



## While DMS Has Improved Monitoring, It Needs to Strengthen Private Prison Oversight and Contracts

### *at a glance*

Although the Department of Management Services (DMS) has recently improved monitoring, it needs to further strengthen its oversight of the state's six private prisons and improve its contracts with these vendors. The department has developed stronger monitoring tools to assess contract compliance and it has imposed penalties for violations of contract requirements. However, DMS has not adequately addressed security, contraband, and prison infirmary problems identified by Department of Corrections' reviews of the private prisons, citing its lack of expertise in corrections issues.

DMS contracts do not ensure that the private prisons house inmates requiring comparable levels of health and mental health care as public prisons. The contracts also do not establish performance standards for the private prisons' inmate education, vocation, and treatment programs, and do not establish comparable policies for inmate family visitation and telephone costs as those provided by the state's public prisons. DMS also has not developed written criteria for allowable uses of Inmate Welfare Trust Fund monies, which hinders its ability to ensure that the funds are used for their intended purpose.

### Scope

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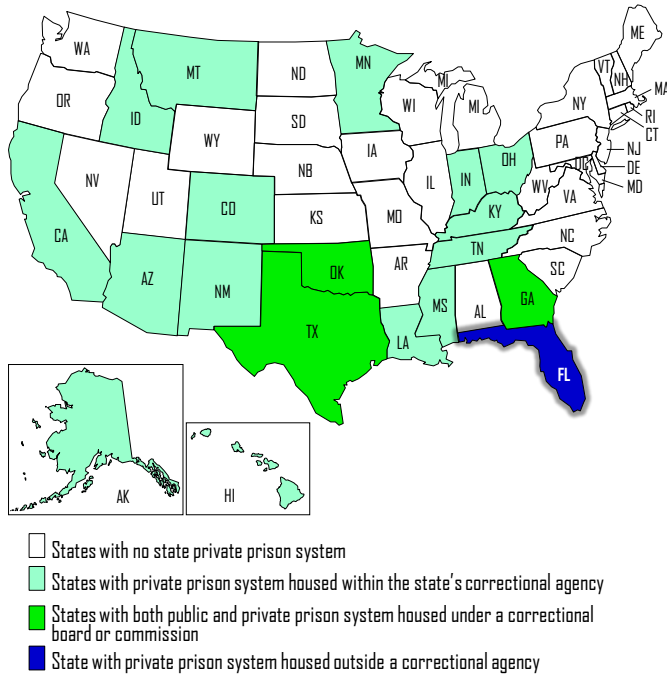
As requested by the Legislature, this review assesses the Department of Management Services' contracting and oversight of private prisons.

### Background

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The Florida Legislature authorized the Department of Corrections to contract with private companies to construct and operate private prisons in 1989. In 1993, after the department had not successfully contracted for any private prisons, the Legislature established the Correctional Privatization Commission to facilitate the process. The commission was an independent budget entity administratively housed, but independent from, the Department of Management Services (DMS). The commission subsequently awarded contracts for four private prisons; there are now a total of six. Effective July 1, 2005, the Legislature abolished the commission after its first executive director was fined and fired for ethics violations and the second imprisoned for embezzlement of state funds. Responsibility for private prison contracting and oversight had been transferred on July 1, 2004, to DMS, which created the Bureau of Private Prison Monitoring under its Division of Specialized Services. This organizational placement is unique in the nation; as shown in Exhibit 1, of the 19 states that have private prisons, only Florida places administrative responsibility for private prisons outside of a correctional agency or a correctional commission overseeing both public and private prison systems.

**Exhibit 1  
Florida Is Unique in Placing Its Private Prisons  
Under a Non-Correctional Agency**



Source: OPPAGA analysis.

