this review was to provide the BCC with all options available regarding potential cost savings.

I was afforded the opportunity to review the draft report on May 13, 2010 in the office of Chief Henry Alford, one of the authors of the report. I requested a copy of the report but was denied. I received a copy through Administration on May 20, 2010.

At the beginning of the review process I advised the staff and media outlets that any fair and objective review of the jail operations would reveal that overall the department is operating most effectively and efficiently. Upon review of the Sheriff's report, which for reasons I will outline later is neither objective nor fair, I see that the Sheriff's staff support the idea that they cannot operate the County Jail any more efficiently than it is currently being operated at. The clear answer upon review of their report is that the Sheriff's Office cannot operate the county jail more efficiently than the BCC. Clearly remaining under the Board is the best option from a cost savings and efficiency outlook.

What the Sheriff's report does attempt to portray is that the current management is ineffective or incompetent. To accomplish this goal the report addresses 29 perceived deficiencies in the current operations. Many of these have been exaggerated or explained incorrectly and in many cases represent nothing more than smoke and mirrors. The opening paragraph states that the basis of many of the perceived deficiencies are anonymous interviews conducted with employees. These interviews must remain anonymous due the "atmosphere of retaliation" and "prevalent perception of fear" among

the staff. Basing opinions on anonymous persons is patently unfair and untrustworthy. In contrast, the Florida Corrections Accreditation Commission report listed ALL names of individuals interviewed including inmates. These reports, the sheriff's report and the Florida Accreditation report, should be reviewed and the author's credentials examined. The FCAC report was authored by three corrections professionals with many years experience in the field of managing county corrections facilities. The Sheriff's report was authored by four individuals, three of whom have no corrections experience of any type to my knowledge. The lack of experience and knowledge of county corrections will become evident as the specifics of the Sheriff's review are discussed here.

1. Management Structure

The report leads with a discussion of the management staff at the jail and states that the "vast majority" of staff members said the Deputy Director has no authority over employees or responsibilities normally afforded a 2nd in command and that the management of the department is "dysfunctional."

In fact, what the report hints at is dysfunctional. By policy the Deputy Director is in charge in the absence of the Director and is the designee for many of the functions designated to the Director or his designee. The Division Lieutenants are responsible for the day-to-day supervision of their respective divisions and report to the Director. The Deputy Director, in addition to being 2nd in command, is directly responsible for training, grants and accreditation. The accreditation function gives the Deputy Director wide-ranging authority over all aspects of the operation and affords him oversight over issues impacting the accreditation process. As this process is continuing and touches every aspect of the department, the Deputy Director has direct responsibility and oversight. The fact that the two Lieutenants report to the Director streamlines day to day operations and allows the Deputy Director latitude to ensure that all aspects of the operation are in line with standards. This method of doing business is in fact most efficient and provides maximum oversight to the entire operation.

The "great area of concern" regarding shift sergeant being "exempt" employees is totally bogus. The management at the Sheriff's Office seems overly impressed with titles and fails to consider job responsibilities. It was explained in detail to the Sheriff's staff that regardless of the title, our Sergeants acted as watch or shift commanders and have the same responsibilities as their shift Lieutenants. In fact, until recently our sergeants regularly participated in hiring panels and had a direct say in who was hired. On a three person panel they typically had 33% of the vote and thus a major voice in who was hired. Sergeants also have a voice in policy formulation and have the largest say in officer discipline. It is impossible to foresee how an employee could be terminated under the BCC system for a failure to perform the job functions or any performance issue without the direct involvement and recommendation of the shift sergeant. The statement attributed to the Human Resources staff that sergeants were classified exempt to avoid paying overtime, if accurate, only reflects that the person making the statement does not understand the

functions of the job. However, in order to clear up any misunderstandings and move our job titles inline with other agencies, I recommend that each of our ranks be moved “up” a level so that the current lieutenants are captains, sergeants are lieutenants and corporals are sergeants. The Director can be “chief” and the Deputy Director a major. I also recommend that all exempt supervisors once again be rotated onto hiring panels. Nevertheless, sergeants are properly exempt due to the job duties they regularly perform.

The report also alleges that the current structure does not provide adequate command level authority on duty after normal business hours. Again, the Sheriff’s staff either does not or will not understand the job functions of our organization. The Sheriff has in command at night and on weekends a “watch commander” who is a lieutenant. The jail has in command at night and on weekends a “watch commander” who is a sergeant. As before, I propose we change our titles to clear up any misunderstandings.

2. Security and Staffing.

The past year has been a challenge as regards staffing. However, as with all decisions made in life, these decisions were not made in a vacuum. The decision at the time the department was organized was that 70 FTE’s were needed to operate the jail. The budget the Sheriff’s Office submitted for the 2006-2007 fiscal year funded 75 FTE’s. The additional funding allowed Human Resources and I to extend raises to several individuals who were grossly underpaid and to place all employees into the BCC pay schedule. The FTE’s were adjusted to 70 for the 2007-2008 budget year. During the budget scrubs for the 2009-2010 budget year I was asked if we could unfund two officer positions in order to assist the BCC in making the budget. I agreed and take full responsibility for the decision. In retrospect the decision was wrong. The absence of the two positions compounded by several long-term military leave and FMLA issues left us understaffed. However, AT NO TIME was the minimum staffing on a shift allowed to fall below seven officers. The proposed budget that was submitted May 14, 2010 proposes that funding be restored for the two unfunded positions.

