

***Florida Department of Corrections***

**Office of Inspector General**



***Annual Report***

**Fiscal Year 2017-18**

## TABLE OF CONTENTS

Office of Inspector General Earns Accreditation .....	1
Human Capital And Management Challenges .....	2
Office of Inspector General Organizational Chart.....	3
Department Background .....	5
Purpose of this Annual Report .....	5
Vision .....	5
Mission.....	6
General Goals.....	6
Specific Areas of Responsibility.....	6
Bureau of Internal Audit .....	8
Mission.....	8
Goals .....	8
Bureau Organization and Responsibilities .....	9
Internal Audit Section .....	9
Audit Engagements.....	10
Follow-up to Internal and External Audits .....	11
Contract Management Review Section .....	13
Contract Management Review Reports.....	14
Follow-up to Contract Management Reviews.....	18
Environmental Health and Safety.....	19
Bureau of Investigations .....	20
Florida Department of Law Enforcement Criminal Justice Standards and Training Commission .....	23
Examples of Investigation Case Summaries.....	24
Monetary or Financial Recoveries for the State of Florida Involving Florida Department of Corrections Bureau of Investigations Criminal Cases. ....	30
Special Investigations Unit .....	31
Operations Function .....	31
Use of Force Unit .....	31
Records Unit.....	33
Intake Unit and “Prison TIPS Line” .....	34

## OFFICE OF INSPECTOR GENERAL EARNS ACCREDITATION

In October 2015, the Office of Inspector General earned accreditation status through the Commission for Florida Law Enforcement Accreditation. This is the first time in the history of the Department that the Office has earned accreditation. Being accredited has long been recognized as a means of maintaining the highest standards of professionalism. Accreditation is the certification by an independent reviewing authority, in our case the Commission for Florida Law Enforcement Accreditation, that an entity has met specific requirements and prescribed standards. Schools, universities, and hospitals are some of the most well-known organizations that are required to maintain accreditation.

The 2015 Commission Assessment Team Report to the Commission stated, “[t]he Florida Department of Corrections’, Office of the Inspector General is a professional, well trained, well managed and enthusiastic unit and has embraced the culture of the accreditation process.” The Office will seek re-accreditation status through the Commission in the fall of 2018.



## **HUMAN CAPITAL AND MANAGEMENT CHALLENGES**

### Law Enforcement Employees

For the past two legislative sessions (Fiscal Year 2017-18 and 2018-19), the Florida Legislature has passed bills providing competitive pay adjustments to eligible law enforcement employees, which included investigators at numerous Offices of Inspectors General. The Florida Department of Corrections, Office of Inspector General, Bureau of Investigations, comprised of both law enforcement and corrections disciplines, were excluded from both bills. No real justification for the exclusions was provided, except, that perhaps it was an oversight. However, Secretary Julie Jones advised the Inspector General that efforts to address the issues could be incorporated in Fiscal Year 2019-2020 legislative budget request.

The recruiting and retention activities of the Florida Department of Corrections, Office of Inspector General, Bureau of Investigations experienced a significant negative affect due to the lack of competitive pay adjustments and resulting in a disparity in pay. For example, several applicants withdrew their interest in Florida Department of Corrections, Office of Inspector General, citing their main reason for not pursuing a career with the office was due to the disparity in pay. Additionally, existing Florida Department of Corrections, Office of Inspector General staff chose to leave the office to pursue careers with other law enforcement agencies. On average, the Florida Department of Corrections, Office of Inspector General, Bureau of Investigations maintains a 23% turnover rate. Compounding this recruitment and retention challenge is the exceedingly higher caseload at Florida Department of Corrections, Office of Inspector General as compared to other State Offices of Inspector General.

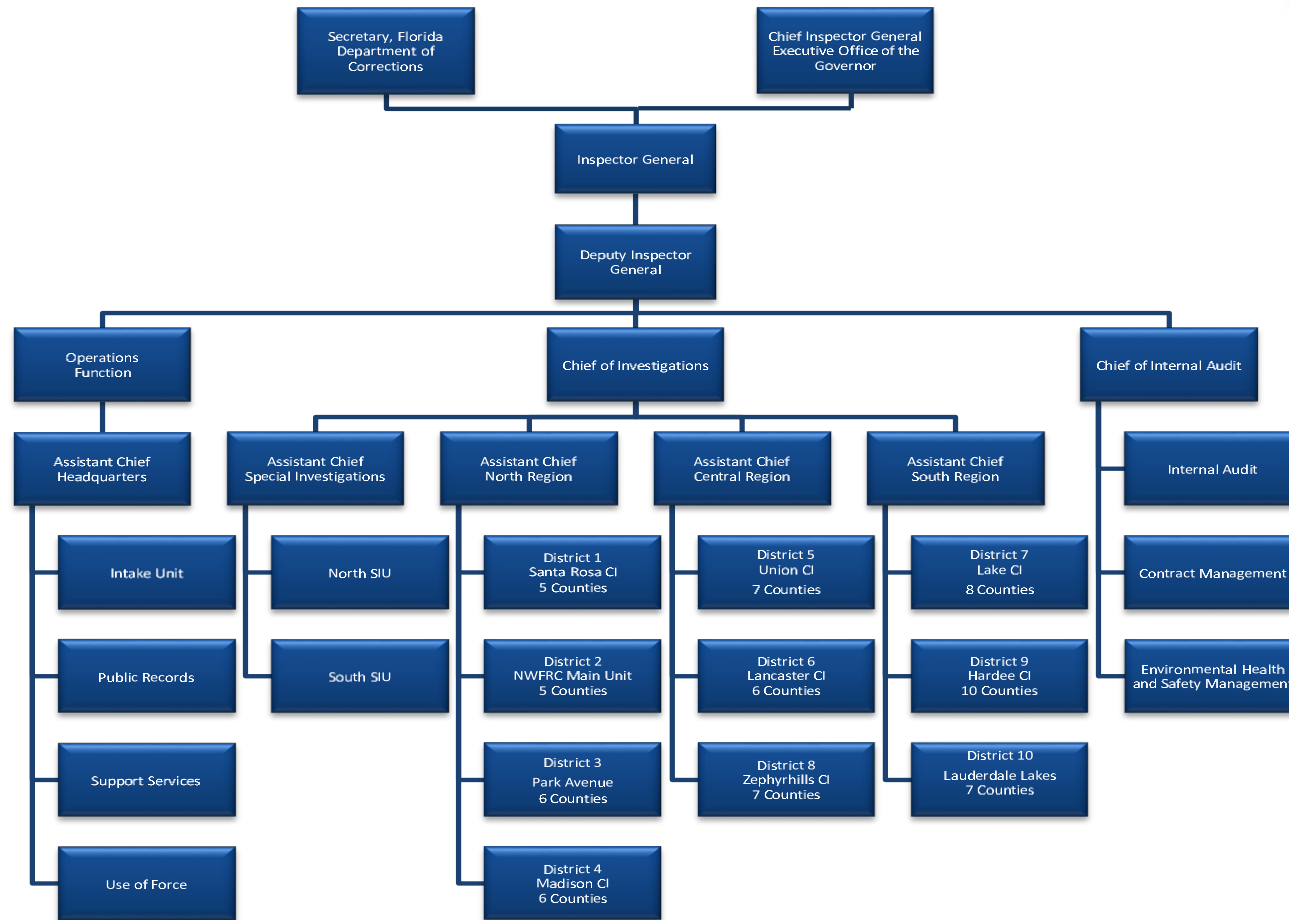
During this fiscal year, the Florida Department of Corrections, Office of Inspector General, Bureau of Investigations initiated over 11,000 cases and closed approximately 15,000 cases with an average of 106 investigative staff. This resulted in staff having an average individual caseload of 250. Other similar State Offices of Inspectors General had substantially fewer office caseloads. In Fiscal Year 2016-17, the following State Offices of Inspectors General reported: Department of Business and Professional Regulation, Office of Inspector General – 318 cases; Department of Highway Safety and Motor Vehicles, Office of Inspector General – 279 cases; and Department of Children and Families, Office of Inspector General – 206 cases (Source: Fiscal Year 2016-17 Annual Report). As we begin the new fiscal year, we will continue conversations with the Secretary, Chief Inspector General, and Department Human Resources staff to address our recruitment and retention challenges. Additionally, we look to obtain a more manageable caseload for staff. As previously reported in last year's annual report, caseloads in 2017 were over 9,600, but were decreased in 2018 to 5,400. Currently, the caseload averages slightly under 4,000, which directly relates to case initiation policy changes and speaks volumes about the high quality, hardworking and dedicated staff at Florida Department of Corrections, Office of Inspector General.

# OFFICE OF INSPECTOR GENERAL ORGANIZATIONAL CHART

The Office of Inspector General consists of two bureaus: Investigations and Internal Audit.