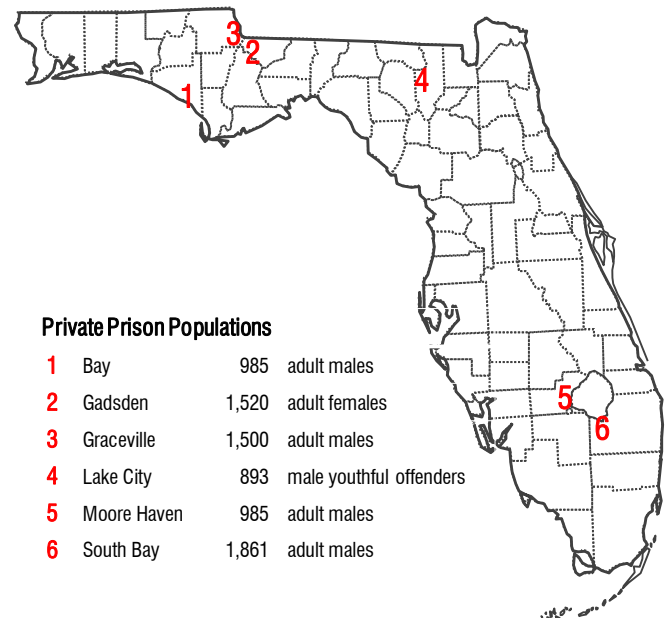
Florida law broadly outlines the responsibilities of the Departments of Corrections and Management Services regarding private prisons. Chapter 944, *Florida Statutes*, assigns legal custody of all Florida inmates in state and private prisons to the Department of Corrections. As such, the department makes all decisions that affect inmate discipline, gain time, and release. The department also conducts routine security, infirmary, and contraband audits in both public and private prisons.

Chapter 957, *Florida Statutes*, charges DMS with issuing contracts, establishing operating standards, and monitoring compliance of the state's private prisons. The department is responsible for ensuring that the private prisons are accredited by the American Correctional Association, which also accredits the state's public prisons. The DMS is responsible for ensuring that the private prisons follow the policies, procedures,

and rules of the Department of Corrections, as long as these requirements do not interfere with the mission of cost-effective private prisons. DMS also is responsible for ensuring that private prisons save the state at least 7% of the cost of operating a comparable state facility, while also housing a representative cross-section of the state's inmate population, and providing inmate programs designed to reduce recidivism.

DMS' Bureau of Private Prison Monitoring employs eight central office staff and six field contract monitors, who work full-time in each of the state's private prisons, to help ensure contract compliance. Along with the agency's general counsel and purchasing department, the bureau issues invitations-to-negotiate and reviews vendor bids when new contracts are to be awarded. As of October 1, 2008, the six private prisons housed 7,725 of the state's 99,048 inmates at a cost of approximately \$133 million a year.<sup>1</sup> Exhibit 2 shows the location and size of the private prisons.

**Exhibit 2  
Six Private Prisons Operate In Florida**



Source: Department of Corrections website, Fall 2008.

<sup>1</sup> Costs are the appropriated general revenue for operations.

## Findings

Although DMS has improved its oversight of private prisons, stronger monitoring and better contracting is needed. The department's oversight is hindered by its lack of corrections expertise, and it has not addressed problems identified in a variety of Department of Corrections' audits, including the critical areas of security, infirmary operations, and contraband control. The current contracts do not ensure that private prisons house inmates requiring equivalent levels of medical and mental health care to those housed by the state's public prisons, which can result in increased state costs. The contracts also have not adequately held vendors accountable for the effectiveness of their inmate educational, vocational, and substance abuse programs. The inmate family visitation and telephone cost policies of the private prisons are not equivalent to those of the state's public prisons and do not conform to legislative intent. Finally, the department has not developed written criteria for distributing Inmate Welfare Trust Fund monies to help ensure that these funds are used for their intended purpose.