As are many of the points in this report the issue of a full-time classification officer demonstrates a failure to understand our organization and specific officer responsibilities. Officer Roland Wilkerson is permanently assigned many of the duties the Sheriff’s report describes. Other officers in the Court office are permanently assigned the remainder of these duties. The staffing that the Sheriff purposes does not correctly address the work load of these functions and would result in one officer doing all of the work while the other three “transport” officers would have no job responsibilities unless court was in session. The entire paragraph is at best misguided and at worst inaccurate and arcane.

The staffing chart purposed by the Sheriff basically represents a 40 man security staff, 23 in administration and support and the remaining 13 positions in “relief.” The

administration and support functions would work 8 hour shifts and security would remain on 12 hour shifts. In essence the recommendation is to abolish the divisions and division heads (lieutenants) as well as the civilian control room operators and place these positions as relief officers along with hiring an additional 8 officers. This plan will cost the taxpayers a minimum of \$400,000 if you count the other changes as a fiscal wash. As they do not address the need for an Inmate Welfare Clerk at all, I can only assume they intend to abolish the position and have other staff assume those duties.

The paragraph relating to staff familiarity is reflective of the methodology that these interviews were conducted under. Staff was required to go to the office of the Sheriff and be interrogated by three individuals. The questions were not asked in any organized manner and frequently two or three interrogators were asking questions at the same time. Responses were greeted by “rolling eyes,” intimidating comments and other such responses. In this atmosphere it is not surprising that some staff from the jail had difficulty answering detailed questions. However, the Sheriff’s staff was provided with documentation that proved the jail staff had been trained regarding the emergency plans as well as minutes from various supervisors’ meetings where these issues were repeatedly discussed.

The statement offered as fact that the jail staff lacks “seriousness” or “concern” regarding overall security is in fact nothing more than a biased opinion. The first example regarding the location of the jail’s emergency keys is a great example. The recollection of jail staff does not mirror the “facts” presented in the report. The security lieutenant made arrangements with the former director of ERD to place the emergency keys at the 911 center. The keys were in fact placed there after the Sheriff assumed operation of the 911 center and the keys were delivered to dispatch along with the original letter requesting permission to do so and was given to Tina Douglass at the direction of Lt. Keith Chamblee. The keys were placed in dispatch on a shelf beside a lock box for the Health Dept. In the days leading up to the FCAC on-site inspection Lt. Hall went to the EOC to double check the location of the keys. He discovered they were missing. He was told by a dispatcher that the key box had been taken off the shelf by Captain Mike Barker. While dispatch was making contact with Capt. Mike Barker, Lt. Hall made contact with Lt. Chamblee who advised him he did not know who moved the keys. Susan May advised Lt. Hall to meet Jeff Skipper the next morning at the sheriff’s office to get the lock box per Capt. Barker. Lt. Hall asked Susan May while she was on the phone with Capt. Barker if he could speak with him but was told “no”. The following morning while retrieving the key box Lt. Hall asked Mr. Skipper how he obtained the box. Mr. Skipper advised that he came in one morning and found them in a chair in the lobby of the sheriff’s office. Lt. Hall assumed possession of the keys and placed them in the ambulance station on Davis Lane. The assignment of blame to the jail staff for the Sheriff’s staff moving the keys without advising anyone at the jail is ludicrous and in fact suggests an attempt to sabotage the efforts to get the jail accredited on the part of members of the Sheriff’s staff.

The Sheriff's team deemed the placement of the emergency keys at the DeFuniak Springs Ambulance station to be "unacceptable." While they state the keys are "in the open" they admit the keys are stored in a locked box and are in a county facility. The team also states the Department is violating our own policy by having the keys located in a different location. This is inaccurate due to the fact that General Order # 11 Section # 3 states " Off site emergency keys will be maintained off-site at the DeFuniak Springs Ambulance Building." The team also states they were informed by the person in charge of the building had no knowledge that the keys existed. This statement is also in error due to the fact there is a signed letter from the Emergency Response Director Matt Douglass acknowledging the placement of the key box .

The team makes the assertion that DOC is violating the Florida Model Jail Standards regarding the security of tools. Their assertion represents a misunderstanding of operations at best. In fact there are no tools stored in the secure area of the jail. The County's maintenance staff signs their tools in and out of the facility each time they enter to perform work. The Security Lieutenant is the only person who has tools in their office and those tools belong to him personally. The tools used by the inmate work crews are stored in a facility adjacent to the jail and are not part of the secure area. These tools are inventoried every two weeks.

The paragraph regarding WCDOC GO#26 demonstrates at best a lack of understanding about the plant itself and daily operations. The Property room is locked 24 hours a day and the on-duty booking officer holds the key. The Sheriff's team was told that the door to the property room has a camera on it at all times and entry/egress can be monitored. The team was also told that unusual entries into the room could be logged by Central Control. The statement regarding alleged "concerns" being expressed to management is another nebulous, unattributed, non-provable allegation. The "Rolex watches" and "diamond rings" allegation are of the same ilk.