## OFFICE OF INSPECTOR GENERAL



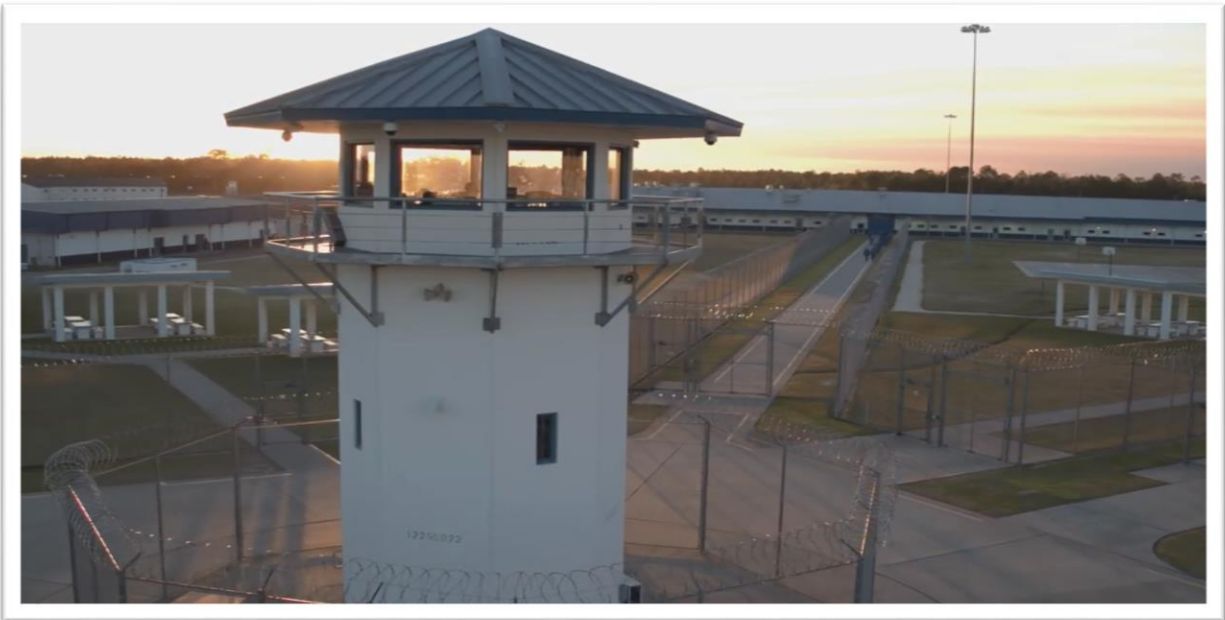
During Fiscal Year 2017-18, the Office of Inspector General reorganized the Statewide Special Investigations Unit. As part of this reorganization, a new assistant chief position was created and additional staffing resources were reallocated from existing resources to expand the Special Investigations Unit in the southern end of the state. Historically, Special Investigations Unit primarily focused in the following areas:

- Use of Force compliance review;
- Determinations of complaints as outlined in s. 112.387, Florida Statutes (Florida Whistle-blower Act), to include the coordination and investigation of allegations;
- Investigations involving multiple jurisdictions and complex matters in program and contract areas; and
- Conducting administrative or criminal investigations involving executive level Department officials and Office of Inspector General staff

The expansion of Special Investigations Unit was to ensure efficiency and continuity of specialized investigations throughout the state including strengthening the commitment to items mentioned above in bullets 2, 3, and 4 for the southernmost areas of Florida. Use of Force compliance reviews mentioned in bullet 1 were moved to support services so that Special Investigations Unit could focus on administrative and criminal investigations. In addition, Special Investigations Unit would provide consistent statewide technical and specialized investigative operational services to include: covert tactical operations, electronic surveillance, and computer intrusion/analytics.

Additionally, the Environmental Health – Safety and Risk Management Unit was reorganized. Risk Management was moved from the Office of Inspector General and placed in the Department’s Office of Strategic Initiatives. Environmental Health and Safety was moved to the Bureau of Internal Audit. Prior to being in the Bureau of Internal Audit, inspection reports were only provided to the Wardens for the institutions under review. The Warden would provide a response of corrective action taken or being taken to address the findings identified in the inspection to the Environmental Health – Safety and Risk Management Unit. Since becoming part of the Bureau of Internal Audit, reports have a new format that includes the Warden’s response. The report is provided to the Secretary and other Executive Management to assist in the timely resolution of identified findings.

Lastly, the Office of Inspector General recognized the need for more experienced and skilled investigators in our district offices, and such, senior inspectors assigned to many of our Central Office operational functions accepted transfers throughout district offices. This had greatly impacted our ability to manage the higher than average caseloads in comparisons to other State Offices of Inspector General. As we begin the new fiscal year, we look to capitalize on our reorganizational efforts to ensure our mission of safeguarding the integrity of the state’s correctional system is met every single day.



Source: Florida Department of Corrections Recruitment Video June 7, 2017

## **DEPARTMENT BACKGROUND**

As the nation's third-largest prison system, the Florida Department of Corrections fulfills a primary role in enhancing the safety of Florida residents. Through a network of state prisons (50 state and 7 private), road prisons, work camps and community-based facilities, the Department manages incarceration and care for approximately 96,000 inmates. It also supervises approximately 166,000 offenders through 148 probation offices statewide. The Department employs approximately 24,000 employees, the majority of whom are Correctional Officers or Correctional Probation Officers who carry out this public safety mandate 24 hours a day, 7 days a week, 365 days a year.

## **PURPOSE OF THIS ANNUAL REPORT**

Section 20.055, Florida Statutes, requires the Inspector General submit to the agency head, and for state agencies under the jurisdiction of the Governor, the Chief Inspector General no later than September 30 of each year, an annual report summarizing the activities during the preceding fiscal year. This report provides departmental staff and other interested parties with an overview of the Office of Inspector General's activities as related to its mission.

## **VISION**

A safe and efficient Florida correctional system.

## MISSION

To serve as an independent and objective inspection, audit, and investigative body to promote effectiveness, efficiency, and economy in the Florida Department of Corrections programs and operations, and to prevent and detect crime, fraud, abuse, gross misconduct, mismanagement, and waste.

## GENERAL GOALS

To add value to the Department by:

1. continuously identifying Department needs and priorities;
2. identifying risks and threats that impact public safety;
3. promoting innovative solutions to address the Department's needs; and
4. providing timely, accurate, and pertinent information to decision makers.

## SPECIFIC AREAS OF RESPONSIBILITY

Primary services provided by the Office of Inspector General include the following:

1. **Auditors** assess the efficiency and effectiveness of Department programs and associated controls, measure compliance with laws and procedures, and serve to deter waste, fraud, and abuse of Department resources in the following manner:
  - conduct compliance, performance, and information technology audits in accordance with professional auditing standards and conduct reviews relating to Department operations, contracts, staff, inmates, visitors, and volunteers;
  - identify instances of fraud, abuse, and other deficiencies relating to Department programs and operations, inform the Chief Inspector General and as necessary the Secretary of those conditions, recommend corrective action, and report on progress made in correcting deficiencies;
  - provide technical assistance with criminal and administrative investigations involving waste, fraud, or misappropriation of funds;
  - conduct contract management reviews to enhance accountability and oversight of the Department's contracts for goods and services;
  - assess the validity and reliability of the information provided by the Department on performance measures and standards and make recommendations for improvement, if necessary; and
  - serve as the Department's liaison in coordinating audits and facilitating cooperation with external agencies including the Auditor General, Office of Program Policy Analysis and Government Accountability (OPPAGA), and the Department of Financial Services.



2. **Regional Safety Inspectors** inspect each correctional institution or any place in which inmates are housed, worked, or kept within the state, with reference to its physical conditions, cleanliness, sanitation, safety, and comfort. Areas of responsibility include:
  - conduct semiannual inspections at all the Department's facilities and the seven private prisons managed by the Department of Management Services.
  - accompany state fire protection specialists of the Division of State Fire Marshal during annual fire safety surveys;
  - conduct annual fire, environmental health, and Occupational Safety and Health Administration (OSHA)-related safety inspections of new, renovated, and current institutions, followed by the on-site verification of corrected violations;
  - conduct the environmental health and safety portion of the operational review process that is performed every two years at all major correctional facilities; and
  - conduct training sessions for Loss Control Management to include accident investigation, general safety awareness, damaged or lost property coverage, and a review of workers' compensation issues.
3. **Certified Law Enforcement and Correctional Inspectors** safeguard the integrity of the state's correctional system. The Office of Inspector General has 130 positions that are sworn law enforcement officers or certified correctional officer inspectors that perform the following activities:
  - conduct criminal and administrative investigations involving Department operations, contracts, staff, inmates, visitors, and volunteers;
  - coordinate investigative efforts with Florida Department of Law Enforcement and other law enforcement agencies;
  - review all incidents involving the use of force at state and private correctional facilities, and those involving probation officers to ensure compliance with established rules, procedures, and statutes;
  - process requests that include public records requests, subpoenas, arrest affidavits, investigative demands, litigation productions, inmate phone call records, background investigations, and any other records/information;
  - respond to complaints from multiple internal and external sources, MINS (Management Information Notification System), electronic complaint form (web-based), TIPS line, correspondence, e-mail, and telephone which will result in the opening of investigations, inquiries, or management referrals;
  - examine alleged violations of Title VII of the Civil Rights Act, Rule 60L-36.004, Florida Administrative Code, and Chapter 110, Florida Statutes. Equal Employment Opportunity complaints are received through several channels, including the Department's internal complaint procedure, the Florida Commission on Human Relations (FCHR), and the Equal Employment Opportunity Commission (EEOC); and

- work closely with prosecutorial entities to facilitate the prosecution of criminal cases and coordinate Department activities as required by the **Florida Whistleblower's Act**.
4. An automated **Management Information Notification System (MINS)** to keep designated personnel informed of events that occur on Department property or concerning Department staff, inmates, offenders, and other activity throughout the state. This information network:
- provides an incident/event reporting system for all areas of the Department, enabling early identification of problems and timely allocation of investigative and corrective resources;
  - collects statewide data for use by key personnel in developing strategies to address areas of concern;
  - provides timely flow of information to management and, through the Public Information Office, to the public; and
  - leads Department efforts to maintain cooperative working relationships with Florida Department of Law Enforcement and other law enforcement agencies.