***Although improved, the department's private prison oversight is insufficient and it reports a lack of expertise***

When public services are outsourced, it is important that the state establish both detailed contracts that establish clear service requirements and strong oversight procedures that ensure that these contract requirements are met and services are delivered as intended. As noted by the DMS inspector general, "Successfully managing privately operated prisons involves more than procuring and issuing contracts. It requires constant oversight and involvement with vendors to ensure that vendors not only adhere to contract terms but that the safety of the public and welfare of inmates are ensured."<sup>2</sup>

While DMS has recently strengthened its oversight efforts, additional steps are needed. After a critical inspector general report in 2007 that concluded that the Bureau of Private Prison Monitoring was not exercising sufficient contract oversight, DMS took steps to improve its monitoring activities.<sup>3</sup> Specifically, the bureau developed and began using a 300-item evaluation checklist that established detailed contract monitoring requirements. After implementing this checklist in October 2007, DMS contract monitors stationed at each prison were better able to document contract violations; this improved oversight resulted in removing three prison wardens and assessing \$3.4 million in deductions and fines.

However, the bureau's oversight continues to need strengthening. A key critical weakness is that the bureau has not addressed problems identified in the Department of Corrections' reviews of security, contraband, and health infirmary operations of the private prisons. The Department of Corrections performs these reviews in both public and private prisons as part of its overall responsibility for inmate health and safety.

The Department of Correction's audits have found repeated and substantive problems in the private prisons. These have included

- violations of security requirements that could endanger the public, correctional officers, and inmates, including inoperable alarms, spotlights, and escape sensors; buildings not checked for tunneling; and missing tools that could be crafted by inmates into weapons;
- violations of prison infirmary requirements, including lost or never executed physician-ordered laboratory tests, long delays (up to five months) in filing medical records, unsanitary conditions, and nursing staff vacancies; and
- contraband violations including positive inmate drug tests and inmate possession of drugs and drug residue, gang material, and weapons as well as staff and visitors arriving at the prisons in violation of contraband policies.

<sup>2</sup> See *Contract Monitoring at Privately Operated Prisons*, Department of Management Services' Office of the Inspector General, Report No. IA 2006-28, March 12, 2007.

<sup>3</sup> *Ibid.*

These audits have indicated that the private prisons need to improve their intelligence gathering and enforcement of contraband policies governing prison staff and visitors.

The state lacks an adequate mechanism to ensure that these problems are resolved. While the Department of Corrections issues audit reports to the private prisons, it lacks authority to compel the vendors to correct problems found during the audits. DMS officials reported that the bureau has not taken action in response to these findings because neither its headquarters staff nor its contract monitors stationed at the private prisons are subject matter experts in corrections. Bureau officials and most of the monitors stationed at the private prisons have limited experience and training in corrections operations. DMS has not provided the contract monitors with corrections training in prison safety and security techniques; inmate manipulation resistance; defensive tactics and hostage procedures; and contraband detection and control.

As a result, neither DMS nor the Department of Corrections adequately addresses problems in these areas. DMS officials assert that security, contraband, and related problems identified in the Department of Corrections' audits should be followed up by that agency, since it is the correctional expert. However, Department of Corrections' officials note that the agency lacks authority to require corrective action by private prison wardens and has sent a letter of concern about these repeated violations to DMS.<sup>4</sup> This jurisdictional issue remains unresolved and the state currently has no assurance that identified security, contraband, and health infirmity problems in private prisons are corrected.

Similar issues have been highlighted by the DMS inspector general, who recommended that responsibility for overseeing the private prisons be transferred to the Department of Corrections.<sup>5</sup> Unless the Legislature elects to make this change, however, it is DMS' responsibility to address safety and security issues in the private prisons.

***Current contracts with private prisons do not ensure that the private prisons house a representative cross-section of inmates and lack adequate provisions for inmate programs and family visitation***

The current contracts DMS has established with private prison vendors have weaknesses that reduce the state's assurance that private prisons are operated in accordance with legislative intent. Specifically, the contracts do not

- assure that private prisons serve inmates with comparable medical and mental health conditions as those housed in public prisons;
- hold vendors accountable for ensuring the effectiveness of inmate education and rehabilitation programs; and
- ensure that inmate families are treated equitably in regard to telephone and visitation policies.

As DMS is currently entering into negotiations with vendors for new private prison contracts, it will be important for the department to ensure that its next contracts correct these deficiencies.