The item regarding large items being logged into the property room can only be a deliberate distortion of the facts and a misstatement of policy. WCDOC policy states that "large items" or items dangerous to a correctional setting or that will not fit in the storage boxes provided SHALL NOT be accepted into the facility. The stated "right" to keep property on-site with inmates does not exist. WCDOC's policy mirrors the policy of many jails in the state and in fact was modeled directly from Pinellas County Sheriff Office's policy. Corrections Officers do tell law enforcement officers that such items are their responsibility and will not take them. The Sheriff's Office has repeatedly been told that they should train their officers in what is properly evidence and what items should be left at a scene or in a vehicle. If anyone is violating the inmate's rights it would be the officer incorrectly seizing their property and then attempting to force another agency to store it for them.

The records room discussion is another example of a misstated or distorted understanding of WCDOC operations. The official permanent records of the Department are stored on the County's MIS system. The records room is used to

store paper backup files and the logs and records the jail generates. The room is unlocked because it is located in the secure area of the jail, in a corridor all to itself and has cameras on the door and corridor. Lt. James Hall is the custodian for all these records as is noted in policy and reported to the BCC's records access coordinator.

III. Budget and Fiscal Operations

Nowhere in this review does the obvious attempt to discredit the Corrections administration and misstate the record so stark as the section on budgets. The statements referred to stated that EXCLUDING SALARIES the operating budget of the jail has decreased 35% since the BCC assumed operational control and that 1.7 million dollars had been returned instead of spending. The allegation is also made that I had claimed that I was responsible for these savings. In fact clearly credit is always given to the leadership of the BCC and the hard work and dedication of the Corrections staff as it should be. The truth is that the BCC and the Finance Department have led the way in all county agencies except the Sheriff reducing budgets so as to absorb revenue decreases without raising taxes. The administration of the Corrections Department has certainly cooperated with this effort and is proud of what has been jointly accomplished. But the Corrections staff has worked hard to ensure that these efforts were successful and costs stayed below budget. Funds were returned unspent in an effort to be "team players" and to assist the overall effort to fund operations without raising taxes.

In the bullet points the Sheriff's team demonstrates a shocking lack of understanding in common budget terms. They state that the 2008 OPERATING COST increased \$367,815 when anyone with any ability to read finance statements can see SALARIES increased \$686,317 and Operating costs DECREASED \$213,042. The remaining bullet points are equally inaccurate and off-point. Figures don't lie.

As has been noted, the statements made to media and the employees illustrate a continuing trend towards holding the line on the operating budget and an efficient use of the taxpayer monies. No matter how the Sheriff tries to twist the facts, the clear reading is that except for salaries and benefits, which are controlled by Human Resources and Finance, the budget requests are lower than when the jail was operated by the Sheriff.

The following paragraph suggests that I "admitted" that employees had not received a pay increase except for specified employees who "received salary adjustments by using dollars generated by abolishing five (5) correctional officer positions." This is not an accurate reflection of the discussion or the truth of the matter. During the organization of the Department the Human Resources Department and I agreed that several employees were in fact grossly underpaid for their experience level and service time to the jail. Concurrently I determined that 70 employees were needed to operate the facility instead of the 75 positions budgeted by the Sheriff's Office. So it was agreed that the excess funds would be utilized to bring all corrections officers up to the standard pay

and to place all employees into the BCC step and grade chart. Due to the timing of the changeover the employees received their next step increase due in the 2008 budget year which resulted in the aforementioned \$686,317 increase in the salary accounts. Following this increase the step and merit increases were frozen countywide and no employee has received an increase except for a \$700 dollar across the board increase in the 2009 budget year. This mirrors the actions taken regarding salary countywide.

The entire discussion about FTE's is a reflection of the attitude of the Sheriff's Office as regards their position in county government. During my interrogation Captain Fountain made the statement that I should have "stood on the table" and demanded more positions and funds. My position is that these decisions were not made in a vacuum; the BCC was facing major revenue shortfalls and was in fact laying employees off in other divisions. I was asked if I could hold the line and work with what I had and I agreed in order to help the overall county government and be a "team player." I take full responsibility for this decision and believe that the facts bear out that I made the correct choice. Would conditions be easier for the staff if additional positions were added? The answer is unequivocally YES. Would these staff increases make the most efficient use of the taxpayer's dollars and justify layoffs and cutbacks in other county agencies? I believe the answer is NO.

The medical department is a "big ticket" item along with food service. These two departments represent the lion's share of operating spending along with utilities. Indeed we have implemented programs such as the garden project with the prison, bulk purchasing, contract services for x-rays and bulk drug purchases to cut costs. I am positive that the team could have reviewed invoices and requisitions if they had chose. The Department is not the custodian of these records and the team was told that.