## **BUREAU OF INTERNAL AUDIT**

### **Mission**

The mission of the Bureau of Internal Audit is to support the Secretary and the Department by ensuring:

1. established objectives and goals are met;
2. resources are used consistent with laws, regulations, and policies;
3. resources are safeguarded against waste, loss, and misuse;
4. reliable data is obtained, maintained, and fully disclosed; and
5. the health and safety of inmates as well as Department employees, volunteers, and visitors.

### **Goals**

The Bureau of Internal Audit's primary purpose is to proactively assist management in successfully meeting the Department's mission and established objectives. To meet its purpose, the Bureau of Internal Audit has four key goals:

1. perform quality audits, reviews, inspections, and investigations;
2. report results to management in a timely manner;
3. ensure Department resources are used efficiently; and
4. provide adequate audit/review coverage to mitigate risks.

## **Bureau Organization and Responsibilities**

The Bureau of Internal Audit comprises three sections: (1) Internal Audit (2) Contract Management Review and (3) Environmental Health and Safety. These sections report to the Bureau Chief, a Certified Internal Auditor, who functions as the Director of Auditing. The Bureau of Internal Audit conducts compliance, performance, and information technology audits and contract reviews pursuant to Section 20.055, Florida Statutes. To accomplish the mission and to achieve the goals of the Bureau of Internal Audit, staff perform audits and contract management reviews designed to identify systemic issues that impact the economy and efficiency of the Department's operations and programs and/or to identify internal control deficiencies in the prevention, deterrence, and detection of fraud. The Bureau views its audit and contract management review mandate as an opportunity to not only identify deficiencies and problems with statewide impact, but also to identify areas that are well designed and are meeting management's goals. All audits are conducted in accordance with the current *International Standards for the Professional Practice of Internal Auditing* published by the Institute of Internal Auditors.

The Bureau also conducts inspections pursuant to Section 944.31, Florida Statutes, that requires the Department's Office of Inspector General to inspect each correctional institution or any place in which inmates are housed, worked, or kept within the state, with reference to its physical conditions, cleanliness, sanitation, safety, and comfort.

The internal audit staff possesses accounting and auditing experience. During Fiscal Year 2017-18, the Bureau of Internal Audit began the process to upgrade one of its positions to a Computer Audit Analyst to enhance the Bureau's information technology auditing experience. The hiring of the position is expected to be completed during Fiscal Year 2018-19. Staff are required to maintain professional proficiency through continuing education and training. Staff are active in the following professional organizations: Institute of Internal Auditors, Information Systems Audit and Control Association, and Association of Inspectors General.

### **Internal Audit Section**

This section employs an audit supervisor and four auditors who perform compliance, performance, and information technology audits. Staff certifications include two Certified Internal Auditors, one Certified Public Accountant, one Certified Government Auditing Professional, and one Certified Fraud Examiner.

During Fiscal Year 2017-18, the Internal Audit section completed five audits, four follow-up audits, and one review as listed in the following table by report date.

<b><i>Fiscal Year 2017-18 Audit Reports and Reviews</i></b>		
<b><i>Report Number</i></b>	<b><i>Project Title</i></b>	<b><i>Report Date</i></b>
<i>A17006</i>	<i>Audit of Inmate Release Gratuity</i>	<i>07/18/17</i>
<i>A17009</i>	<i>Audit of Forced Cell Extraction Training</i>	<i>09/5/17</i>
<i>A17016F</i>	<i>Follow-up Audit of Prison Rehabilitative Industries and Diversified Enterprises – Accounts Receivable</i>	<i>11/16/17</i>
<i>A17002</i>	<i>Audit of Inmate Trust Fund Information Technology Controls</i>	<i>12/19/17</i>
<i>R18002</i>	<i>Review of Inmate Deaths</i>	<i>02/1/18</i>
<i>A17023F</i>	<i>Follow-Up Audit of Basic Recruit Training</i>	<i>02/13/18</i>
<i>A17019</i>	<i>Audit of Regional Evidence Control Areas</i>	<i>03/2/18</i>
<i>A17018</i>	<i>Audit of Inmate Trust Fund Deposits and Withdrawals</i>	<i>06/26/18</i>
<i>A18010F</i>	<i>Follow-up Audit of Auditor General's Report No. 2018-082</i>	<i>06/27/18</i>
<i>A18009F</i>	<i>Follow-up Audit of Auditor General's Report No. 2018-039</i>	<i>06/29/18</i>

Source: Bureau of Internal Audit

## **Audit Engagements**

Audit Engagement Reports issued in Fiscal Year 2017-18 included:

### **Audit of Inmate Release Gratuity**

In most areas, audit staff found that the control processes for debit cards are in compliance with Department Procedure 203.005. Audit staff also found that internal controls had been established for the debit cards. However, audit staff identified the following issues that warrant management's attention:

***Finding:*** Personnel perform incompatible duties pertaining to the debit card process.

***Recommendation:*** The Bureau of Finance and Accounting assign the responsibilities of performing reconciliations to an employee independent of the debit card process.

***Finding:*** Inmate signature logs are not always returned to the Custodian at Lowell Correctional Institution and Martin Correctional Institution.

***Recommendation:*** The Office of Institutions take steps to ensure that the weekly signature logs are returned as required by procedure.

***Finding:*** The Debit Card Control Logs at Calhoun Correctional Institution and Suwannee Correctional Institution contained inaccurate debit card numbers.

**Recommendation:** The Office of Institutions consider automating the debit card control logs.

#### Audit of Forced Cell Extraction Training

Audit staff found that Forced Cell Extraction training was being taught in accordance with the Department's curriculum and internal controls exist to adequately prevent, deter, and detect unauthorized uses of force during a Forced Cell Extraction. Therefore, no findings and recommendations were presented in the audit report.



Source Florida: Department of Corrections Recruitment Video June 7, 2017

#### Audit of Inmate Trust Fund Information Technology Controls

Audit staff found that the internal controls were adequate to prevent, deter, and detect unauthorized changes to the Inmate Trust Fund System. Therefore, no findings and recommendations were presented in the audit report.

#### Audit of Inmate Trust Fund Deposits and Withdrawals

Audit staff determined that all inmate deposits and withdrawals during the scope of our review were recorded. Audit staff found that the Bureau of Finance and Accounting had established internal controls for the Inmate Trust Fund. In addition, contract language requires JPay to have a formal fraud prevention program in place that demonstrates that internal review processes are in place for the prevention and identification of fraud. However, audit staff identified the following issue that warrants management's attention:

**Finding:** Internal controls over funds submitted to inmates through JPay need enhancement.

**Recommendation:** The Bureau of Finance and Accounting continue efforts towards getting the rule (Florida Administrative Code) amended to reflect that deposits of monies shall only be accepted from individuals listed on the inmates' approved visitation list.

#### **Follow-up to Internal and External Audits**

##### Follow-up of Audit of Prison Rehabilitative Industries and Diversified Enterprises – Accounts Receivable

The Bureau of Internal Audit performed a follow-up audit to our Audit of Prison Rehabilitative Industries and Diversified Enterprises (PRIDE) – Accounts Receivable, Report No. A15005. Audit staff found that corrective action has not been taken on the finding identified in the original report as discussed below. Management has accepted the risk associated with the finding. Therefore, to utilize the Bureau of Internal Audit's resources in an efficient manner, this finding was closed and no further follow-up will be conducted. However, the Bureau of Internal Audit may conduct an audit of the PRIDE

Accounts Receivable as determined by the results of risk assessments and the development of future audit plans.

**Finding:** Audit staff could not determine whether the billing process for PRIDE Accounts Receivable was accurate.

**Recommendation:** Office of Facilities Management and Building Construction work with the respective utility companies to have separate meters installed for PRIDE operations, where possible, so that PRIDE can be directly billed for its usage. Office of Facilities Management and Building Construction take steps to ensure that PRIDE is accurately billed for its reasonably apportioned share in the cost of all utilities.

#### Follow-up Audit of Basic Recruit Training

Audit staff determined that the finding identified in the original report as listed below has not been corrected and warrants further follow-up:

**Finding:** The Office of Human Resources does not always obtain reimbursement for Basic Recruit Training expenses that are due to the Department.

**Recommendation:** Office of Human Resources management take steps to ensure that collection efforts are initiated and pursued in accordance with Florida Department of Corrections Procedure, 208.017, Reimbursement for Basic Recruit Training and Related Expenses, for all former employees (officers) who meet the criteria for reimbursement of Basic Recruit Training tuition and related expenses.

#### Follow-up Audit of Auditor General's Report No. 2018-082

The Bureau of Internal Audit performed a follow-up audit to the Auditor General's Department of Corrections, Administration of Re-Entry Programs, Operational Audit, Report No. 2018-082. Audit staff found the Department's Annual Report for Fiscal Year 2016-2017 included the statutorily required information and data related to Department's re-entry programs as recommended by the Auditor General. Therefore, the finding has been corrected and no further follow-up is warranted by the Bureau of Internal Audit.

#### Follow-up Audit of Auditor General's Report No. 2018-039

The Bureau of Internal Audit performed a follow-up audit to the Auditor General's Offender Based Information System (OBIS) Audit, Report No. 2018-039. Audit staff determined that the Office of Information Technology needs to perform additional work to correct the findings identified in the original report. Therefore, the findings warrant further follow-up by the Bureau of Internal Audit.

**Finding:** Access privileges granted for some Department users of OBIS did not restrict users to only those functions necessary for their assigned job duties.

**Recommendation:** Department management limit user access privileges to OBIS to promote an appropriate separation of duties and restrict users to only those access privileges necessary for the users' assigned job duties.

**Finding:** The Department did not timely deactivate the OBIS access privileges of some former employees and employees who transferred to other bureaus within the Department and no longer needed the access assigned.