**Current contracts do not assure that private prisons serve inmates with comparable medical and mental health conditions as those housed in public prisons.** Florida law requires that private prisons operate at a cost savings of at least 7% below the cost of comparable state prisons and that state and private prisons house a representative cross-section of inmates with comparable conviction and custody levels.

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<sup>4</sup> Private prison wardens have disputed the significance of some of the violations and Department of Corrections' officials report it can identify problems in private prisons but cannot enforce their correction because the department is not a signatory on the contracts with vendors. Officials within both agencies report that the two agencies do not want to co-sign and share contractual responsibility with the other.

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<sup>5</sup> See *Contract Management of Private Correctional Facilities*, Department of Management Services' Office of Inspector General, Report No. 2005-61, June 30, 2005.

Historically, state policies also have required both types of prisons to house comparable percentages of inmates with certain medical and mental health conditions. Comparable assignment of these inmates, which are called “special needs” inmates, is important because it ensures that both the vendor and the state are shouldering an equal burden in paying the higher costs associated with these inmates.

When the Correctional Privatization Commission had oversight of private prisons, the percentages of special needs inmates assigned to state and private prisons were negotiated in three-way transfer agreements between the commission, the vendor, and the Department of Corrections. These transfer agreements allowed the state to readjust the percentages of special needs inmates assigned to private prisons as the overall inmate population changed to ensure that both private and public prisons served comparable levels of special needs inmates.

When the Department of Management Services became responsible for overseeing private prison contracts in 2004, it removed these provisions from the transfer agreements and moved them into its new contracts with the vendors. The result of this change was to lock in percentages of

special needs inmates the private prisons were to serve over the life of the contracts (typically two to three years).

While the percentages of special needs inmates specified in the contracts reflected the overall state inmate population when the contracts were signed, the population has changed over time and the state is now housing a disproportionate share of inmates requiring extra medical and mental health care (see Exhibit 3.)

As special needs inmates are more expensive to serve than other inmates, the difference in the populations of public and private prisons results in the state shouldering a greater proportion of the cost of housing these inmates. As a result, the requirement that the private prisons operate a 7% lower cost than state facilities is undermined.<sup>6</sup> It will be important for DMS to address this issue as it enters into negotiations for new contracts with the private prison vendors.

<sup>6</sup> We were unable to identify the fiscal impact of the difference in inmate populations served by the public and private prisons as the Department of Corrections has not calculated the increases in per diem costs of inmates requiring augmented medical and mental health care. The Correctional Medical Authority in 2007 recommended that the department conduct such an analysis.

**Exhibit 3  
State Prisons House a Larger Percentage of Inmates with the Highest Health Care Costs**

Private Prison	Percentages of Special Needs Inmates Assigned to Private and State Prisons					
	Medical Grades 2 or 3			Psychological Grade 3		
	Private Prison	Comparable State Prison <sup>1</sup>	All State Prisons <sup>2</sup>	Private Prison	Comparable State Prison	All State Prisons
Gadsden	32%	47%	48%	12%	27%	38%
Graceville	16%	53%	37%	18%	67%	12%
South Bay	16%	41%	37%	18%	30%	12%
Lake City	16%	15%	14%	3%	3%	4%
Bay	16%	29%	37%	NA		
Moore Haven	16%	29%	37%			

<sup>1</sup> Comparable state prisons are those that vendors bid against to demonstrate they could operate a private prison at a 7% savings, as required by s. 957.07, Florida Statutes. For the Gadsden private prison, vendors bid against the state’s Hernando prison. For Graceville they bid against the state’s Franklin facility for medical grade 2 and 3 inmates and against the state’s Santa Rosa facility for psychological grade 3 inmates. Vendors bidding the South Bay prison bid against the state’s Okeechobee facility and vendors bidding Lake City bid against the Brevard state facility. Vendors bidding the Bay and Moore Haven private prisons bid against Lawtey. By contract, Bay and Moore Haven do not accept psychological grade 3 inmates.