I provided an exhaustive explanation of the budget process during my interrogation with the Sheriff's team. The bulk of the corrections budget is based on experience and the historical costs of each item. Up until this budget year the "requests" from staff were made in meetings and were not put in writing. I did request written requests for equipment and expenses this year but at the time of my interview this budget was not complete. The quote attributed to me regarding being told by the "county commission" is inaccurate at best. At no time did I say the "county commission" had told me to turn as much money back as possible because this in fact is not true. As you know, the BCC only speaks through advertised meetings and I was never instructed to return money at any BCC meeting. The statement I made is that Administration and Finance had asked all county departments to be as frugal as possible and I decided to comply with the request. I did tell them that all decisions regarding jail budget proposals or spending were mine alone and that I never "put in writing" any concerns or requests in order to leave a paper trail of protection for me. I communicated in person and take responsibility for the results. I have never felt it necessary to attempt to transfer blame to someone else for my actions and area of responsibility.

The entire discussion of the canteen accounts and our response to the Clerk's Internal Auditor is inaccurate and could have been corrected with a little understanding

about operations and contact with the Internal Auditor. The audit does indeed address allowing one officer to attest to the amount deposited in an inmates account IF THE RESIDENT DOES NOT SIGN THE RECEIPT. The change was in fact implemented immediately. The Sheriff's team misunderstood the intent of the auditor and implied that ALL receipts should be signed by two officers. In order to clear this matter up on May 13, 2010 Lt. Bill Price contacted the Auditor and received clarification. His written response is that all receipts should have two signatures: the resident and an officer. Only if the resident refuses to sign are two officers required. Because this written clarification was so easy to obtain it is clear that the Sheriff's team sought the worst possible interpretation of the issue and never sought clarification from the Internal Auditor as to the intent of his recommendation. As to the weekly audit performed by the support Lieutenant, the team never asked for documentation that this was being in fact performed but asked him about reconciling the account in-house. He properly responded that the Clerk's Office performs this task. Lt. Price's statement regarding this matter is:

"I do weekly random sampling of commissary daily charges. Have done so since the Auditor explained what exactly he wanted. And they never asked me if I did that. We have always reconciled our commissary accounts. We did so until Gabby moved her operation down across the kitchen. One week Gabby noticed we were not receiving the bills from Keefe any more. She contacted them and they said per the county's request they wanted the bill sent to them. This is how it has been working. We receive the shipment from Keefe with a shipping order telling us what they sent us. Gabby compares it to the computer generated list of the orders she submitted and makes sure we received everything we ordered. And then she signs that receipt and gives it to you (Corrections Director) to sign and sends it to Lauren at Finance. We later get the yellow copy of the bill from finance. Our understanding is that they/finance looked at what you and Gabby signed as what we received and compared it to the bill before they paid it because that must be the way they want it."

Lt. Price's statement above also explains the question concerning Keefe invoices and how they are processed.

The "security concerns" about the drop safe are overstated. The safe sits in plain sight and the keys are held by those who require access every day. The safe also requires a combination so the keys alone are not sufficient.

The "most troubling fiscal matter" the Sheriff's team contends is the system of writing checks to departing inmates. The checks are stored in the Sergeant's office and the booking area is on camera 24 hours a day. No one would claim that the current system is foolproof or that improvements could not be implemented. In fact, the Department is proposing purchasing a Kiosk for Booking to replace the check system and money drop with deposits into the kiosk and inmates being issued a debit card for the amount deposited upon release.

IV. Human Resources Management

The first point again addresses the misconception that the sergeants should be non-exempt. This entire discussion is reckless and inappropriate and is a complete

misunderstanding of the position. This is in fact an intentional misunderstanding or misstatement because the Sheriff's team was repeatedly told that Sergeants are shift or watch commanders just like the Sheriff's Office has. The Sheriff's watch or shift commanders are exempt employees so they should be able to understand the concept. A further examination of this issue reveals that the Okaloosa County Department of Corrections has its shift or watch commanders as exempt employees with the title of Lieutenant. This is of particular significance due to the fact that our policy regarding shift commanders is based in large part on OCDOC and in fact the first policy for WCDOC was the Okaloosa policy except for changing the title of Lieutenant to Sergeant. Therefore, any fair and objective review of this issue would reveal that our sergeants have the same type of responsibilities as OCDOC and WCSO's Lieutenants and are correctly classified as exempt.

As to this entire "hip-pocket" overtime issue, the team was shown clear documentation that the Department pays overtime in cash for off-duty meetings and hours worked. The supervisors were afforded the ability to "flex" time off during the pay period if possible. But the clear intent of the Department has been to pay straight time for all hours worked up to 86 hours per pay period and overtime for any work over 86 hours.

The entire discussion regarding whether the timesheets used are acceptable or provide a lawful record of time worked is beyond the scope of the Department of Corrections. The Department uses the pay sheets provided by the county and used by every county employee. I am quite sure the Clerk's Office will be glad to provide documentation that the forms are legal and correct.

As with the time sheets the discussion regarding the BCC's employee grievance policy is beyond the scope of the DOC. The Department follows BCC policy and will continue to do so.