**Recommendation:** Department management ensure that access privileges of former or transferred employees are timely deactivated to minimize the risk of compromising OBIS data and Information Technology (IT) resources.

**Finding:** Department procedures for conducting periodic reviews of user access privileges need improvement to ensure the appropriateness of OBIS user access privileges.

**Recommendation:** Department management improve procedures and controls for the periodic review of OBIS user access privileges to ensure that such privileges are appropriate.

**Finding:** Contrary to State law, the Department used certain social security numbers (SSNs) to establish security in OBIS without specific authorization in law or without having established the need to use the SSNs for the performance of its duties and responsibilities as prescribed by law.

**Recommendation:** In the absence of an established imperative need for the use of SSNs, the Department should comply with State law by utilizing another identifier to be used to establish OBIS user security rather than the user's SSN.

**Finding:** Certain Department security controls related to logging and monitoring and the protection of confidential and exempt data for OBIS and related IT resources need improvement.

**Recommendation:** To ensure the confidentiality, integrity, and availability of OBIS data and related IT resources, Department management improve certain OBIS security controls related to logging and monitoring and the protection of confidential and exempt data.

### **Contract Management Review Section**

The Contract Management Review Section employs a supervisor and four auditors. Staff certifications include one Certified Inspector General Auditor. In Fiscal Year 2017-18, the Contract Management Review Section completed seven contract management reviews and four follow-up contract management reviews as listed in the following table by report date.

### **Fiscal Year 2017-18 Contract Management Review Reports**

<b>Report Number</b>	<b>Project Title</b>	<b>Report Date</b>
CMR17001	<i>Bridges of America – The Lake City Bridge, Inc.</i>	<i>09/28/17</i>
CMR17012	<i>WestCare GulfCoast-Florida, Inc.</i>	<i>10/26/17</i>
CMR18002F	<i>Follow-Up of The Transition House, Inc. Managed Inmate Trust Funds</i>	<i>11/15/17</i>
CMR17006	<i>Trinity Services Group, Inc.</i>	<i>11/17/17</i>
CMR17007F	<i>Follow-Up of First Step of Sarasota, Inc.</i>	<i>11/17/17</i>
CMR17008	<i>Abe Brown Ministries, Inc.</i>	<i>11/30/17</i>
CMR17009	<i>Operation New Hope, Inc.</i>	<i>12/14/17</i>
CMR18001F	<i>Follow-Up of The Transition House, Inc. Managed Inmate Trust Funds</i>	<i>12/15/17</i>
CMR17004	<i>The Transition House of Tarpon Springs</i>	<i>4/12/18</i>
CMR17019	<i>The Transition House</i>	<i>4/25/18</i>
CMR18008F	<i>Shisa Corporation Managed Inmate Trust Funds</i>	<i>06/26/18</i>

Source: Bureau of Internal Audit

### **Contract Management Review Reports**

Contract Management Review Reports issued in Fiscal Year 2017-18 included:

#### Bridges of America – The Lake City Bridge, Inc, Contract 2805

Contract Management Review staff determined that services were substantially rendered as required by the contract. Contract Management Review staff also found that the delivery of contracted services was effectively verified and properly monitored by the Department. Finally, Contract Management Review staff found that contract payments were properly documented, and the amount paid was in accordance with the contract. However, deficiencies were found concerning court ordered payments (COPS) and the modification of services relating to Academic Teachers/Instructors.

**Finding:** Bridges of America undercharged some inmates for COPS.

**Recommendation:** The Department's Office of Institutions and Division of Development: Improvement and Readiness ensure that Bridges of America deducts COPS obligations from the inmates' trust fund accounts in accordance with the contract requirements.



**Finding:** Bridges of America did not always remit COPS obligation deductions to the Department as required by the contract.

**Recommendation:** The Department's Office of Institutions and Division of Development: Improvement and Readiness ensure that Bridges of America remits all COPS obligations withheld from inmates to the Department within the timeframe required by the contract.

**Finding:** The Department allowed Bridges of America to deviate from the contract without an amendment relating to Academic Teachers/Instructors.

**Recommendation:** The Department's Office of Institutions and Division of Development: Improvement and Readiness ensure that Bridges of America provide Academic Teachers/Instructors as required by the contract or amend the contract with language allowing the current practice.

#### WestCare GulfCoast-Florida, Inc., Contract C2494

Contract Management Review staff determined that WestCare is substantially compliant with the contract and service is being rendered as required by the contract. Contract Management Review staff found the delivery of contracted services was effectively verified and properly monitored by the Department on an annual basis as required by the contract. Contract Management Review staff determined that the invoices were properly documented and the amount paid was in accordance with the contract. However, a deficiency was found concerning the lack of documentation of offender attendance in therapeutic activities.

**Finding:** WestCare did not maintain documentation of offenders' attendance in therapeutic activities.

**Recommendation:** The Bureau of Contract Management and Monitoring and the Bureau of Readiness and Community Transition ensure that WestCare documents offenders' attendance in therapeutic activities.

#### Trinity Services Group, Inc. Contract C2826

Contract Management Review staff determined that services were rendered as required by the contract. Contract Management Review staff found payments were properly documented, and Trinity had submitted per diem payments in the amounts required by the contract. The Bureau of Contract Management and Monitoring performed semiannual monitoring as required by the contract. However, a deficiency was found concerning the calculation of the performance measure related to timely receipt of per diem payments.

**Finding:** The Bureau of Contract Management and Monitoring did not always measure Trinity's untimely per diem payments on their monitoring tool.

**Recommendation:** The Bureau of Contract Management and Monitoring accurately measure Trinity's compliance with the Performance Measure related to Trinity's timeliness of per diem payments on their monitoring tool.

#### Abe Brown Ministries, Inc. Contract C2854

Contract Management Review staff determined that Abe Brown Ministries was substantially compliant with requirements of the contract. Contract Management Review staff determined invoices were properly documented and the amount paid was in accordance with the contract. However, deficiencies were noted with the Department's monitoring, Abe Brown Ministries' submission of required reports, and contract language concerning tuberculosis screening/testing.

**Finding:** There is no documentation that the Department approved or disapproved Abe Brown Ministries' Corrective Action Plan.

**Recommendation:** The Office of Administration and Division of Development: Improvement and Readiness ensure Corrective Action Plans are approved or disapproved.

**Finding:** Abe Brown Ministries did not always submit the Quality Improvement Report.

**Recommendation:** The Office of Administration and Division of Development: Improvement and Readiness ensure Abe Brown Ministries continues to submit the Quality Improvement Report as required by the contract.

**Finding:** The contract contains language that conflicts with Procedure 401.015 in regards to tuberculosis screening/testing.

**Recommendation:** The Office of Administration and Division of Development: Improvement and Readiness amend the contract to include language that ensures that Abe Brown Ministries staff and volunteers who perform their duties in an institution are screened and/or tested for tuberculosis as required by Department Procedure 401.015.

#### Operation New Hope, Inc. Contract C2855

Contract Management Review staff determined that Operation New Hope was substantially compliant with the requirements of the contract. Contract Management Review staff found the delivery of contracted services was effectively verified and properly monitored by the Office of Administration and Division of Development: Improvement and Readiness on an annual basis as required by the contract. Contract Management Review staff determined invoices were properly documented, and the amount paid was in accordance with the contract. However, Contract Management Review staff determined that the contract contains language that conflicts with Department procedure in regards to tuberculosis screening/testing.

**Finding:** The contract contains language that conflicts with Procedure 401.015 in regards to tuberculosis screening/testing.

**Recommendation:** The Office of Administration and Division of Development: Improvement and Readiness amend the contract to include language that ensures Operation New Hope staff and volunteers that perform their duties in institutions are screened and/or tested for tuberculosis as required by Department Procedure 401.015.

### The Transition House of Tarpon Springs Contract C2803

Contract Management Review staff found the delivery of contracted services was effectively verified and properly monitored by the Department. Monitoring was performed at a minimum of twice per year as required by the contract. Contract Management Review staff determined that Transition House was generally compliant with requirements for inmates' paycheck deposits, subsistence calculations, savings, and bank fees. Contract Management Review staff also determined that an independent certified public accounting firm had performed audits of the trust fund accounts as required by the contract. Finally Contract Management Review staff determined that payments were properly documented and the amount paid was in accordance with the contract. However, deficiencies were found concerning substance abuse treatment services, court ordered payments, support for family dependents, and quarterly status reports, which warrant management's attention.

**Finding:** Transition House did not always provide substance abuse services as required by the contract.

**Recommendation:** The Offices of Administration and Institutions, and Division of Development: Improvement and Readiness ensure that Transition House provides substance abuse treatment services as required by the contract.

**Finding:** Some inmates were undercharged COPS.

**Recommendation:** The Offices of Administration and Institutions, and Division of Development: Improvement and Readiness ensure that Transition house receives COPS obligation documentation timely, Transition House calculates COPS obligations in accordance with the contract, and the correct amount is deducted from the inmates' trust fund account.

**Finding:** The Department did not identify one inmate that owed Family Dependent Payments.

**Recommendation:** The Offices of Administration and Institutions, and Division of Development: Improvement and Readiness ensure the Family Dependent Deduction is ordered, if applicable.

**Finding:** Transition House did not provide the Department with all quarterly status reports for contractual performance measures.

**Recommendations:** The Offices of Administration and Institutions, and Division of Development: Improvement and Readiness ensure that Transition House provides the quarterly status reports. Additionally, the Offices of Administration and Institutions, and Division of Development: Improvement and Readiness amend the contract to include language specifying when quarterly status reports are due to the Department.