<sup>2</sup> Comparisons for all state prisons are as follows: the Gadsden private prison is compared against the state’s 5 female facilities; Graceville, Bay, South Bay, and Moore Haven are compared against all of the state’s 47 adult male facilities, and Lake City is compared against all the state’s 3 male youthful offender facilities.

Source: Department of Management Services’ private prison contracts and Department of Corrections’ records.

**Current contracts do not hold vendors accountable for the effectiveness of inmate education and rehabilitation programs.** The department’s contracts for the private prisons lack adequate accountability provisions for inmate programs designed to reduce recidivism. Private prison vendors are required to provide academic, vocational, behavioral, and substance abuse inmate programs, while also ensuring that between 10% and 30% of inmates enroll in these programs. These programs have been shown to be effective in reducing inmate recidivism and long-term state prison costs.<sup>7</sup>

While the current private prison contracts include inmate participation standards, they lack performance standards of program quality and success. Notably, the contracts do not currently include commonly used performance measures and standards such as the percentage of inmates who

- successfully complete GED education programs;
- graduate from treatment programs;
- complete vocational programs; and
- successfully complete transition, rehabilitation, or other support programs without subsequent recommitment to the state’s correctional system within 24 months of release.<sup>8</sup>

The Department of Corrections uses these performance measures for inmate programs in public prisons. Including these standards in the private prison contracts would provide greater assurance to the state that inmate programs in the private prison are effectively delivered.

**Current contracts do not ensure that inmate families are treated equitably in regard to telephone and visitation policies.** Florida law requires prisons to promote visitation between inmates and their families. This policy reflects national studies that show that maintaining contact between inmates and their families can

help reduce recidivism and improve outcomes for children in their families.<sup>9</sup> Two key areas that help preserve these relationships are telephone contact and prison visitation.

Current private prison telephone and visitation policies do not conform to state policies or legislative intent in these areas. In 2007, OPPAGA reported that families of inmates in Florida’s private prisons were being charged substantially more on average for inmate phone service and were allowed only half the inmate visitation opportunities as families of inmates in state prisons.<sup>10</sup> Inmates in both public and private prisons may place collect phone calls to their families and others on a pre-approved list. While the families of inmates in state prisons pay \$0.50 for a 15-minute collect call, families of inmates in private prisons, on average, pay \$6.18 for the same length call.

The private prisons have more restrictive visitations policies than state prisons. Families of inmates in state prisons are allowed to visit on Saturdays and Sundays each week. In contrast, families of inmates in private prisons are authorized (depending on the private prison) to visit only every other weekend or are assigned to visit on a Saturday or a Sunday, but not both days. DMS reports that the reason for this difference is that private prison visitation centers are too small to allow more frequent family visitation. However, data provided by DMS shows that these centers have twice the median square feet of those in public prisons.

As DMS negotiates new contracts for private prisons, it should adjust contract terms to provide equivalent inmate telephone and visitation opportunities as those available in public prisons.

<sup>7</sup> See *Review of the Department of Corrections*, OPPAGA Report No. 00-23, December 2000, revised April 2001.

<sup>8</sup> Calculation of such measures should take into account program exits for administrative reasons such as transfers arranged by the Department of Corrections.

<sup>9</sup>In addition to reducing recidivism, research also shows that children with parents who are in prison are more likely than their peers to commit crimes and become incarcerated themselves, but these odds are reduced when the incarcerated parent maintains a relationship with the child. See LaVigne, Nancy G., Naser, Rebecca L, Brooks, Lisa E, Castro, Jennifer, “Examining the Effect of Incarceration and In-Prison Family Contact on Prisoners’ Family Relationships,” *Journal of Contemporary Criminal Justice*, Vol. 21 No. 4, November 2005, 314-335.

<sup>10</sup> See *Some Inmate Family Visitation Practices Are Not Meeting the Legislature’s Intent*, OPPAGA Report No. 07-16, February 2007.

This would be consistent with legislative intent and help reduce inmate recidivism and long term state costs.

