

# **The History of Standards Development in Florida Jails**

## ***Part 1: Professionalizing Jail Facilities***

By  
Ned Hafner  
Director of Corrections and Jail Services  
Florida Sheriff's Association

It may be hard to believe, but prior to the early 1970s, there were no standards in existence for correctional facilities, as it relates to professional training, operation or construction. Correctional facilities were merely buildings that existed to warehouse those who committed, or were alleged to have committed, crimes. Those employed within the jails of Florida were unskilled and provided virtually no tools of the trade. You could say, "It was just a job."

The journey for development of professional standards has been a long one. There have been many decisions for change and a host of individuals over the span of almost four decades have been a part of the journey.

I was very much a part of the corrections revolution. I kind of grew up in the criminal justice system, following college in 1974. I spent time as an instructor at a criminal justice academy and later had the opportunity to be part of the design and construction team of a local jail facility. Once completed, I was involved in the opening and transition into the new facility. In the years that followed, I had the honor of serving as the chief administrator in two jails over the span of the next 24 years, which meant I was part of the development and implementation of the standards for Florida jails.

### ***Professionalizing jail facilities***

In the late 1960s and early 1970s, corrections officials throughout the country recognized that facilities and staffing were being scrutinized and corrective action was needed. Inmates were filing civil lawsuits throughout the country.

Following a 1983 civil rights suit, the Federal Courts were forced to focus on the problems which plagued the corrections industry. They adopted a "hands-on approach," by issuing mandates and entering orders for injunctive relief in many facilities. As local jails began to recognize standards and constitutional mandates, the courts eventually pulled away and allowed the correctional administrators to manage their facilities.

The courts basically said, "If you, (federal, state or local government), are going to maintain a jail or prison, you must operate them in a constitutional manner."

The years between 1972 and 1974 marked the beginning of the development and implementation of acceptable standards in corrections. Federal Legislation created The Law Enforcement Assistance Administration (LEAA) in Washington, D.C. Its mission was to develop standards for federal, state and local corrections. The LEAA published the first code of recommendations, called the "Federal Criminal Justice, Standards and Goals." Each state was given this four-volume collection, along with federal funding via discretionary grants which allowed them to study, edit and implement acceptable standards in their corrections facilities.

Once the state of Florida received the grant, then Gov. Reubin Askew created the, "Governor's Commission on Criminal Justice Standards and Goals." The Commission's

staff support was housed within the Florida Division of State Planning, Bureau of Criminal Justice Planning and Assistance. The main office was located in Tallahassee.

The Federal plan consisted of four separate categories: Police, Corrections, Courts and Crime Prevention. Once Florida accepted the mission, the same four categories were separated into four task forces – independent of each other. The Governor appointed the membership of each of the four disciplines. Further, under the leadership of a Bureau Chief, one professional Planner and a Research Associate was assigned to each of the four disciplines. Additionally, an appropriate number of clerical support personnel were available.

Over the next 18 months, each of the task forces met in different locations around the state. The task forces went through the entire federal publication, word-for-word, and edited or adjusted selected standards to meet the needs of Florida's criminal justice system. At the end of the review, the Bureau produced a single volume encompassing all results of the efforts of the four Task Forces entitled, "Florida Criminal Justice Standards and Goals." This publication was distributed throughout Florida's criminal justice system. Discretionary funding was also made available to local governments as an avenue for implementation of these new standards and goals.

Once the standards and goals movement got under way, issues began to surface. The local county jails were now scrutinized and required to meet these new standards. The Florida Division of Corrections (later named the Florida Department of Corrections) was designated by the Legislature to oversee inspections of county jails. The original inspection report was very subjective. It only consisted of three legal size pages.

### *Lawsuits light fires*

In 1976, *Costello v. Wainwright* was filed at the Federal Courts level. This class action suit alleged that inmates currently incarcerated within the Florida Prison System were not receiving constitutional benefits guaranteed under the 8th Amendment. These same issues were made applicable to all states under the 14th Amendment. The case was originally filed based upon medical issues. However, over the next two decades, several other conditions were addressed pertaining to conditions of confinement, i.e., housing standards, food standards, requirement for regular outdoor recreation, access to courts, access to programs and general overall living conditions. The case took 20 years to resolve.

As a result, standards were developed based upon the constitutional guarantees to be enjoyed by all citizens. Prison inspection, which now became more regular, was based on criterion for that level of care. This system of standards and inspections has been in place since the conclusion of the civil suit.