## **Follow-up to Contract Management Reviews**

### The Transition House, Inc. Managed Inmate Trust Funds Contract C2804

Contract Management Review staff found that corrective action has not been taken on two of the three findings identified in the original report as listed below:

**Finding:** Transition House has not ensured that all inmate funds were deposited into their trust account.

**Recommendation:** The Department's Office of Institutions and Division of Development: Improvement and Readiness enforce the requirement that Transition House ensure all funds received by inmates are deposited in the Contractor's Trust Account as required by Florida Administrative Code and the contract.

**Finding:** Transition House did not always remit COPS obligation deductions to the Department as required by the contract.

**Recommendation:** The Office of Institutions and Division of Development: Improvement and Readiness ensures that Transition House remits all COPS obligations withheld from inmates to the Department within timeframe as required by the contract.

### Follow-Up of First Step of Sarasota, Inc. Contract C2566

The Bureau of Contract Management and Monitoring and Division of Development: Improvement and Readiness have corrected all the findings identified in the original report.

### The Transition House, Inc. Managed Inmate Trust Funds, Contract C2798

Contract Management Review staff found that corrective action has not been taken on two of the three findings identified in the original report as listed below:

**Finding:** The Department has not always ordered family dependent deductions.

**Recommendation:** The Department's Office of Institutions and Division of Development: Improvement and Readiness provide the necessary documentation to Transition House to ensure the family dependent deduction is ordered, if applicable.

**Finding:** Transition House did not always remit COPS obligation deductions to the Department as required by the contract.

**Recommendation:** The Office of Institutions and Division of Development: Improvement and Readiness ensure that Transition House remits all COPS obligations withheld from inmates to the Department within timeframe as required by the contract.

### Follow-Up of Shisa Corporation Managed Inmate Trust Funds Contract C2203 & C2843

The original contract management review contained three findings. One of the findings was addressed and pertained to Shisa overcharging some inmates subsistence. The follow-up conducted by contract management review staff found that Shisa reimbursed

over \$26,000 to inmates that had been overcharged subsistence. Contract Management Review staff found that corrective action has not been taken on the remaining two findings identified in the original report as listed below:

**Finding:** The Department has not always ordered family dependent deductions.

**Recommendation:** The Office of Institutions and Division of Development: Improvement and Readiness ensure the Family Dependent Deduction is ordered, if applicable.

**Finding:** Shisa did not make COPS remittances to the Department timely.

**Recommendation:** The Office of Institutions and Division of Development: Improvement and Readiness ensure that Shisa makes remittances to the Department on or before the 10th day of the month, as required by the contract.

### Court Ordered Payments

As previously discussed, the Bureau of Internal Audit performed follow-ups on two prior contract management reviews for two community release center contracts with Transition House. One of the findings in both contract management reviews was that Transition House had not always remitted COPS obligations to the Department that had been deducted from inmate earnings. During the follow-up reviews, contract management review staff found that to address the finding Transition House was remitting only those amounts which Contract Management Review staff identified from the sample of inmates' accounts. Therefore, we recommended to Department management that COPS deductions for all inmates be compared to the amounts remitted to the Department for all four of the community release centers this vendor managed and promptly remit any shortages of COPS deductions to the Department. During Fiscal Year 2017-18, the Transition House remitted to the Department over \$41,000 of COPS payments that had been withheld from the inmates' earnings and not been previously remitted to the Department as required.

### **Environmental Health and Safety**

Due to its unique mission, the Florida Department of Corrections must provide for the environmental health and safety of incarcerated felons, as well as its own employees, volunteers, and visitors. Adherence to established health and safety guidelines is one of the most important responsibilities of every employee and inmate. The Department is required to provide for the environmental health and safety of inmates, as well as its employees, volunteers, and visitors. Section 944.31, Florida Statutes, requires the Department's Office of Inspector General to inspect each correctional institution or any place in which inmates are housed, worked, or kept within the state, with reference to its physical conditions, cleanliness, sanitation, safety, and comfort.



The Environmental Health and Safety Section employs a supervisor, four regional safety consultants, and one support staff. Regional Safety Inspectors conduct semiannual inspections at all the Department’s facilities and the seven privately-operated prisons managed by the Department of Management Services. The semiannual inspections are performed utilizing a set of 122 standards that were developed utilizing the guidelines set forth by Component 5 of the Operational Review Standards, National Fire Protection Association (NFPA) 101, the Uniform Fire Code, and the Department of Health Standards.

During Fiscal Year 2017-18, the Environmental Health – Safety and Risk Management Unit was reorganized. Risk Management was moved from the Office of Inspector General and placed in the Office of Strategic Initiatives. Environmental Health and Safety was moved to the Bureau of Internal Audit. Prior to being in the Bureau of Internal Audit, inspection reports were only provided to the Wardens for the institutions under review. The Warden would provide a response of corrective action taken or being taken to address the findings identified in the inspection to the Environmental Health – Safety and Risk Management Unit. Since becoming part of the Bureau of Internal Audit, reports have a new format that includes the Warden’s response. The report is provided to the Secretary and other Executive Management to assist in the timely resolution of identified findings. The following table represents all findings during the semi-annual inspections:

Regions	Number of Institutions	Main Unit findings	Number of Annexes	Annex findings	Number of Work Camps	Work Camp findings	Total Findings
1	19	85	6	3	13	1	89
2	16	183	5	63	14	44	290
3	10	95	3	8	5	15	118
4	11	176	1	4	14	48	228
<b>Totals</b>		539		78		108	725

Source: Office of Environmental Health and Safety

## BUREAU OF INVESTIGATIONS

The Florida Department of Corrections, Office of Inspector General is committed to conducting independent and objective investigations through its Bureau of Investigations. The Bureau of Investigations is responsible for conducting criminal and administrative investigations and providing oversight of all use of force incidents. Our top priorities include investigations into: deaths, public corruption, and criminal efforts that compromise the safety and security of our prisons through violence or the introduction of contraband. Completed criminal investigations for which probable cause exists that a crime has occurred are referred to the appropriate prosecutorial entity for consideration for prosecution. Administrative investigations with sustained findings are referred to management for appropriate action. Many of the staff assigned have nationally recognized certifications such as Certified Inspector General, Certified Inspector General Investigator, and Certified Fraud Examiner, to name a few.

During Fiscal Year 2017-18, the Office of Inspector General received approximately 70,599 incidents/complaints which resulted in the opening of approximately 22,568 Office of Inspector General cases. A total of 11,448 were cases that involved a use of force review. The remaining incidents/complaints were referred to the Department's management team or other external entities for action deemed appropriate. The table below represents by case type those matters assigned for review or investigation and the numbers of case assignments for Fiscal Year 2017-18:

<i>Type of Case</i>	<i>Total Number Assigned</i>
<i>Administrative Cases</i>	487
<i>Criminal Cases</i>	798
<i>Death Investigations and Assists</i>	477 <sup>1</sup>
<i>Investigative Assists (Non-Death)</i>	60
<i>Inquiries</i>	9,274
<i>Management Reviews</i>	1
<i>Uses of Force</i>	11,448
<i>Whistle Blower Determinations</i>	23
<b>TOTAL</b>	<b>22,568</b>

Source: IGIS for 07/01/2017 to 06/30/2018

<sup>1</sup> Investigations initiated by the Office of Inspector General for FY 2017-18 may differ from data reported by other entities as other data is reported by calendar year.

The table below represents the investigative outcome of the cases the Office of Inspector General investigated for Fiscal Year 2017-18:

<b><i>Case Disposition</i></b>	<b><i>Subjects</i></b>
<i>Exonerated</i>	9
<i>Not Sustained</i>	401
<i>Sustained</i>	941
<i>Closed by Arrest</i>	294
<i>Exceptionally Cleared</i>	648
<i>Unfounded</i>	694
<b><i>TOTAL</i></b>	<b>2,987</b>

Source: IGIS for 07/01/2017 to 06/30/2018

The table below represents breakdown of subjects in the investigations and the number of arrests for Fiscal Year 2017-18:

<b><i>Subjects</i></b>	<b><i>Arrests</i></b>
<i>Inmate/Offender</i>	196
<i>Employees</i>	81
<i>Non-Employees<sup>2</sup></i>	17
<b><i>TOTAL</i></b>	<b>294</b>

Source: IGIS for 07/01/2017 to 06/30/2018

**Exonerated** refers to a finding in an administrative case for which a preponderance of evidence exists to suggest the subject's behavior or action did occur and was consistent with Department procedure, rule, or other authority.

<sup>2</sup> Non-employees are defined as visitors, contractors, or other persons not employed by the agency.



**Exceptionally Cleared** refers to a disposition of a criminal case for which probable cause exists that an identified suspect committed the offense, but one for which an arrest or formal charge is not initiated.

**Closed by Arrest** refers to a disposition of a criminal case for which probable cause exists that an identified suspect committed the offense and an arrest or formal prosecution proceeding has been initiated.

**Not Sustained** refers to a finding in an administrative case for which a preponderance of evidence does not reasonably establish the subject's behavior or action either complied with or violated or was contrary to Department procedure, rule, or other authority.

**Sustained** refers to a finding in an administrative case for which a preponderance of evidence exists to suggest the subject's behavior or action did occur and was contrary to Department procedure, rule, or other authority.

**Unfounded** refers to, in an administrative context, a finding in an administrative case for which a preponderance of evidence exists to suggest the subject's behavior or action did not occur and, in a criminal context, a disposition of a criminal case for which a preponderance of the evidence exists to suggest the suspect's alleged behavior or action did not occur.