***The department has not developed written criteria for approving Inmate Welfare Trust Fund requests from vendors***

Monies in the Privately Operated Institutions Inmate Welfare Trust Fund are collected from revenues received from prison telephone systems and inmate stores that operate in prisons. These stores, called canteens, enable inmates to purchase food, cigarettes, and toiletries with monies they earn or receive from their families. According to department staff, approximately \$1.5 million is collected each year in private prisons, placed in the trust fund, and appropriated to the Department of Management Services' Bureau of Private Prison Monitoring. Vendors make requests to the bureau to use these monies for various projects and programs designed to benefit inmates. These projects may include such things as supplies for programs that enable inmates to train guide dogs for the blind.

DMS has not developed written criteria for the allowable uses of these funds. Instead, it has considered vendor requests on a case-by-case basis. The department's inspector general reported in 2005 and 2007 that some vendors had not used these funds for their stated purpose, but instead used the monies to buy computers and software for administrative staff. Other vendors could not account for assets purchased with fund monies.<sup>11</sup>

Developing written criteria for use of the trust fund would provide guidance to bureau and vendors in how the funds should be used and would help prevent such abuses.

## Recommendations

To improve vendor oversight and contract management, we recommend that the Department of Management Services

- ensure that private prisons resolve violations cited by Department of Corrections security, infirmary, and contraband operations audits;
- through attrition, hire managers and contract monitors with adult corrections expertise;
- provide training to staff responsible for overseeing the private prisons, including training in prison safety and security procedures, inmate manipulation resistance, defensive tactics, and contraband detection and control;
- ensure that future contracts have the flexibility to adjust percentages of special needs inmates to allow for changes in the overall state populations of those inmates; percentages should be based on Department of Corrections special needs population forecasts, so that medical and mental healthcare costs are appropriately shared by both private and state prisons;
- modify future private prison contracts to require vendors to report the same performance measures for inmate programs in private prisons as reported by the Department of Corrections for its public institutions;
- develop inmate visitation policies and telephone rates for the private prisons that are consistent with those policies followed by the state's public prisons and encourage inmate family contact, as directed by statute, and
- develop written criteria for awarding Privately Operated Institutions Inmate Welfare Trust Fund monies so that its staff can verify that the funds are being used appropriately.

In addition, the Legislature may wish to consider whether these contracting functions are appropriately housed within the Department of Management Services or should be transferred to the Department of Corrections.

<sup>11</sup> See *Contract Management of Private Correctional Facilities*, Department of Management Services' Office of Inspector General, Report No. 2005-61, June 30, 2005, and *Contract Monitoring at Privately Operated Prisons*, Department of Management Services' Office of Inspector General, Report No. IA 2006-28, March 12, 2007.

If the Legislature determines to retain these functions within the Department of Management Services, it could direct, via proviso, that the department submit a report on how it has corrected the problems identified in this report, as well as those previously cited in the agency inspector general’s 2007 report.<sup>12</sup> The Department of Management Services is a logical entity to manage private prison contracts since it is the state’s primary agent for contract management. This placement also provides independence from the Department of Corrections; this independence was a primary factor in the Legislature’s decision to place this function with the Department of Management Services. However, the department needs to provide its staff with additional training to enable them to better oversee correctional facilities.

Alternatively, the Legislature could transfer the Bureau of Private Prison Monitoring to the Department of Corrections. That department

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<sup>12</sup> See *Contract Management of Private Correctional Facilities*, Department of Management Services’ Office of the Inspector General, Report No. 2005-61, June 30, 2005, and *Contract Monitoring at Privately Operated Prisons*, Department of Management Services’ Office of the Inspector General, Report No. IA 2006-28, March 12, 2007.

would also be a logical entity to perform this function as its core mission is providing correctional services, and it has the organization, staff, knowledge, and experience to oversee and manage correctional operations. Placing this function in the Department of Corrections would be consistent with the practices of other states in the nation, but would not provide organizational independence from the department. Department of Corrections managers report that it could perform the Bureau’s functions with three fewer positions, resulting in an annual cost savings of approximately \$200,000.

