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TO: Robert Majka, Assistant County Manager

FROM: Rick Anglin, Corrections Manager / Contract Monitor

RJA

Date: November 13, 2007

SUBJECT: Incident Review - Erroneous Releases

At approximately 2:30 PM on Friday, November 2, 2007, I was notified by Corrections Corporation of America (CCA) Warden Joseph Ponte that multiple inmates assigned to the Life Line Program had been released in error on the evening of Thursday, November 1, 2007. As a result, I have conducted a review of this incident, which included a review of inmate case files, CCA policies and procedures, incident reports, as well as interviews with inmates and discussions with CCA staff.

Background

Upon notification that inmates had been released in error, the following list of names was provided.

Table with 3 columns: Name, Correct, Anticipated Release Date. Rows include Joseph Rogers, Rendi Prestidge, Jackie Cummings, Danny Gray, Michael Friend, Shandy Brown, Regina Jones, Billie O'Neal, and Rickie Homer.

At the time of notification, inmates Jones and Homer were already back in custody. I was advised that the Sheriff's Department had been notified and were in the process of retrieving the other inmates.

On Saturday, November 3, 2007, at approximately 8:00 am, I received a call from Warden Ponte and he advised that all of the inmates were back in custody except for Michael Friend and Joseph Rogers. Michael Friend subsequently

returned to the jail on Monday, November 5 at 4:30 pm and Joseph Rogers returned from Alabama on Wednesday, November 7 at 4:35 pm.

Warden Ponte notified me on Monday, November 5 at approximately 3:00 pm that inmate Stephanie Hutchinson had also been released on the same evening as the other inmates, but it appeared to be different circumstances and that his staff needed to address the case with the Judge to see if the release was appropriate. On November 6, CCA staff were advised by the Judge that inmate Stephanie Hutchinson needed to return to jail. Upon review of this case, it was revealed that her Graduation Certificate had been dated 10/24/07, instead of the correct date of 11/24/07. Therefore, this was also an erroneous release. Stephanie Hutchinson was contacted and she returned to jail on Tuesday, November 6 at 5:25 pm.

Chronology of Events

11/1/2007

11:30 am - Life Line Graduation Certificates were printed in advance and faxed from the Annex to Classification at the Main Jail. The actual graduation date was in bold print at the bottom of each certificate. Based on statements from staff, it has been the practice for at least two years to print certificates one to two weeks in advance of their graduation date and then fax the certificate to classification.

12:00 pm - The Correctional Assistant working in booking received the certificates via fax. The Classification Officer that normally receives and processes these certificates is on annual leave. The officer that is assigned as his backup is on sick leave. Therefore, the Correctional Assistant communicated with the only Classification Officer available as to what should be done with the certificates. He was advised to find the inmate files and check the records. The Correctional Assistant confirmed that the court documents stated the inmates could be released after completion of the Life Line program and then prepared the files for release.

6:00 pm - The desk officer in booking reviewed the files for release and did not observe the graduation date on the certificates.

6:55 pm - The Main Jail called the Annex and advised them to get the above mentioned inmates ready for transport and release. Multiple inmates advised staff at the Annex that they had not finished the program and that it was not time for their release. The 7:00 pm inmate count was being held up so the inmates could be transported. Due to the confusion in the female unit about the inmate releases, the Captain went to the female unit and advised the inmates to get ready to go.

8:05 pm - The Booking Sergeant was advised that releases were running late. He received the files, observed the certificates, and completed the "Inmate Release Verification Checklist" for each inmate. He did not observe the graduation date on the certificates.

8:30 pm - The files were passed to the Booking Lieutenant for final release approval. The Lieutenant observed the court documents indicating the inmates could be released upon completion of the Life Line program. He checked and circled the name on each certificate, and he completed the "Inmate Release Verification Checklist" for each inmate. According to the Lieutenant, he did not check the date of completion on the certificates.

8:40 pm – The first inappropriate inmate release occurred, with the last one occurring at 9:45 pm.