### **Florida Department of Law Enforcement Criminal Justice Standards and Training Commission**

The Florida Department of Corrections, Office of Inspector General maintains a strong professional working relationship with the Florida Department of Law Enforcement, Criminal Justice Standards and Training Commission (CJSTC). Specifically, within the Florida Department of Law Enforcement is the Criminal Justice Professionalism Division, in which the Office of Inspector General is responsive and accountable to, in providing CJSTC-78 Internal Investigation Report referrals, reporting the disposition of an investigation in which the subject was a sworn law enforcement officer, correctional officer or correctional probation officer as defined in Section 943.10, Florida Statutes. This accountability and reporting by the Office of Inspector General provides the means for the licensing authority of the State of Florida for Sworn Officers, the ability to review and administer appropriate administrative sanctions against the officer's certification in instances when an officer is found in violation of Florida Statutes and/or Commission standards.

## **Examples of Investigation Case Summaries**

### Columbia Correctional Institution - Introduction of Contraband, Case Number 18-09929

Security staff at Columbia Correctional Institution observed a drone hovering over the perimeter fence behind an inmate dormitory. A roving patrol officer responded to the area, and the drone flew into a wooded area behind the institution. Security staff then noticed that the drone appeared to crash into a tree off state property. Security staff alerted local law enforcement, who responded to the area and recovered the drone. The drone had a payload of six cell phones that were wrapped in black tape.

After a comprehensive investigation by a Law Enforcement Inspector with the Florida Department of Corrections' Office of Inspector General, a suspect was identified and taken into custody and charged with six counts of introduction of contraband and one count of unlawful use of a two-way communication device.

### Florida State Prison - Introduction of Contraband, Case Number 16-20507

An allegation was made that a correctional officer was smuggling in drugs and cell phones at Florida State Prison. Sworn witness interviews were conducted in which the witnesses alleged that the correctional officer was receiving payments from an inmate's friends for illegal actions. Through investigative leads and physical evidence, it was determined that the correctional officer was receiving monies from family members of inmates incarcerated at Florida State Prison. It was proven based on evidence obtained, the correctional officer was engaged in the selling of cell phones and drugs to inmates. Forensic analysis of evidence supported the fact that the correctional officer committed the crimes of Introduction of Contraband, Unlawful Compensation or Reward for Official Behavior, and Bribery. A warrant was obtained for the correctional officer's arrest. The correctional officer was arrested and subsequently plead guilty to Bribery, and Introduction of Contraband (controlled substance, cell phones in prison). The correctional officer was sentenced to 30 months and fined \$723.

### Florida State Prison - Introduction of Contraband, Case Number 17-01907

An allegation was made that a correctional officer was smuggling in drugs and cell phones at the Florida State Prison West Unit. Sworn witness interviews were conducted in which the witnesses alleged that the correctional officer was in business with inmates to sell the cell phones and drugs to other inmates in the prison. Through investigative leads and physical evidence, it was determined that the correctional officer was receiving monies from family members of inmates incarcerated at the Florida State Prison West Unit. It was proven based on evidence obtained that the correctional officer met friends of the inmates who provided drugs, cell phones, and payment for illegal items to be smuggled by the officer, while the officer was in uniform at a convenience store. Forensic analysis of evidence supported the fact that the correctional officer committed the crimes of Introduction of Contraband, Unlawful Compensation or Reward for Official Behavior, and Bribery. A warrant was obtained for the correctional officer's arrest. In a sworn recorded post Miranda interview, the correctional officer confessed to Unlawful Compensation,

Bribery, and Introduction of Contraband. The correctional officer was arrested and subsequently plead guilty to Bribery, and Introduction of Contraband (controlled substance, cell phones in prison). The correctional officer was sentenced to 36 months and fined \$623.

#### Florida State Prison - Introduction of Contraband, Case Number 18-07597

Correctional officers searched a visitor entering the Florida State Prison to visit her husband who is an inmate, and nothing was discovered. However, upon a search of a chicken sandwich the visitor purchased at the prison to be given to the inmate, a special micro plastic handcuff key was discovered hidden inside the sandwich. Sworn witness interviews were conducted in which the witnesses indicated the visitor smuggled the handcuff key into the prison. Forensic analysis of evidence supported the fact that the visitor committed the crimes of introduction of contraband, possession of a concealed handcuff key, and conveying handcuff key into a state correctional institution. In a sworn recorded post Miranda interview, the visitor confessed to smuggling the handcuff key into the prison to give to the inmate. The visitor was arrested and subsequently plead guilty to possession of a concealed handcuff key and conveying handcuff key into a state correctional institution. The visitor was sentenced to 30 months at a state correctional institution.

#### Reception and Medical Center / Hospital - Felony Battery, Case Number 16-02306

An allegation was made that an inmate at Reception and Medical Center Hospital grabbed a nurse by the neck and began choking the nurse. The nurse reported she entered a room housing the inmate with two correctional officers present. The inmate was sitting on the bed. While attempting to take the inmate's vital signs, the inmate became argumentative. The inmate stood up and lunged towards the nurse and began to choke the nurse. The inmate was restrained by staff.



Source: Florida Department of Corrections Graphics Library

It was proven based on evidence and witness testimony obtained in the investigation, the inmate did commit the crime of Felony Battery, a Third-Degree Felony. The inmate was adjudicated Guilty, sentenced to a term of 60 months, with credit for 259 days, to run concurrently with any other active sentence, and assessed \$1,050.75 in fines.

#### Reception and Medical Center / Hospital - Physical Abuse, Case Number 17-11437

Allegations of physical abuse were made against a correctional officer who was providing security at an outside hospital. The correctional officer admitted to counseling the inmate for creating a disturbance on the floor. The correctional officer reported that the inmate became angry and aggressive, pulled the much-larger correctional officer down to the bed, threw a cup of water, and tore the pocket off the officer's shirt. The correctional officer

claimed to have hit the inmate on the head, face, and neck with a closed fist to get him to release the grip on the shirt, although the inmate had a recent major abdominal surgery and was secured to the hospital bed.

Investigation proved the correctional officer's account of the incident was in conflict with video footage, witness accounts, and physical evidence. The correctional officer was heard multiple times to call the inmate a derogatory name concerning his conviction. The attending surgeon who sutured the inmate's injuries was of the opinion at least one laceration was caused by an object other than a fist.

The correctional officer was arrested and charged with Malicious Battery and Official Misconduct, plead guilty to Battery, was sentenced to 12 months Level 2 community control and 200 hours of community service, ordered to pay \$405.65 in restitution to Florida Department of Corrections and \$562 court costs. The officer had to also permanently surrender his or her correctional certification.

#### Baker Correctional Institution - Staff/Offender Relationship, Case Number 16-20347

An allegation was made that a correctional officer had a sexual relationship with a Baker Correctional Institution inmate. Sworn witness interviews were conducted and the witnesses alleged observing the correctional officer in photographs with the inmate after his release from the Department. The investigation proved the correctional officer was assigned to the dormitory in which the inmate was housed. During the interview, the correctional officer admitted to having knowledge the inmate was transferred to Bridges of Jacksonville Work Release Center. The correctional officer admitted to going to a local business on several occasions where the inmate was working and having sex with the inmate in a vehicle in the parking lot. It was proven, based on evidence obtained in the investigation, the correctional officer did commit the crime of Sexual Misconduct, a Third-Degree Felony. The officer was sentenced to 18 months of probation and fined \$666.

#### Baker Correctional Institution - Battery, Case Number 16-07797

An allegation was made an inmate was beaten by other inmates at the direction of a correctional officer. Sworn witness interviews were conducted and the witnesses alleged overhearing the correctional officer discussing the charges for which the inmate was incarcerated. Witness testimony alleged the correctional officer conspired with other inmates to attack the inmate due to his charges.

It was proven, based on evidence obtained in the investigation, the correctional officer did commit the crimes of Assault or Battery by a person who is detained in a prison and Attempts, Solicitation and Conspiracy. The officer was sentenced to 18 months of probation and assessed \$870 in court costs.

The inmates involved did commit the crime of Assault or Battery by a person who is being detained in a prison. One inmate was used as a state witness with charges dismissed. Other inmates were not charged by the State in this case.

#### Baker Correctional Institution - Aggravated Battery, Case Number 16-01104

Staff members observed two inmates fighting in the dorm and attempted to quell the incident by separating the two inmates. During the separation, one inmate broke free from the custodial grasp of the officer and ran towards the other inmate, striking him on the left side of the head with a clenched fist. The inmate fell, striking his head on the bunk and then on the concrete floor.

It was proven based on the evidence and witness testimony obtained in the investigation, the inmate did commit the crime of Battery by a person that is being detained on a detainee. The inmate was adjudicated guilty, sentenced to two years and one month, with credit for 562 days; and assessed \$1,075 court costs/fines.

#### Baker Correctional Institution - Battery on Law Enforcement Officer, Case Number 15-8789

Staff alleged an inmate refused orders to return to his assigned bunk and began walking around the dorm while removing his clothing. The inmate was ordered to cease his actions, to no avail. The inmate approached the female officer and grabbed her breasts. Based on the evidence and witness testimony obtained in the investigation, the inmate did commit the Battery on a Law Enforcement Officer and Lewd and Lascivious Exhibition in the presence of an employee. The inmate was adjudicated guilty on the Third-Degree Felony charge of Battery on an Officer and sentenced to one year and seven days, with credit for 150 days incarceration time, and assessed \$1,075 court costs/fines. The charge of Lewd and Lascivious Exhibition was Nolle Prosecuted by the State.