## Agency Response ---

In accordance with the provisions of s. 11.51(5), *Florida Statutes*, a draft of our report was submitted to the Secretary of the Department of Management Services for review and response. The written response from the Secretary of the Department of Management Services is reproduced in its entirety in Appendix A.



## Appendix A

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Governor Charlie Crist

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Secretary Linda H. South

December 24, 2008

Mr. Gary R. VanLandingham, Director  
Office of Program Policy Analysis and  
Government Accountability  
Room 312, Claude Pepper Building  
111 West Madison Street  
Tallahassee, FL 32399-1450

Dear Mr. VanLandingham:

Pursuant to Section 11.51(5), Florida Statutes, attached is the Department of Management Services' response to your preliminary and tentative audit report, ***While DMS Has Improved Monitoring, It Needs to Strengthen Private Prison Oversight and Contracts***. The attached response corresponds with the order of your preliminary and tentative audit findings and recommendations.

If further information is needed concerning our response, please contact Steve Rumph, Inspector General, at 488-5285.

Sincerely,

Linda H. South  
Secretary

Attachment

cc: Ken Granger, Chief of Staff  
J.D. Solie, Director, Division of Specialized Services

We serve those who serve Florida.

Mr. Gary R. VanLandingham  
December 24, 2008  
Attachment Page 1

**Florida Department of Management Services  
Response to OPPAGA's  
Preliminary Findings and Recommendations**

**Findings:**

The department's oversight is hindered by its lack of corrections expertise, and it has not addressed problems identified in a variety of Department of Corrections' audits, including the critical areas of security, infirmary operations, and contraband control. The current contracts do not ensure that private prisons house inmates requiring equivalent levels of medical and mental health care to those housed by the state's public prisons, which can result in increased state costs. The contracts also have not adequately held vendors accountable for the effectiveness of their inmate educational, vocational, and substance abuse programs. The inmate family visitation and telephone cost policies of the private prisons are not equivalent to those of the state's public prisons and do not conform to legislative intent. Finally, the department has not developed written criteria for distributing Inmate Welfare Trust Fund monies to help ensure that these funds are used for their intended purpose.

**Recommendations and Responses:**

To improve vendor oversight and contract management OPPAGA made the following recommendations. Our responses follow.

- Ensure that private prisons resolve violations cited by Department of Corrections security, infirmary, and contraband operations audits

**Concur:** *The department will establish written policies and procedures to ensure that vendors resolve deficiencies cited in Department of Corrections (DC) audits. Upon receipt of a DC security audit, the Bureau of Private Prison Monitoring (Bureau) will provide the vendor with written notice of any noncompliance issues and direct the vendor to submit a plan to correct the issue(s). Vendors will have 20 days to develop and submit a corrective action plan and a total of 45 days from the date of notification to correct the noncompliance issue(s). We will exercise our contractual prerogative to assess liquidated damages against the vendor if audit findings remain unresolved beyond the 45-day timeframe or take other action provided for in the contract. We will develop similar procedures to resolve noncompliance issues cited in infirmary and contraband operations audits. In cases where the vendor takes immediate action to correct a deficiency and a corrective action plan is not required, the Bureau will provide DC with written notification*

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*of the action taken. We anticipate that written policies and procedures will be established by March 31, 2009.*

- Through attrition, hire managers and contract monitors with adult corrections expertise

**Non-concur:** *As noted in the report, the department is responsible for contracting for, and administering contracts for the operation and management of the state's privately operated prisons. The department is responsible for assuring that vendors provide essential services to inmates, comply with contract terms and conditions and perform to standards. The primary responsibility of Bureau staff is, therefore, to monitor and enforce the operations and management contracts. As such, we employ staff with a range of backgrounds and experience in business and contract management and in the criminal justice arena. We will continue to seek staff with knowledge of contract management as well as correctional facilities/institutions.*