11/2/2007

7:30 am – Life Line staff were preparing for the graduation ceremony scheduled for this morning, when they were advised by another Life Line inmate that several inmates had been released.

Findings and Corrective Actions or Recommendations

1) There was a seven-hour delay between the 7:30 a.m. Friday morning discovery of the incident and notification of the Bay County Contract Monitor.

Corrective Action: Notification of the Bay County Contract Monitor will occur within 30 minutes of CCA administration's notification of any unusual incident occurring at the Bay County Jail or the Bay County Jail Annex.

2) The printing of Life Line graduation certificates prior to the inmate's actual graduation initiated a series of events that lead to the erroneous releases. This practice apparently began at least two years ago in an effort to not delay an inmate's release. Although it would be simple to attribute these inappropriate releases to these certificates being printed early, the release process should be independent of this practice.

Corrective Action: A new procedure should be developed to prevent Life Line certificates from being printed in advance. The graduation certificate should not be used as the primary indicator for release.

3) Inadequate staffing in the classification department on the day of the incident was a significant factor resulting in the erroneous releases. There appears to have been no clearly defined delegation of duty to ensure duties of those absent would be covered. Several of the more experienced staff, to include the Booking Captain, the Classification Officer assigned to the main jail, and the Classification Officer's assigned backup, were on leave. As a result, a Correctional Assistant with minimal experience initiated the release process for the Life Line inmates.

Corrective Action: A written plan should be developed to ensure there is a clear delegation of duty for staff in the Booking and Classification areas. The plan should include sufficient cross training for staff to ensure that multiple staff have knowledge of all duties in their respective area. Additionally, the Booking

Captain must ensure there is adequate coverage when there is a staff vacancy or absence.

4) Another factor resulting in the erroneous releases appears to be the lack of clearly defined written procedures for the booking and classification departments. Although CCA has written policies and procedures for releasing inmates, they are rather broad and are not specific to the operations of the Bay County Jail. Written procedures specifically regarding all duties relating to inmate releases could have prevented this incident.

Corrective Action: Written procedures that clearly define all duties in Booking and Classification should be immediately developed. A procedure should include a new more comprehensive release checklist. These procedures should be easily accessible to staff working in these areas.

5) Poor staff judgment and staff errors appear to have been major factors contributing to this incident. Multiple inmates advised staff that they were not supposed to be released, but it appears that the inmates' claims were not properly researched. A graduation ceremony was scheduled for the next morning for these Life Line inmates and should have been an indicator that something was wrong. Additionally, because Life Line inmates are released immediately after successfully completing 120 days in the program, their release dates are typically varied, and it would be extremely rare to release such a high number of Life Line inmates on the same date. Finally, four staff reviewed the inmate files for release and no one observed that the actual graduation date on the certificates was not the present date.

Recommendation: Include the details of this incident in upcoming staff meetings and training sessions to demonstrate errors that occurred and the need for individual responsibility. This case demonstrates how employees assumed that someone else had properly identified the inmates for release; therefore numerous staff failed to prevent the erroneous releases.

It is acknowledged that Warden Ponte has already initiated implementation of some corrective actions.

Contractual Agreement

The Bay County / CCA Jail Operations and Maintenance Contract states on Page 14, Number 5, Damages, " The COUNTY may assess damages against CONTRACTOR based on the following events:

A. Three (3) or more erroneous releases of a resident within a ninety-day (90) period solely due to CONTRACTOR'S acts or omissions.

The occurrence of any of the above events may result in the payment of damages by CONTRACTOR to COUNTY for one percent (1%) of that portion of the monthly invoice amount attributed only to COUNTY RESIDENTS for the month in which the last event that triggers application of this section occurs. The damage amount shall be subject to a maximum cap of Twenty Thousand

Dollars (\$20,000). The damages may be withheld from monies due Contractor."

Based on the review of this incident, it appears the assessment of damages in accordance with the above-cited agreement would be appropriate.