#### Gulf Correctional Institution - Excessive Use of Force, Case Number 15-3548

An investigation was initiated for an excessive force allegation involving a correctional officer. Initially the use of force was the result of an inmate allegedly brandishing a homemade weapon during a reported strip search after the inmate failed to clear a hand-held metal detector. Due to the injuries sustained by the inmate being inconsistent with the incident reports submitted by security staff, the incident reports along with digital photographs were reviewed. Numerous inmate interviews were conducted that contradicted the reports submitted by security staff involved in the use of force. Laboratory submissions were conducted to detect the presence of blood and chemical agents on the recovered weapon allegedly used by the inmate. During the use of force a significant amount of blood was found at the scene based on digital photographs. Testing by the Florida Department of Law Enforcement Crime Laboratory found no blood on the weapon. The investigation was presented to the U.S. Attorney's office where jurisdiction was accepted. A case was initiated by the Federal Bureau of Investigation (FBI).

Another former Correctional Officer was interviewed by U.S. Attorney. The former correctional officer disclosed that he was a witness to the incident, and the inmate was compliant and never had a weapon during the search. The investigation was presented to a Federal Grand Jury with an indictment for one (1) count of Deprivation of Rights Under Color of Law in violation of Title 18 United States Code, Section 242. The

correctional officer involved in the use of force was arrested and plead not guilty before a Federal Magistrate. The case went to trial in Federal Court where a jury found the correctional officer guilty. The correctional officer was sentenced to 21 months in the Federal Bureau of Prisons with one year of supervised release to follow.

Lancaster Correctional Institution - Unlawful Compensation, Case Number 18-00645

A correctional officer found a telephone number in an inmate's property. The telephone number was determined to be that of a food service employee. Through an investigation, it was discovered that the food service employee received money on at least five occasions for the purpose of introducing contraband into the institution for inmates. During a post Miranda interview, the food service employee confessed to receiving money for the purpose of introducing contraband. The suspect was charged with Unlawful Compensation, adjudicated guilty, and sentenced to 36 months supervised probation and court costs.

Lancaster Correctional Institution - Introduction of Contraband, Case Number 16-19442

Intelligence was received indicating that an inmate's family member was involved in the introduction of K-2 and other contraband into the Lancaster Correctional Institution Work Camp. Through surveillance and additional investigative techniques, the family member was identified and ultimately arrested for the possession of synthetic narcotic and Introduction of Contraband into a State facility. The defendant was sentenced to 120 days in jail and five years of probation along with court and supervision costs.

Lancaster Correctional Institution - Unlawful Compensation and Introduction of Contraband, Case Number 16-15697

Intelligence was received alleging that a vocational instructor was introducing tobacco products into Lancaster Correctional Institution in exchange for money. During the investigation, it was determined that the vocational instructor was providing the tobacco products to gang members who were in turn selling the tobacco inside the institution. The vocational instructor was caught attempting to enter the facility with tobacco hidden on his person. During a post Miranda interview, the staff member admitted to smuggling tobacco into the institution on three occasions in exchange for money.

The staff member was arrested and booked into jail for the charges of Unlawful Compensation and Introduction of Contraband. The staff member was sentenced to three years of probation and courts costs.

Cross City Correctional Institution - Battery on a Law Enforcement Officer, Case Number 17-09591

A correctional officer was grabbed around the waist by an inmate, who picked up the officer and attempted to throw the officer over a second-floor railing. The officer was able to avoid going over the railing but was slammed to the concrete walkway where the inmate continued to assault the officer.

An investigation was conducted culminating in the inmate's arrest for Battery on a Law Enforcement Officer. The inmate was later adjudicated guilty and sentenced to one year and one day incarceration by the Florida Department of Corrections to be followed by four years supervised probation.

Northwest Florida Reception Center - Physical Abuse, Case Number 15-35

The Office of Inspector General received information alleging that a correctional officer physically abused an inmate. Upon notification, a criminal investigation was initiated. This case was investigated by the Office of Inspector General and the Federal Bureau of Investigation. The investigation found that the correctional officer did strike the inmate. The correctional officer entered a guilty plea, and was adjudicated guilty as to Count 1 – Title 18 U.S. Code, Section 242, Deprivation of Civil Rights under Color of Law. The correctional officer was sentenced to 10 months in federal prison to be followed by 12 months of federal probation.

Jackson Correctional Institution - Aggravated Assault, Case Number 15-14839

Security staff received information related to armed inmates and an impending disturbance. In response, correctional officers were conducting inmate searches at the center gate. One of the correctional officers located a homemade knife concealed in an inmate's pants. While attempting to disarm the inmate, the inmate snatched away from the correctional officer and withdrew the homemade knife from his pants. Correctional officers pursued the inmate during which time chemical agents were applied. The inmate continued to defy staff and attempted to stab two correctional officers before being disarmed and restrained.

An investigation was conducted into the incident. The State Attorney accepted the case for prosecution. The inmate was charged with two counts of Aggravated Assault for attempting to stab the correctional officers. The inmate entered a plea of Nolo-Contendere for both counts. The inmate was adjudicated and sentenced to a concurrent term of 18 months for each count in the Florida Department of Corrections to run consecutive to his current prison sentence.

Apalachee Correctional Institution - Deprivation of Rights Under Color of Law, Case Number 15-14839

An investigation was initiated for an excessive force allegation at Apalachee Correctional Institution West Unit involving four officers (Major, Lieutenant, Sergeant, and a correctional officer). Initially the use of force was reported to be a staff assault where an inmate attacked the Major by head butting. Upon arrival at the crime scene, the physical evidence did not match the story initially reported by the officers. Florida Department of Law Enforcement crime scene responded and processed the scene. The clothing of the officers involved, including their boots, was taken as evidence. An FBI agent initiated a case for a joint investigation.

All the officers on duty the day of the incident were interviewed. All the officers indicated upon their initial arrival the office was not in disarray and the only thing out of place was a blood spot on the floor where the inmate's head was lying. The Major's secretary was in the office during portions of the fight. The secretary was interviewed several times and eventually offered to provide testimony to the U.S. Attorney which discredited the story the officers told in their official reports.

The Sergeant came forward to the U.S. Attorney and indicated the official report he signed was not written by him but provided for him to sign. The Sergeant indicated the report was not accurate and indicated that the Major move towards the inmate, and the inmate was not resisting or moving at the point the Major and inmate's head collided. At the point where their heads collided, the Major started swinging fists and striking the inmate. While taking the inmate to the ground, the Sergeant struck his head against the inmate and was dazed.

The correctional officer indicated in testimony that he was present when the Major called on the radio for assistance. While the correctional officer was in the office, he did not see the inmate grab anyone and did not see anyone kick or hit the inmate. This testimony directly discredited the Major's incident report and use of force report which indicated that when the Major stood up to get his radio from the desk and call for help, the inmate grabbed the Major's leg and attempted to pull the Major to the ground. At this point, the Major kicked the inmate in the head twice to make the inmate release him. This was the point where the Major called on the radio for help.

FBI Crime Laboratory recreated a scale model of the Major's office and contents for evidence at the trial. The Assistant U.S. Attorney presented the evidence and testimony of witnesses to a Federal Grand Jury which indicted the Major for one (1) count of Deprivation of Rights Under Color of Law in violation of Title 18 United States Code, Section 242; and one (1) count of Destruction, Alteration, or Falsification of Records in a Federal Investigation in violation of Title 18, United States Code, Section 1519.

The Major was arrested and pled not guilty before a Federal Magistrate. The case went to trial in Federal Court in Panama City, Florida where a jury found the Major guilty. A Federal Judge sentenced the Major to 60 months in the Federal Bureau of Prisons with one year of supervised release to follow.

### **Monetary or Financial Recoveries for the State of Florida Involving Florida Department of Corrections Bureau of Investigations Criminal Cases.**

#### **Forfeiture of Retirement Benefits of State Employees Found Guilty of Felony Crimes While in the Performance of their Official State Duties:**

Pursuant to Florida State Statute 112.3173, the Florida Department of Corrections, Office of Inspector General, noticed the Department of Management Services/Division of Retirement and the Florida State Board of Administration when State employees are arrested for felonies involving breach of public trust and other specified offenses by public officers and employees. The Department of Management Services or the Florida State Board of Administration places a hold or block on the state funded pension or retirement



account of the individual arrested. Then, upon any conviction involving these felony offenses, the Department of Management Services or the Florida State Board of Administration conducts the final forfeiture order through their Legal Division.

The table below represents by type of retirement plan the number of forfeitures and those under review as of June 30, 2018.

<b><i>Retirement Plans</i></b>	<b><i>Department</i></b>	<b><i>FDC Staff Retirement Forfeitures</i></b>	<b><i>FDC Staff Retirement Forfeitures Under Review</i></b>	<b><i>Total</i></b>
<i>Pension Plan</i>	<i>Management Services</i>	4	10	14
<i>Investment Plan</i>	<i>State Board of Administration</i>	0	5	5

Source: Department of Management Services/Division of Retirement and the Florida State Board of Administration

### **Special Investigations Unit**

Special Investigations Unit proactively targets complex public corruption, organized racketeering and criminal gang activities and all other crimes related to contraband introduction, bribery, money laundering and terrorism.

### **OPERATIONS FUNCTION**

The Florida Department of Corrections, Office of Inspector General, has additional responsibilities beyond conducting audits and investigations. The responsibilities represent a substantial workload for the Office of Inspector General and include performing reviews use of force incidents, responding to requests for records, and processing complaints.

#### **Use of Force Unit**

Established in 1999, the Use of Force Unit is responsible for reviewing all incidents involving the use of force at state and private correctional facilities, and those involving probation officers. These reviews ensure compliance with established rules, procedures, and statutes.

To accomplish this mission, the Use of Force Unit independently reviews and evaluates all use of force incident reports, associated documents, and videotapes as required from each correctional facility or office. Evidence indicating possible procedural violations, inmate abuse, excessive/improper/unauthorized force, or battery by staff is referred to Investigations.