V. This section does not appear in the report.

VI. Legal and Investigative Issues

The first item under this heading address what is termed the "alarming discovery" that felony crimes were not being reported to law enforcement for investigation and prosecution. In every case incidents are investigated by the Corrections staff. Inmate misconduct is investigated by an officer and referred to a Disciplinary panel for further investigation and disposition and staff misconduct is investigated through the Internal Investigation process outlined in Statute. It has been historically the process, both under the Sheriff's Office and the BCC for most incidents in the jail setting to be handled through the internal administrative process instead of pursuing outside charges. One reason for this practice is that many of these individuals are already far through the court system and further charges would require housing them as convicted felons for months awaiting disposition of their additional charges. Most times if they are convicted for their acts in jail the sentence is concurrent to their original sentence so the benefit to society is nil. The Sheriff's Team was provided an example of an inmate charged with destruction

of County Property inside the jail. The inmate was sentenced to 30 years in prison on his original charge but was required to stay for several months awaiting disposition of the charge that occurred in the jail. If inmates figure out that they can commit additional crimes in jail and the end result is that they are allowed to remain in the county jail near their families rather than be sent to the state system, then many will commit such crimes for just that purpose. Discretion is allowed regarding pursuing charges and is properly exercised.

Another reason is the sense of double dipping that comes from punishing an inmate administratively and also seeking to punish them criminally. The standard result of the administrative process is locking the inmate up in disciplinary confinement for up to 30 days and charging their canteen account for any damages. Contrary to the statements made by the Sheriff's team the funds are far more likely to be collected by the county through the administrative process than through criminal restitution.

The notion that failing to report these incidents "robs" the system of information is ludicrous. The reports are in our records system and the Sheriff's Office has real time access to those records. Exactly how a letter of nolle pros is supposed to protect anyone from liability needs to be explained further. The bottom line is that if there is a victim, inmate, officer or citizen, and the victim wishes to press charges we facilitate that interaction. If the DOC is the victim then it is within the discretion of the Corrections Director to prefer charges or not. Nothing in statute required a victim to press charges.

The citation of Florida Statute 838.022 is nothing more than an attempt to intimidate the BCC, County Administrator and Corrections staff and in no way applies to this discussion. The Statute reads:

838.022 Official misconduct.--

(1) It is unlawful for a public servant, with corrupt intent to obtain a benefit for any person or to cause harm to another, to:

(a) Falsify, or cause another person to falsify, any official record or official document;

(b) Conceal, cover up, destroy, mutilate, or alter any official record or official document or cause another person to perform such an act; or

(c) Obstruct, delay, or prevent the communication of information relating to the commission of a felony that directly involves or affects the public agency or public entity served by the public servant.

(2) For the purposes of this section:

(a) The term "public servant" does not include a candidate who does not otherwise qualify as a public servant.

(b) An official record or official document includes only public records.

(3) Any person who violates this section commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

History.--s. 5, ch. 2003-158.

The key word in this statute is “with corrupt intent.” This statute is in the broad category of “bribery and misuse of public office.” The suggestion that these decisions were made in violation of F.S. 838.022 borders on slander.

As to whether or not I reported the “attempted escape” and arson to the County Administrator, I did not and take full responsibility for this oversight. However, the discussion at the time of the incident was that the inmate set the fire in an attempt to manufacture tattoo ink. There was legitimate disagreement within the staff as to whether or not his was an escape attempt or not. This debate has never been resolved and calls into question as to whether probable cause existed to charge the inmate criminally.

The discussion regarding the jail’s alleged failure to comply with F.S. 876.05 is yet another attempt to obscure the record and find fault with the corrections staff regarding an issue outside the scope of the operations of the Department. The fact is that the Human Resources Department is the custodian of personnel records and is responsible for the pre-employment paperwork contained in those files. These files are located at the Human Resources Department and I have no regular access to them. The ‘oath’ referred to is to be sworn by all public employees and is a requirement dating back to the 1940’s. The Human Resources Department was advised regarding this issue as soon as I came to find out about it and the problem was immediately addressed.

The paragraph dealing with internal investigations does not state the entire circumstances surrounding the issue. F.S. 112.533 was changed to include a sworn affidavit in 2008 and the current Internal Investigation packet includes the appropriate affidavit. The statement regarding formal training for internal investigations is incomplete. While Sergeant Gainey has not been to a formal class on internal investigations he has years of experience as a narcotics investigator at the Sheriff’s Office. As to internal investigations specifically, all such reports are reviewed prior to completion and submittal by Captain Sunday, who has been to formal training and has extensive background in conducting such investigations during his service as Chief Investigator at the Sheriff’s Office. Sgt. Gainey has not yet attended a formal class on the subject due to the countywide ban on out-of-county travel and the unavailability of such classes in county.

The facts surrounding the inmate that was improperly released in April 2009 are as follows:

At approximately 1400 C/O Gill Advised Sgt. Gainey that inmate Benkoczy had been released from custody in error. Inmate Benkoczy had received a 12.1 DOC sentence the previous day.

Sgt. Gainey informed the Corrections Director and was instructed to call the Sheriff's Office and have a Deputy pick him up for us.

Sgt. Gainey called WCSO Dispatch and asked that the Freeport area deputy call him.

Deputy Powell called Sgt. Gainey. Gainey advised that if the deputy would pick Benkoczy up, that he would be enroute to Freeport to transport Benkoczy back to the jail.

Sgt. Gainey called Deputy Powell back to advise he was enroute to Freeport and was told by the Deputy that Sgt. Hogeboom had told her the SO could not pick Benkoczy up until WCDOC provided a Court Order. Sgt. Gainey advised the Deputy that we possessed a valid DOC Commitment Order, but this was not sufficient.