- Provide training to staff responsible for overseeing the private prisons, including training in prison safety and security procedures, inmate manipulation resistance, defensive tactics, and contraband detection and control

**Concur:** *The Bureau's training initiatives focus on providing staff with the tools needed to monitor and enforce contract terms and conditions. Monitors are thus required to develop an in-depth knowledge and understanding of the vendor's approved operating plan, which details the facility's safety and security procedures; American Correctional Association (ACA) standards; and applicable state laws and rules. Contract monitors are expected to complete the Florida Certified Contract Manager training program and qualify for certification. To further equip staff, the Bureau will develop an orientation module for newly-hired staff and provide annual update training for all staff in prison safety and security procedures, inmate manipulation resistance, defensive tactics, and principles of contraband detection and control. We expect to begin providing this additional training by June 30, 2009.*

- Ensure that future contracts have the flexibility to adjust percentages of special needs inmates to allow for changes in the overall state populations of those inmates; percentages should be based on Department of Corrections special needs population forecasts so that medical and mental health care costs are appropriately shared by both private and state prisons

**Non-concur:** *Contracts currently provide flexibility to meet changes in the inmate population mix. The Department of Corrections specifies the percentages of special needs inmates that each facility must serve. These*

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*percentages are specified in the contract because the vendor's bid is based on the population mix the vendor expects to serve during the contract term. Each facility's contract further provides for a variance from the specified percentages should the population mix change somewhat during the contract term.*

- Modify future private prison contracts to require vendors to report the same performance measures for inmate programs in private prisons as reported by the Department of Corrections for its public institutions

**Concur:** *The Bureau currently compiles completion and graduation information from each facility. However, to help in holding vendors more accountable for results, we will establish performance measures and standards for academic, vocational, behavioral, and substance abuse programs in future contracts. Vendors will be required to measure and report results such as GED and vocational program completion rates and rates of graduation from treatment programs. Because vendors do not have access to recommitment data, future contracts will not require vendors to measure recidivism rates of inmates who successfully complete support programs.*

- Develop inmate visitation policies and telephone rates for the private prisons that are consistent with those followed by the state's public prisons and encourage inmate family contact, as directed by statute

**Non-concur (Visitation):** *Each facility operates under a department-approved plan of operations which includes the facility's visitation policies and procedures. We believe each facility's visitation policies meet both the needs of the inmates as well as legislative intent. Our primary concern is that vendors maintain a secure and controlled environment during visitation. Nonetheless, we will survey inmates and family members about their level of satisfaction with existing policies and make a determination as to any needed changes. We anticipate that survey results for all facilities will be available by September 30, 2009. Decisions on whether to change visitation policies will be made on a case by case basis.*

**Concur (Telephone rates):** *The department recognizes that telephone calls are more expensive at private facilities than at public institutions and is discussing this matter with vendors. In future contracts, we will require vendors to provide telephone services at rates that are more in line with those of the public facilities. To gain better economies of scale, the Bureau will also explore alternatives such as providing telephone services at the public prisons through state term contracts.*

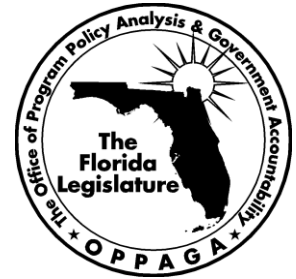
Mr. Gary R. VanLandingham  
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Attachment Page 4

- Develop written criteria for awarding Privately Operated Institutions Inmate Welfare Trust Fund monies so that its staff can verify that the funds are being used appropriately.

**Concur:** *The Bureau has completed and submitted for the Secretary's approval Administrative Policy 08-103: Management of the Privately Operated Institutions Inmate Welfare Trust Fund. The policy establishes procedures and guidelines for operation and management of the trust fund. The policy provides detailed evaluation criteria for the trust fund committee to use in making recommendations to the Secretary for the award of trust fund monies. The Bureau anticipates the policy will be effective by January 1, 2009.*

## *The Florida Legislature*

# *Office of Program Policy Analysis and Government Accountability*



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