While the *Costello* case was filed by a state inmate and addressed the prison system, another suit was filed by a county inmate in 1981. *Arias v. Wainwright* addressed the same issues within the county jail system. Filed by an inmate, Willie Arias, who was incarcerated at the Monroe County Jail in Key West, the class action suit included nine other named inmate Plaintiffs.

The *Arias* case addressed the same basic issues pertaining to conditions within the jails regarding constitutional guarantees. After months of deliberations and 12 drafts, a set of operational standards were developed and published. Additionally, a very detailed

inspection report was created with over 50 pages, compared to the three pages cited previously.

These documents become a part of the "Administrative Rules and Regulations for Local Detention Facilities" and were inserted in the Florida Department of Corrections Rules, identified as Section 33-8. These became the newly established rules and regulations for county jails in Florida. Under the new rules, the Department of Corrections was mandated to conduct regular inspections of all of Florida's county jails. In the early days, there were a few municipal jails that were subject to inspection as well. In more recent years, municipal jails have all but disappeared in Florida.

### *Bringing back local rule*

In the mid to late 1980s, there was an effort to remove the jail inspection function from the Florida Department of Corrections. The movers and shakers of this effort felt that the state should not be dictating to local counties how to run their jails. A committee, consisting of two Florida Sheriffs and various county administrators from around the state, was created to study this new concept. This Committee held public hearings throughout the state and citizens were invited to testify; corrections professionals also offered testimony.

The committee eventually made the unanimous decision to make a recommendation to eliminate the Florida Department of Corrections from their jurisdiction over the operation of local jails. As a result of the committee's work, a new document was created to replace Administrative Rule 33-8. The document was called "the Florida Model Jail Standards." It was fashioned after 33-8, but had some minor changes. It was now up to the individual Sheriffs' agencies to promote and enforce their own management priorities and practices. There was no longer an occasion for an outside source to come into the local jails and conduct any form of inspections. The only exception was that the county Health Departments would come in and inspect food and medical services. They also had the responsibility to inspect for vermin.

In order to meet the need for an outside source inspection of local jails, the Model Jail Standards group developed a system. Under the new system, teams would enter the various jails to conduct inspections based upon their standards. The Inspection teams were primarily made up of staff members from neighboring local jails. These individuals were certified as "Florida Jail Inspectors." The certification process for these Inspectors continues to be sponsored by the Florida Sheriffs Association. The certification training is conducted statewide on an as-needed basis. Once certified, the individual is qualified to serve as an Inspector for a period of four years. When this certification expires, the individual may enroll in a re-certification course.

When it is appropriate for a jail to be inspected, the Administrator of that facility coordinates with the other jails within their district or judicial circuit. The team, which is made up of two to three certified jail inspectors from the neighboring county jails, is organized and a date is set to inspect the facility that has made the request. Once the inspection is completed, the Lead Inspector submits a report to the Jail Administrator, which outlines the results. In the event that there are issues to deal with, a corrective action report is requested. Generally, within a 30-day period a response is submitted back to the inspection team.

The major difference between jail inspections conducted under the auspices of the Florida Department of Corrections and the Florida Model Jail Standards system is that the process no longer has any teeth. When the DOC conducted the inspections, it was mandatory – by state statute – that the jail take corrective action. Under the Model Jail Standards inspection system, it is merely an option that they (the jail) can choose to ignore. The only reason that the jail would want to comply is so that they can seek and maintain accredited status under the Florida Corrections Accreditation Commission.

## **The History of Standards Development in Florida Jails**

### **Part 2: Professionalizing jail staff**

To address professionalism and staffing, the Governor created the Correctional Standards Council. Their mission was to develop standards and training for corrections personnel. Many hours were involved in the writing of the curriculum to be delivered to the participants. Originally, 20 training academies were certified to conduct the certification programs. These consisted of 18 Community/Junior Colleges and two Vocational-Technical Centers.

This Council was administratively assigned to the Department of Corrections. The majority of the appointments were ex-officio in nature. The members consisted of state-level executives, such as the Department of Corrections Secretary and the Florida Attorney General. Other members were local jail administrators and criminal justice educators; one member was an at-large participant.

This group met on a regular basis for a couple of years. The staff support was assigned by the Department of Corrections. Initially, this support consisted of a Chief, two Field Representatives and one clerical support person. Later, as the mission was expanded and the daily responsibilities increased, the staff grew larger.