Sgt. Gainey advised the Corrections Director of this development and the Director ordered Sgt. Gainey and C/O Gill to proceed to Benkoczy's Freeport residence and attempt to take him into custody.

Sgt. Gainey and C/O Gill arrived at the residence, asked if Benkoczy was there and were told he was. They then asked to be admitted, were given permission and made contact with Benkoczy. Benkoczy advised he knew he was released by error and had called the Public Defender's Office several times to try and find out what to do. Benkoczy was taken back into custody without incident and transported to the county Jail.

Benkoczy arrived back at the County Jail at 1633.

C/O Gill confirmed through the Public Defender's Office that Benkoczy had in fact called the Public Defender's Office and was told to either turn himself in at Probation or to wait at his residence for someone to come pick him up.

The Sheriff's Office then objected to our officers picking up the inmate and again stated their belief that the commitment signed by the Judge was not sufficient to take the inmate into custody. I advised Undersheriff Bill Chapman at a meeting following the incident that the following statutes apply to this incident:

Statutes concerning prisoners

901.22 Arrest after escape or rescue.--*If a person lawfully arrested escapes or is rescued, the person from whose custody she or he escapes or was rescued or any other officer may immediately pursue and retake the person arrested without a warrant at any time and in any place.*

776.07 Use of force to prevent escape.--

(1) *A law enforcement officer or other person who has an arrested person in his or her custody is justified in the use of any force which he or she reasonably believes to be necessary to prevent the escape of the arrested person from custody.*

(2) *A correctional officer or other law enforcement officer is justified in the use of force, including deadly force, which he or she reasonably believes to be necessary to prevent the escape from a penal institution of a person whom the officer reasonably believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.*

History.--s. 13, ch. 74-383; s. 7, ch. 95-283; s. 1193, ch. 97-102.

944.405 Warrant for retaking offender who has escaped from custody or absconded from rehabilitative community reentry program, or who is ineligible for release.--

(1) *If there is reasonable justification to believe that an offender has escaped from the custody of the department or has absconded from a rehabilitative community reentry program before the offender has satisfied his or her sentence or combined sentences, or if it is determined an offender was released in error, or if it is subsequently determined the offender was statutorily ineligible for release, the secretary of the department or the secretary's designated representative may issue a warrant for retaking the offender into custody until he or she has served the remainder of the sentence or combined sentences.*

(2) *An offender who is arrested as provided in subsection (1) is ineligible for bond, bail, or release on his or her own recognizance.*

(3) *A warrant issued under subsection (1) is in effect until the offender has been returned to the custody of the department, or until the sentence is deemed satisfied, whichever occurs first.*

(4) *The issuance of a warrant pursuant to this section does not negate or interfere with the right to issuance of a warrant under any other provision of law.*

History.--s. 1, ch. 87-211; s. 51, ch. 91-110; s. 34, ch. 93-406; s. 1650, ch. 97-102.

843.04 Refusing to assist prison officers in arresting escaped convicts.--

(1) All prison officers and correctional officers shall immediately arrest any convict, held under the provisions of law, who may have escaped. Any such officer or guard may call upon the sheriff or other officer of the state, or of any county or municipal corporation, or any citizen, to make search and arrest such convict.

(2) Any officer or citizen refusing to assist shall be guilty of a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

History.--s. 17, ch. 6530, 1917; RGS 5389; CGL 7528; s. 1037, ch. 71-136; s. 8, ch. 95-283.

As you can see a warrant is unnecessary to take an inmate back into custody. The case could be made under 843.04 that refusal to assist in the apprehension of such an inmate may be a crime.

VII. Facilities and Equipment (numbered in error as IV in the Sheriff's Report)

Apparently the intent of the team was to say that while the plant is in good condition certain areas or projects had been neglected. As no projects or equipment is identified it is impossible to answer this claim.

I agree that our food service is excellent. I also agree that we need additional freezer space. Funding has been the issue.

The radio issue has been examined repeatedly and the fact is the construction materials in the building make radio reception somewhat problematic in some locations. The "issue" with the base station is exaggerated. The base station needed repair, a spare was put in place during the repair and the repaired unit is back in place.

The video visitation system has been a source of difficulty since the facility was opened. The Department has countless e-mail records showing our attempts to get the system fixed and the attempts of the Facilities Maintenance group to enforce the contract. The ultimate responsibility for this issue is with Facilities maintenance and to my knowledge they are on top of the situation.

As with the video system the condensation that periodically gathers in the long secure hallway is a source of difficulty. Facilities Maintenance has repeatedly attempted to resolve the situation to no avail. We are continuing to work together to resolve the issue.

The assertion that a proper vehicle replacement program is not in place is not accurate. When the BCC inherited the jail the vehicles transferred were four aging vans, some of which had not even been cranked in months. We immediately purchased two explorers and a transport van and Public Works transferred a pickup truck to us. We also received a surplus school bus from the School district and fitted it out to transport large numbers of inmates to the courthouse. Since that time we have purchased a work truck

and two vans, one for the crews and one for transport. We also received a handicap van from Tri-County. This budget year we purpose replacing the final crew van. I would submit that we have moved responsibly to replace the fleet keeping in mind the current financial difficulties the BCC faces.