Uses of force are classified as major incidents whenever weapons, the chemical agent Ortho-Chlorobenzalmalononitrile “CS” or electronic restraint devices are used; when force is used in a cell extraction; or when outside medical treatment is required for employees or inmates as a result of the use of force. Other physical contact with inmates, including use of the chemical agent Oleoresin Capsicum “OC,” is classified as minor.

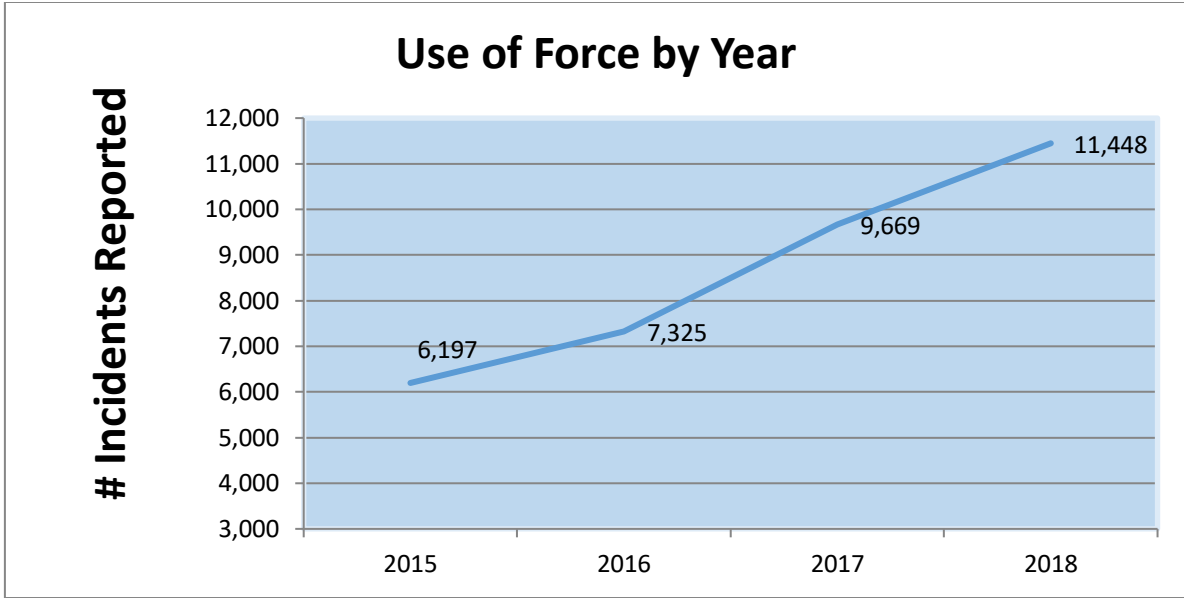
The following table reflects use of force incidents reported to the unit in Fiscal Year 2017-18.

<b>Classification</b>	<b>Reason Force Was Used</b>	<b>Number</b>
<b>27A</b>	<i>Self Defense</i>	1,301
<b>27B</b>	<i>Escape/Recapture</i>	1
<b>27C</b>	<i>Prevent Escape During Transport</i>	1
<b>27D</b>	<i>Prevent Property Damage</i>	101
<b>27E</b>	<i>Quell a Disturbance</i>	1,368
<b>27F</b>	<i>Physical Resistance to a Lawful Command</i>	7,369
<b>27G</b>	<i>Prevent Suicide</i>	949
<b>27H</b>	<i>Restrain Inmate for Medical Treatment</i>	51
<b>27I</b>	<i>Cell Extraction</i>	257
<b>27J</b>	<i>Mental Health Restraint</i>	9
<b>27K</b>	<i>Probation &amp; Parole Handcuffing</i>	1
<b>27O</b>	<i>Other</i>	40
<b>TOTAL</b>		<b>11,448</b>

Source: IGIS for 07/01/2017 to 06/30/2018

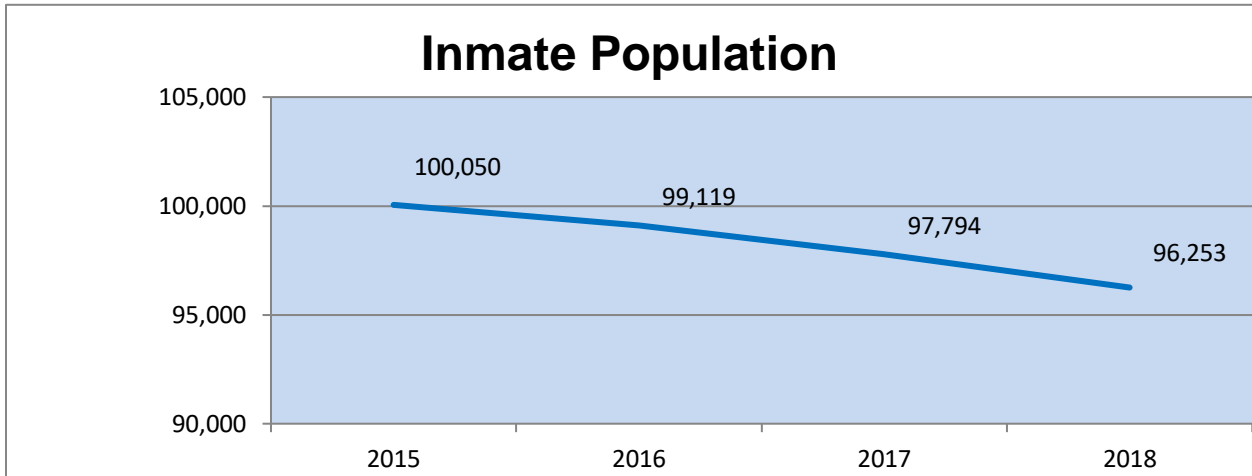
As illustrated by the following chart, the number of uses of force has increased over the last three years. From Fiscal Year 2014-15 to Fiscal Year 2017-18, the number of use of force incidents has increased by 85%. In Fiscal Year 2017-18, 48<sup>3</sup> of the reported uses of force were found not to be in compliance with Florida Administrative Code and were disapproved.

<sup>3</sup> This does not represent the total as many other Uses of Force reported in the year are pending review either due to an investigation or pending Disciplinary Action Review Team.



Source: MINS and IGIIS

The inmate population has decreased by approximately 3.8% percent over the last 3 years as shown in the chart below.



Source: Research and Data Analysis.

### Records Unit

The Records Unit within the Office of Inspector General processed over 1,300 requests for records this fiscal year. This includes public records requests, subpoenas, arrest affidavits, investigative demands, litigation productions, inmate phone call records, background investigations, and any other records/information that falls under the scope of the Office of Inspector General. An upward trend for redacted video and audio record requests by law enforcement, media outlets, and other interested parties is expected to continue. These reviews and redactions require improvements in media capabilities and are extremely labor intensive.

In addition, the Records Unit maintains the portal for all case information for the state. This includes the tracking and updating of case information as it is submitted, received, and closed out. The processing of information for submission to the Criminal Justice Professionalism Division of Florida Department of Law Enforcement is also handled by Records Unit staff.

### **Intake Unit and “Prison TIPS Line”**

The "Prison TIPS Line" serves as a portal for the reporting of information related to:

- Crimes;
- Fraud, waste, or misuse of public funds;
- Violation of the Prison Rape Elimination Act;
- Human Trafficking; and
- Abuse, intimidation, neglect or exploitation of the elderly/disabled.

While the "Prison TIPS Line" was established for the specific purpose of reporting the types of incidents listed above, other types of information are also routinely reported on the "Prison TIPS line." Some examples include gang activity, the location of contraband or weapons, threats against staff or inmates, probation violations, absconder locations, suspected abuse of inmates' children, and requests by inmates for interviews.

Inmates, probationers, or any other person that has knowledge of these types of activities can use the "Prison TIPS Line" to provide information anonymously. Inmates can access the "Prison TIPS Line" by dialing \*TIPS (Star 8477) from any inmate phone within a Department facility. Civilians, employees, and inmates housed at private facilities can access the "Prison TIPS Line" by calling a toll-free number (1-866-246-4412).

Inmates have the option of requesting a voice mailbox, which can be accessed using a unique pass code. The voice mailbox provides a mechanism which the caller may exchange messages and information with the Office of Inspector General. The voice mailbox may also be used anonymously.

The "Prison TIPS Line" was accessed over 11,000 times during Fiscal Year 2017-18, with the callers leaving 4,112 messages. Of those messages, 3,276 were left by offenders housed within Department facilities. The remaining 836 messages were left by members of the public or by offenders housed in private facilities.

Calls are reviewed, analyzed, prioritized, and referred for handling by the Intake Unit. Each call is assessed on a case-by-case basis. Calls pertaining to security matters, such as threats to staff or the location of contraband are usually referred directly to the warden at the affected institution. Information relating to gang members or gang activities is forwarded to the Office of Intelligence. Information regarding incidents or crimes occurring outside the correctional system is sent to the law enforcement agency having jurisdiction over the reported activity.

In Fiscal Year 2017-18, approximately 404 reports were generated as a direct result of messages left on the "Prison TIPS line" which resulted in 367 new cases or complaint reviews initiated by the Intake Unit.



**Lester Fernandez**  
Inspector General

**Ken Sumpter**  
Deputy Inspector General

**Doug Wiener**  
Chief of Investigations

**Paul Strickland**  
Chief of Internal Audit

**Florida Department of Corrections**  
Office of Inspector General  
501 South Calhoun Street  
Tallahassee, Florida 32399-2500  
(850) 488-9265