The first approved basic course curriculum consisted of 160 contact hours of instruction. The curriculum was heavily geared towards behavioral types of training as well as legal liability and the varied responsibilities of a corrections officer. It should be noted that the 160-hour curriculum was a minimum. Some academies or agencies chose to add additional hours of contact by expanding some of the subject matter as well as add topics. This, however, came about later in the process.

Once the trainees successfully completed this course they became Certified Corrections Officers. One of the major issues facing the professionalism effort was the establishment of a "Grandfather Clause," and July 1, 1974 was chosen as the magic date. If an officer was employed before that date, he/she was "grandfathered" in as a Certified Corrections officer. If appointed after that date, the officer was required to successfully complete the basic course.

The second magic date was July 1, 1976. That's when all correctional personnel were required to be state certified. The question was, what do you do with those correctional officers who did not meet the deadline? The initial plan was to discharge them, but a court case arose based on a class-action suit filed by a group of officers. The ruling was in their favor and the opinion, of course, was based upon the fact that when they were hired, certification was not a condition of employment. This issue was

quickly resolved by making further adjustments on the dates and resulting in no one being discharged.

In 1981, the contact hours were doubled. The curriculum now required a total of 320 hours of training in the basic academy. In the years since this adjustment, many more changes and additions have occurred. Today, the average training curriculum is well over 600 hours.

#### *Formation of a new commission*

In approximately 1983, the Correctional Standards Council was abolished. The responsibility of conducting the certification process for Corrections Officers was assigned to the Police Standards Commission. This independently-appointed body is staffed by the Florida Department of Law Enforcement. The name of the component was eventually changed to the Criminal Justice Standards and Training Commission. The Commission is responsible for the certification for both Corrections personnel and Law Enforcement personnel. The structure and organization remains the same today.

The next organization that was developed to further the cause of professionalism in corrections was the formation of the Florida Corrections Accreditation Commission, in 1998. The purpose of this 11-member body of criminal justice professionals is to develop standards for the accreditation of local jail facilities. The development of the accreditation standards was, for the most part, derived from the Florida Model Jail Standards. This process once again allows an independent body to evaluate the operations of a local jail facility.

Each jail may apply for accreditation status and it is strictly voluntary, on the part of each agency. The desire to become an accredited agency is a lengthy process that involves the individual jail reviewing all of its practices as well as policies and procedures utilizing the Accreditation Commission documents as a guide. Once the facility considers that they are ready for the formal process, the commission sends in selected accreditation assessors to conduct a "mock evaluation." This is usually about a three-day exercise. At the conclusion of this assessment, the facility administration is informed of the positives and negatives in meeting the standards, and provides guidance on any shortfalls that might exist to encourage corrective action.

At the discretion of the facility administrator, they may request the formal on-site evaluation. Once again, the commission sends in a team of assessors to review the facility. Once all of the requirements have been met, the facility receives their certificate of accreditation good for three years. The facility may request re-accreditation status at expiration and the process is started all over again.

The positive side of this process is that it allows outside professionals to enter the facility and make assessments. What could be better than to have fellow professionals enter your operation and offer their input and views – both positive and negative? This system also creates an open dialogue between fellow professionals, which ultimately encourages the positive elements of networking.

One of the primary benefits of the accreditation process is that it enforces practices that minimize exposure to liability issues. For the most part, the accreditation standards, which were derived from the Model Jail Standards, have already passed muster regarding "protection from liability" issues, as many of them have been repeatedly tested in the court system.

Over the years of attending state and national academies, conferences, workshops, etc., it has become apparent that the problems that we face in Florida corrections are found in other jurisdictions as well. We all share the same issues and challenges. However, as I travel the country, it has been encouraging to know that Florida is ahead of many other states. It all goes back to the early 1970s, when Florida Corrections professionals recognized the problems and worked toward resolution over the years.

There is no comparison to the conditions and operations of local jails today with the standards (or lack of) and practices of pre-1970. Construction standards, operational standards and staff development standards have brought about better and more professional jails throughout the state. Because of the early efforts of the Criminal Justice Standards and Goals Commission, this has also become true in other parts of the country.

*For more information, contact Ned Hafner via e-mail, [nhafner@flsheriffs.org](mailto:nhafner@flsheriffs.org) or call the Sheriffs Association toll free: 800-877-2168.*