The statement regarding firearms represents a lack of understanding of the facility and an appropriate response for problems with inmates in a county jail. Unlike a state prison the county jail houses both convicted and pre-trial inmates and also houses misdemeanants as well as felons. Civil commitments are also housed in the county jail as are juveniles. The statutes are clear regarding the use of deadly force on many of these individuals. For these reasons, as well as basic security standards for any corrections facility, the use of firearms inside the facility is strictly regulated and extremely rare. The ordinary use of firearms within the Department rests largely with the transport officers and each of these is outfitted with a 40 cal. Sidearm and has the shotguns available. Additional pistols and less than lethal weapons are available to the shifts and to the CERT team. Finally, each officer is issued a TASER while on duty along with “pepper spray.” There are sufficient weapons on hand to meet ordinary operations.

VIII. Morale and Organizational Characteristics.

There is no dispute that morale has suffered during the last year. Most of this is due to staffing issues that have been exacerbated by several long-term FMLA issues and Military leaves. The loss of the two officer positions in hindsight was wrong and as stated previously I take full responsibility for the decision. Other issues involve the stress brought on by the overall economy and the financial condition of the county. These issues are present in almost any public service organization in the county. I question this “95%” figure though. Excluding me the number of individuals interviewed by the Sheriff’s team was 3 corporals and 4 sergeants (one of each were out of work due to FMLA) two lieutenants and the Deputy Director for a total of 10. Unless one split their vote achieving a 95% response to anything is impossible. As to the comments to staff regarding remitting unused funds, these comments were made to thank the staff for their assistance in supporting the overall county team in providing service without raising taxes. I am sure some staff in any agency would be non-supportive of remitting any money back to the Board including the sheriff’s staff. But most understand the times we live in and the overall goals of the county government. The remainder of this paragraph regarding alleged conflicts and the failure of employees to take responsibility is unsubstantiated opinion and supposition.

Once again the issue of an employee assistance program (EAP) is beyond the operational scope of the Department and belongs to the Human Resources department. The county has a procedure in place for drug and alcohol abuse that is found in BCC policy #23 (17).

The uniform type was chosen in direct response to the wishes of the majority of employees at the time the BCC assumed operational control. Uniforms are replaced as requested by the officers and supervisory insignia are issued. The same criticism could

be leveled at the Sheriff's Office themselves as they have went away from the traditional silver for non-supervisory personnel in favor of all officers wearing the gold insignia that traditionally was reserved for supervisors. The bottom line is this is an internal decision that should be made in the best interests of the department.

The most disingenuous statements in the entire review, and that is saying something, is that the review process has contributed to "some feelings of unrest." That is like saying the iceberg contributed somewhat to the sinking of the Titanic. The "rumors" in large part have originated from the Sheriff's Office. The corrections staff has been told for over a year that the sheriff was "taking" the jail and who would be in what position. Many of these rumors have been attributed to the very individuals who conducted this review. As to the statements regarding the ability of the Sheriff's Office to provide leadership, what were the employees to say? Most felt intimidated and that they were being interviewed for a job and did not want to say anything to jeopardize their future employment. These employees were in a "catch-22" situation where they felt pressure to say what the team wanted to hear. As previously stated the team often responded with hostility, "rolled eyes" and machine gun type questioning if they did not get the desired responses. Every employee who was interviewed and has read this report has stated that this report does not reflect an accurate version of what they said. That includes me as almost every statement attributed to me was taken out of context, stated inaccurately or was downright fabricated. Due to these proceedings not being monitored by Human Resources as requested there exists a "three on one" recollection of events that makes it impossible to evaluate the veracity of any of these statements. As so much of this report is inaccurate or a misinterpretation of the issues, I cannot help but dismiss the entirety as basically useless.

In examining the entire report there is a prevalent use of confrontational language. Things were "admitted" to "dysfunctional" and "troubling." There were "areas of great concern" and areas of "liability." These examples point to a style of inquiry that sought to find any hint of a problem instead of providing you with a clear picture of operations and an answer to whether or not the Sheriff could operate the jail more effectively.

IX. Summary of findings and Recommendations. (Numbered incorrectly as VIII in the report)

1.

- a. I welcome a fair and objective review as this was not provided by the Sheriff's team.
- b. The organization already provides strong top to bottom management. As stated the Deputy Director is intimately involved in all aspects of the operation.
- c. This is a non-issue
- d. There has been no lack of purpose or lack of civility between the executive leadership.

e. As has been previously stated WE ALLREADY UTILIZE THE WATCH COMMANDER CONCEPT. General Order #48 titled "Shift Commander" is modeled after the Okaloosa Jail policy. They call the Commander "Lieutenant" and we call them "sergeant." The policy states that "The Shift Commander will oversee the running of the entire facility and will delegate authority as needed to ensure that proper security measures are being met." The Shift commander is the officer in charge and has the authority to do whatever is necessary to insure the safety of inmates and staff. General Order #4 4.b states "The Shift Commander will have command authority when a situation involves different components in a single operation."

2.

a. Shift Sergeants are properly classified as exempt due to their job responsibilities. However, if it will clear up confusion we will change the title to Lieutenant and the corporals to sergeant. The current lieutenants can be called captain and the Deputy Director will become a major. While this is unnecessary operationally it is not an issue to change.

b. See "a" above.

3.

a. See 1.e.

b. The shift (watch) commanders already have full authority to make command decisions as necessary.

4.

a. While additional help is always useful, under the current economic climate this staffing chart is unrealistic and unnecessary. The cost conservatively would be over \$400,000. To raise these funds either taxes would have to be raised or dollar for dollar cuts would be required in other county agencies.

b. The Corrections Director is directly responsible to ensure adequate staffing of the facility. I have never suggested anything else and thus this point is unnecessary.

c. We already have a full-time classification officer. This has been provided to the Sheriff's team repeatedly. Roland Wilkerson is the employee who currently holds the position and is available to speak to you as necessary.

5.

a. Security planning is taken seriously and training has been conducted for all employees on the current plan.

- b. See a above.
- c. As previously discussed, this has already occurred. A copy of the agreement with ERD is available if necessary.
- d. The Shift Commander and all command staff already have this authority.
- e. This is a good idea and we will work to facilitate such an exercise.
- f. This is totally ludicrous. We are already in the process of renewing all our proofs for this year and are not required to do any re-inspections for another two years. In fact we have been proactive in this regard and will continue to do so to ensure that the process is beneficial to the organization.

6.

- a. The jail leadership has not made any such statements. The statements made were accurate as proven previously.
- b. The budget is based on real numbers and goes through a rigorous scrub process with finance and the scrub committee.
- c. This has already been accomplished.
- d. The Director has followed the guidelines established by the BCC and the Office of Management and Budget. Chapter 119 does not require developing new records or answering questions but inspection of records as they exist. This has been the case. After the refusal of Sheriff's staff to give a copy of this report when requested, the Sheriff's Office might need training on chapter 119.
- e. While the Deputy Director is not responsible for the budget he is "in the loop" and fully capable to make requests as identified.
- f. The department is fully compliant with the requirements of the OMB.
- g. Such consideration is already being given.

7.

- a. As discussed the auditor's recommendations have already been implemented.
- b. No such discipline is needed because the recommendations have been followed.
- c. See a and b above.
- d. See a and b above.

8.

- a. Such training is available as needed.
- b. This is an inaccurate reflection of operations and cannot be responded to.
- c. If policies are broken we will deal with the issue.
- d. This is already being addressed.
- e. Already implemented.
- f. The correct system is already in place.
- g. Better communications are always a plus.
- h. Audits are already being performed per policy.

9.

- a. Already accomplished.
- b. We will double check to ensure policy is followed.
- c. See b above.

10.

a,b,c,d. We are already in the process of installing the hardware to move to a card system replacing the checks.

11.

- a. This has been addressed before and does not require any further discussion.

12.

- a. This is a misstatement of fact and while requiring monitoring is being addressed.

13.

a. The timesheet is used county wide and will not be changed unless instructed by Finance.

b.c.d.e. These items are already addressed in policy.

14.

a,b,c We are following BCC policy. The review suggests a change in policy that is a BCC matter.

15.

a. The Director is responsible for deciding whether to file charges when the jail is the victim, i.e., destruction of county property. The victim is the deciding factor otherwise. In any case, all matters are pursued through administrative channels.

b. The Director is responsible to report issues to the County Administrator.

c. We will examine the issue

d. Already in place.

16.

a. Already corrected by Human Resources

b. Already corrected by Human Resources.

17.

This issue has already been corrected internally.

18.

This issue has already been addressed.

19.

The recommendations are unclear. These processes are under Facilities Maintenance.

20.

Already addressed.

21.

Already addressed.

22.

Already addressed.

23.

Already addressed.

24.

Already addressed.

25.

Already addressed.

26.

These issues are addressed elsewhere and are redundant.

27.

Already addressed.

28.

Not necessary

29.

The best way to defuse these recurring rumors is a strong statement that the jail is remaining under the operational control of the BCC.

Leadership Discussion:

This part of the review is the most difficult for me to respond to. The review at its core has taken apart dozens of decisions that were made primarily by me with the remainder being made by the other three members of the executive staff. These decisions were sometimes difficult and were made with the best interests of all involved in mind. Were all of them correct? Absolutely not. However, the fact is that on January 1, 2007 we took responsibility for an agency with a quarter of its staff working on temporary work authorizations, operating from an overcrowded facility with either no equipment or old worn out equipment. We have progressed to a stable organization with minimum turnover and new equipment. The Department passed the accreditation process with 100% compliance to the standards which makes the Department the only accredited criminal justice agency in Walton County. Possibly the crowning achievement is the fact the Department has increased the use of inmate labor in the county from one crew and less than 10 inmates to 17 crews and 49 inmates working per day. The labor savings alone for the county is in the millions. So I contend that the remark that the current leadership has been ineffective is wrong and much has in fact been accomplished. I

attribute these achievements to the effort of the staff and the direction provided by the Commissioners. I do not think anyone could have accomplished more in the last three years than we have operating under the same budgetary constraints. Thus we come to the central question that you originally asked. Can the Sheriff operate the county jail more efficiently or effectively than the Board of Commissioners? I believe the answer has been proven overwhelmingly to be a resounding NO.

Danny Glidewell
Corrections Director, Walton County

